

**SUBDIVISION REGULATIONS
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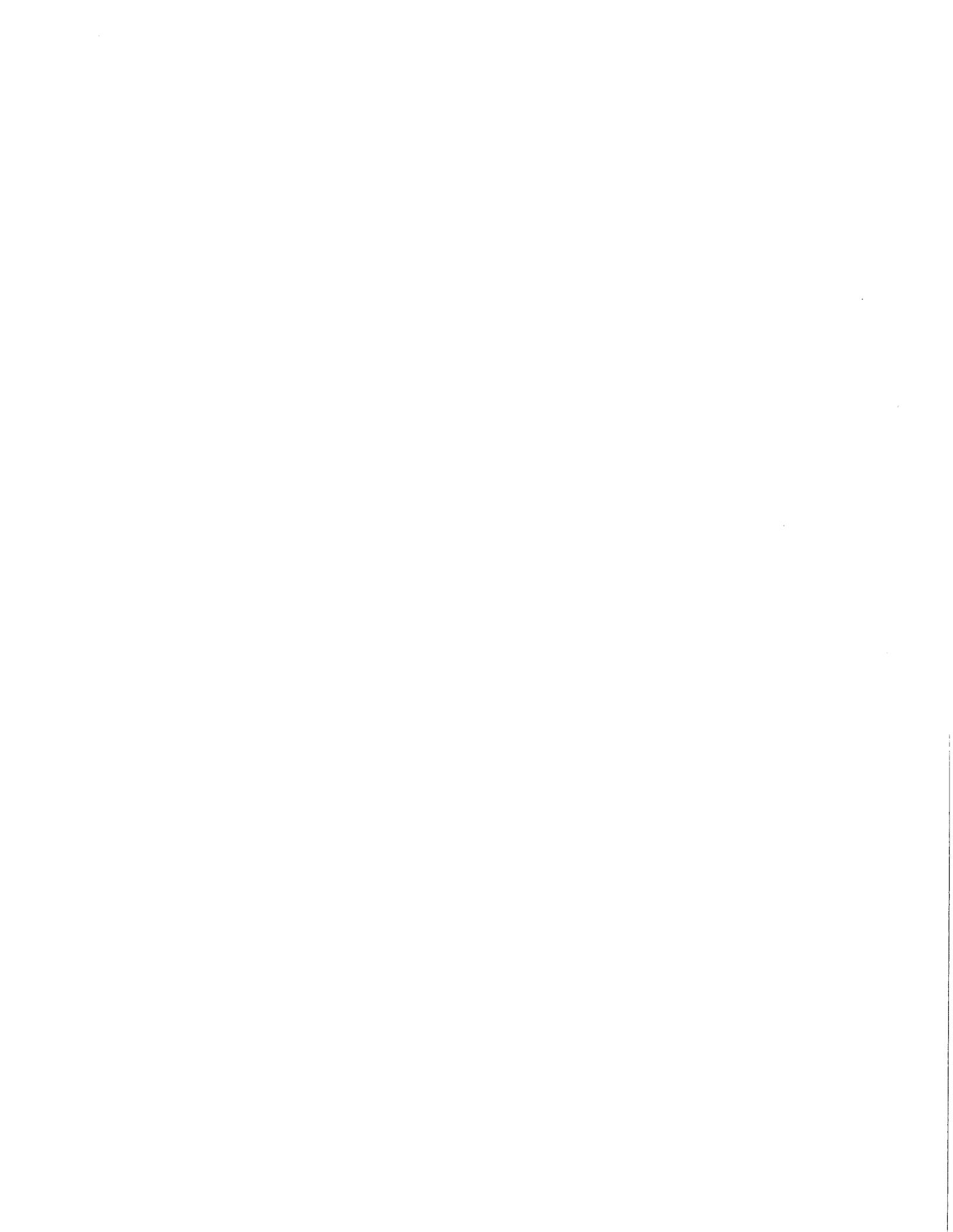
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1111 GENERAL PROVISION AND DEFINITIONS

1111.01 PURPOSE.

The provision of these subdivision regulations shall be held to be the minimum requirements. These regulations are adopted to secure and provide for:

(a) The proper arrangement of streets or highways in relation to existing or planned streets or highways, in a manner which is consistent with both the Official Thoroughfare Plan and the Comprehensive Plan for the City, and, which have the capability of lessening congestion.

(b) The orderly and efficient layout of land which results in a variety of lot sizes.

(c) A common ground of understanding and a sound working relationship between the City and the developer in order to promote the development of attractive and safe neighborhoods, as well as to enhance and stabilize the value of property.

(d) The accurate surveying of land, preparation and recording of plats, and the equitable handling of all subdivision plats by the approving authority and subdividers.

(e) Technically feasible and economically reasonable standards to help achieve a higher level of subdivision design and construction in order to prevent degradation of natural resources and promote and maintain the public health, safety, comfort, morals, convenience, and general welfare of persons living and working in the City.

(f) Informing interested persons of the procedures and standards for the design and construction of subdivision improvements in the City.

(g) Assuring that the regulatory decisions of the Planning Commission and Council are faithfully incorporated into the recorded subdivision documents.

1111.02 SEPARABILITY.

If any part, section, provision, clause or portion of these Subdivision Regulations is adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of these Subdivision Regulations as a whole, or of any other part or section.

1111.03 PRE-EXISTING SUBDIVISIONS.

All subdivisions submitted for Preliminary Plan approval after the effective date of these Subdivision Regulations, as well as the provisions of Section 1121 of these Subdivision Regulations, regardless of the effective date of a subdivision's submittal, shall be subject to these regulations. All subdivisions submitted for Preliminary Plan approval prior to the effective date of these Subdivision Regulations shall be subject to the immediately prior regulations, except the provisions of Section 1121 of these Subdivision Regulations unless the Preliminary Plan is rejected for good cause, in which case these Subdivision Regulations shall apply to any new submissions or re-submission.

1111.04 SCOPE.

These Subdivision Regulations shall not apply to any lot or lots forming a part of an existing subdivision. Nor is it intended by these Subdivision Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these Subdivision Regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where these Subdivision Regulations impose a greater restriction on land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Subdivision Regulations shall prevail.

1111.05 PRIOR VIOLATIONS UNAFFECTED.

The enactment of these Subdivision Regulations shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part or provision of any ordinance of the City of Troy or Miami County prior to the taking effect of these Subdivision Regulations.

1111.06 DEFINITIONS.

(a) Interpretation of Terms. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) Wherever required by the context, words in the singular number shall be construed as plural and words in the plural as singular, and the use of any gender shall include all genders.
- (3) The word "shall" is a mandatory requirement, the "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (4) The words "used or occupied" includes the words "intended, designed, or arranged to be used or occupied".
- (5) The word "lot" includes the words "plot" or "parcel".

(b) Definitions. For the purpose of these Subdivision Regulations, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

- (1) Accessory Structure. Any regulated structure which is not a principal structure. Examples include, but are not limited to, detached garages, utility sheds, fences, and freestanding signs.
- (2) Alley. See Thoroughfare, Street or Road as defined in this section.
- (3) As-built plans. A drawing that represents a true location of what is being measured or what has already been built in the field, such as water and sewer lines.
- (4) Assurance of Completion. A contract secured by a performance bond or other guarantee or security satisfactory to the City Council, guaranteeing completion of public improvements which are required by these regulations.

(5) Base Flood. Referred to in floodway computations, the base flood is the elevation that is reached from a flood of 100-year frequency.

(6) Berm. A continuous raised earthen mound with a flattened top and sloped sides capable of supporting live landscaping materials.

(7) Bike Trail. Segregated facilities such as roads, tracks, paths or other marked lanes designated for use by bicyclist and pedestrians where motorized vehicles are prohibited.

(8) Block. A parcel or group of parcels of land within a subdivision which is bounded by streets or other rights-of-way, or is bounded by streets and the exterior boundary of the subdivision.

(9) Board of Zoning Appeals or Board. The Board of Zoning Appeals of the City.

(10) Boulevard. A landscaped median which separates traffic moving in opposite directions. "Boulevards" may vary from one another in both length and width.

(11) Building Limits. An area designed on the plat which defines the limits within which a building may be placed.

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

(13) Building Setback Line. See Setback Line as defined in this section.

(14) Channel. A natural stream or drainage way that conveys water; a ditch excavated for the flow of water.

(15) City. The City of Troy, Miami County, Ohio.

(16) City Council. The Council of the City of Troy, Ohio.

(17) City Inspector. The City Engineer or duly authorized representative.

(18) Corner Lot. See Lot Types as defined in this section.

(19) County. County of Miami, State of Ohio.

(20) County Engineer. The Engineer of Miami County, State of Ohio.

(21) Covenant. A written agreement, promise, or pledge.

(22) Crosswalk. Any portion of a street or road, whether at an intersection or elsewhere, which is identified for pedestrian crossing by lines, pavement or other markings on the surface.

(23) Cul-de-sac. See Thoroughfare, Street or Road as defined in this section.

(24) Culvert. A closed conduit for the passage of surface drainage under a street, driveway or other embankment.

(25) Detention Structure. A permanent structure that provides for the long-term storage of runoff by of water. Detention Structures are expected to be dry under normal conditions.

(26) Developer. An individual, group of individuals, subdivider, firm, association, syndicate, partnership, corporation, trust, organization or any other legal entity commencing proceedings, under these regulations, to engage in the subdivision and improvement of land hereunder for themselves or for another.

(27) Development Area. Any tract, lot or parcel of land or combination of tracts which are in one ownership, or are contiguous and in diverse ownership where earth-disturbing and improvement activity is to be performed.

(28) Development Plan. A detailed engineered drawing of a commercial, industrial, institutional or residential development project, showing proposed buildings and structures with typical elevation, existing site conditions, and proposed improvements with sufficient detail for agency review, approval, and subsequent construction.

(29) Dimensions. Geometric measurements in length and width which denote a physical area (i.e., a lot or street right-of-way).

(30) Director. The Director of Public Service and Safety or duly authorized representative.

(31) Ditch. An open channel either excavated or natural for the purpose of drainage or irrigation.

(32) Driveway. Hard surfaced vehicular paths for vehicles leading from the improved street or road to a garage or house.

(33) Easement. A grant by a property owner to an individual, group of individuals, organizations or any other legal entity, to cross property lines to accommodate the provision of water and sewer lines, drainage, access, or other specified purposes.

(34) Easement, Utility. An easement granted for installation and/or maintenance of public utilities, which includes but is not limited to maintenance of vehicle sight distances, street maintenance, the placement of stormwater drainage, sewer, water, natural gas, electric, telephone, cable television or other facilities or utilities.

(35) Engineer. Any person registered to practice professional civil engineering by the State Board of Registration as specified in O.R.C. 4733.14.

(36) Final Plat. A plat of a subdivision which, when approved by the City and filed with the County Recorder, creates legal lots which may be sold by the subdivider without further City approval, and dedicates streets, easements and other lands to the public use. Also commonly called a Record Plan.

(37) Improvements. The provision of street pavement, curbs, gutters, sidewalks, sanitary sewer, drainage facilities, water services, street lights, flood control, utility lines, landscaping, and such other facilities as may be required for subdivision and development of land under the requirements specified by these Subdivision Regulations.

(38) Land Use Plan. The long-range plan for the desirable use of land in the City as officially adopted and amended from time to time by City Council, the purpose of such plan being

to serve as a guide in the zoning of the land to meet changing community needs, in the appropriate subdividing and development of underdeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and other public buildings. Also known as the Comprehensive Plan

(39) Location Map. See Vicinity Map as defined in this section.

(40) Lot. For purposes of these regulations, a Lot is a parcel of land that is sufficient in size to meet minimum zoning requirements for use, coverage and area, as well as to provide such yards and other open spaces as are herein required and as required by zoning. All lots shall have frontage on an improved street and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or portions of lots of record.

(41) Lot Area. The total computed land area contained within the lot lines, exclusive of any portion of a public right-of-way or a private access easement that is usually expressed in square feet or in acres and fractions thereof.

(42) Lot Frontage. That portion of a lot running along the boundary of any public or private thoroughfare. Where the lot is located on a curve in the road, the Lot Frontage may be measured along the extent of the curved building line, provided that the side property lines run radial to the curve.

(43) Lot Measurements. A lot shall be measured as follows:

A. Depth of a lot shall be considered to be the mean horizontal distance measured from the midpoint of the front lot lines to the midpoint of the rear lot lines.

B. Depth of a corner lot shall be considered to be the mean horizontal distance between the established front and side lot lines (whichever lot line is opposite from the established front lot line). This shall be measured along one front yard and one side yard perpendicular to the front yard.

C. Width of a lot shall be considered to be the mean width of the lot measured at right angles to its depth as measured at the front setback.

(44) Lot of Record. A lot which is part of a subdivision approved by the City and recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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

A. Corner lot. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

B. Double frontage lot. A lot other than a corner lot with frontage on more than one street.

C. Interior lot. A lot other than a corner lot with frontage on only one street.

(46) Maintenance Bond. An agreement by a developer with the City, for a dollar amount determined by the City Engineer, which is based upon construction cost. The Maintenance Bond is used as a guarantee against any deficiencies which might develop over a predetermined period of time in the physical improvements which have been constructed within a subdivision.

(47) Map. A scaled drawing of a parcel of land or subdivision of land.

(48) Minor Subdivision or Lot Split. A division of a parcel or lot of land into five (5) buildable lots or less that does not therefore require a record plat to be approved by the Planning Commission as specified in O.R.C. 711.131.

(49) Monuments. Permanent concrete or metal markers used to establish boundary lines of the subdivision plat and points of change in street alignments. Monuments shall comply with O.A.C. Chapters 4733-37.

(50) Open Space. An open area that may be on the same lot with a building. The area may include, along with the natural environmental features, improvements such as swimming pools, tennis courts, playgrounds, ball fields and other recreational facilities that the City deems permissible. Streets, stormwater structures, structures for habitation and the like shall not be included.

(51) Owner. An individual, group of individuals, organization or any other legal entity having sufficient proprietary interest in land sought to be subdivided under requirements specified by these Subdivision Regulations.

(52) Parcel. Synonymous with lot.

(53) Park. An area of land containing pasture, woods, lakes and/or open space which is used for public or private recreational purposes.

(54) Park Board. The Board of Park Commissioners for the City of Troy.

(55) Parking Area, Public. An improved (hard-surfaced and striped) open area, other than a street or other public way, which is used for the parking of motor vehicles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

(56) Performance Bond. An agreement by a developer with the City for an amount determined by the City Engineer, which is based upon an established construction cost for any incomplete work of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications that have been approved by the City.

(57) Person. Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or not-for-profit.

(58) Planned Development. An alternative means of development that is planned to integrate a variety of uses in which lot size, setback lines, yard areas and building types may be varied and modified in order to achieve specific design objectives.

(59) Planning Commission. The Planning Commission of the City of Troy, Ohio.

(60) Plat. The drawing on which the developer's plan for a subdivision (preliminary or final) is presented to the Planning Commission for a decision as stipulated in Section 1115 of these regulations.

(61) Plat of Survey. A land survey performed by a professional surveyor, which identifies a minor subdivision or lot split.

(62) Preliminary Plat. A tentative proposal for the subdivision of land under the regulations specified by these Subdivision Regulations, submitted in map form to the City for its consideration according to the procedures stipulated in Section 1115 of these regulations.

(63) Principal Structure. Any regulated structure, if it is the only regulated structure on a lot. Where there are two or more regulated structures on a lot, each regulated structure which encloses or comprises the principal land use occurring on the lot is a Principal Structure. For example, on a typically developed residential lot, the home is the only Principal Structure. See also the definition for Accessory Structure in these regulations.

(64) Public Access Easement. A conveyance of an interest in land granting certain rights of access to the public and certain rights of control to the City, but retaining private ownership of the servient estate and a private duty to maintain the property in support of the access conveyed.

(65) Public Way. An alley, avenue, boulevard, bridge, expressway, freeway, highway, land, parkway, recreational trail, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other way in which the general public or public entity have a right of travel, or which are dedicated for travel purposes, whether improved or not.

(66) Recreational Trail. A path for recreational uses for pedestrians, cyclists and other recreational uses. Motorized vehicles are prohibited

(67) Regulated Structure. Any building or structure for which a governmental permit is required for construction, installation, or maintenance.

(68) Re-Plat. A new recording of a previously recorded subdivision in which the purpose is to modify some portion of the originally recorded plat.

(69) Retention Structure. A permanent structure that provides for the long-term storage of runoff by means of a permanent pool of water.

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

(71) Road. See Thoroughfare, Street or Road as defined in this section.

(72) Roundabout. A means of traffic control encouraging continuous slow-moving traffic flow as opposed to stopping traffic through the use of signs or signalization.

(73) Sanitary Sewers. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

(74) Setback. The actual distance between a regulated structure and a front, rear or side lot line. See also the definitions for Setback Line and Yard in these regulations.

(75) Setback Line or Minimum Setback Line. The required minimum distance from property boundaries to any principal structure. See also the definitions for Yard and Setback in these regulations.

(76) Sidewalk. That portion of the road right-of-way outside the roadway which is improved to a width of five (5) feet or more for the use of pedestrian traffic. See the definition for Walkway in these regulations.

(77) Stormwater Management. Runoff water safely conveyed or temporarily stored and released at an allowable rate to minimize erosion and flooding.

(78) Street. See Thoroughfare, Street or Road as defined in this section.

(79) Structure. Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

(80) Subdivider. See Developer as defined in this section.

(81) Subdivision.

A. The division of any parcel of land into two or more parcels for the purpose, whether immediate or future, of transfer of ownership; or

B. The improvement of one or more parcels of, and involving the division or allocation of land for the opening, widening or extension of any street or streets, the creation of open spaces for common use by abutting properties, or easements for extension and maintenance of public utilities.

(82) Subdivision Review Staff. The City Engineer, the Zoning Administrator and/or the City's staff, and/or such department heads and other persons as either of them or the Director of Public Service and Safety may from time to time be involved in the review process.

(83) Surrounding Neighborhood. All the principal residential buildings within 250 feet, measured in all directions from the subject property lines.

(84) Surveyor. Any person registered to practice as a professional surveyor in the State of Ohio as specified in O.R.C. Chapter 4733.

(85) Thoroughfare Plan. The Official Thoroughfare Plan, a part of the Comprehensive Plan, as adopted, and as amended from time to time, by the City of Troy, Miami County, Ohio, establishing the general location and official right-of-way width of streets in the City, and which is on file in the City Building.

(86) Thoroughfare, Street or Road. A hard surface area which is used to accommodate vehicular traffic, and designated as follows:

A. Alley. A narrow public or private way affording only secondary means of access to abutting properties.

B. Collectors. Roads that carry primarily local traffic. Additionally, they provide links for short distance trips.

C. Cul-de-sac. A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround which may or may not feature a landscaped island.

D. Dead-end/stubbed street. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

E. Local streets. These streets provide access to individual properties that abut them. In addition, they provide access to the collector and arterial systems on a local level.

F. Minor arterial. Similar in function to a principal arterial, though usually carrying less traffic. These thoroughfares consist of State and U.S. highways, County and City roads that distribute traffic from principal arterials to other street systems.

G. Permanent dead-end street. A street, without a cul-de-sac turnaround, having only one (1) outlet for vehicular traffic and not intended to be extended or continued in the future.

H. Principal arterial. Generally State and U.S. highways and heavily traveled County and City roads which carry both local and non-local traffic.

I. Private Street. Any area improved for vehicular traffic, which has not been dedicated to the City and accepted by the City for both public use and public maintenance. Private street, Private drive, and Driveway are synonymous.

J. Public Street. A street that has been dedicated and accepted by the City for use by the general public.

(87) Variance. A grant of relief resulting in the modification of the strict terms of these regulations where such modifications will not be contrary to the public interest and where, owing to physical conditions peculiar to the property and not the direct result of the action of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

(88) Vertical Visibility. The minimum unobstructed distance between the top of an object four inches (4") high placed on the centerline of a street and another point on the centerline of the same street located 4.5 (four and one half) feet above the surface thereof.

(89) Vicinity Map. A small map that is located on the subdivision plat, which sets forth by dimensions or other means the relationship of the proposed subdivision to nearby developments or landmarks and community facilities within the City in order to better locate and orient the area in question.

(90) Walkway. A public way intended for pedestrian, bicycle or other non-motorized vehicular use only, whether along the side of a road or connecting properties.

(91) Watershed. The total drainage area contributing runoff to a single point.

(92) Wetlands. Surface areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs,

and similar areas. For further definition see the *1987 or most recent Corp of Engineers Wetland Delineation Manual*.

(93) Yard. An open space which is unoccupied and unobstructed from the ground upward except by accessory structures.

A. Front yard. A yard extending the full width of the lot between a principal structure and a front lot line.

B. Rear yard. A yard extending the full width of the lot between a principal structure and the rear lot line.

C. Side yard. A yard between a principal structure and the nearest side lot line extending from the front yard to the rear yard.

1113 ADMINISTRATION AND PENALTY

1113.01 AUTHORITY AND ADMINISTRATION.

(a) O.R.C. Chapter 711 enables the City Council and the Planning Commission to adopt regulations governing plats and subdivisions of land within their jurisdiction.

(b) The provisions of these Subdivision Regulations shall be administered and enforced by the Director of Public Service and Safety or duly authorized representative. The Director of Public Service and Safety may adopt such rules and procedures as are necessary to carry out the provisions of these Subdivision Regulations.

1113.02 ISSUANCE OF ZONING PERMITS.

No Zoning Permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision which has been approved for platting or re-platting until all requirements have been fully complied with, and all plans have been approved and the final plat recorded. Construction of all public improvements must be completed with the exception of the final course of asphalt and sidewalk.

1113.03 RECORDING OF PLATS.

(a) The plat of any proposed subdivision shall be recorded by the developer within fifteen (15) days after the complete execution of the plat and delivery of the plat to the developer.

(b) No plat of any subdivision shall be submitted for recording to the County Recorder, and no plat of any subdivision shall have any validity until it is submitted and approved in the proper manner as prescribed by these Subdivision Regulations.

1113.04 ENFORCEMENT STANDARDS.

(a) It shall be the duty of the Director of Public Service and Safety or duly authorized representative to enforce the provisions of these Subdivision Regulations in the manner and form and with the powers provided in the laws of the State of Ohio.

(b) All departments, officials and employees of the City who are vested with the duty or authority to issue permits shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of these Subdivision Regulations.

1113.05 DEVIATIONS.

No application for a deviation from these regulations shall be accepted for review unless and until the subdivider has first submitted his or her preliminary plat to the Planning Commission for review. Upon rejection of the Preliminary Plan for lack of compliance with these regulations, the subdivider may seek a deviation if approval would cure one (1) or more of the reasons for rejection identified by the Planning Commission.

1113.06 JURISDICTION OVER DEVIATIONS.

All decisions of the Planning Commission are subject to the review and approval of the City Council at the time of final plat approval.

1113.07 PENALTY.

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

1113.08 JURISDICTION.

The rules and regulations governing plats and subdivisions of land contained herein shall apply to the real estate within the boundaries of the City, as the same from time to time may change.

1113.09 RELATION TO OTHER LAWS.

The provisions of these regulations shall supplement any and all laws of the State of Ohio, resolutions, motions or any legislation by Council or the Planning Commission, or any and all rules and regulations promulgated by authority of such law or resolution, relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

1113.10 DISCLAIMER OF LIABILITY.

The City shall not be responsible for maintaining any subdivision improvements until such time as the City has accepted such improvements. Prior to such date, the City shall not be responsible for any injuries or damage sustained by any person or property in connection with such subdivision improvements.

1115.00 SUBDIVISION PROCEDURES

1115.01 GENERAL REQUIREMENTS.

(a) Consultation. It is recommended that the subdivider and/or the subdivider's engineer consult with the subdivision review staff while the subdivision plan is still in sketch form and before the Preliminary Plat is prepared, in order to become better acquainted with the requirements of these Subdivision Regulations and related ordinances, including but not limited to the City Comprehensive Plan, subdivision design criteria, approval procedures, the subdivider's contract, performance and maintenance guarantees, related projects, relevant zoning, erosion control and street cleaning requirements.

(b) Approval. No plat of any subdivision shall be recorded with the County or have any validity until approved in the manner herein prescribed.

(c) Prohibitions. No person seeking to create or having created a subdivision within the jurisdiction of these Subdivision Regulations shall commence any construction within the subdivision until such person has obtained approval of the final plat of the subdivision from the City and the required signatures of City officials have been endorsed thereon. No lot may be sold within the subdivision until the approved final plat has been duly recorded in the records of the County.

(d) Noncomplying Subdivisions. The City reserves the right to deny public services within its control to any subdivision, whether complete or incomplete, which is not in compliance with these regulations, including but not limited to the issuance of building permits, street maintenance, utility maintenance, sewer and water service, and refuse collection. The City may also deny connection to existing streets and utilities.

(e) Inspection Costs. Inspection Fees as established by City Council shall be paid prior to the beginning of any construction.

1115.02 SUBDIVISION DEFINITION AND CLASSIFICATION.

(a) Subdivision Defined.

(1). O.R.C. 711.001, specifically defines a "Subdivision" as: The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided however, that the following are exempt:

A A division or partition of land into parcels of more than five (5) acres not involving any new streets or easement of access,

B The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites; or

C. The division of parcels that meet current Zoning Regulations and involves the creation of fewer than five (5) lots. Procedures for creating these divisions can be found in Section 1115.03 of these Subdivision Regulations.

(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 streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

(3) Section 1115.02(a)(2) of these Subdivision Regulations refer to "platted subdivisions" in which improvements are required. Note that actual division of land is not a prerequisite for qualifications as a subdivision. Any improvement of land for residential, commercial, or industrial purposes that involves the allocation of land for new public streets is legally a subdivision in the State of Ohio.

(b) The Ohio General Assembly has recognized the need for simple conveyance of property division in a limited number of instances. O.R.C. 711.31 permits the division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five (5) lots after the original tract has been completely subdivided to be submitted to the City, exercising subdivision approval authority for approval without a plat. If City staff is satisfied that such proposed division is not contrary to applicable platting, subdividing, or zoning regulations, it shall approve such proposed division and on the presentation of a conveyance of said parcel, shall stamp the words "Approved by City of Troy, no plat required" and have it signed by the City Engineer. Such authority may require the submission of a plat of survey and such other information as its determination thereunder. This method of subdivision of land is known as "lot splitting" and is often called a "minor subdivision" or a "lot split."

1115.03 SUBDIVISIONS INVOLVING FIVE (5) OR FEWER LOTS; MINOR SUBDIVISIONS.

(a) Submission Authorized. When a proposed subdivision of land involves no more than five (5) lots and does not require the opening, widening or extension of any street, it may be submitted to the City Engineer for approval without a plat, provided, however, that a cumulative total of no more than five (5) lots shall be permitted on one (1) parcel of land without a plat.

(b) Requirements for Submission.

(1) Drawing and legal description. A drawing based upon a survey showing the location of the property and giving dimension and other such information as may be necessary, and a legal description in writing must be submitted with the request.

(2) Right-of-way conveyance. When the existing street right-of-way width is inadequate, a right-of-way conveyance by deed shall be made by the owner to satisfy the deficiency. Such dedication shall be made to the City when the subdivision land is located within the corporate limits.

(c) Procedure for Approval. Upon receipt of the drawing, legal description and right-of-way conveyance (if required), the City Engineer shall determine to its satisfaction that the proposed lot split is not contrary to any applicable platting.

1115.04 ITEMS TO BE CONTAINED ON THE PLAT OF SURVEY FOR MINOR SUBDIVISIONS.

(a) The plat of survey for minor subdivisions shall be clearly and legibly drawn by a registered surveyor or engineer. The size of the plat shall be 18 x 24 inches and shall be drawn to an appropriate scale. The material used shall be mylar with permanent ink.

(b) The plat of survey shall contain the following information:

- (1) A north arrow, graphical scale and date;
- (2) City, township, section, town and range and City lot number;
- (3) Tract surveyed shall be shown in solid heavy lines;
- (4) All lines of survey with bearing and distances in hundredths of a foot and bearings to 1 second for 1:10,000 accuracy;
- (5) Type of monument set or found at all points;
- (6) Monuments on right-of-way or offset lines showing a distance or dimension to the monument;
- (7) Name and right-of-way width of all roads;
- (8) Denote all section lines and/or half-section lines;
- (9) Ties shall be made to the corner of recorded subdivisions and the section corners or established half-section corners. Bearings must be shown on section lines;
- (10) List all reference surveys used;
- (11) Total acreage of tract, and if more than one (1) section, show breakdown of acreage as to each section;
- (12) Names and location of adjoining property owners, as well as the identification of deed book and page;
- (13) Deed book and page by which the owner acquired said property;
- (14) The surveyor's signature and seal or stamp and certification to a field survey;
- (15) The error of closure of a survey may not be greater than 1:10,000;
- (16) The location and size of all existing visible site structures and improvements;
- (17) Square footage as well as acreage of each parcel that is being created, as well as the remaining portion of the parcel;
- (18) The location of all easements must be shown in such a manner to be reestablished in the field. Deed book and page shall be referenced on any existing easement of record;

(19) Drawing standards shall be as outlined in Section 1123 of these Subdivision Regulations;

(20) If property extends to the centerline of an improved road, a dimension is also to be shown at the right-of-way line. Lot frontage is measured at the right-of-way line, not the center of the improved road.

1115.05 PROCESSING AND REVIEW FEES FOR MINOR SUBDIVISIONS.

For the purpose and review of minor subdivisions, or lot splits, as provided herein, fees shall be set by the City Council and shall be due at the time of application for lot split and shall be payable to the City.

1115.06 PRELIMINARY PLAT REQUIREMENTS.

After the pre-submittal stage, the subdivider shall submit a Preliminary Plat of the proposed subdivision, which shall conform to the requirements of these regulations, and must be prepared by a registered surveyor or engineer. The purpose of the Preliminary Plat is to show, on a map, all the facts which may enable the City Engineer to determine whether the proposed layout of the land meets the requirements of these regulations. The proper zoning for the subdivision must be in place prior to the consideration of the Preliminary Plat by the Planning Commission.

1115.07 PRELIMINARY PLAT SUBMITTAL.

(a) Submission. The subdivider and his surveyor shall prepare a Preliminary Plat of the proposed subdivision, which shall conform with the requirements set forth in this Section, and shall file with the City Engineer a written application for the review of said plat, which shall be accompanied by five (5) black-line or blue-line prints and an electronic copy, no later than ten (10) working days prior to the next regularly scheduled meeting of the Planning Commission. Any application which is deemed to be either incomplete or does not meet all subdivision requirements shall not be placed on any Planning Commission agenda.

(b) Preparation of Report. The City Engineer shall prepare a written report evaluating the Preliminary Plat's conformance with the adopted subdivision design standards, the City's Comprehensive Plan, the City's Zoning Code, Preliminary Plat requirements, and/or any other reports or plans that may have been adopted. The City Engineer shall submit this report to the Planning Commission when it reviews the Preliminary Plat.

1115.08 PRELIMINARY PLAT REVIEW.

Before presentation to the Planning Commission, the Preliminary Plat shall be reviewed by the subdivision review staff and the Park Board. Pertinent information regarding the application shall also be forwarded to any county, state or federal agencies responsible for issuing permits.

1115.09 APPROVAL/DISAPPROVAL OF PRELIMINARY PLAT.

(a) At the scheduled review meeting(s), the Planning Commission may take action as follows:

(1) Approve. The Commission may approve the Preliminary Plat and authorize the subdivider to proceed with preparation of the construction drawings and the final plat(s).

(2) Table. The Commission may table the proposed plat for further consideration.

(3) Deny. The Commission may deny the proposed plat for failure to comply with the regulations and standards specified herein.

(b) If a Preliminary Plat is tabled or denied, the subdivider and his consulting engineer may resubmit a new revised Preliminary Plat. All required revisions stipulated by the Planning Commission must be satisfied by the subdivider before the Preliminary Plat can be resubmitted and reconsidered for approval.

(c) There shall be no automatic approval of Preliminary Plats, construction plans or final plats due to the passage of time after submittal. Recognizing that there can be many surrounding facts and circumstances influencing the pace at which review and approval may be achieved, the Planning Commission shall process all such applications with diligence and reasonable speed.

1115.10 TIME LIMITATIONS.

All sections of an approved Preliminary Plat shall be filed for final approval within two (2) years of the date of approval of the Preliminary Plat. Upon the expiration of this two-year time period the Preliminary Plat shall be void unless the Planning Commission, with proof of reasonable progress being made; specifically extends the time limitations for a period of no more than two (2) years at any one time.

1115.11 PROCESSING AND REVIEW FEES FOR PRELIMINARY PLATS.

For the processing and review of Preliminary Plats as provided herein, those fees fixed by the City Council shall be due and payable at the time of Preliminary Plat submittal and before review by the subdivision review staff or Planning Commission.

1115.12 SUBMITTAL OF CONSTRUCTION PLANS.

(a) After preliminary plat approval, the subdivider shall submit improvement plans. The subdivider and his engineer must submit three (3) sets of improvement plans including drainage calculations for review to the City Engineer.

(b) Improvement plans shall conform to the requirements set forth in these regulations and shall satisfy any stipulations set forth in the preliminary approval. All plans must be prepared by a Registered Professional Engineer.

(c) Improvement plans shall also be accompanied by a Stormwater Management Plan as required in Section 1125 of these Subdivision Regulations.

1115.13 CONSTRUCTION PLAN REVIEW.

(a) The construction plans will be checked by the City Engineer as to its conformity to the preliminary plat approval. City staff shall also forward the plans, as appropriate, to relevant

agencies for review. Any additional fees will be passed on to the developer. Failure to pay the fees will stop the process until paid in full.

(b) The subdivision review staff shall have 30 working days in which to review the improvement drawings submitted and make written findings. These findings shall be forwarded to the subdivider and his engineer for corrections. The subdivider and his engineer shall have 30 working days to make corrections as indicated in the advisory staff comments. The subdivision review staff shall then review the corrections within ten (10) working days to see if the drawings are then in conformance with the standards set forth in these regulations. If the drawings fail to be corrected to the standards set forth in these regulations, or are not in conformance with the comments stipulated in the preliminary plat approval, then the drawings will not be approved.

1115.14 APPROVAL/DISAPPROVAL OF CONSTRUCTION PLANS.

(a) All requirements of Sections 1119, 1121 and 1123 of these Subdivision Regulations and any stipulations set forth in the preliminary approval must be met prior to any final approval of construction plans.

(b) Construction plans must be approved by the City prior to any submittal of the Permit-To-Install (PTI) to the Ohio Environmental Protection Agency.

(c) No work shall commence on the subdivision development site until the review staff has approved the construction plans submitted.

(d) After the construction plans have been approved by the City, the developer or engineer shall submit two (2) complete correct copies to the City Engineer to keep for the record.

1115.15 INSPECTION OF IMPROVEMENTS.

(a) The City Engineer and/or designee(s) shall inspect, and may approve or disapprove for cause, all workmanship and materials. Inspections made outside of normal working hours will be paid for in accordance with the rate structure approved by City Council. The subdivider shall be responsible for assuring that the subdivision review staff has inspected and approved all workmanship and materials before backfilling or otherwise covering any public improvement or private improvement within a common area, or any phase of construction of either. At the City's option, improvements or parts of improvements which are covered prior to approval by the subdivision review staff shall be subject to either uncovering for inspection or to alternative methods of inspection. Such uncovering or specialized inspections shall be at the subdivider's expense.

(b) The installed configuration of all public improvements, including but not limited to sanitary sewer, water, streets, curbs, and sidewalks; and all private improvements within common areas, shall be memorialized by "as-built" improvement plans certified by the subdivider's engineer and delivered to the City Engineer. The as-built improvement plan for each subdivision section shall be delivered within 30 days after construction is complete and approved by the City.

(c) Any erosion control measures indicated on the Stormwater Management Plan must be in place before the commencement of site work, or in the event that some site work is necessary to prepare for certain planned erosion control measures, immediately after such work is complete.

1115.16 PRE-CONSTRUCTION CONFERENCE.

The subdivider shall schedule a preconstruction conference with the subdivision review staff and all utility companies prior to the start of any construction of a subdivision. The purpose of the conference shall be to review the construction standards and policies of the City.

1115.17 FINAL PLAT SUBMITTAL.

(a) The developer and his surveyor shall prepare a final plat that shall conform with the requirements set forth in Section 1123 of these Subdivision Regulations and shall file with the City Engineer and subdivision review staff a written submittal for the approval of said plat accompanied by three (3) black-line or blue-line prints. The final plat shall incorporate all changes previously required by the Planning Commission. A registered surveyor shall prepare the final plat and/or record plat.

(b) A Permit-To-Install (PTI) must be obtained from the OEPA prior to the submission of the final plat and must meet all submission requirements.

(c) The final plat must be stamped and dated when submitted to the City. It shall be submitted no later than ten (10) working days prior to the next regularly scheduled meeting of the Planning Commission at which action is desired. This submittal requirement may vary however, depending on the number of subdivisions under review at the time of submittal or if there are significant problems with subdivision at the time of design.

1115.18 FINAL PLAT REVIEW.

The final plat will be checked by the City Engineer for general conformity with the preliminary plat, as well as the principles, standards and requirements set forth in these Subdivision Regulations and any requirements the Planning Commission included with preliminary plat approval. The City Engineer shall also forward copies of the final plat and supplemental information that may be necessary to the subdivision review staff for the purpose of study and recommendation.

1115.19 APPROVAL/DISAPPROVAL OF FINAL PLAT.

Upon receipt of the recommendations from city staff the Planning Commission shall recommend that City Council either approve or deny the final plat. The approval of the final or record plat by the Planning Commission shall not constitute a dedication or acceptance of any proposed street right-of-way shown on the plat. If the Planning Commission recommends approval of the final plat, the record plat must be submitted for approval to City Council. City Council shall have responsibility for approving the dedication of the land for street right-of-way purposes. If the Planning Commission denies the plat, then a revised final plat may be re-submitted to the Planning Commission for final review.

1115.20 PROCESSING AND REVIEW FEES FOR FINAL PLAT.

For the processing and filing of final plats as provided herein, fees shall be set by the City Council and shall be due at the time of final plat submittal and shall be made payable to the City.

1115.21 DEDICATION PROCEDURES.

Prior to or simultaneously with submission of a final plat for Council approval, the subdivider shall also do the following:

(a) Submit a fully executed subdivider's contract in the form prescribed by the City.

(b) Submit a performance guaranty satisfactory to the City. The following forms of guaranty are always acceptable:

- (1) A performance bond issued by a surety licensed by the State of Ohio.
- (2) A cash bond.
- (3) A letter of credit in a form and amount acceptable to the City.

See Section 1121.01 of these Subdivision Regulations for more details on the various kinds of performance guarantees and their applicability.

In lieu of providing a performance guaranty, the subdivider may elect to construct the public improvements and private improvements within common areas after receiving approval of the construction plan, but before approval of the final plat. In such event, the subdivider shall obtain and pay for all plan reviews and inspections required by these regulations before applying for approval of the final plat.

(c) Submit executed deeds for all dedications and easements not to be accomplished within the final plat.

(d) The subdivider must submit a certificate of title by a licensed attorney to the City Engineer which shows the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. If the title is not free and unencumbered, then two (2) requirements shall be met:

(1) If a mortgage exists on the property which is dedicated to the public, a release of mortgage must be filed with the County Recorder's office. Otherwise the bank or whoever holds title to the mortgage on the property must sign the record plat;

(2) If an easement of record exists through any proposed right-of-way that is to be dedicated to the public, that easement must either be subordinated to the City or vacated.

(e) The subdivider must submit to the City Engineer the mylar drawing of the subdivision that shall be signed and stamped by a registered surveyor. All owners and mortgage holders signatures must be notarized and dated.

(f) All public parkland shall be dedicated, including any ingress/egress easements necessary for access to the park.

(g) The subdivider must pay all review fees outstanding with the City.

1115.22 CITY COUNCIL APPROVAL.

When the developer and his engineer have completed all the required steps, the plat may be submitted for consideration by the City Council. Upon approval by the City Council, the final plat shall be executed by the Mayor, with confirmation of Council action by the Clerk of Council.

1115.23 RECORDING PROCEDURES.

Upon approval of the final plat by the Planning Commission and the City Council, the plat shall be recorded with the Miami County Recorder in accordance with their procedures. The City Engineer shall immediately receive a copy of the recorded plat.

1115.24 CITY ACCEPTANCE REQUIREMENTS.

(a) After all public improvements and private improvements in common areas within the subdivision or subdivision section have been completed, inspected and approved by the City, the subdivider shall submit a written request for acceptance of the public improvements. Prior to submission of such request, the subdivider shall repair or replace any defect of the subdivision, which is subject to the City's acceptance, as directed by the subdivision review staff. Prior to the City's acceptance of the public improvements, the subdivider shall provide a one (1) year maintenance bond or other maintenance guaranty in a form acceptable to the City. This bond amount shall be set by the City Engineer. If the sidewalk is not complete at this time, a performance bond guaranteeing its completion shall be required.

(b) The City shall have 15 working days to complete a punch list for items that need to be corrected for acceptance of the utilities once the City Engineer receives a letter requesting the acceptance of such utilities.

1115.25 FINAL CITY INSPECTIONS.

Prior to the end of the one (1) year maintenance period, the subdivider shall submit a written request to the City Engineer for acceptance of the improvements and to end the one (1) year maintenance period. The subdivider shall maintain, repair or replace any structure, pavement, drainage, seeding, or any other part of the subdivision or existing facility as directed by the City Engineer or designee.

1117.00 PRELIMINARY SUBDIVISION PLAT REQUIREMENTS

1117.01 GENERAL STATEMENT.

(a) All regulations in this section shall control the general manner in which streets, lots and other elements of a subdivision are arranged on the land. These regulations shall help ensure the development of convenient and safe streets, the creation of usable lots, the provision of space for public utilities, and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted in order to minimize the undesirable features of unplanned, haphazard growth.

(b) Subdivisions are encouraged to take advantage of the topography of the land, minimize the destruction of large trees as well as tree clusters, minimize the disturbance of topsoil, and

preserve such natural features as watercourses, sites of historical and archaeological significance, and any other assets that, if preserved, will add attractiveness and value to the subdivision and community.

(c) The City Engineer has the responsibility for reviewing the design of all future subdivisions early in the design development. The subdivision review staff is also responsible for making sure that existing roads have the capacity to handle all new development in a safe and efficient manner. If the Planning Commission or subdivision review staff determines that it is in the public interest, they may require a traffic impact study to be completed at the developer's expense. Any street improvements called for by this analysis which are the direct result of the proposed development shall also be made at the developer's expense.

(d) All land to be subdivided must be submitted for approval all at one time so that the Planning Commission may better understand the full impacts of the proposed development and how the entire development relates to and impacts the City. The City Engineer needs to be able to see all utilities and proposed utilities in the entire area and how they may impact adjacent pieces of property.

1117.02 COMMON OPEN SPACE/PARKLAND.

(a) The subdivision layout should conform to the City's Comprehensive Plan, Zoning Code and any other officially adopted long-range plans of the City.

(b) Where deemed appropriate by the Planning Commission, open space consisting of at least three percent (3%) of total acreage proposed for development, which is suitably located for future use as parks, playgrounds, and/or other recreational purposes for local or neighborhood use, shall be provided for in the proposed subdivision. The Planning Commission may agree to accept private open space in lieu of public parkland or fees-in-lieu-of. If such open space is not dedicated to the City, it shall be reserved for the common use of all property owners in the proposed subdivision by covenant in individual deeds. Such private open space shall be maintained and operated by the Homeowners or Property Owners Association. The detention basin and other stormwater management area shall not be included as minimum in required open space.

(c) Where no open space is provided and no public parkland is dedicated, the developer shall pay fees-in-lieu of. This fee shall be determined by City Council.

1117.03 TRAFFIC IMPACT STUDIES.

(a) Traffic Impact Studies (TIS) can be a valuable planning tool for the City. When requested by the subdivision review staff or City engineer, a traffic impact study allows the City to better understand the impact a proposed development will have on adjacent roads, intersections, and site access driveways before the Planning Commission or City Council approves the development. This type of planning provides the ability to make modifications to the proposed plans and/or plan for the mitigation of the traffic impact prior to the development being constructed. Studies shall be commissioned by the City to a Traffic Engineer approved by both the City and the developer, and paid for solely by the developer.

(b) Important questions that may be answered by a TIS:

(1) Are the number of access points the minimal necessary to serve the project without negatively impacting the flow of traffic along arterial streets?

- (2) Are the proposed access points a sufficient distance from intersections to minimize conflicts?
- (3) Are proposed access points adequately spaced from other access points along the street?
- (4) Should left turns be restricted by signs, channeled driveways, or the installation of a median?
- (5) Have other methods of access, such as shared driveways, frontage roads or access off a side street been evaluated?
- (6) Is the sight distance adequate at proposed access points?
- (7) Are deceleration lanes necessary?
- (8) Is the throat length at the driveway sufficient to minimize conflicts within the site?
- (9) Can trucks and waste-hauling vehicles easily access the site and circulate to and from loading areas?
- (10) Is the design sensitive to pedestrian or bicycle needs?

(c) The TIS guidelines presented in this section will perform the following functions:

- (1) Establish standards of study;
- (2) Ensure that important traffic concerns are addressed;
- (3) Provide staff with a check list for the review process;
- (4) Promote an increased understanding of traffic impact issues for those involved in the development process.

(d) A full or partial TIS will be required for any proposed development when the City Engineer has determined, after receiving input from the subdivision review staff, that street capacity and/or safety are concerns, or when a proposed development will generate 100 or more added new peak hour trips to or from the site during the adjacent roadway's peak hours or the development's peak hour.

(e) The use of the 100-vehicle threshold is reasonable because in an hour an additional 100 vehicles can:

- (1) Change the level of service at an intersection;
- (2) Require the addition of turn lanes to accommodate site traffic while not impacting through traffic;
- (3) Lead to a need for additional traffic control measures such as stop signs, blinking lights, and/or traffic signalization;

by: (4) For residential developments, 100 peak hour traffic trips are likely to be generated

- A. 150 single-family detached homes;
- B. 245 apartments;
- C. 295 town home condominiums.

by: (5) For commercial development, 100 peak hour traffic trips are likely to be generated

- A. A 15,000 square foot shopping center;
- B. A 37,000 square foot medical/dental office;
- C. A 55,000 square foot general office building;
- D. A 115,000 square foot light industrial use;
- E. A 250,000 square foot manufacturing use;
- F. A 85,000 square foot research and development facility;
- G. A 4,400 square foot bank with a drive-thru;
- H. A convenience store with five (5) gasoline pumps; and
- I. A 5,200 square foot restaurant with a drive-through window.

(f) In some cases, a proposed development may generate fewer trips than the threshold indicated above, but a safety or capacity issue in the area of the proposed development may require a full or partial impact study for the following reasons:

- (1) High accident intersection or section of roadway;
- (2) Proximity of proposed site drives to other site drives or intersections;
- (3) Sensitivity of adjacent neighborhoods;
- (4) Existing or projected level of service of street(s) adjacent to the proposed development which is unacceptable;
- (5) High traffic volumes on adjacent roadway(s) that may impact movement into and out of the site.

1117.04 LOTS.

The following requirements shall be taken into consideration when submitting the Preliminary Plat:

(a) In addition to meeting all minimum standards identified in the City's Zoning Code, the size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of the development planned.

(b) Excessive depth in relation to width shall be avoided unless authorized by the Planning Commission. A proportion of not less than 3 to 1, nor more than 3-1/2 to 1 shall normally be considered as appropriate.

(c) Every lot shall abut on a publicly dedicated street or public access easement.

(d) Dual access on double frontage lots shall not be permitted.

(e) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces or radial to the curve.

(f) In order to minimize curb cuts and improve traffic safety, lots which front on arterial streets shall establish access from a side street or alleyway whenever feasible.

(g) For lots on a cul-de-sac, lot frontage shall be not less than 40 feet at the right-of-way line and not less than the minimum lot width required by the Zoning Code at the front yard minimum setback line and at the rear yard minimum setback line.

1117.05 INFORMATION TO BE CONTAINED ON THE PRELIMINARY PLAT.

The Preliminary Plat map shall be drawn to a scale of not more than 100 feet to the inch, and shall contain the following data and information:

(a) The name of the subdivision and its location in the City. The proposed name of the subdivision shall not be duplicated or closely approximate the name of any other subdivision in the City;

(b) The name and address of the owner of record, and the name, address, telephone and fax number of the subdivider and the engineer, surveyor, planning consultant or landscape architect for the project;

(c) The graphical scale, date of drawing submitted, and the north arrow;

(d) The boundaries accurate in scale of the tract to be subdivided with names of adjacent property owners or subdivisions;

(e) The locations, right-of-way widths and names of all existing or platted streets, railroads, or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, tree mass, watercourses, railroad lines, corporation lines, township lines, pipelines, pole lines, high tension lines, bridges, section lines, wetlands, etc.;

(f) The zoning districts, proposed use of property and proposed building setback line, with dimensions. In some cases, rear and side yard setback lines or building footprints may be required;

(g) The layout, proposed names and right-of-way widths of all proposed streets, alleys, sidewalks and easements. The names shall not duplicate or closely approximate any existing street names in the City, except extensions of existing streets.

(h) The layout, numbers and approximate dimensions of proposed lots and the total number of lots for the proposed subdivision.;

(i) All parcels of land temporarily reserved or intended to be dedicated 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;

(j) The location of existing sewers, water mains, culverts, and other utilities or structures, above or below ground, with the tract and immediately adjacent thereto with pipe sizes and grades;

(k) The location and approximate sizes of proposed water and sewer lines, catch basins, culverts, adequate drainage outlets, and other drainage structures immediately adjacent thereto;

(l) The total acreage of the proposed subdivision;

(m) A vicinity sketch showing the subdivision as it relates to the surrounding area at any scale;

(n) A superimposed plan of the proposed subdivision at a scale of 300 feet or more to the inch shall be drawn on the preliminary plat depicting the particular section of the city that the development is located in. This shall show the relationship of the proposed subdivision or use to other nearby development or landmarks as well as community facilities within the City in order to better locate and orient the area in question. This sketch shall also show all street rights-of-way.

1117.06 PRELIMINARY DRAINAGE.

(a) All proposed subdivisions shall have a storm system designed to serve the area being developed. It shall be compatible with any adjacent storm drainage system. The storm drainage system shall be designed in such a manner so as to minimize the effects on all downstream properties. The preliminary drainage plan shall show the general suitability of the proposed development to support a stormwater management system.

(b) The preliminary drainage plan shall be due at the time of preliminary plat submittal and shall reflect a two (2) foot topographical contour map which consists of two (2) parts:

(1) The major system is comprised of the 100-year flood route. This system shall be laid out in a manner which directs all excess stormwater into a detention or retention area.

(2) The minor system is comprised of storm sewers, inlets, etc.

(c) This plan shall also include the following information:

(1) Detention or retention facilities that are required for each subdivision.

(2) The approximate location of any 100-year flood boundary areas.

(d) The City Engineer may require additional information from the subdivider if the site warrants such.

(e) The existing contours, normally with intervals of two (2) feet, referenced to United States Geological Survey (U.S.G.S.) Datum, as required by the City Engineer

1119.00 ROADWAY AND DRAINAGE DESIGN STANDARDS

1119.01 GENERAL STATEMENT.

(a) It is recognized that matters of engineering design cannot always be identified in writing to cover all situations. However, the design standards established herein represent what is believed to be good engineering practice.

(b) Subdivision streets are to be designed to encourage operating speeds of approximately 25 miles per hour. If a street has been stubbed to the property to be developed, those streets must be continued into the proposed development from that point. The Planning Commission has the right to accept, deny or require that a road be connected to an existing road if it is deemed to be in the public interest.

(c) The City Engineer shall have the authority to modify any engineering or construction detail, whenever required, for the protection of the public interest.

(d) Street layouts shall also be in accordance with the applicable Fire Code.

1119.02 STREET DESIGN STANDARDS.

(a) The street layout pattern of a proposed subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. Furthermore, it shall be consistent with the City's adopted Thoroughfare Plan, and, shall implement to a high degree the standards identified in the City's adopted Comprehensive Plan.

(1) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless, in the opinion of the Planning Commission, such extension is not necessary or desirable. Streets shall be in alignment with existing planned or platted streets with which they are to connect.

(2) Cul-de-sac streets shall generally serve fewer than 20 lots. No subdivision consisting of ten (10) or more acres shall be approved solely with a cul-de-sac street system.

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

(4) Access control along major thoroughfares shall be taken into consideration in the design of a subdivision plat.

(5) Residential developments abutting arterials or collectors shall be platted in such a manner as to buffer the impact of the heavily traveled arterial or collector. Fronting lots on

arterials or collector streets are discouraged and will generally only be approved if there is some special feature of the land to be subdivided.

(6) Lots which will require the backs of homes to face a street shall be discouraged. However, such lots may be approved if they are screened from the adjacent street by approximately 12 to 18-foot wide buffer which is not less than four (4) or more than six (6) feet in height.

(7) Public utilities shall not be installed under private streets, unless approved by the City Engineer and Planning Commission and located within an appropriate easement.

(8) Sidewalks of not less than five (5) feet in width shall be provided on both sides of all newly dedicated streets. Sidewalk improvements may also be required in all commercial and industrial subdivisions. Curb ramps that comply with all ADA and other Federal and State regulations are to be provided at the intersection of all sidewalks and all streets, as well as all T-intersecting streets. All sidewalks and curb ramps are to be constructed as per typical construction detail.

(9) In order to provide better access to schools and business districts, subdivisions that abut existing thoroughfares or collectors should provide sidewalks along the thoroughfare or collector for the full distance of the development.

(10) Interconnecting streets shall be promoted in relatively flat areas and in all areas adjacent to neighborhoods already exhibiting such a street system.

(11) Public access easements may be required for private streets serving more than one (1) occupant.

(b) Where a newly constructed street will extend an existing street, the existing street name shall be used rather than assigning a different name to the new section. Otherwise, names of new streets shall not duplicate or resemble existing street names.

(c) The arrangement, character, extent, width, grade, construction and location of all streets shall conform to adopted subdivision standards established herein. All street design shall be done in accordance with the current Ohio Department of Transportation Location and Design Manual and the American Association of State Highway Transportation Officials Green Book.

(1) Temporary dead-end streets shall be permitted where necessitated by the design of the subdivision, provided that a temporary turnaround shall be constructed where lots are fronting on such temporary dead-end streets. In such instances, the turnaround size shall meet applicable Fire Codes.

(2) The grades of new streets shall not be less than 0.5% and shall not exceed 12%.

(3) All changes in street grades above 1% shall be connected by vertical curves of a minimum length of 50 feet.

(4) All streets to be constructed or improved by a subdivider shall have curb and gutter.

(5) Where a street ends at a subdivision line for future extension, it shall be provided with a temporary turnaround using the standard identified in Section 1119.02(c)(1) until such extensions is completed.

(6) The dedication of half or partial streets shall not be permitted except when a half or partial street exists adjacent to the tract to be subdivided, and a partial dedication will complete or supplement the existing street or street right-of-way.

(d) Streets shall be designed using the standards identified in Appendix A.

1119.03 INTERSECTIONS.

(a) Streets shall intersect at right angles wherever possible and practicable. No intersection of streets at angles less than 60 degrees shall be approved.

(b) Curb lines at intersections shall be rounded to a minimum radius of 25 feet, and property lines at intersections to a minimum radius of 15 feet.

(c) Street grades shall not exceed three percent (3%) within 100 feet of an intersection.

(d) The approach to an intersection shall be perpendicular to the intersected street for a distance of not less than 100 feet from the centerline of the intersected street.

(e) Jogs of less than 125 feet from centerline to centerline shall not be permitted.

(f) All changes in grades above one percent (1%) shall be connected by vertical curves of a minimum length of 50 feet or of 15 times the algebraic difference of the change in grade, whichever is the largest.

1119.04 EASEMENTS.

(a) Where feasible, easements for electric and gas utilities shall be located along front lot lines and, where necessary, along side lot lines.

(b) Easements shall normally be ten feet (10') in width, with five feet (5') on each side of the lot line. Greater widths may be required if necessitated by unusual circumstances.

1119.05 CONSTRUCTION PLANS.

(a) Standard Drawings. The City of Troy Standard Drawings can be found on file in the office of the City Engineer. All drawings that will be used for construction shall be listed on the title page of the improvement plan. Special details are to be included in the plans for all structures not covered by standard drawings.

(b) General Notes. These shall include any pertinent information that is not covered in the standard drawings. A note shall be included as follows: "All work shall be performed in accordance with the City of Troy Construction Standards".

(c) Plan Contents.

(1) A detailed typical cross-section of the proposed streets is to be included on the plan;

(2) All proposed lots and streets are to be shown on the plan;

(3) All streets, curbs, sidewalks, water lines, sewer lines, drainage structures, and all other improvements must be shown in plan view and in profile with all sizes, elevations, distances, and percent grades clearly indicated;

(4) A grading plan showing existing and proposed contour lines, and lot grading arrows shall be provided. Cross-sections may also be required;

(5) Locations shall be shown for all existing utilities, structures, drives, etc., which may be affected by the improvements;

(6) Where a street ends and may be extended in the future, the profile shall be shown for at least 200 feet beyond the end of the street;

(7) Street names, lot dimensions and easements shall be shown. Easements shall be provided for all existing or proposed channels. All easements for a watercourse or ditch shall be wide enough to fully contain said ditch, including side slopes, plus provide ample clearance for future maintenance operation. All easements shall be shown and labeled on the record plat and on the construction drawings;

(8) All plans are to be done on a scale of 1 inch = 50 feet or greater;

(9) A minimum opening and back of curb elevation, where pertinent, shall be labeled.

(d) Review Authority. The City Engineer shall be responsible for approving all construction plans. Should any changes be required, the City Engineer shall be given the authority and responsibility to require the submission of revised plans.

1119.06 FINAL DRAINAGE PLAN.

A final drainage plan shall be prepared consistent with the Section 1127 of the Subdivision Regulations and the City of Troy Construction Standards.

1119.07 MAINTENANCE OF THE STORMWATER SYSTEM.

The developer of any subdivision with a stormwater system must provide the City with written evidence of a perpetual maintenance agreement and the manner in which it is to be funded. An acceptable method of maintenance is through an incorporated Homeowners or Property Owners Association, with the ability to maintain storm sewer facilities outside the right-of-way. A copy of the Association's documents shall be submitted to the City Engineer for review prior to being recorded.

1121.00 REQUIRED IMPROVEMENTS

1121.01 CONFORMITY, COMPLETION AND MAINTENANCE REQUIRED.

(a) All improvements required by these Subdivision Regulations shall be constructed and completed under the supervision of and to the specifications required by the agency or agencies having jurisdiction over them. No final plat shall be approved until either:

(1) Construction drawings have been approved, all public improvements and that portion of all private improvements within common areas to be used for public purposes have been completed to the satisfaction of the City, and a satisfactory maintenance guarantee has been submitted or the improvements have been in place for at least a year after the satisfactory completion without the appearance of defects; or

(2) Construction drawings have been approved and an executed subdivider's contract and satisfactory performance guarantee have been submitted.

(b) Performance and maintenance guarantees shall be provided in accord with the following schedule:

(1) In circumstances in which a performance guarantee is required, the subdivider shall provide a performance bond, a cash bond, a letter of credit or an escrow agreement in an amount equal to 130% of the "estimated cost" for labor costs and 110% of the "estimated cost" for the balance of the project costs.

(2) In circumstances in which a maintenance guarantee is required, the subdivider shall provide a performance bond, a cash bond, a letter of credit or an escrow agreement in an amount equal to 10% of the "estimated cost".

(3) In the event that an escrow agreement is provided by the subdivider, the City shall require the subdivider to provide that any contract which it enters into for the construction of public improvements shall name the city as a third party beneficiary of such contract so as to enable the city to enforce the completion of the subdivision without taking ownership or control of the subdivision and without the use of city funds. The use of an escrow agreement shall not be permitted for any phase or section of a subdivision in which the estimated costs for such phase or subsection exceed one million dollars.

(4) The "estimated cost" is the projected construction cost, as approved by the City Engineer, of the public improvements, and that portion of private improvements within common areas to be used for public purposes, which are yet to be construction.

(c) No dedication of right-of-way will be accepted by the Council unless a plat is accompanied by a complete set of construction plans and a performance guarantee as set out in this chapter and Section 1115.21(b) of these Subdivision Regulations.

1121.02 STREET CONSTRUCTION STANDARDS.

(a) New streets shall be paved to the minimum width as specified in Appendix A.

(b) When land is being subdivided along an existing street, the City shall require the developer to widen the street to meet current required pavement widths as specified in this Section.

(c) Right-of-way shall be dedicated along existing streets and/or newly created streets to meet the requirement as stipulated by the City Engineer and as described in the City's Thoroughfare Plan.

(d) Grades and curves shall not exceed the requirements specified in Appendix A.

(e) Curbs and gutters shall be required in all subdivisions on both sides of each street within the subdivision.

(f) Sidewalks, including handicap ramps at intersections and crosswalks, shall be required in all subdivisions and along all existing streets the entire length where the development abuts an existing street. Planning Commission may exempt sidewalks in industrial subdivisions.

(g) Bike trails or other recreational trails shall be included when required by Planning Commission, subject to the following:

(1) If the proposed development is adjacent to or along the existing or planned path of the Great Miami River Recreational Trail (GMRRT), the developer shall dedicate such right-of-way sufficient to allow its continuation. The developer shall not be responsible for construction of that trail and the right-of-way dedication shall satisfy the requirements of 1121.02(g); or

(2) Where a proposed development is not adjacent to go along the existing or planned path of the GMRRT, the development shall include:

A. Either a Bike Trail or Recreational Trail on any streets classified by the City Engineer as "collector" or larger; and

B. Additional Bike Trails or Recreational Trails to conform with the City of Troy Comprehensive Plan.

1121.03 WATER SUPPLY IMPROVEMENTS.

(a) The developer shall install a water supply serving all lots in any subdivision. The developer shall bear the cost of installing all water lines inside the subdivision and the lines to extend the water source that may be located outside the subdivision.

(b) Where a public water supply is available, as determined by the City, every lot in the subdivision shall be provided with a connection thereto.

(c) Water Main Specifications. The minimum size of water mains shall be defined in 1121.03(c)(1) of these Subdivision Regulations. Should it be determined by the City that a larger water line than one of the minimum size is necessary to serve the subdivision, the subdivider shall pay for the larger water line so determined to be necessary.

(1) Water main.

A. Size, residential areas: eight inches (8") minimum.

B. Size, commercial/industrial areas: ten inches (10") minimum unless specifically authorized by the City Engineer.

C. Depth: 54 inches minimum depth to top of pipe from proposed finished grade. There shall be a minimum of 18" vertical separation between main and other pipes, conduits or structures when crossing perpendicular, and ten feet (10') when parallel. The maximum depth shall be five feet (5') unless crossing a sewer main or storm sewer or otherwise approved by the City Engineer.

D. Material: Class 52 ductile iron pipe AWWA C-151.

(2) Fire hydrants. Fire hydrants shall be furnished by the City at total cost to the subdivider and shall be installed at total cost of the subdivider throughout the subdivision with a maximum distance between such hydrants of 500 feet in residential zones and 300 feet in commercial or industrial zones.

(3) Water easements. Water mains installed outside the public right-of-way shall be located in an easement having a minimum width of 15 feet (7.5 feet each side of the waterline). Private water services installed within said easement shall extend to the edge of the easement.

(4) Extension to development boundaries. Water mains must be extended to the development boundary along each public roadway within or adjacent to the development. Other items may be required when extending to the existing system such as replacement of the fire hydrant or adding an additional valve to the system.

(d) Oversizing. Should the City determine that a water line larger than the minimum size is necessary for the benefit of the City and not for the benefit of the subdivision, the City shall pay the cost of such water line materials in excess of the minimum size or such larger diameter as is determined to be necessary for the benefit of the subdivision. The City shall pay for the reasonable labor costs of the construction in excess of the labor costs for the installation of 12 inches in diameter.

1121.04 SANITARY SEWER SYSTEM IMPROVEMENTS.

(a) Where a new subdivision is located within the City, each lot shall be provided with a connection to the City sanitary sewer system.

(b) Materials and specifications for the design and construction of City sanitary sewage system as required by this section shall be in conformity with current specifications on file in the office of the City Engineer. Minimum allowable size of sanitary sewer lines shall be eight inches (8") in diameter.

(c) All sanitary sewer lines in subdivision shall be installed by the subdivider with the subdivider paying for all sanitary sewer lines including the cost of manholes and manhole installation.

(d) Should it be determined by the City that a line larger than the minimum be necessary to serve the subdivision, the subdivider shall pay for such larger sanitary sewer line determined to be necessary. Should the City determine that a sanitary sewer line larger than the minimum be necessary for the benefit of the City and not for the benefit of the subdivision is required, the City shall pay the material cost of such sanitary sewer line materials in excess of minimum size. In these instances, the City shall pay for the reasonable labor costs of the construction in excess of the labor costs for the installation of 12 inches in diameter. Should the City determine that a

sanitary sewer line be installed deeper than necessary for the benefit of this subdivision is required, the City shall pay the reasonable labor costs of the construction in excess of the labor costs for the installation of the deeper sanitary sewers.

(e) Sewer easements: Sewers installed outside the public right-of-way shall reside in an easement having a minimum width of 20 feet (10 feet each side of the sewer). Private sewer laterals installed within said easement shall extend to the edge of the easement.

(f) Extension to development boundaries: All sewers shall be extended to the upstream boundary of the property or development being served except in those areas where the discretion of the City Engineer determines the natural or planned topography makes it unreasonable to plan for later extensions of the sewer.

1121.05 CONSTRUCTION REQUIREMENTS.

(a) Permanent Monumentation.

(1) All street centerlines at intersections, center and offsets of cul-de-sacs, points of tangency and points of curvatures shall be marked with 3/4-inch iron pins, minimum 30 inches in length, and 1/4-inch counter sunk or 6-inch railroad spikes 1/4-inch counter sunk.

(2) All monumentation must be in place prior to the release of the performance bond.

(3) All subdivision monumentation shall be tied to state plane coordinates if there exists a state plane coordinate reference monument within one-half mile of the subdivision. It is important that coordinate pairs for the subdivision be referenced to a monument for the section within which your subdivision lies.

(b) The subdivider shall be responsible for the movement of traffic over the work in accordance with the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) until the street is accepted in accordance with O.R.C. Chapter 711. The subdivider shall also provide ingress and egress for residents and the general public.

(c) Top course of pavement is not to be placed for a minimum of nine (9) months after the leveling course and 50% of the homes are completed. If after two (2) years, 50% of the homes have not been completed, then the top course may be applied. As-built drawings must be submitted prior to the placement of the top course of pavement. See Section 1119 of these Subdivision Regulations for details.

(d) All fills are to be constructed per ODOT standards, per Section 203, ODOT Construction and Material Specifications, unless otherwise specified by the appropriate approving authority.

(e) All construction is to be done in accordance with the latest edition of the Ohio Department of Transportation Construction and Material Specification Book.

(f) It shall be the responsibility of the developer of the subdivision to maintain a clean street surface during all phases of construction. All future plat approvals concerning the subdivision will be suspended unless the streets are clean. In cases where streets are not kept clean after the plat has been recorded, then work will be suspended on buildings under construction and no new permits will be issued in that subdivision until the streets are cleaned. It will be the responsibility of the developer to establish a method to achieve this and, if necessary, require it of the builders.

(g) All ponds remaining as a part of the proposed subdivision development shall be in an acceptable condition based on standards outlined by the NRCS Engineering Standards for ponds prior to final approval of the plat.

(h) Failure to comply. Whenever public improvements have not been constructed and/or maintained in accordance with these regulations, the City Council may exercise its rights of foreclosure on the bond.

1121.06 OTHER IMPROVEMENTS.

(a) All street identification signs required by the City shall be installed by the City and all costs shall be paid by the developer. Street name signs shall be located and erected of a type of material meeting the standard specifications found in the OMUTCD.

(b) Utility Line Placement. The City shall encourage the underground placement of all utility lines for telephone, electric, and cable television service in accordance with policies of the local utility companies and the City's Right-of-Way requirements. A ten (10') foot utility easement shall be provided for future utility placement where necessary of the piece of property to be subdivided. Where there has been a five (5') foot easement already recorded, another five (5') foot easement shall be recorded.

(c) Street Lights. Street lights shall be provided on poles served by underground utilities. The height of a subdivision's street lights may vary, depending on factors such as lot size, density, right-of-way width and setback requirements. In no instance, however, shall they exceed 24 feet in height. In residential subdivisions, street lights shall be pedestrian scale, ranging from 14 feet to 18 feet. Spacing between lights shall be determined by industry standards of street illumination and shall be sufficient to promote nighttime safety for pedestrians. Spacing between street lights shall not be greater than 200 feet and correspondingly less for pedestrian scale lighting. Lighting shall also be consistent with any City regulation which may be administratively adopted under the authority provided by these regulations. Street lights must be installed as soon as possible and before the final asphalt is placed.

(d) Gateways. The subdivider should provide an attractive landscaped entrance, as well as a structure(s) consisting of stone, brick, or combination thereof, for all subdivisions which comprise ten (10) more acres, or 30 or more dwelling units. The requirement of a gateway or its components, may be waived by the City Engineer where insufficient land is available, or for other good cause.

(e) Lot Landscaping. Each lot shall be finished with at least one of the following: seeding or sod.

(f) Turning Lanes. At those access points where vehicles turning to and from the roadway will affect the capacity of the roadway, the developer shall dedicate sufficient right-of-way and construct turning lanes or deceleration lanes as necessary to maintain the capacity of the roadway.

(g) Frontage Roads. The City may require the use of frontage roads to provide access to property adjacent to arterial and collector streets.

(h) Public Areas. Public areas shall be required as specified by applicable ordinances and regulations.

(i) Public Parkland. Land dedicated as public parkland shall be left free of all building debris and shall be graded and seeded in a manner acceptable to the City Engineer.

(j) Right of Entry. The City shall have the rights, including, but not limited to, the right of entry and inspection as described in Section 1145.05 (d) and (e).

1121.07 TIME LIMIT.

The construction of all improvements required by these Subdivision Regulations must be completed within two (2) years from the date the construction drawings are approved, unless good cause is shown for an extension of time. Developers or his engineers are required to re-apply to the City Engineer for a time extension.

1121.08 RESPONSIBILITY FOR WORK.

All work shall be under the control and supervision of the subdivider at all times until written final acceptance by Council. The subdivider shall be responsible for the movement of traffic over the work, for providing ingress and egress for residents adjacent to the work, for all suits, actions or claims of any character brought for any injuries or damage sustained by any person or property by or on the work, until the date of final acceptance. Until final acceptance by the City, the work shall be under the charge and care of the subdivider or his or her contractor. It shall be the responsibility of the developer to keep the streets maintained during construction and at all times until final acceptance by the City. If after due notice, the subdivider or his agent fails to do the maintenance and proper repairing of streets, the City shall have such work done and bill the subdivider for expenses incurred. It is the intent of these specifications to have the street or streets completed with one (1) base coat as soon as practical construction procedure will allow.

1121.09 INSPECTIONS.

(a) During the course of construction of the improvements, the subdivider should be required to notify the office of the City Engineer at least 24 hours before each of the following operations in order that the City Inspector may make required inspections:

(1) Before base material is deposited in place for inspection of all street sub-grades, especially areas where backfilling was placed over subterranean construction, and curb and gutter construction; and

(2) Before bituminous topping is placed on the base material for inspection of the base construction; and

(3) Before the start of installation for underground utilities including water lines, storm sewer lines, and sanitary lines; and.

(4) At any other points as discussed in the pre-construction meeting.

(b) It is essential that these inspections be made in order for the City to ascertain the quality of construction preliminary to accepting the improvements for public maintenance.

(c) The subdivider shall pay a fee for the required inspections. Overtime costs shall be paid for inspections outside of the normal working hours. Inspection fees shall be determined and adopted by Council.

1121.10 COMPLETED CONSTRUCTION NOTIFICATION.

(a) Upon completion of the guaranteed improvements, the subdivider shall notify the City Engineer in writing, and request a final inspection of the improvements. The request shall identify the improvements to be inspected with specificity and provide as-built drawings identifying the improvements in question. This letter shall briefly describe all the improvements, and shall include two copies of the subdivision plan which shows these improvements as installed.

(b) The City Engineer or designee shall inspect such improvements and recommend that such improvements are ready for the one (1) year maintenance period. At this time, the City Engineer may release the performance guarantee and accept a maintenance guarantee for a period of one (1) year. This maintenance guarantee shall conform to the standards outlined in Section 1121.01 of these Subdivision Regulations.

(c) The subdivision then must undergo a one (1) year maintenance period. The subdivider is responsible for maintenance in the subdivision during this time period.

1121.11 RECOMMENDATION FOR ACCEPTANCE.

Following inspection of the public improvements and private improvements in common areas which are subject to the maintenance guarantee sought to be released, the designated inspector(s) shall submit a report to the City Engineer on the condition of the improvements and recommending the action to be taken. On the basis of that report and any other information received, the Director of Public Service and Safety may then recommend to Council that the public improvements be accepted for public maintenance, or may defer such recommendation until such time as any deficiencies are corrected. The City Engineer may then release the one (1) year maintenance bond if all construction has been made according to all standards and specifications on file with the City Engineer and to his satisfaction.

1121.12 WRITTEN NOTIFICATION.

No later than 15 business days after the final inspection of the subdivision improvements, the subdivider shall be notified by the City Engineer in writing of the results of the inspection.

1123.00 FINAL SUBDIVISION PLAT REQUIREMENTS

1123.01 FINAL PLAT FORM.

The following information shall be contained on the final plat:

(a) Plat size. The final plat shall be clearly and legibly drawn. The size of the plat shall not be less than 18 by 24 inches. If possible, the maximum plat size should not exceed 24 by 36 inches. The plat of a subdivision containing six (6) acres or less shall be drawn at a scale of 1 inch equals 100 feet or larger.

(b) Drawing Standards. When submitting the final plat, the following standards are to be met per the County Engineer's office, plat room:

- (1) Plat size:

| | |
|----------------|---|
| Plat size | 18 inches by 24 inches |
| Letter size | Minimum 1/8-inch |
| Letter spacing | Minimum 1/16-inch or half of the letter size used |

(2) Line spacing: For both size plats, the minimum space between lines of text shall be the same as the letter size.

(3) Border: All plats shall have one-half inch (1/2") border.

(4) Material: Permanent black ink on mylar.

(5) Plat condition:

A. Pencil guidelines and smudge marks shall be removed with gum eraser prior to recording.

B. No numbers or letters shall be drawn in shaded areas or over any other lines on the plat.

C. Appliques shall be on the front side of plat and meet all other size standards.

D. Signatures shall be in permanent black ink from a felt-tip pen.

E. Seals shall be in permanent ink.

F. Folded, wrinkled or torn plats are not acceptable.

(6) Letter quality:

A. Technical pens shall be used on manually-generated plats.

B. On manually-generated plats, smaller letters and numbers shall be made with a fine-tip pen (usually a pen numbered between zero (0) and two (2)).

C. Letters and numbers shall be well-defined and will not run or bleed.

D. If the plat drawing is difficult to read due to the labeling and dimensioning of easements and property lines, then all property lines and associated labeling is to be shown on the drawing and all easements and associated labeling is to be shown on another separate drawing of the plat.

(7) Electronic data transfer. Although not required, additional electronic submittal may expedite the review and recording process.

1123.02 NUMBER OF COPIES TO BE FILED.

The subdivider shall file with the City Engineer four (4) copies of the final plat, accompanied by a reduced version of the proposed subdivision section, measuring 8-1/2 x 11 inches, and a written application of submittal for the final approval of said plat.

1123.03 INFORMATION TO BE CONTAINED ON THE FINAL PLAT.

The following information shall be contained on the final plat:

(a) The name of the subdivision;

(b) If a subdivision is to be submitted in sections and/or blocks, these divisions shall be indicated on the plat and shall be recorded consecutively from the last recorded section.

(c) The information shown on the final plat shall be consistent with preliminary plat stipulations and improvements as indicated on the improvement drawings.

(d) All lots in a subdivision must meet the applicable zoning requirements and be buildable lots. Detention and retention areas on a building lot may be excluded.

(e) The final plat shall contain the minimum information required by O.R.C. 711.01 through 711.04 inclusive, and shall also contain the following information:

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

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

(3) Bearings and distances to nearest established street bounds, patents, 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 monumented and named.

(4) The accurate location and material of all permanent reference monuments.

(5) The exact layout of the subdivision including:

A. Street and alley lines. Their names, bearings, length along centerlines, angles of intersection and widths, including widths along the line of any obliquely- intersecting street;

B. The lengths of all arcs, radii, points of curvature and tangent bearings, chord bearings and chord lengths;

C. The location of all easements and rights-of-way must be shown in such a manner to be re-established in the field;

D. The location of all lot lines with dimensions in feet and hundredths, and bearings in degrees, minutes and seconds.

(6) The accurate outline of all property that 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 subdivisions, with the purpose indicated thereon.

(7) All watercourses within a subdivision are to be covered by a drainage easement to the City on the plat. In addition, each lot shall contain a five (5') foot easement along each side of each lot line not presently labeled with an easement.

(8) Front setback lines as established by the appropriate zoning district and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions.

(9) Boundaries of all areas affected by varying private restrictions and a description of those restrictions.

(10) Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property.

(11) Names and addresses of the owner of record, the names, addresses, phone numbers, fax numbers and e-mail addresses for the subdivider, the engineer, surveyor and/or consultant.

(12) North arrow, graphical scale and date submitted.

(13) A vicinity sketch showing the subdivision as it relates to the surrounding area at any scale.

(14) A superimposed plan of the subdivision at a scale of 300 feet to the inch shall be drawn on the final plat and shall also show the section of the subdivision in which the developer wishes to be recorded. This sketch shall also show all street rights-of-way.

(15) The total acreage of the subdivision, total acreage from each original lot, total area (in acres and square feet) of each lot created, the total linear feet of newly dedicated rights-of-way (ROW) as well as area of that ROW.

(16) Stubbed streets shall be located on the plat to give adjoining un-subdivided property access. These streets shall also be labeled as "Street to be extended in the future" at the discretion of the Planning Commission.

(17) Any information that the City Engineer considers to be appropriate to provide full disclosure to potential lot purchasers. These include, but are not limited to the location of the 100-year floodplains, wetlands, and rights-of-way for proposed highways which are journalized, etc. within the subdivision or abutting its borders.

(18) The minimum opening and/or minimum basement elevations and curb elevations (low side, top of curb) for new structures should also be stated on the final plat in order to keep them above the 100-year floodplain as determined by a flood study prior to planning.

(19) 100-year drainage routes are to be labeled on the final plat.

(20) A benchmark description and elevation is to be noted on the final plat.

(21) All bury pits will be shown as an easement. This is the responsibility of the developer to make sure the easement is on the plat. It is the responsibility of the builder to make sure the buried material, as permitted by the Ohio Environmental Protection Agency, is in the bury easement, or a re-plat will be necessary.

(22) Acknowledgment of the owners and witnesses before an officer authorized to take acknowledgment of deeds (Notary), which officer shall certify his or her official act on the plat.

(23) Ohio Environmental Protection Agency (OEPA) approval must be submitted with the final plat, or the developer must have a Permit-To-Install (PTI) water and sewer related items before the final plat will be approved by the City Council.

1123.04 NOTES TO BE CONTAINED ON THE FINAL PLAT.

The following notes shall be contained on the final plat:

(a) Dedication Statement.

"The undersigned, being the owners of ____ acres of land, being lot numbers ____ through ____ in the City of Troy, Miami County, Ohio, do hereby assent to and adopt the accompanying plat of subdivision to be known as _____ (name of subdivision) and do hereby dedicate to the public forever, in accordance with the laws in such cases made and provided, the streets and roadways as shown on said plat, and declare the same to be free and unencumbered. The title acquired by Deed Book # ____ and Page # ____."

(b) Utility Easement.

"Easements on said plat, designated as utility easements, are provided for the construction, maintenance, and operation of poles, wires and conduits, and the necessary attachments in connection therewith, for the transmission of electric, telephone, cable television and other purposes, for the construction and maintenance of service and underground stormwater drains, pipelines for supplying gas, water, heat and other public or quasi-public utility functions together with the necessary lateral connections, and also the right to ingress to and egress from said easements, and to cut, trim or remove trees and undergrowth or overhanging branches within said easement or immediately adjacent thereto. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce the clearance of either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair the ability to maintain the facility; or (4) create a hazard."

"The above easements are also provided for other public uses as designated and shall be used for the construction of stormwater drains, open channels, public and private sewers, pipelines for the supplying of water, cable television and for any public or quasi-public utility or function, conducted, maintained or performed by ordinary methods beneath or above the surface of the ground, together with the right of ingress and egress over and across lots to and from said easements."

(c) Drainage Notes.

"The City of Troy does not accept any private drainage easements shown on this plat. The City of Troy is not obligated to maintain or repair any channels or installations in said easements. The owner of the lot shall maintain the easement area of each lot and all improvements in it continuously. Maintenance of all improvements within the private drainage easements shall be the responsibility of the _____ as provided for in the declaration and in accordance with the standards and specifications of the City of Troy on file with the City Engineer. Within the easement area, no structure, planting or other material shall be placed or permitted to remain which may obstruct, retard, or change the direction of the water flow."

"The City of Troy shall have the permanent and irrevocable right and authority to inspect such interior streets, access easements, waterways, common spaces and improvements thereon as are developed in this subdivision."

"The City of Troy shall have the right, but not the responsibility, to enter upon any Lot in the subdivision to inspect and monitor any storm water detention basin area or drainage facilities constructed in the subdivision. In the event that the facilities are not properly constructed or maintained, upon the failure of the Developer, lot owner, or the Association to take corrective action after being duly notified in writing by the City, the City shall have the right, but not the obligation to take whatever action is necessary to correct any improper construction or to maintain storm water detention basins areas and drainage facilities; provided, however, that the Developer, lot owner, and/or Association shall first have a reasonable period of time, taking into account the urgency of the matter, to take corrective action. Any cost incurred by the City of Troy for such maintenance may be assessed to the Association or, if there is no Association, or the association has ceased to exist, against individual lot owner. These restrictions shall run with the land, and shall bind the owners, successors, and assigns unless and until a modification is agreed to and approved by the Council of the City of Troy."

(d) Transfer of Lots.

(1) "Any lot transferred shall have a minimum width and area substantially the same as shown on the accompanying plat and only one (1) principal building will be permitted on any such lot."

(2) "Any future splitting of any lot that results in an additional building site being created shall be done by re-plat only."

(e) Street Construction.

"The streets shown in said subdivision shall be constructed in accordance with the approved plans on file with the City Engineer for the City of Troy. The streets shall be constructed, with the exception of top course, within one (1) year and shall be maintained and kept in repair for a period of one (1) year from the date the constructed streets are approved by the City of Troy."

(f) Water and Sewer.

(1) "It is understood that the City of Troy will not be able to issue any connection permits or zoning permits until the Ohio Environmental Protection Agency (OEPA) has approved the plans for the proposed extensions of the public water and sewer systems within this subdivision."

(2) "All buildings to be served by the public sewer system shall be constructed so as to provide a minimum of four (4) feet of vertical separation between the public sanitary sewer, at the point of connection, and the lowest building level served by a gravity sewer connection. In addition, said building level shall be at least one (1) foot above the lowest point of any treatment facility or wastewater pumping facility that receives the discharge from said building. Said minimum service levels shall be recorded on the "As-built" plans for the development which will be kept on file in the office of the City Engineer."

(3) "Private driveways, parking lots and other paved areas or structures should not be constructed over private water or sewer service lines within the public right-of-way or within easement areas for the public utilities unless pre-approved by the City Engineer. Should this occur, the property owner will be held responsible for the repair of and for providing access to any curb stops, manholes, clean-outs, etc. installed in conjunction with these private service lines and

for any damage or restoration of the paved surfaces or structures that may result from the future operation, maintenance, repair or replacement of said service lines and appurtenances.”

(4) “Easements on said plat designated as “Sanitary Sewer Easements” or “Water Main Easements” are provided for the right to construct, use, maintain, and keep in repair thereon a sanitary sewer pipeline and/or water mains and appurtenances thereto necessary to the operation therefor.”

(5) “The City of Troy does not accept any responsibility for the relocation, repair or replacement of any other utilities installed within five (5) feet of the centerline of any sanitary main sewer or water main.”

(6) “All lots shown hereon shall be served by public sanitary sewers and water mains.”

(g) Certification Statement. Certification by a registered surveyor to the effect that: (1) the plat represents a survey made by the surveyor and that all monuments indicated final subdivision plat requirements 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.

(h) General Notes.

(1) “This street to be extended in the future” shall be added to streets where future expansion is planned.

(2) “We, the City Council for the City of Troy, Miami County, Ohio do hereby approve and accept the dedication of land for the streets as shown on this plat of _____(name of subdivision), Section _____, Book _____, this _____ day of _____(month), (year).”

(i) Public Access Easement. In the event that the City Engineer has required or approved one or more public access easements within the subdivision, these areas of the final plat shall be circumscribed and labeled as public access easements on the final plat, and the following notation shall be provided on the final plat:

(1) “All areas designated as Public Access Easements shall be subject to the following covenants:

(2) “Public Access Easements are dedicated to the public access and use. This grant shall run with the land in perpetuity.”

(3) “To ensure the public health, safety and general welfare, private drives constructed within designated Public Access Easements shall be open and accessible to fire, police, and other emergency and maintenance vehicles at all times. The pavement, curb, and gutter of private drives within Public Access Easements shall be continuously maintained by the property owner in good repair and kept free of all obstructions which would impede the free and safe movement of traffic, including but not limited to ice, snow and parked vehicles. If required by the City, the owner shall prepare a traffic control plan for review and approval. Traffic control devices shall be provided and installed in accord with the approved plan and by the owner. The City of Troy shall have full power and authority to enforce such controls and to prosecute violations in accord with the laws of the City and State as it would in any other public right-of-way.”

(4) “No Public Access Easement may be blocked without the prior written approval of the City of Troy.”

(5) "In the event that the owner of any Public Access Easement fails to fulfill the obligations set forth in these covenants, the City of Troy is hereby authorized, after providing reasonable opportunity for notice and hearing to the property owner, to take such corrective action as it deems necessary, to charge the owner for the entire cost thereof, and in the event of failure of payment for more than thirty days, to collect such costs as a special assessment against the property without further notice to or approval by the owner."

1123.05 EXPIRATION.

If construction of a subdivision does not commence within two (2) years after the final plat has been approved, it shall become null and void and shall be stricken from the records of the County, unless the date of expiration is extended by the City. No extension shall be granted except for good cause, and only after the City has considered the effect of any intervening changes in these regulations and the Zoning Code. Application for extension must be in writing and submitted to the Director of Public Service and Safety or his authorized representative before the end of the initial two (2) year period or any extension thereof. No extension may exceed one (1) year in length. Once a subdivision approval has expired, a new application, along with the required application fees, shall be submitted.

1125.00 STORMWATER MANAGEMENT

1125.01 DEFINITIONS.

All words used in this Section shall have their customary meanings as defined first in Section 1111.06 of these Subdivision Regulations; then in Webster's New World Dictionary then Rainwater and Land Development¹ except those specifically defined in this Section.

(a) Approval Authority: The Director of Public Service and Safety or designee is designated to review and approve/disapprove Stormwater Pollution Prevention Plans.

(b) Authorized Agent: The City Engineer or designee is designated to provide technical guidance in the development and implementation of Site Development and Stormwater Pollution Prevention Plans and to review and approve/disapprove such plans as authorized.

(c) Buffer: A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited.

(d) Critical Storm: A storm which is calculated by means of the percentage increase in volume of runoff by a proposed activity or development area. The critical storm is used to calculate the maximum allowable stormwater discharge rate from a site.

(e) Cut: An excavation. The difference between a point on the original grade and a designated point of lower elevation on the final grade.

¹ Rainwater and Land Development: Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection. Second Edition, 1996. Ohio Department of Natural Resources, as amended.

(f) Detention Basin: An impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater.

(g) Detention Facility: A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

(h) Development Area: Any contiguous area owned by one (1) person or operated as one (1) development unit included within the scope of these regulations, upon which earth disturbing activities are planned or underway.

(i) Earth Disturbing Activity: Any grading, excavation, filling, or other alteration of the earth's surface where natural or manmade ground cover is destroyed.

(j) Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

(k) Non-structural Controls: Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

(l) Parcel: Any legally described piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate entity or agency.

(m) Peak Rate of Runoff: The maximum rate of runoff for any 24 hour storm of a given frequency.

(p) Pre-Development Conditions: Site conditions as they existed prior to manmade alterations and/or activities.

(s) Sediment Basin: A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

(t) Site Development Plan: The written document, or set of plans, that meets the requirements of this Section that provides information on the location of the area proposed for development, the site in relation to its general surroundings, and existing characteristics of the site, including limits of activities.

(u) Steep Slope: A slope over 18% grade, which is characterized by increased run-off, erosion and sediment hazards.

(v) Stop-Work Order: An order issued which requires that all work on the site must cease except work associated with bring the site into compliance with the approved SWP3 or Site Development Plan.

(w) Stormwater Management Plan (SMP): The written document that meets the requirements of this Section and that sets forth the plans and practices to be used to minimize stormwater runoff from a site and to safely convey or temporarily store and release post-development stormwater runoff at an allowable rate to minimize flooding and erosion.

(x) Stormwater Pollution Prevention Plan (SWP3): The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000002. An SWP3 is required as part of the local jurisdiction's Stormwater Management Plan described above and in this regulation.

(y) Storm Frequency: The average period of time (in years) within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

(z) Structural Controls: Any manmade facility, structure, or device that is constructed to provide temporary storage and/or treatment of stormwater runoff. Examples include retention and detention basins, rock check dams, swales, and constructed wetlands.

(aa)Swale: A low lying stretch of vegetated land which gathers and carries surface water.

(bb)Temporary Vegetation: Short term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

(cc)Watercourse: Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any adjacent area which is subject to inundation by reason of overflow of flood water.

1125.02 INTENT & SCOPE.

(a) The intent of this Section is to protect the land and water resources of the City by establishing standards to achieve a level of soil erosion and stormwater control that will minimize and abate degradation of land and water resources and damage to public and private property resulting from earth disturbing activities. In addition this regulation further intends to:

(1) Assure that those involved in earth disturbing activities minimize both soil erosion and the volume and rate of stormwater runoff from their sites.

(2) Preserve to the extent practicable the natural drainage characteristics of the site and minimize the need to construct, repair, and/or replace enclosed, subsurface storm drain systems.

(3) Assure that stormwater controls are incorporated into site planning and design at the earliest possible stage and that all stormwater management practices are properly designed, constructed, and maintained.

(4) Prevent unnecessary stripping of vegetation and loss of soil and to require prompt re-vegetation and stabilization to the site following earth disturbing activities.

(5) Reduce the need for costly maintenance and repairs to roads, embankments, ditches, water resources, wetlands, and stormwater management practices.

(6) Encourage the construction of stormwater management practices that serve multiple purposes such as flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

(7) Preserve to the maximum extent practicable natural infiltration and groundwater recharge.

(b) Any person or persons proposing to develop or redevelop land within the City for any of the uses listed in Section 1125.02(c) of these Subdivision Regulations shall design, develop, and submit a Site Development Plan as described in Section 1125.04 of these Subdivision Regulations. Said plan will be evaluated to determine the potential for erosion, runoff, and sedimentation impact that may result from such development activities and the need for submission of a Stormwater Management Plan (SMP) described in Section 1125.05 of these Subdivision Regulations to minimize these impacts.

(c) This Section shall apply to both the development and redevelopment of land proposed for the following:

(1) Residential, institutional, commercial, office, and industrial purposes, including subdivision and land development proposals for non-agricultural uses in rural areas.

(2) Recreational facilities, non-agricultural water impoundments and waterway construction or improvement.

(3) Public infrastructure uses, including transportation and utilities.

(4) Any earth disturbing activity within critical and sensitive natural areas, including floodplains, highly erodible lands (HEL) and wetlands.

(d) This Section does not apply to earth disturbing activities associated with agricultural activities.

(e) No earth disturbing activity subject to regulation under this Section shall be undertaken for any land proposed for development or redevelopment for uses specified under Section 1125.02(c) of these Subdivision Regulations without an approved Site Development Plan as required under Section 1125.04 of these Subdivision Regulations, and, if appropriate, a Stormwater Management Plan (SMP) as required under Section 1125.05 of these Subdivision Regulations.

(f) Final approval of a proposed development or redevelopment shall not be given unless:

(1) A determination is made by the authorized agent based on submission of a Site Development Plan as detailed in Section 1125.04 of these Subdivision Regulations that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters, or

(2) An SMP as detailed in Section 1125.05 of these Subdivision Regulations has been approved by the City based on the recommendation of its authorized agent that the proposed earth disturbing activity will not cause accelerated runoff, erosion, and/or sediment impacts harmful to the quality of off-site lands and waters.

(g) Any person or persons seeking approval for an earth disturbing activity listed below shall prepare an SMP as described in Section 1125.05 of these Subdivision Regulations.

(1) Activities disturbing greater than or equal to one (1) acre, or less than one (1) acre, if part of a larger common plan of development or sale.

(2) Activities that require the extension of public utilities (such as roadways, water mains, sanitary sewer mains, or storm sewers).

(3) Activities that will modify an existing or approved drainage way, drainage structure, or drainage easement.

(4) Activities that will channelize, straighten, or modify a watercourse within the identified 100-year floodplain (studied and unstudied).

(h) Any person seeking approval to construct a structure shall be exempted from having to prepare a Site Development Plan and an SMP provided they meet all of the following:

(1) Construction takes place on one parcel;

(2) Any earth disturbing activity will not affect more than one (1) acre of the development site at a time;

(3) The structure is not located within 100 feet of a sensitive natural area as described in Section 1125.02(c)(4) of these Subdivision Regulations;

(4) Any earth disturbing activity will not modify the general existing site drainage pattern, drainage structure, drainage tiles, or drainage easements; and

(5) One of the following:

A. Specifications are obtained and followed for controlling potential off-site stormwater and erosion impacts from small lot building sites as required by the City or its authorized agent, or

B. The parcel is part of an overall development plan which has received approval of an SMP and the developer certifies that they will comply with said Plan.

(i) Exemption under Section 1125.02(h) of these Subdivision Regulations does not exempt any person from the other provisions of this Section or liability for their activities.

1125.03 PERFORMANCE STANDARDS.

(a) All Erosion and Sediment Kept on Site. Erosion and sedimentation caused by accelerated wind or stormwater runoff over the site due to earth disturbing activities shall be stabilized and confined to the boundaries of the development site.

(b) Discharge of Untreated Stormwater. To the maximum extent practicable the site shall not discharge untreated stormwater directly into a receiving body of water.

(c) Structural and Nonstructural Best Management Practices

(1) Nonstructural stormwater management practices shall be used to the maximum extent practicable. Such practices may include, but not be limited to, preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction, and designation of tree preservation areas.

(2) Nonstructural and structural stormwater management practices shall be designed in accordance with requirements and standards specified in this Section or by the authorized agent.

(3) Structural and nonstructural stormwater management practices shall be placed in easements and recorded on the property deeds on which they are located and shall remain unaltered unless first approved by the City Engineer.

(4) In designing stormwater detention and retention facilities, water quality benefits shall be considered to the maximum extent practicable.

(d) Stream and Wetland Riparian Buffers. The site owner or applicant shall leave an undisturbed riparian buffer on both sides of and/or surrounding water resources, except for crossings and other riparian area and wetland impacts approved by the City Engineer. Buffer width will be determined on a case by case basis using criteria such as floodplain, topography, vegetative cover, canopy cover, or soil types.

(e) Channel Protection. To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the latest edition of Rainwater and Land Development.

(f) Temporary Stabilization of Disturbed Areas and Soil Stockpiles.

(1) A temporary vegetative cover shall be established on disturbed areas as specified in Table 1 below.

Table 1: Temporary Stabilization

| Area requiring temporary stabilization | Time frame to apply erosion controls |
|--|---|
| Any disturbed areas within 50 feet of a stream and not at final grade. | Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days. |
| For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one (1) year. | Within 7 days of the most recent disturbance within the area. |
| Disturbed areas that will be idle over winter. | Prior to onset of winter weather but no later than December 1. |

(2) Application practices shall include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be appropriate for the time of year, site conditions and estimated time of use.

(3) Topsoil removed shall be stored on site and shall be stabilized with quick growing plants or other means, so that it is protected from wind and water erosion. Topsoil shall be maintained in a usable condition for sustaining vegetation and reused on the site. Temporary vegetation shall also be maintained.

(g) Permanent Stabilization

(1) A permanent vegetative cover shall be established on disturbed areas as specified in Table 2 below.

Table 2: Permanent Stabilization

| Area requiring permanent stabilization | Time frame to apply erosion controls |
|--|---|
| Any area that will lie dormant for 6 months or more. | Within 7 days of the most recent disturbance. |
| Any area at final grade. | Within 7 days of reaching final grade within that area. |

(2) Permanent vegetation shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and will survive severe weather conditions.

(h) Cut And Fill Slopes. Cut and fill slopes shall be designed, constructed and stabilized in a manner which will minimize erosion. Consideration should be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions and other applicable factors. If, after final grading, excessive erosion takes place, additional slope stabilizing measures will be required by the owner, developer or builder until the problem is corrected. The following guidelines are provided to aid in developing an adequate design.

(1) Roughened soil surfaces are generally preferred to smooth surfaces on slopes.

(2) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

(3) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate channel, flume or slope drain structure.

(4) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(i) Protection of Adjacent Properties and Public Right-of-Ways. Properties, public right-of-ways, and thoroughfares adjacent to the site of an earth disturbing activity shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer at the perimeter of the site, by installing perimeter controls such as sediment barriers, filters, dikes, sediment basins, or by a combination of such measures.

(j) Sediment Control Structures

(1) Sediment control structures shall be used to control erosion and trap sediment on a site remaining disturbed for more than 14 days. Such structures may include, but are not limited to, silt fences, storm drain inlet protection, sediment basins and diversions or channels which direct runoff to a sediment basin. All sediment control practices must be capable of ponding runoff in order to be considered functional.

(2) Sediment control structures shall be constructed as a first step in grading and be made functional before upslope earth disturbing activities take place. Earthen structures such as

dams, dikes, and diversions shall be seeded and mulched as soon as the installation is complete. Sediment control structures shall be functional throughout the course of earth disturbing activity until the site is stabilized with permanent vegetation.

(3) Sheet flow runoff from the site shall be intercepted by silt fence or diversions. A silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below.

Table 3: Maximum Drainage Area to Silt Fence

| Maximum drainage area (in acres) to 100 linear feet of silt fence | Range of slope for a particular drainage area (percent) |
|---|---|
| 0.5 | <2% |
| 0.25 | ≥ 2% but < 20% |
| 0.125 | ≥ 20% but < 50% |

(4) Stormwater diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive stormwater runoff from areas up to 10 acres.

(5) Whenever stormwater detention is required, the stormwater runoff from the site shall pass through a sediment basin or other suitable sediment trapping facility before discharge to a receiving water body. The authorized agent may require sediment basins or traps for smaller disturbed areas where deemed necessary.

(k) Stabilization of Waterways And Outlets. All on-site stormwater conveyance channels shall be designed and constructed to withstand the expected velocity of flow without creating erosion. Methods adequate to prevent erosion shall also be provided at the outlets of all pipes and paved channels.

(l) Storm Sewer Inlet Protection. All storm sewer inlets shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(m) Working In or Crossing Watercourses

(1) All activities shall be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall be restored to its original cross-section and all disturbed area stabilized immediately after in-channel work is completed.

(2) Where a watercourse will be crossed regularly during construction, a temporary stream crossing shall be provided, used for the shortest period practical, removed following site construction, and restored as described in Section 1125.03(m)(1) of these Subdivision Regulations.

(n) Maintenance and Removal of Temporary Measures

(1) All temporary erosion and sediment control practices shall be maintained and repaired to assure continual performance.

(2) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall have the final grade re-established and be permanently stabilized to prevent further erosion and sedimentation.

(o) Control of Construction Site Debris and Wastes. All owners, applicants, contractors and developers shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets and gutters clear of all sediment and debris from the site.

(p) Use, Safety, and Maintenance of Stormwater Practices

(1) Stormwater management practices shall be designed for the ultimate use of the site and function safely with minimal maintenance.

(2) If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(q) Inspection of Stormwater Controls (See Section 1125.06(g) of these Subdivision Regulations for specific requirements)

(1) All on-site control practices shall be periodically inspected to ensure proper function and to identify failures

(2) On-site and off-site discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters.

(3) Detailed records of inspections shall be maintained for three (3) years following the final stabilization of the site.

(r) Accessibility of Easements (See Section 1125.06(h) of these Subdivision Regulations for specific requirements). All permanent stormwater management measures shall have easements sufficient to cover the facility and to provide access for inspection and maintenance.

(s) Status of Standards. The standards identified in this Section are general guidelines. Each application shall be reviewed on a case by case basis and some may require additional and more stringent requirements, while others may have individual requirements waived by the authorized agent.

1125.04 SITE DEVELOPMENT PLAN.

(a) Any person seeking approval of land development proposals for use types listed in Subsection 1125.02(c) shall develop and submit a Site Development Plan as detailed in Section 1125.04(c) of these Subdivision Regulations.

(b) The applicant is encouraged to have a pre-submission meeting with the City Engineer and the Review Team.

(c) Site Development Plan Requirements

(1) Each applicant shall provide information that details the location of the area proposed for development, the site in relation to its general surroundings, predevelopment site conditions, existing characteristics of the site, and the extend of proposed earth disturbing activities. At a minimum the Plan shall include the following elements:

A. A general location map that shows the area proposed for development and pertinent adjacent areas and features.

B. A description of the nature and type of the earth disturbing/construction activity (e.g. residential, commercial, highway)

C. A photocopy of the appropriate soil survey sheet found in the USDA Soil Survey of Miami County with location of site identified.

D. A Site Plan Map that shows the location of existing features and proposed improvements on the site including:

1. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, cleaning, excavation, filling or grading, including off-site borrow areas).

2. Surface water locations, including springs, wetlands, streams, lakes, or water wells, on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers or Ohio EPA.

3. The general directions of surface water flow and 100-year floodplain when applicable.

4. All improvements, including buildings, retaining walls, sidewalks, streets, parking lots, driveways, utilities and stormwater basins, drainage impoundments, or channels and outlets.

E. An estimate of the impervious area and percent of imperviousness created by the earth disturbing activity.

(d) Site Development Plan Submission, Review and Action.

(1) Submission of a Site Development Plan by an applicant seeking approval initiates the review process.

(2) The City Engineer or designee shall review the Site Development Plan and conduct a site inspection of the proposed site.

(3) Review of the Site Development Plan shall be completed within seven (7) working days of submittal.

(4) Following review, the City Engineer shall:

- A. Approve the Site Development Plan; or
- B. Conditionally approve the Site Development Plan pending additional information and/or the incorporation of required changes; or
- C. Reject the Plan; or
- D. Require the submission of a Stormwater Management Plan (SMP) based on written findings of the authorized agent.

1125.05 STORMWATER MANAGEMENT PLAN (SMP) REQUIREMENTS.

a) Stormwater Management Plans (SMPs) are intended to provide information on all soil erosion and runoff control activities and Best Management Practices (BMPs) to be used and incorporated on the site both during and after site development. This information includes, but is not limited to, site grading, stormwater management facilities and practices, erosion and runoff control information, maintenance plans, and other measures that focus on managing the effects of earth disturbing activities that occur as a result of site development.

b) Each SMP shall provide a site design that meets the Performance Standards presented in Section 1125.03 and provide practical treatment for both water quality and quantity of stormwater from the site as appropriate.

c) In general, SMPs need to address:

(1) Erosion and Sediment Control. Providing measures to insure that earth disturbing activities at the site during and after development will be managed in a manner that will not result in increased erosion and sedimentation from the site resulting in impacts to water **quality** and that meet the Performance Standards specified in Section 1125.03 of these Subdivision Regulations.

(2) Runoff Control. Providing measures to insure that the quantity of surface water runoff from the development site during and after construction will mimic the pre-development conditions and that meet the Performance Standards specified in Section 1125.03.

(d) If an SMP is required under Section 1125.02(h) or 1125.04(d)(4)(A) of these Subdivision Regulations, such Plan shall specifically include all the following:

(1) The minimum elements required in a Site Development Plan described in Section 1125.04(c)(1)(A-D) of these Subdivision Regulations.

(2) The contents of the **Stormwater Pollution Prevention Plan (SWP3)** required by the Ohio EPA's NPDES Construction Activity Permit #OHC000002 and incorporated here by reference. This Plan may be submitted as developed for the Ohio EPA, in conjunction with the other requirements of 1125.05. The contents of the Ohio EPA's **SWP3** include, but are not limited to:

- A. A description of prior land uses at the site.
- B. Existing data describing the soils on the site and, if available, the quality of any discharge from the site.

C. A determination of runoff coefficients for both the pre-construction and post construction site conditions.

D. For all large earth disturbing activities (involving the disturbance of five or more acres of land or disturbance of less than five acres, but part of a larger common plan of development or sale which will disturb five or more acres of land), a description of post construction BMP(s) chosen and designed to detain and treat a water quality volume (WQV) equivalent to the volume of runoff from a 0.75-inch rainfall (*See Ohio EPA Construction Activity Permit for methodology*).

E. For all small earth disturbing activities (which disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land), a description of measures that will be installed during the development process to control pollutants in stormwater discharges that will occur after construction operations have been completed.

F. An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and stormwater management practices or facilities to be employed during each operation of the sequence.

G. For subdivided developments, where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

H. A detailed description of the stormwater controls to be incorporated and how these meet or exceed the appropriate Performance Standards presented in Section 1125.03 of these Subdivision Regulations. This shall include the identification of which entity (developer, contractor, or owner) is responsible for implementation of each individual control (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization).

I. A detailed maintenance plan that describes procedures (e.g. inspections) needed to ensure the continued performance of control practices. Such plans must ensure that pollutants collected within structural post-construction practices, be disposed of in accordance with local, state, and federal regulations.

J. A Site Map that includes:

1. Limits of earth disturbing activity of the site including associated off-site borrow or spoil areas.

2. Soil types on the site, including locations of unstable or highly erodible soils.

3. Existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres.

4. Existing and planned locations of buildings, roads, parking facilities and utilities.

5. The location of all erosion and sediment control practices, including areas likely to require temporary stabilization during site development.

6. Sediment and stormwater management basins noting their sediment settling volume and contributing drainage area.

7. Permanent stormwater management practices to be used to control pollutants in stormwater after construction operations have been completed.

8. Areas designated for the storage or disposal of solid, sanitary, and toxic wastes, including dumpster areas, cement truck washout areas, and vehicle fueling and maintenance.

9. The location of designated construction entrances where vehicles will access the site.

10. The location of any in-stream activities, including stream crossings.

(3) Copies of pertinent Notices of Intent (NOI), permits, public notices and letters of authorization must be included with SMP submissions. These may include, but are not limited to, Ohio EPA NPDES Permits authorizing stormwater discharges associated with construction activity, Ohio EPA Phase II Stormwater Permits, Section 401 and 404 Clean Water Act Permits, Ohio EPA Isolated Wetland Permit, and Ohio Dam Safety Law Permits.

(4) Supplemental requirements as provided in Section 1125.05(f) of these Subdivision Regulations.

(e) Stormwater discharge to critical areas with sensitive resources (e.g. wetlands, steep slopes, scenic river designation, or recharge areas) may be subject to additional criteria, or may need to utilize or restrict certain stormwater practices.

(f) Supplemental Requirements

(1) Determination of Post Development Runoff

A. Each SMP shall include an evaluation of pre-development conditions together with during, and post-development impacts that quantifies the volume and rate of runoff from the site by subdrainage areas. This evaluation shall be prepared according to methods prescribed in the latest edition of Rainwater and Land Development or other approved sources. The evaluation shall:

1. Show delineation and sequence of subdrainage units which comprise the area proposed for development.

2. Indicate the hydraulic length of slope per individual subdrainage unit and the length of the natural or manmade watercourse which accommodates the surface runoff from each subdrainage unit.

3. Indicate, within the legend, the average percent slope, erosion factor (K) and runoff curve number (CN) per individual subdrainage unit for a 24-hour storm of a one (1)-year frequency.

4. Include a hydrograph for a 24-hour storm of the critical frequency to be controlled as determined according to Section 1125.05(f)(1)(C) of these Subdivision Regulations and all calculations made pertinent to evaluating the effects of the proposed development on the pre-development runoff conditions of the site.

B. Calculations for the design of stormwater management facilities shall demonstrate the following for each subdrainage unit:

1. The peak rate of runoff from the critical storm and all more frequent storms occurring on the site does not exceed the peak rate of runoff from a one (1) year frequency, twenty-four (24) hour storm occurring on the same site under pre-development conditions.

2. Storms of less frequent occurrence than the critical storm, up to the 100-year storm shall have its peak runoff rates no greater than the peak runoff rates from equivalent storms under pre-development conditions. Consideration of the 1, 2, 5, 10, 25, 50, and 100-year storms in design and construction will be considered meeting this standard.

C. Calculation of a critical storm for each subdrainage unit of the site shall be determined as follows:

1. Calculate by appropriate hydrologic methods, such as the NRCS Technical Release 55², the total volume of runoff from a one (1)-year frequency, 24-hour storm occurring on the development area before, during, and after development.

2. From the volumes determined in i) above, determine the percentage increase in volume of runoff due to the proposed development, and using this percentage, select the 24-hour critical storm from this table.

If the percentage of increase in volume of runoff is (see chart below):

Table 4 Runoff Increases

| <i>% Equal To or Greater Than</i> | <i>% Less Than</i> | <i>The Critical Storm for Peak Rate Control</i> |
|-----------------------------------|--------------------|---|
| - | 10 | 1 year |
| 10 | 20 | 2 years |
| 20 | 50 | 5 years |
| 50 | 100 | 10 years |
| 100 | 250 | 25 years |
| 250 | 500 | 50 years |
| 500 | - | 100 years |

D. The City Engineer shall approve or reject any calculation method based on its technical validity for the given situation.

(2) Off-Site Stormwater Control Facilities

A. Exceptions to requiring permanent on-site runoff control on the site may be considered by the Director of Public Service and Safety or designee provided the applicant can prove that:

² Urban Hydrology for Small Watersheds, Technical Release 55. 1986. Natural Resources Conservation Service.

1. The intent and standards of this Section for runoff control can be best achieved by the utilization of off-site stormwater control facilities.

2. Runoff from the site can be conveyed to off-site stormwater facilities in a manner and by means which satisfies or surpasses the standards of this Section.

3. The applicant has ownership of or the right to use the off-site facility in question.

(g) Stormwater Management Plan Submission, Review and Action

(1) The applicant is encouraged to have a pre-submission meeting with the City Engineer.

(2) Submission of two (2) sets of the SMP and other supporting data required by this regulation to the City Engineer completes the applicant's responsibilities and initiates the review process.

(3) The SMP shall be reviewed by the City Engineer to:

A. Verify background information furnished by the applicant and evaluate the proposed development in relation to existing site conditions.

B. Assess the SMP in relation to the Performance Standards in Section 1125.03 of these Subdivision Regulations and requirements of this Section.

(4) Upon submission of the SMP the City Engineer shall complete a review of the SMP within 30 days, provided that the applicant has submitted all information required.

(5) The City Engineer shall either:

A. Approve the SMP as submitted by the applicant; or

B. Conditionally approve the SMP and require the submission of additional and/or revised information by the applicant, in order to fully meet the intent and standards of this Section; or

C. Disapprove the SMP.

(6) Revisions to conditionally approved SMPs shall be prepared and submitted by the applicant to the City Engineer for review.

(7) Action by the City Engineer approving or disapproving the SMP is a final order for purposes of judicial review.

1125.06 COMPLIANCE RESPONSIBILITY.

(a) Performance Liability

(1) No provision of this Section shall limit, increase or otherwise affect the liability of the applicant nor impose any liability upon City not otherwise imposed by law.

(b) No Release From Other Requirements

(1) No condition of this permit shall release the applicant from any responsibility or requirement under other federal, state, or local environmental regulations. If requirements vary, the most restrictive requirement shall prevail.

(c) Proceeding with Activity

(1) Earth disturbing activities regulated under this regulation shall not begin until all necessary state and federal permits and appropriate approvals of Site Development Plans or Stormwater Management Plans have been granted to the site owner or applicant.

(d) Performance Responsibility

(1) The applicant is responsible for carrying out all provisions of the approved Site Development Plan and SMP (if applicable) and for meeting all the standards and requirements of this regulation.

(e) Enforcement

(1) All development sites are subject to inspection by the City to ensure compliance with the approved Site Development Plan or SMP.

(2) After each inspection a status report shall be prepared and distributed to the appropriate person(s).

(3) If it is found that the operations are being conducted in violation of the approved Site Development Plan or SMP, a stop-work order may be issued until the identified violations cease.

(4) After the issuance of a stop-work order provided for in Subsection (c) above, but before the imposition of any fines, the applicant shall have the opportunity to request a hearing before the Director of Public Service and Safety or designee to show cause why work should not be stopped. A hearing shall be scheduled at the time that a written request for such a hearing is made to the Director of Public Service and Safety or designee.

(5) Following the issuance of a stop-work order, the Director of Public Service and Safety or designee shall determine if and when the development may proceed. Any determination by the Director of Public Service and Safety or designee pursuant to this section is a final order for purposes of judicial review.

(f) Penalties Subsequent To Issuance Of Stop-Work Order.

(1) Subsequent to the issuance of a stop-work order, one or more of the following penalties may be imposed.

A. If the earth disturbing activity involves a subdivision, the applicable penalties (including fines) provided for in the subdivision regulations of the City shall apply.

B. The authorized agent(s) on behalf of the City may enter the site and make any modifications necessary to correct the situation involving excessive erosion or sedimentation, and place the cost of such corrective actions on the tax duplicate of the owner.

(2) The authorized agent(s) may request the legal representative of the City to seek an injunction or other appropriate relief to abate excessive erosion or sedimentation and secure compliance with this Section. In granting such relief, the court may order the construction of sediment control improvements and/or the implementation of other control measures and/or fines as identified in Section 1125.06(l) or any other relief the court determines.

(g) Internal Inspections

(1) All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The site owner and/or applicant shall assign certified inspection personnel experienced in the installation and maintenance of erosion and runoff controls to conduct these inspections to ensure that all stormwater control practices are functional, that all provisions of the SMP and this regulation are being met, and whether additional control measures are required.

(2) The site owner shall maintain for three (3) years following the final stabilization of the site a record summarizing inspections, names(s) and qualifications of personnel making the inspections, the date(s) of inspections, major observations relating to the implementation of the SMP and a certification as to whether the site is in compliance with the SMP and identify any incidents of non-compliance.

(h) Ownership and Maintenance of Stormwater Facilities

(1) In cases where a stormwater control facility is proposed on single private properties, the City authorized agent may approve an inspection and maintenance agreement. This agreement shall bind all current and subsequent owners of land served by the stormwater facility.

(2) In the case of proposed subdivisions, inspection and maintenance agreements shall be approved before the City accepts the final plat of the proposed subdivision. This agreement shall bind all current and subsequent owners of land served by the stormwater facility.

(3) All inspection and maintenance agreements shall do the following:

A. Designate the party responsible for the maintenance of all stormwater management facilities and practices including mowing, landscaping, debris pick-up, and requiring that all inlet and outlet structures are free of obstructions and in good repair.

(i) For subdivisions, unless otherwise approved by the City, a responsible party shall be an entity of common ownership (e.g. Land/Homeowner's Association) within the proposed subdivision. Each parcel sold in the proposed subdivision shall require continued membership in the Land/Homeowners Association.

B. Prohibit unauthorized alterations of all stormwater management facilities.

C. Provide adequate access to all stormwater management facilities for inspection by the City authorized agent(s) and corrective actions by the owner or the City.

(4) All stormwater management facility easements shall be on the final plat, prior to approval by the City and a reference shall be made to the entity or individual responsible for their maintenance.

(5) The owner or developer shall submit four (4) sets of as-built plans of all stormwater facilities and improvements to the City.

(6) The City Engineer may require the owner or the permittee to follow the maintenance procedure outlined in Chapter 6131.63 of the O.R.C.. The City authorized agent may require of the owner and/or applicant any one or all of the following prerequisites:

A. Benefit two or more property owners.

B. Are designed for cost-effective maintenance.

C. Are determined by the City Engineer to be appropriate additions to this jurisdiction's existing storm drainage system.

D. Are not better suited for private maintenance by an individual or group of property owners, with ultimate responsibility for maintenance in the event of default on the part of the owners remaining with jurisdiction.

(7) The following conditions shall apply to all drainage easements:

A. Easements shall be approved by the authorized agent(s) prior to approval of the final plat and shall be recorded with said plat.

B. Unless otherwise required by the authorized agent(s) drainage easements shall be no less than twenty (20) feet wide, plus the width of the stormwater facility.

C. Those lots that contain and/or are crossed by a drainage easement shall have the following restriction – "Any lot area reserved for drainage purposes, shall at all times be kept free of any obstructions to the flow of water. No improvements or modifications within the identified drainage easement area will be allowed without the approval of the City Engineer. Maintenance of the drainage easement area, stormwater control facility, and ditches shall be the responsibility of the owner of the lot on which these facilities or ditches are located."

D. Sheds shall not be built in drainage easements. Landscaping mounds or other obstructions to the flow of water can not be built in drainage easements. Fences can not be built perpendicular to the flow of water, through a drainage easement. Nor should grass clippings or debris be permitted to accumulate in drainage easements.

(i) Schedule Of Fees. The schedule of fees as established by City Council shall be posted at the applicable City offices. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(j) Complaints. The City authorized agent(s) shall investigate any complaint related to earth disturbing activities covered by this Section

(k) Violations. No person shall violate or cause or knowingly permit to be violated any of the provisions of this Section, or fail to comply with any of its provisions or with any lawful requirements of any public authority made pursuant to it, or knowingly use or cause or permit the use of any lands in violation of this Section or in violation of any approval permit granted under this Section.

(l) Penalties

(1) Violation of any provision of this Section or any amendment, or failure to comply with any of the requirements shall constitute a minor misdemeanor. Any person or persons violating any of the provisions herein shall upon conviction be fined not less than twenty five (25) dollars nor more than one hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(2) Upon notice from the City and/or its authorized agent(s), that work is being done contrary to this Section, such work shall immediately stop. Such notice shall be in writing and shall be given to the applicant, and shall state the conditions under which such work may resume; provided, however, in instances where immediate action is deemed necessary for the public safety or the public interest, the City's authorized agent may require that work be stopped upon verbal order pending issuance of the written order.

(3) The imposition of any other penalties provided herein shall not preclude the City, from instituting an appropriate action in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the authorized agent(s).

SECTION 1127.00 FLOOD CONTROL STANDARDS

SECTION 1127.01 – GENERAL PROVISIONS.

(a) Statutory Authorization. ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens.

(b) Findings of Fact. The City has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. These regulations are intended to minimize the threat of such damages and to achieve the purposes hereinafter set forth.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all special flood hazard areas within the jurisdiction of the City as identified in Section 1127.01(f) of these Subdivision Regulations, including any additional areas of special flood hazard annexed by the City .

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are hereby adopted by reference and made a part of this Section:

(1) Flood Insurance Study Miami County, Ohio and Incorporated Areas and Flood Insurance Rate map Miami County, Ohio and Incorporated Areas both effective August 2, 2011.

(2) Other studies and/or maps which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

(3) Any hydrologic and hydraulic engineering analysis authored by an Ohio registered Professional Engineer, which then has been approved by the Floodplain Administrator as required by 1127.04(c) of these Subdivision Regulations.

(4) Any revisions to the aforementioned maps and/or studies, including any Letter of Map Change issued by FEMA, are hereby adopted by reference and declared to be a part of this Section.

(5) Any flood easement owned by, or dedicated by plat or deed to, the City, Concord Township, Staunton Township, Miami County, the State of Ohio, and/or the Miami Conservancy District.

(6) Any Floodplain Overlay District identified on the City Zoning Map.

(7) Such maps and/or studies are on file at the Office of the City Engineer, Troy City Hall, 100 South Market Street, Troy, Ohio.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) 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 the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1127.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(a) Accessory Structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) Appeal. A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

(c) Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

(d) Base (100-Year) Flood Elevation (BFE). The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

(f) Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) Enclosure Below the Lowest Floor. See "Lowest Floor."

(h) Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this federal order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(i) Federal Emergency Management Agency (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).

(j) Fill. A deposit of earth material placed by artificial means.

(k) Flood or Flooding.

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(l) Flood Insurance Rate Map (FIRM). An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(m) Flood Insurance Risk Zones. Zone designations on FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

(1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

(2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

(3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

(4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

(5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

(6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

(7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

(n) Flood Insurance Study (FIS). The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(o) Flood Protection Elevation. The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2.0) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the base flood elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

(p) Floodway. A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one (1) foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

(q) Freeboard. A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(r) Historic Structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the U.S. Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the U.S. Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(4) Individually listed on the inventory of historic places maintained by the City, which is certified by the Ohio Historic Preservation Office..

(s) Hydrologic and Hydraulic Engineering Analysis. An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(t) Letter of Map Change (LOMC). A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are divided into the following categories:

(1) Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

(3) Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(u) Lowest Floor. The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(v) Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in O.R.C. Chapter 3733.

(w) Manufactured Home Park. As specified in the O.A.C. 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(x) National Flood Insurance Program (NFIP). The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the federal government will make flood insurance available within the community as a financial protection against flood loss.

(y) New Construction. Structures for which the "start of construction" commenced on or after the initial effective date of the City's FIRM, July 16, 1984; or for properties subsequently annexed, the initial date of the Miami County's FIRMs, January 19, 1983; and includes any subsequent improvements to such structures.

(z) Person. Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the O.R.C. Chapter 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(aa) Recreational Vehicle. A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(bb) Registered Architect. A person registered to engage in the practice of architecture under the provisions of sections O.R.C. Chapter 4703.01 to 4703.19.

(cc) Registered Professional Engineer. A person registered as a professional engineer under O.R.C. Chapter 4733.

(dd) Registered Professional Surveyor. A person registered as a professional surveyor under O.R.C. Chapter 4733.

(ee) Special Flood Hazard Area. Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by FEMA on FIRMs, in Flood Insurance Studies, on Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(ff) Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(gg) Structure. A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(hh) Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

(ii) Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. When the combined total of all previous improvements or repairs made during the life of the structure equals or exceeds fifty percent (50%) of a structure's market value, those improvements are collectively considered a substantial improvement. This term includes structures which have incurred

"substantial damage", regardless of the actual repair work performed. Substantial improvement does not, however, include:

- (1) Any improvement to a structure which is considered "new construction,"
- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(jj) Variance. A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(kk) Violation. The failure of a structure or other development to be fully compliant with these regulations.

SECTION 1127.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The City Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1127.01(f) of these Subdivision Regulations, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

(1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(2) Elevation of the existing, natural ground where structures are proposed.

(3) Elevation of the lowest floor, including basement, of all proposed structures.

(4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

(5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

A. Floodproofing certification for non-residential floodproofed structure as required in Section 1127.04(e) of these Subdivision Regulations.

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1127.04(d)(5) of these Subdivision Regulations are designed to automatically equalize hydrostatic flood forces.

C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1127.04(i)(3) of these Subdivision Regulations.

D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one (1) foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1127.04(i)(2) of these Subdivision Regulations.

E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1127.04(i)(1) of these Subdivision Regulations.

F. Generation of base flood elevation(s) for subdivision and large scale developments as required by Section 1127.04(c) of these Subdivision Regulations.

G. Volumetric calculations demonstrating compensatory storage have been provided as required by Section 1127.04(i) (4) of these Subdivision Regulations.

(6) The application fee for a Floodplain Development Permit shall be as listed in the Schedule of Fees adopted by the City.

(e) Review and Approval of a Floodplain Development Permit Application.

(1) Review

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1127.03(d) of these Subdivision Regulations has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of Section 1127.03(j) (1) of these Subdivision Regulations, a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1127.05 of these Subdivision Regulations of these regulations.

(i) Exemption from Filing a Development Permit.

An application for a floodplain development permit shall not be required for:

(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the O.A.C. Chapter 3701.

(3) Major utility facilities permitted by the Ohio Power Siting Board under O.R.C. Chapter 4906.

(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under O.R.C. Chapter 3734.

(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

(6) Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City and Miami County flood maps, studies and other data identified in Section 1127.01 (f) of these Subdivision Regulations accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data

A. For all development proposals that impact floodway delineations or base flood elevations, the Floodplain Administrator shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1127.04 (c) of these Subdivision Regulations.

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1127.03 (j) (1) of these Subdivision Regulations, prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one (1) foot in areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1127.03 (j) (1) A of these Subdivision Regulations.

(2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective FIRM that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing and signed by the Mayor, and may be submitted at any time.

(3) Annexation / Detachment. Within two years after an occurrence, the Floodplain Administrator shall notify FEMA in writing when the boundaries of the City have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that future FIRMs accurately represent boundaries, the Floodplain Administrator shall include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(3) When Preliminary Flood Insurance Rate Maps and/ or Flood Insurance Study have been provided by FEMA:

A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.

(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting

the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1127.05, Appeals and Variances.

(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(l) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 1127.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1127.01 (f) or 1127.03 (k) (1) of these Subdivision Regulations:

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City may be permitted, provided they meet the provisions of these regulations.

(2) Prohibited Uses. The following uses are prohibited in any special flood hazard area:

- A. Private water supply systems regulated under Section 3701 of the O.R.C..
- B. Infectious waste treatment facilities regulated under Section 3734 of the O.R.C..
- C. Storage of explosives.
- D. Storage of material or equipment that, in time of flooding, could become buoyant and therefore pose an obstruction to floodwater flow in identified floodway areas.

E. New construction of any residential or nonresidential structures in the floodway portion of any special flood hazard area.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the O.R.C.:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) For all subdivision proposals and other proposed developments containing 50 or more lots or 5 or more acres, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for any areas of special flood hazard.

(5) The applicant shall submit technical data to FEMA as required by Section 1127.03 (j) (1)A.4, when a hydrologic and hydraulic analysis is conducted that generates base flood elevations as required by Section 1127.04(c)(4) and subsequently submitted to the Floodplain Administrator.

(d) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring in Section 1127.04 (d) (1) of these Subdivision Regulations and for construction materials resistant to flood damage in Section 1127.04 (d) (2) of these Subdivision Regulations shall be considered to have been satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or

above the flood protection elevation. Where flood protection elevation data are not available the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade. Support structures and other foundation members shall be certified by a registered professional engineer or registered architect to have been designed and constructed in accordance with ASCE 24, Flood Resistant Design and Construction.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

A. be used only for the parking of vehicles, building access, or storage; and

B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1127.04 (d) of these Subdivision Regulations.

(8) Where flood protection elevation data are not available, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(9) Each new residential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

(e) Nonresidential Structures.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1127.04 (d) (1)-(3) and (5)-(9) of these Subdivision Regulations.

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1127.04 (e) (2) A. and B of these Subdivision Regulations.

(3) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two (2) feet above the highest adjacent natural grade.

(4) Each new nonresidential site shall have direct access to a walkway, driveway, or roadway whose surface elevation is not less than the flood protection elevation and such escape route shall lead directly out of the floodplain area.

(f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing a floor area of no more than six hundred (600) square feet. Such structures must meet the following standards:

(1) They shall not be used for human habitation;

(2) They shall be constructed of flood resistant materials;

(3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of flood waters;

(4) They shall be firmly anchored to prevent flotation;

(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

(6) They shall meet the opening requirements of Section 1127.04 (d) (5) C of these Subdivision Regulations.

(g) Recreational Vehicles.

Recreational vehicles must meet at least one of the following standards:

(1) They shall not be located on sites in special flood hazard areas for more than 180 days in any twelve-month period, or

(2) They must be fully licensed and ready for highway use, or

(3) They must meet all standards of Section 1127.04 (d). of these Subdivision Regulations

(h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(1) Development in Floodways.

A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. Meet the requirements to submit technical data in Section 1127.03 (j) (1) of these Subdivision Regulations;
2. An evaluation of alternatives which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
3. Certification that no structures are located in areas which would be impacted by the increased base flood elevation;
4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
5. Concurrence of the Mayor and the Board of Miami County Commissioners.

(2) Development in Riverine Areas with Base Flood Elevations but No Floodways.

A. In riverine hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
2. Sections 1127.04 (i) (1) B. 1., 1127.04 (i) (1) B. 3., 1127.04 (i) (1) B. 4., and 1127.04 (i) (1) B. 5 of these Subdivision Regulations.

(3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in Section 1127.03 (j) (1) A. 3 of these Subdivision Regulations when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(4) Compensatory Storage Required for Fill. Fill within a special flood hazard area shall result in no net loss of floodplain storage volume. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of new flood storage by excavation or other compensatory measures at or adjacent to the development site.

(j) Fill. The following standards shall apply to all fill activities in special flood hazard areas:

(1) Fill sites, upon which structures will be constructed or placed, must be compacted to 95 percent of maximum density obtainable with the Standard Proctor Test method or an equivalent method approved by the Floodplain Administrator.

(2) Fill for elevating structures shall extend at least twenty (20) feet laterally from the structure in order to establish a stable building pad.

(3) Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal.

(4) Adequate protection against erosion and scour shall be provided for all fill slopes. When velocities exceeding five (5) feet per second are expected during an occurrence of the base flood, rock protection or armoring with stone shall be provided. When velocities of five (5) feet per second or less are expected during an occurrence of the base flood, protection may be provided by dense vegetative cover.

(5) Fill shall be composed of clean granular or earthen material. Demolition debris, trash, garbage, and other solid waste materials shall not be used as fill.

(6) All fill projects shall comply with Sections 1127.04 (i) (1) through 1127.04 (i) (4) of these Subdivision Regulations

(k) Storage of Materials. Outdoor storage of material or equipment not otherwise prohibited in Section 1127.04 (a) (2) shall be firmly anchored to prevent flotation.

SECTION 1127.05 APPEALS AND VARIANCES.

(a) Appeals Board Established. The Zoning Board of Appeals is established as the Appeals Board for this Section. Records of appeals and variances shall be maintained at the Troy Planning Department, City Hall, 100 South Market Street, Troy, Ohio.

(b) Powers and Duties.

(1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

(2) Authorize variances in accordance with Section 1127.05 (d) of these Subdivision Regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision.

(1) Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator.

(2) Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

(3) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with local, state, and/or federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All applications for a variance shall be accompanied by a variance application fee as listed in the schedule of fees adopted by the City.

(2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain

Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations, and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Variances shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

D. A determination that the structure or other development is protected by methods to minimize flood damages.

E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.

(5) Other Conditions for Variances

A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1127.05(d)(3)A-K of these Subdivision Regulations have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings. Hearings shall be conducted in accordance with the rules and procedures established by the Board of Zoning Appeals for appeals of decisions of the Zoning Administrator and for variances from the provisions of the Zoning Code.

(f) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Miami County Court of Common Pleas, as provided in O.R.C. Chapter 2506.

SECTION 1127.06 ENFORCEMENT.

(a) Compliance Required.

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1127.03 (i).

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1127.99 of these Subdivision Regulations.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1127.99 of these Subdivision Regulations.

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the

person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

SECTION 1127.99 PENALTY.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a misdemeanor of the second degree. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. The City may prosecute any violation of these regulations in accordance with the penalties stated herein.

Appendix A – STREET STANDARDS

| | MINIMUM | LOCAL | SECONDARY | MAJOR | THRUWAY |
|---|---------|--------|-----------|--------------|--------------|
| RIGHT OF WAY WIDTH | 50' | 60' | 60' | 80' | 100' |
| STREET PAVEMENT WIDTH (B-B CURB) | 35' | 37' | 41' | 49'* 61'** | 49'* 61'** |
| MINIMUM CENTERLINE GRADE | 0.40% | 0.40% | 0.40% | 0.40% | 0.40% |
| MAXIMUM CENTERLINE GRADE | 6.0% | 6.0% | 5.0% | 4.0% | 4.0% |
| MINIMUM CENTERLINE RADIUS | 200' | 200' | 250' | 1200' | 1400' |
| MAXIMUM DEGREE CENTERLINE CURVE | 28.65° | 28.65° | 22.92° | 4.78° | 4.09° |
| MINIMUM LENGTH OF HORIZONTAL CURBE CENTERLINE | 100' | 100' | 100' | 200' | 200' |
| MINIMUM LENGTH OF TANGENT BEWEEN HORIZONTAL CURVES | 50' | 50' | 50' | 100' | 100' |
| MINIMUM LENGTH OF VERTICAL CURVE | 100' | 100' | 100' | 100' | 100' |
| MAXIMUM ALGEBRAIC DIFFERENCE IN GRADES WITHOUT VERTICAL CURVE | 1.00% | 1.00% | 1.00% | 0.50% | 0.00% |
| MINIMUM DESIRED SPACING OF BRAKES IN CENTERLINE GRADE | 300' | 300' | 350' | 400' | 400' |
| MINIMUM DESIGN SPEED (MPH) | 30' | 30' | 35' | 40' | 50' |
| MINIMUM BACK OF CURB RADIUS AT STREET INTERSECTION FOR 90 DEGREE INTERSECTION | 20' | 20' | 20' | 30' | 35' |
| MINIMUM INTERSECTION ANGLE OF CENTERLINES AT INTERSECTIONS | 80° | 80° | 80° | 80° | 80° |
| MINUM STOPPING SIGHT DISTANCE MAESURED FROM 4.5' EYE LEVEL TO 4' OBJECT | 200' | 200' | 300' | 500' | 500' |
| MINIMUM HORIZONTAL SIGHT DISTANCE MEASURED ON CENTERLINE | 200' | 200' | 300' | 500' | 500' |
| MINIMUM RIGHT OF WAY LINE RADIUS AT STREET INSECTION | | | | | |
| MINIMUM BLOCK LENGTH | 250' | 250' | 260' | 500' | 750' |
| MAXIMUM BLOCK LENGTH | 1200' | 1200' | 1200' | 1600' | 1600' |
| MAXIMUM CENTERLIN OF PERMANENT DEAD END STREET | 600' | 600' | | | |
| MINIMUM CENTERLINE OFFSET, STRT, JOGS | 200' | 200' | 200' | 500' | 500' |
| MAXIMUM CENTERLINE GRADE APPROACHING INTERSECTIONS | 3.00% | 3.00% | 2.00% | 2.00% | 2.00% |
| MINIMUM RIGHT OF WAY DIAMETER OF CUL-DE-SAC | 100' | 100' | | | |
| MINIMUM PAVEMENT DIAMETER BACK TO BACK OF CURBS OF CUL-DE-DAC | 80' | 80' | | | |
| MAXIMUM BLOCK LENGTH NOT REQUIRING PEDESTRIAN CROSSING THROUGH BLOCK | 1200' | 1200' | 1200' | 1600' | |
| MINIMUM TRAFFIC LANE WIDTH | 12' | 12' | 12' | 12' | 12' |

* - Parking prohibited on both sides (primarily industrial and commercial)

** - Parking permitted