

## **CHAPTER 155.01 CITY OF BEAVERCREEK**

### **SUBDIVISION REGULATIONS**

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**TITLE, SCOPE AND JURISDICTION****§155.001 TITLE**

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

**§155.002 PURPOSE**

The following rules and regulations are adopted to provide for:

- A. Improving the quality of life through protection of the City of Beavercreek's total environment, including but not limited to the prevention of air, water and noise pollution and through the significant reduction or elimination of potential flood damage in a manner that is cost effective, complies with all applicable flood plain regulations, and is acceptable to the homeowner in terms of appearance and livability.
- B. The proper arrangement of public ways in relation to existing and/or planned public ways and to the Official Thoroughfare Plan.
- C. The proper arrangement of utilities in relation to existing and/or planned utilities.
- D. Adequate and convenient spaces for vehicular and pedestrian traffic, utilities, access of emergency apparatus, recreation, light and air.
- E. Facilitation of the orderly and efficient layout of the land.
- F. The accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and subdivider.
- G. Ensuring that public facilities and services are available concurrent with development and will have sufficient capacity to serve the proposed development and that the community will be required to bear no more than the cost of providing the facilities and services through the requiring of the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.

**§155.003 AUTHORITY**

The Ohio Revised Code, Chapter 711, enables the City of Beavercreek to adopt regulations governing plats and subdivisions of land within its jurisdiction.

**§155.004 ADMINISTRATION**

These regulations shall be administered by the Planning Commission of the City of Beavercreek, hereinafter to be referred to as the Planning Commission.

**§155.005 JURISDICTION**

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

**§155.006 RELATION TO OTHER LAWS**

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

**§155.007 AMENDMENTS**

The City Council may, by Ordinance and subject to the procedures provided by law, amend, supplement, or change these regulations after review and recommendation by the Planning Commission. Within thirty (30) days after receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing. The date of the hearing shall not be more than forty-five (45) days from the receipt of the recommendation from the Planning Commission. Notice of such hearing shall be given by the City Council by at least fifteen (15) days before the date of the hearing. The amendment(s) shall be on file in the Planning and Development Department for public examination during said fifteen (15) days. As soon as reasonably possible after completion of the public hearing, the City Council shall act on an Ordinance to adopt, amend, or deny the recommendation of the Planning Commission by an affirmative a vote of the majority of its members.. Such amendment, if adopted by the City Council, shall become effective thirty (30) days after the date of such adoption.

**§155.008 SEPARABILITY**

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

**§155.020 DEFINITIONS**

All words in this resolution shall have their customary meanings as defined in Webster's New World Dictionary, except those specifically defined in this section.

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

**ACTION.** Approval, approval with conditions, or disapproval by the Planning Commission of a subdivision application filed in accordance with these regulations.

**ALLEY.** See **THOROUGHFARE**.

**BERM.** A mound of earth or the act of pushing earth into a mound.

**BIKEWAY.** A pathway, which may or may not be separated from streets, designed specifically to be used by bicyclists and pedestrians. Also as defined in the Beavercreek Thoroughfare Plan.

**BLOCK.** The property abutting one side of a street and lying between the two nearest intersection streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the City.

**BRIDGE.** A structure having a clear span equal to or greater than ten (10) feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression. For spans less than ten (10) feet, see **CULVERT**.

**CALIPER.** Measurement of nursery grown trees at time of planting at one foot above base of tree.

**CATCH BASIN.** An inlet designed to intercept and redirect surface waters.

**CEMETERY.** Land used for or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CITY.** City of Beavercreek, Greene County, Ohio.

**CITY ENGINEER.** The City of Beavercreek Engineer.

**CONSTRUCTION STANDARDS.** The current edition of the City of Beavercreek regulations establishing construction standards for subdivisions.

**COUNTY.** Greene County, State of Ohio.

**COUNTY SANITARY ENGINEER.** Greene County Sanitary Engineer.

**COVENANT.** A written promise or pledge between the owners of the plat agreeing to performance or non-performance of certain acts or requiring or preventing certain uses of the property, not regulated by the City.

**CULVERT.** A transverse closed drain that is used to convey water in an open channel through an embankment such as a roadway.

**CURB CUT.** The opening along the curb line at which point vehicles may enter or leave the roadway.

**DEDICATION.** The transfer of property by the owner for a public use and the acceptance of it by a unit of government.

**DEDICATION, FEE IN LIEU OF.** Payments in cash as an alternative to dedication of land or construction of improvements.

**DEED RESTRICTION.** A restriction on the use of land usually set forth in the deed, running with the land and binding on subsequent owners of the property.

**DETENTION BASIN.** A facility for the temporary storage of stormwater runoff and the gradual release of the stored runoff at an acceptable rate.

**DEVELOPER.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land.

**EASEMENT.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**ENGINEER.** Any person registered to practice professional engineering by the state board of registration as specified in §4733.14 of the Ohio Revised Code.

**FILL.** Soil, rock, earth, sand, gravel, or any other material which may be deposited or placed onto or into the ground.

**FILLING.** The act of depositing or dumping of any fill onto or into the ground, except common household gardening and ground care.

**FLAG LOT.** A lot not meeting minimum frontage requirements and where access to the public road is across a narrow strip of land extending from the larger portion of the lot. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

**FLOOD, 1% ANNUAL.** The temporary inundation of normally dry land areas by a flood that is

likely to occur once every 100 years or that has a one percent (1%) chance of occurring each year.

**FLOOD, BASE.** The flood having a 1% chance of being equaled or exceeded in any given year. The **BASE FLOOD** may also be referred to as the 100- Year Flood or the **1% ANNUAL FLOOD**

**FLOODPLAIN.** The channel and relatively flat area adjoin a channel of a natural stream or river that has been or may be covered by flood water.

**FLOODPLAIN, REGULATORY OR SPECIAL FLOOD HAZARD AREA (SFHA).** The land area of the City of Beavercreek which is subject to inundation by the **1% ANNUAL FLOOD** as determined by the *Flood Insurance Study of the City of Beavercreek*, prepared by the Federal Emergency Management Agency.

**FLOODWAY.** 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 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.

**FLOODWAY FRINGE.** That portion of the regulatory flood plain which serves primarily as a storage area for the flood waters of the **1% ANNUAL FLOOD** as designated in the *Flood Insurance Study of the City of Beavercreek*.

**FRONTAGE.** That portion of a lot which directly abuts a roadway.

**GRADE.** The average elevation of the land around a building or the percent rise or descent of a sloping surface.

**IMPERVIOUS SURFACE.** Any material that prevents or significantly inhibits the absorption of water into the ground.

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

**INTERSECTION.** The location where two or more roadways cross at grade.

**LOT.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by plat, to be separately owned, used, developed, or built upon.

**LOT, NONBUILDABLE.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by plat, to be separately owned, but cannot be used, developed, or built upon. These lots are generally created on a temporary basis in order to expedite of the transfer ownership, and are replatted at a future date to remove the "Non-

Buildable" designation.

**LOT, REVERSE FRONTAGE.** A through lot that is not accessible from one of the parallel or intersecting streets upon which it fronts.

**LOT SPLIT.** A division of a parcel or land not within a platted subdivision that does not create an additional building lot and which if or the transfer of land between adjoining property owners.

**MAINTENANCE BOND.** An agreement by a subdivider or developer with the City, guaranteeing the maintenance of the physical improvements for a period of time.

**METES AND BOUND.** A method of describing the boundaries of land by directions (bounds) and distances (metes) from a known point of reference.

**MIDBLOCK CROSSING.** A non-vehicular right-of-way, publicly owned, cutting across a block in order to provide pedestrian access to adjacent street or property.

**MONUMENTS.** Permanent concrete or iron markers capped with the registered surveyor's name and registration number used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

**NON-ACCESS RESERVATION.** A designation of an area of land adjacent to a frontage road which prevents access to that road.

**OFFICIAL THOROUGHFARE PLAN.** The thoroughfare plan for the City of Beavercreek.

**OPEN SPACE, PUBLIC.** Any parcel or area of land conveyed or otherwise dedicated to the City for public use or enjoyment.

**OWNER.** Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having legal titles to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

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

**PARKS AND RECREATION CAPITAL IMPROVEMENT FUND.** The fund established pursuant to §155.087 if these regulations.

**PARKS AND RECREATION LAND AREA.** Any land areas to be used for public or private recreation purposes.

**PERFORMANCE BOND.** A type of surety issued by an insurance company and posted by a subdivider or developer, guaranteeing the completion of physical improvements according to plans and specifications approved by the Planning Commission within the time prescribed by the subdivider's agreement. If the work is not performed, the insurer promises to compete the work or pay damages up to the amount of the bond.

**PLAN, FINAL.** A proposed plan of development of a subdivision or a site plan, including construction drawings, cross sections, and record plat.

**PLAN, PRELIMINARY.** A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

**PLANNING COMMISSION.** The Planning Commission of the City of Beavercreek, Ohio.

**PLAT, RECORD.** A map representing a tract of land showing the boundaries and location of individual properties and streets.

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

**RETENTION BASIN.** A permanent pond or basin, constructed and used where additional storage capacity is provided above the normal water level for the temporary storage of stormwater runoff and the gradual release of the stored runoff at an acceptable rate.

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

**RUNOFF.** The portion of rainfall, melted snow, irrigation of water that flows across ground surface and eventually is returned to a water body.

**SEWERS, SANITARY.** A wastewater treatment system as defined by the Greene County Sanitary Engineer and approved by the appropriate City, County, State, and or Federal agencies which provides a collection network and a central wastewater treatment facility for a single development, community, or region.

**SEWERS, SANITARY ON-SITE.** A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**STORM SEWER.** A conduit that collects and transports runoff.

**SIDEWALKS.** A paved, surfaced or leveled area, usually paralleling and separated from the street, used as a pedestrian walkway. (See Walkway)

**SLOPE.** The deviation of a surface from the horizontal, usually expressed in percent or degrees or ratio, i.e. 3:1.

**STREET, ARTERIAL.** A street that collects and distributes traffic to and from collector streets. Also as defined in the Beavercreek Thoroughfare Plan.

**STREET, COLLECTOR.** A street that collects traffic from local streets and connects with minor and major arterials. Also as defined in the Beavercreek Thoroughfare Plan.

**STREET, CUL-DE-SAC.** A dead-end local street with only a single means of ingress and egress and having a turnaround at the end. Also as defined in the Beavercreek Thoroughfare Plan.

**STREET, DEAD END.** A street with a single common ingress and egress, built with the assumption that it will eventually connect with streets in an adjacent subdivision.

**STREET FRONTAGE.** A service road, usually parallel to a highway, designed to reduce the number of curb cuts that intersect that highway.

**STREET, LOCAL.** A street designed to provide vehicular access to abutting property and to discourage through traffic. Also as defined in the Beavercreek Thoroughfare Plan.

**STREET, MARGINAL ACCESS.** A service road, usually parallel to a highway, designated to reduce the number of driveways that intersect the highway.

**STREET, PRIVATE.** A street which is constructed to public standards, but is privately owned and maintained, typically by a homeowner's association, condo association or a mutual maintenance agreement by private property owners.

**SUBDIVIDER.** See **DEVELOPER**.

**SUBDIVIDERS CONTRACT.** A contract entered into by the developer or subdivider and the City by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final plan approval.

**SUBDIVISION.** The division of a lot, tract or parcel of land into two (2) or more buildable lots, tracts, parcels, or other divisions of land for sale, development or lease whether immediate or in the future; or the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

**SUBDIVISION REPLAT.** Any alteration of lot boundaries within a previously approved and recorded subdivision plat.

**SURETY.** A performance bond, certified check, or irrevocable letter of credit.

**SURVEYOR.** Any person registered to practice professional surveying by the state board of registration as specified in §4733.14 of the Ohio Revised Code.

**THROUGHFARE, STREET, OR ROAD.** A public or private way which affords the principal means of access to abutting property.

**TREE LAWN.** The area between the back of the street curb and the front of the sidewalk.

**VARIANCE.** A modification of the strict terms of the regulations where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

**VICINITY MAP.** A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Beavercreek in order to better locate and orient the area in question.

**WALKWAY.** A public way for pedestrian use only, whether located along the side of a road or not.

**WATER SUPPLY SYSTEM, PUBLIC OR COMMUNITY.** The collection, treatment, storage, and distribution of potable water from source to consumer.

**WATER SYSTEM, ON-SITE.** A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of the Greene County Combined Health District.

**WATERSHED.** The drainage basin, catchment or other area of land that drains water, sediment and dissolved materials to a common outlet at some point along a stream channel.

**WETLANDS.** Those areas defined by the Federal Water Pollution Control Act Amendments of 1972 and delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.

## **THE PRELIMINARY PLAN**

### **§155.030 PRE-CONFERENCE**

Prior to the preparation of the preliminary plan, it is highly recommended that the subdivider should seek the assistance of the City of Beavercreek, Ohio, Planning and Development Department in order to become familiar with the subdivision requirements of the City of Beavercreek. The intent of this meeting is also to discuss early and informally the purpose and effect of the subdivision regulations and criteria and standards contained therein; and to familiarize the developer with the Land Use Plan, the Thoroughfare Plan, Parks and Recreation Master Plan, Sediment Abatement and Runoff Control Ordinance, and the sewage and water system and other planning elements for the City of Beavercreek. This meeting does not involve any formal application, fee, or filing of a plan with the Planning Commission of the City of Beavercreek, Ohio.

### **§155.031 THE PRELIMINARY PLAN**

In order for the City to better ascertain whether the proposed basic plan of the proposed subdivision is acceptable and complies with the applicable subdivision rules and regulations, the developer shall submit a preliminary plan for review and approval. A Specific Site Plan approved in accordance with §158.066 of the City of Beavercreek Zoning Code or an Administrative Site Plan Review and Approval (ASRA) in accordance with §155.076 of the City of Beavercreek Zoning Code, serves as a preliminary plan and exempts a subdivider from being required to apply for a preliminary plan.

### **§155.032 SUBMISSION TO OHIO DEPARTMENT OF TRANSPORTATION (ODOT)**

Before any plan is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by Ohio Department of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission of the City of Beavercreek, Ohio, shall give notice, by registered or certified mail to the Director of Ohio Department of Transportation. The Planning Commission shall not approve the plan for one hundred twenty (120) days from the date the notice is received by ODOT or until a response is received from the Director, whichever is less. If ODOT notifies the Planning Commission that it shall proceed to acquire the land needed, then the Planning Commission shall refuse to approve the plan. If ODOT notifies the Planning Commission that acquisition at this time is not in the public interest or upon expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the ODOT and the property owner, the Planning Commission shall, if the plan is in conformance with all provisions of these regulations, approve the plan.

### **§155.033 APPLICATION FOR PRELIMINARY PLAN APPROVAL**

The subdivider shall submit a properly completed preliminary subdivision application form and fee payment obligation statement, the required preliminary subdivision application fee, a statement of proposed use of lots, the preliminary drainage calculations, and the preliminary

plan prepared by a registered engineer or surveyor including all the information required in sections 155.035 and 155.036 below. The subdivider shall prepare and submit copies of the preliminary plan, as determined by the Planning and Development Department, no later than the cut-off date for that particular Planning Commission meeting as specified in the official City of Beavercreek Planning and Development Calendar available in the Planning and Development Department prior to the meeting at which it is to be considered, as required by the Planning Commission, according to the standards and other provisions of these regulations.

### **§155.034 PRELIMINARY PLAN FORM**

The preliminary plan shall be drawn at a scale of one hundred (100) feet to the inch or larger unless otherwise requested by the City. The preliminary plan shall be clearly and legibly drawn. The drawing size shall be in multiples of six (6) inches not exceeding thirty-six (36) by forty-eight (48) inches. Larger sizes may be acceptable if approved by the City.

### **§155.035 PRELIMINARY PLAN CONTENTS: EXISTING CONDITIONS**

The preliminary plan shall contain the following existing information:

- A. Location by section, town and range.
- B. Names, addresses and phone number of the professional engineer or registered surveyor who prepared the plan, and appropriate registration numbers and seals.
- C. Date of survey, which shall be the date of topographic, aerial or any other type of survey that is the basis for the preliminary plan.
- D. Scale of the plan and north point.
- E. Boundaries of the subdivision and its acreage (in thousandths), accurate in scale, showing the bearings and distances and the method by which they were derived.
- F. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
- G. Locations, widths, and names of existing streets, bikeways, walkways, multi-use paths, railroad rights-of-way, easements, parks, permanent buildings, and corporation lines; location of wooded areas, wireless telecommunication towers, and other significant topographic and natural features within and adjacent to the proposed subdivision for a minimum of five hundred (500) feet whose presence and accurate location need to be known in order for decisions regarding the subdivision to be made; location of all significant physical features of the site including water courses, lakes, rivers, areas within the regulatory flood plain, wetlands, excessively steep slopes greater than 33%, stands of trees, trees six (6) inches in caliper or greater, rock outcropping and other natural features shall be identified. Any wet or flood prone areas shall be delineated. Lots shall not be divided by township, municipal, or county boundary lines.
- H. Zoning classification(s) of the tract and adjoining properties.

I. Existing contours at two (2) foot intervals for predominant ground slopes within the subdivision between level and ten (10) percent grade and five (5) foot intervals for predominant ground slopes within the subdivision over ten (10) percent grade. Contours shall be mean sea level datum and nearest bench mark shall be specified and described. The method of determining topographic contours or the source of topographic contours, if done by others, and the date of the topographic survey, shall be noted.

J. The location and dimensions of all existing sanitary sewers, storm sewers, water lines, culverts, other underground structures and power transmission poles and lines and utilities, within and adjacent to the tract shall be indicated. Furthermore, pipe sizes, types, grades, locations and the depth of underground utilities shall be indicated. Where existing installations will become undersized due to proposed development, revised size shall be noted

K. All thoroughfares as shown on the Official Thoroughfare Plan wherever they traverse the proposed subdivision.

L. A vicinity map at a scale of one thousand (1,000) feet to the inch or larger shall be shown on, or accompany, the preliminary plan.

M. Locations of all existing buildings and demolition schedules of any buildings to be removed.

#### **§155.036 PRELIMINARY PLAN CONTENTS: PROPOSAL**

The following information shall be supplied in addition to the requirements in Section 155.035 above.

A. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the City.

B. The lots, consecutively numbered with scaled dimensions, and the estimated areas of all lots in square feet of all proposed lots. Furthermore, a summary indicating the total acreage and number of all lots, acreage of right-of-way (R.O.W.), and the total acreage of all land designated as permanent open space.

C. A general layout of the proposed utilities, sanitary sewer lines, water lines, storm sewer lines, telecommunication lines and their connections into the existing system shall be shown.

D. Location, names, and widths of proposed streets and easements, and location and widths of proposed bikeways and walkways.

E. All parcels of land intended to be dedicated or temporarily reserved for public use, or all parcels of land of which the ownership remains private which are reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitation of such reservation indicated on the preliminary plan. If such land is to be private, a statement of proposed covenants or restrictions for future maintenance shall be furnished, whether on the plat or as a separate recorded instrument.

F. Description of proposed covenants and restrictions.

G. The preliminary plans shall be revised and updated with each submission.

H. The proposed subdivision shall be superimposed on a topographical map, provided by the City, not to exceed 2 foot intervals and all drainage areas influencing or influenced by the subdivision shall be outlined. The drainage area over which the proposed subdivision is located shall be mapped according to the requirements contained within these regulations as well as those mandated by Chapter 154 of the Codified Ordinance.

I. The locations and dimensions of any burial sites of organic debris which results from clearing and construction of the proposed subdivision. For the purposes of these regulations, organic debris includes tree stumps, branches and other organic matter which naturally decomposes. This provision shall not be interpreted to authorize burial or land filling of inorganic debris, including but not limited to: construction debris or other solid wastes, which shall only be disposed of according to the regulations of the Ohio Environmental Protection Agency, or other such authorized agency.

J. A stormwater detention plan including at a minimum: USDA soil types, all necessary curve numbers, drainage areas, critical storm determination and the preliminary storage requirements. A stormwater drainage sketch plan indicating the ability of the development to comply with Chapter 154, Runoff Control and Sediment Abatement.

K. A phasing plan for the subdivision identifying the phases of development with the approximate timing of each phase to assure the proper sequencing of public and private improvements.

### **§155.037 FILING**

The preliminary plan shall be considered officially filed after it is examined by the Planning and Development Department and is found to be complete and in full compliance with the formal provisions of these regulations.

### **§155.038 APPROVAL OF PRELIMINARY PLAN**

The Planning Commission of the City of Beavercreek, Ohio may forward copies of the preliminary plan to such officials, adjacent political subdivisions, and agencies as may be necessary for the purpose of study and recommendation. These shall include, but are not limited to, the City Engineer, the Parks, Recreation and Culture Department, Police Department, Fire Department, the County Sanitary Engineer and the Greene County Combined Health District. After receipt of reports from such officials and agencies, and upon receipt of staff recommendations the Planning Commission shall take action on the preliminary plan within thirty (30) days after it has been officially filed, unless such time limit is extended by mutual agreement between the subdivider and the Planning and Development Director, in writing or unless the application must be tabled to receive additional information. The action of the Planning Commission shall be communicated in writing to the subdivider along with any conditions of approval of the preliminary plan. If the Planning Commission disapproves the preliminary plan it shall be marked as such, the reasons for such disapproval shall be set forth in writing to the

subdivider.

Approval of the preliminary plan shall be conditional upon compliance with all other applicable ordinances and regulations of the City and shall be considered only as an approval of the layout, with the understanding that the City may modify any engineering or construction details proposed by the applicant at the final plan submittal stage whenever required for the protection of the public interest.

### **§155.039 APPROVAL PERIOD**

The Preliminary Plan shall expire if a complete Final Plat application for the first phase is not submitted within two (2) years of Preliminary Plan approval. However, the approval of a Final plat for the first phase of the subdivision shall serve to extend the Preliminary Plan approval period to five (5) years from the date the Final Plat for the first phase is recorded.

Any request from an applicant for an extension of the approval period for a preliminary plan over and beyond that as set forth in the paragraph above, shall be granted only if the Planning Commission determines that such extension is absolutely necessary and it is likely that the project will continue to the final plan. An extension of a preliminary plan, as provided for in this Subsection, shall be for a period not to exceed one (1) year.

## **THE FINAL PLAN**

### **§155.050 FINAL PLAN REQUIRED**

The subdivider, having first received approval of the preliminary plan (see **§155.031** as to whether a preliminary plan is required), shall submit a final plan of the subdivision including all information required in **§155.052**. The final plan shall have incorporated all changes in the preliminary plan required by the Planning Commission. Otherwise it shall conform to the preliminary plan, and it may constitute only that portion of the approved preliminary plan which the subdivider proposed to record and develop at the time. The final plan and the supplementary information shall be prepared by a registered professional engineer or surveyor as appropriate. For the purposes of §155.050-§155.055, a specific site plan approved by the Beavercreek City Council as part of the PUD process outlined in §158.038 or a detailed site plan approved by Beavercreek City Council as part of the ASRA process outlined in §158.076 shall be considered as the preliminary plan.

### **§155.051 FILING**

The final plan shall be filed with the Planning Commission no later than twenty-four (24) months after the date of approval of the preliminary plan. It will be considered void unless an extension is requested by the developer and granted by the Planning Commission for good cause shown.

The final plan shall be filed as established by the official City of Beavercreek cut-off calendar prior to the meeting at which it is to be considered. Officially filed shall mean that a complete application has been submitted along with all required drawings and information as requested by the City.

### **§155.052 APPLICATION FOR FINAL PLAN APPROVAL**

An application for approval of the final subdivision plan shall be submitted on forms provided by the Planning and Development Department no later than the cut-off date for that particular Planning Commission meeting (as established on the City cut-off calendar) and shall include the following:

- A. A properly completed final subdivision application form and fee payment obligation statement, and the required final subdivision application fee.
- B. Copies of the Record Plat, the number of which to be determined by the Planning and Development Department, prepared by a registered engineer or surveyor including all of the information required in sections 155.054 and 155.055 below, as well as a digital format file of the proposed subdivision in AutoCAD or .dxf format (or another format as specified by the City Engineer).
- C. The drawings and standards of improvements shall be a set made up of construction drawings, grading plans, utility plans prepared by a registered professional engineer licensed to practice in the State of Ohio and certified by same.
- D. Copies of profiles and/or cross-sections of streets, sanitary sewers, storm sewers, water

lines, curbs and gutters and all other construction drawings and the estimated construction costs related to the improvements to be constructed in the subdivision. The number of copies shall be determined by the City Engineer.

If the proposed subdivision incorporates open space, retention/detention basins or other private facilities to be owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, at the time of submission of the final plan. The provisions shall include, but are not necessarily limited to, the following:

- A. The homeowners association must be established before any homes are sold;
- B. Membership must be mandatory for each homebuyer and any successive buyer;
- C. The open space restrictions must be permanent, not just for a period of years;
- D. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational or other facilities;
- E. Homeowners must pay their pro-rated share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association;
- F. The association must be able to adjust the assessment to meet changed needs;
- G. The homeowners association shall be recorded prior to or at the same time as the recording of the record plat.
- H. Copies of all drainage calculations and grading drawings shall be submitted with or before the submission of the construction drawings as required by the City Engineer.

### **§155.053 REGULATIONS GOVERNING IMPROVEMENTS**

The following rules apply to subdivision improvements:

- A. The plans shall include typical sections, plan and profile views, construction details and estimates of quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.
- B. Prior to the signing of the record plat by the Director of Planning and the Chairman of the Planning Commission, the subdivider shall have installed the minimum required improvements, or shall have furnished a certified check, performance bond or irrevocable letter of credit in the amount of the estimated construction cost of the approved improvements in a format as approved by the City.
- C. Before the surety is accepted, it shall be approved by the proper administrative officials of the City.
- D. The improvements shall be constructed within a reasonable time as determined by the

City Engineer, but not to exceed two (2) years.

E. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider until final acceptance of the subdivision improvements by the City.

F. The City Engineer may recommend reductions of surety consistent with the completion of a portion of the subdivision improvements prior to final acceptance of the improvements by the City of Beavercreek.

G. Water and sanitary sewer improvements shall be as regulated by the Greene County Sanitary Engineer.

### **§155.054 RECORD PLAT FORM**

The record plat shall be legibly drawn in waterproof ink on Mylar. For purposes of review, the developer shall retain the Mylar and shall submit a number of paper copies, as determined by the Planning and Development Department. The final mylar submitted for signatures shall be drawn at a scale of one hundred (100) feet to the inch or larger (unless otherwise directed by the City), and shall be one or more sheets, 14" x 20" in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. Paper copies of the mylar may be submitted on 11" x 17" paper.

### **§155.055 RECORD PLAT CONTENTS**

The record plat shall contain the following information:

A. Name and Location of the Subdivision. Name of the subdivision, location by section, town, and range, date, north point, scale, acreage to thousandths of acre and deed book and page reference. All replat applications within existing subdivisions shall retain the same name as the original subdivision.

B. Names of Engineer or Surveyor. Name, address, and phone number of the professional engineer or registered surveyor who prepared the plat, and appropriate registration numbers and seals.

C. Boundary Lines. Plat boundaries, based on accurate traverse, with angular and lineal dimensions in measurements to hundredths of a foot and bearings to the second. The basis of the bearings shall be stated. All dimensions, both lineal and angular, shall correspond with a field survey employing such techniques that the most remote point encompassed by the survey shall register in both distance and azimuth to an error ratio or one (1) part in 10,000. Submission shall include the superimposed plat as identified in Section 155.055 (D). All such measurements and calculations shall be performed by, or under the direct supervision of, a registered professional surveyor.

D. Background Drawing. Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn, and shall contain an accurate background drawing of any metes-and-bounds descriptions of the lands of the dedicators from which such plat is drawn.

E. Bearings – Distances. True bearings and distances to nearest established street lines, established survey lines or other recognized permanent monuments.

F. Public Ways. Exact location, right-of-way, and names of all public and private streets within and adjoining the plat; radii, internal angles, points of curvature, tangent bearings, and lengths of arcs of all streets within the plat; and location and width of all bikeways and walkways within and adjoining the plat.

G. Easements. All easements provided for public or private services or utilities described as to purpose.

1. Acknowledgment of the owner or owners to the plat and restrictions, including dedications to public use of all streets, alleys, parks, sanitary sewer and water lines, storm sewers, drainage easements, gas lines, or other open spaces shown thereon and the granting of the required easements, as shall be indicated by the following statement:

“Easements shown on this plat are for the construction, operation, maintenance, repair, replacement, or removal of water lines, gas lines, storm sewer drainage, sanitary sewer, electric, telephone or other utilities or services, and for the express privilege of removing any and all trees or other obstructions to the free use of said utilities and for providing of ingress and egress to the property for said purpose, and are to be maintained as such forever.”

H. Lot Lines and Lot Numbers. All lot numbers, in numerical order, and lines with accurate dimensions in feet and hundredths. Lot lines shall be shown with dimensions in feet and hundredths and with bearings and angles to seconds if other than right angles to street and alley lines. All non-radial lines shall be labeled as such.

I. Monuments. Accurate location and description of all permanent reference monuments and pins.

J. Property Offered for Dedication. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.

K. Deed Restrictions. Any private restrictions and covenants shall be shown on the record plat; including boundaries of each type of use restriction and other private restrictions for each definitely restricted section of the subdivision.

L. Surveyors Certification. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct; that he has fully complied with the requirements of these Regulations and the subdivision laws of the State of Ohio governing surveying, dividing and mapping of the land; and that the plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision of it.

M. Adjoining Subdivisions and Tracts of Land. The names of record of all abutting tracts with their deed book and page reference and the plat book reference of all abutting plats.

N. Jurisdictional Boundaries. Any section lines, corporation limits, township and county lines shall be accurately documented and located on the plat and their names lettered thereon.

O. Water Courses. In the case a subdivision is traversed by a stream or creek, the location of such channel, stream or creek shall be identified on the plat and the appropriate easement width shall be shown as indicated in Section 155.083.

P. Additional Requirements. Any additional statements, certifications, affidavits, studies and information required by the Planning and Development Department, the City Engineer or the Planning Commission shall be provided by the developer.

1. When any application submitted to the City for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the City may need to incur expenses for the services of engineers or other experts to evaluate such technical data. As a condition of the City agreeing to consider any such application, the applicant must agree to reimburse the City pursuant to the then current City policy for reimbursement of such expense. That reimbursement must be received by the City before any such permit, certificate or approval is issued or granted.

### **§155.056 ACTION ON FINAL PLAN BY PLANNING COMMISSION**

After receipt of reports for such officials and agencies and upon receipt of staff recommendations, the Planning Commission shall take action on the final plan within thirty (30) days after it has been officially filed, unless such time limit is extended by mutual agreement between the subdivider and the Planning and Development Director, in writing, or unless the application must be tabled to receive additional information or due to forces outside of the control of the City. Failure of the Planning Commission to act upon the final plan within thirty (30) days (except where such time limit is extended by mutual agreement between the subdivider and the Planning and Development Director, in writing) shall be deemed as approval of the plan. The approval or the refusal to approve by the Planning Commission shall be endorsed on the record plat. If the plan is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission, and a copy shall be forwarded to the subdivider. The approval of the final plan by the Planning Commission as provided for above shall not be deemed to constitute or affect an acceptance by the City of Beavercreek of the subdivision improvements covered by such plat.

All final subdivisions approved following the passage of Ordinance 22-17, shall expire five years after the date of Planning Commission approval of the plan. If any section of the final subdivision is recorded with the County, the five year deadline is extended to the date the last section was recorded.

**§155.057 RELEASE OF RECORD PLAN FOR RECORDING**

- A. Prior to the release of the record plat, the following information shall be supplied in addition to the requirements in Section 155.055.
- B. If the developer has installed any or all improvements, certification will be required at the time of release of the record plat for recording guaranteeing that all required improvements have been installed. A maintenance bond may be required at the discretion of the City Engineer.
- C. If no improvements have been installed, the submission of a performance bond or other surety shall be furnished assuring installation and initial maintenance of the required improvements.
- D. Every submission shall be reviewed and shall conform to the standards set forth in Chapter 154 of the Codified Ordinances. Each submission must be accompanied by the applicant's site development planning information for the proposed development. No work may begin, nor shall the record plat be recorded prior to the City Engineer approval of the storm runoff and soil erosion control plan for the site.

E. Where applicable, a homeowners association shall be established for the purpose of permanently maintaining all private open space, private streets, recreational and drainage facilities within the established subdivision as appropriate. Such homeowner's association agreements, guaranteeing the continual maintenance of said facilities, shall be submitted to the Planning and Development Department for review and approval by the City Attorney prior the release of the record plat of the subdivision.

**§155.058 TRANSMITTAL OF COPIES FOR RECORDING**

When the final plan has been approved by the Planning Commission, the developer must submit one (1) reproducible tracing which shall be made of Mylar. When all conditions have been met by the developer, all required documents have been signed, the surety is deposited with the City, all fees have been paid, and the plat has been signed by the Planning and Development Director and the Chair of the Planning Commission, then the original tracing shall be returned to the subdivider. The developer shall record the record plat in the office of the Recorder of Greene County, Ohio within sixty (60) days after the date on which the plat has been signed by the Planning and Development Director; otherwise the plan shall be considered void.

The signing of the record plat by the Planning and Development Director and the chair of the Planning Commission constitutes acceptance of dedication of land for public right-of-way and acceptance of easements shown in the plat, but does not constitute acceptance of the improvements.

**§155.059 RESERVED.**

**§155.060 LOT SPLIT**

The Planning and Development Director, or their designee, may approve lot splits on behalf of the Planning Commission if the proposed division of a parcel of land meets all of the following conditions:

- A. The split is transferred to and consolidated with an adjacent property owner.
- B. The split does not create an additional buildable lot.
- C. All applicable zoning requirements are met.

If the lot splits meet the requirements above, the authorized representative of the Planning Commission shall, within seven (7) working days after submission, approve such proposed division and, upon presentation of a conveyance for said parcel and properly prepared survey sheet of property, shall stamp, "No Plat Required, City of Beavercreek," and the authorized representative of the Planning Commission shall sign the conveyance.

**§155.061 LOT SPLIT SUBMITTAL REQUIREMENTS**

- A. If a lot split is located within an existing subdivision, submit the record plat as required in Section 155.055.
- B. If the split is not located within a subdivision:
  1. Submit a survey sheet on a Greene County Surveyors Record containing or identifying the following:
    - a. Registration number, seal, and signature of qualified surveyor
    - b. Iron pins placed on all corners, and identified by circles
    - c. Scale and north point
    - d. General location by vicinity sketch
    - e. Name of grantor and grantee
    - f. Location by section, town, and range
  2. Submit a written legal description.
  3. Follow the County requirements for all instruments of conveyance in Greene County.

**§155.062 ADMINISTRATIVE APPROVAL OF REPLATS FOR LOT COMBINATIONS**

The authorized representative of the Planning Commission, which is the Planning and Development Director or their designee, is granted authority to process and approve, on behalf of the Planning Commission, replats where no additional buildable lots are created subject to the following:

- A. Administrative approval shall only be granted for recombination of land and consolidation of lots.
- B. In no case shall administrative approval be given where additional building lots would be created.
- C. Review and approval by appropriate agencies shall be conducted and the proposed replat shall be in conformance with all other appropriate sections of this regulation.
- D. The authorized representative of the Planning Commission shall sign the replat on behalf of the Planning Commission.

## **SUBDIVISION DESIGN STANDARDS**

### **§155.070 GENERAL**

This Section shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, and provisions of space for public purposes. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall insure that all of the requirements of this Section are met.

The Planning Commission shall consult with the appropriate City staff to insure that all of the Design Standards are met within any subdivision development.

### **§155.071 CONFORMITY TO DEVELOPMENT PLANS AND ZONING**

The arrangement, character, width, and location of all thoroughfares or extensions thereof shall conform with the City's Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning Commission based upon the design standards set forth in this Section. In addition, no record plat of land shall be approved unless it conforms with the zoning requirements.

A. Proposed streets shall be designated as local, collector, or arterial. The design shall be based upon these designations in adapting the proposed streets to the existing terrain and soils.

B. The standards of the American Association of the State Highway and Transportation Officials (AASHTO), as published in the latest edition of A Policy on Geometric Design of Highways and Streets; A Policy on Design Standards for Stopping Sight Distances; and subsequent publications modifying those standards by AASHTO, in effect at the time of final plat submission, shall govern the design of subdivision streets. The "Desirable Sight Distance Values" will govern in all but the most unusual instances, and any lesser values must be approved by the City Engineer before the preliminary design plan is approved.

C. The City of Beavercreek Construction Standards, current edition, shall be followed.

### **§155.072 SUITABILITY OF LAND**

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, inadequate water supply, and/or inadequate wastewater treatment facilities, access to a public roadway (or private roadway built to public standards), and other such conditions which may endanger health, life, or property and if, from the investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the subdivision proposed, the Planning Commission shall not approve the land for that purpose unless adequate methods are

advanced by the subdivider for solving the problems that will be created by the development of the land.

### **§155.073 STREET DESIGN**

The arrangement, alignment, character, width, grade, construction, and location of all streets shall conform to the Official Thoroughfare Plan for the City and the City of Beavercreek Construction Standards, or subsequent amendments thereto in effect at the time of final plat submission, and shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. Where deemed necessary by the City, traffic calming improvements may be required to maintain traveling safety, as specified by the City of Beavercreek Construction Standards. The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for widening, continuance, or alignment of such streets in conformity with the Official Thoroughfare Plan and the City of Beavercreek Construction Standards.

### **§155.074 STREET NAMES**

Names of new streets shall not duplicate those of existing or platted streets, irrespective of the use of the suffix street, avenue, circle, boulevard, drive, etc., and shall be displayed at each street intersection with street signs of the type established by the City. When a new street is a direct extension of an existing street, the name shall remain the same. All signs shall be double-faced, and shall be so erected as to be legible from any direction. Color shall conform to City requirements. Street names shall be subject to the approval of the Planning Commission with the recommendation of the City Engineer.

### **§155.075 OFFICIAL THOROUGHFARE DESIGN STANDARDS**

A. The design standards of and the required improvements to arterial streets and roads as shown on the Official Thoroughfare Plan or as directed by the City Engineer. Improvements may include but shall not be limited to deceleration and acceleration lanes and turning lanes. Certain improvements may be waived upon recommendation of the City Engineer after review and approval by the Planning Commission. In all cases right-of-way dedications shall be required.

B. The subdivider shall be responsible for all required improvements.

C. When developing along one side of an existing street or roadway which is included in the Official Thoroughfare Plan, the subdivider shall be responsible for one curb, pavement widening to thoroughfare width of his side and all necessary adjustments to existing pavement, and storm drainage for the street in accordance with the agreement with the City Engineer.

1. Where sight distances or other engineering requirements make it imperative, the pavement adjustment responsibility shall include the replacement of up to the entire existing pavement, in accordance with an agreement with the City Engineer.

**§155.076 VERTICAL ALIGNMENT**

Whenever the developer changes the grade of an existing street outside the limits of the development and the grade change requires adjustment to meet existing improvements (streets, driveways, walks, etc.) such adjustments as are required will be the responsibility of the developer in accordance with an agreement with the City Engineer. Vertical alignment shall be as specified in the City of Beavercreek Construction Standards.

**§155.077 INTERSECTION DESIGN STANDARDS**

A. The design and improvement standards for intersections are minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in City standards.

B. Multiple intersections involving junctions or more than two (2) streets shall not be permitted.

C. Individual grades for each curb shall be provided on a stop street when the grade on the through street exceeds that which is specified in the City of Beavercreek Construction Standards.

D. Low points which would result in water ponding or poor visibility shall not be permitted.

E. Curb ramps will be provided according to ODOT standards.

**§155.078 SPECIAL STREET TYPES**

The following requirements shall apply to special types:

A. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan. Where a street is temporarily dead-ended at a property line, and its length is in excess of one lot, a curbed, paved temporary turnaround may be required. Additional temporary easements will be provided where necessary.

B. New developments shall extend and connect to stub streets in adjacent subdivisions unless otherwise directed by the City Engineer and/or Official Thoroughfare Plan and the Planning Commission. Stub streets shall be designed and constructed to be continued upon the development of adjacent properties or parcels.

C. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require frontage streets or reverse frontage lots with a landscape buffer as determined by the Planning Commission contained in a non-access reservation along the rear property line, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no direct vehicular access from residential lots to such arterial streets or highways.

D. Multi-family projects having more than one hundred 100 dwelling units shall be equipped

throughout with two separate and approved fire apparatus access roads, except where exempted by the current edition of the Ohio Fire Code.

E. One, two and three family projects where the number of dwelling units exceed 30, shall be provided with a minimum of two separate and approved fire apparatus access roads, except where exempted by the current edition of the Ohio Fire Code.

- a. When a subdivision or project will contain multiple sections, in no case can there be a section, or combination of multiple sections with more than 30 dwelling units constructed without a separate and approved access road constructed beforehand.

### **§155.079 SIDEWALKS AND WALKWAYS**

A. Sidewalks shall be required on both sides of streets in all subdivisions. The Planning Commission may approve the location of sidewalks in public access easements outside the right-of-way in the interest of protecting natural topography or other features.

B. Walkways may be required in an easement for pedestrian travel through or across any portion of a block at the discretion of the Planning Commission.

C. Sidewalks shall be constructed in accordance with the requirements in the City of Beavercreek Construction Standards and with the American Disabilities Act (ADA).

D. With the approval of the Planning Commission, the material may be of a type other than shown on the Standard Drawings if the sidewalks are not in the public roadway right-of-way.

E. Where sidewalks are constructed, curb ramps will be provided at intersections according to ODOT standard drawings.

### **§155.080 BICYCLE FACILITIES**

A. Bikeways and/or related improvements shall be installed as per the direction of the Beavercreek Thoroughfare Plan, or at the discretion of the Planning Commission.

B. New subdivisions shall be required to provide at least one bikeway or walkway connection to adjacent subdivisions, unless specifically waived by the Planning Commission.

### **§155.081 BLOCKS**

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

A. The arrangement of blocks shall be such as to conform to the street planning criteria set forth in this Section and they shall be arranged to take into consideration the natural features of the site, to accommodate lots, and to provide for the required community facilities and/or improvements.

B. No block shall be longer than thirteen hundred (1,300) feet.

### **§155.082 LOTS**

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

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites for their intended use.
- B. All lots shall conform to or exceed the requirements of the zoning district in which they are located.
- C. Each lot shall front on a dedicated street or a private street developed to City or County standards.
  - a. Planning Commission may, at its discretion, allow permanently recorded access easements to supplement or replace a dedicated street or a private street developed to City or County standards, if it is determined such action is in the best interest of the City and surrounding properties.
- D. Flag lots shall not be permitted unless specifically approved by the Planning Commission.
- E. All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule would provide a better layout.
- F. Lots with double frontage shall be avoided except where the Planning Commission determines that it is essential to provide separation of residential development from arterial streets.
- G. The maximum depth of a lot shall not be greater than three (3) times the width of the lot except as otherwise required by the Planning Commission.

### **§155.083 EASEMENTS**

- A. Public utility easements shall be provided as requested by the appropriate agency. The City reserves the right to require modification to the request of the utility agency for practical difficulties.
- B. The subdivider shall provide easements to the City for storm drainage purposes which conform substantially with the lines of any natural watercourses, channels, streams, or creeks which traverse the subdivision or for any new channel which is established to substitute for a natural watercourse, channel, stream or creek. Such easements shall be of a width which will provide for the maintenance needs of the channel and incidental structures as determined by the City Engineer.

### **§155.084 UTILITIES**

In all subdivisions, both main and service connections of electric, gas, water, telephone, television

cable lines, telecommunication facilities, and other utilities serving residential units shall be buried underground in accordance with the specifications and standards as established by the appropriate utility company. All conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services.

### **§155.085 PHYSICAL CONSIDERATIONS**

Subdivisions should be planned to take advantage of the topography of the land, to minimize destruction of trees and topsoil and to preserve such natural features as watercourses, unusual rock formations, large trees, sites of historical significance and other assets which, if preserved, will enhance the quality of life for the residents of the subdivision and the community.

### **§155.086 FLOOD PLAIN AND WETLANDS**

A. If the subdivision is located within any area subject to periodic flooding or within a regulatory floodplain, the Planning Commission may approve the subdivision provided the developer's plans meet the requirements of the City's Flood Damage Prevention Ordinance #22-06 with amendments thereto and agrees to perform such improvements as will render the area substantially safe for residential, commercial, or industrial uses.

B. If a stream flows through, or adjacent to the proposed subdivision, the plat shall provide for a storm water easement along the stream as determined by the City Engineer.

C. Wetland areas shall be preserved as undeveloped open space to the extent consistent with reasonable utilization of land, and in accordance with applicable local, state and federal regulations.

### **§155.087 DEDICATION OF PARKS AND OPEN SPACE**

A. Findings and Statement of Policy. It is hereby found and determined by the City, as established in the City of Beavercreek Parks, Recreation and Culture Master Plan, that the public health, safety and welfare requires that at least twelve and a half (12.5) acres of land for each 1,000 persons residing within the City of Beavercreek, which shall be increased to 15 acres of land for each 1,000 persons two years after the passage of Ordinance 22-17 be devoted to neighborhood and community park and recreational facilities, and the same is hereby established as the parkland standard for all purposes of this section.

B. Provision for Park and Recreational Facilities. Every developer who files with the Planning Commission any application for residential development of land within the City shall dedicate a portion of such land and/or pay a fee-in-lieu of land dedication, as set forth in this section, for the purpose of providing park and recreation facilities to serve primarily future residents of the proposed subdivision.

C. Consistency with the City plans, policies and programs. All land dedications and/or fees-in-lieu of dedication required by this section shall substantially conform to the official City of Beavercreek Parks, Recreation and Culture Master Plan and other applicable City plans, policies

and programs; where discrepancies exist, the determination of the Parks Director and Planning and Development Director shall govern.

**D. Choice of land dedication or fee-in-lieu.**

1. **Planning Commission determination.** Upon the advice of the Parks, Recreation and Culture Board, Parks Director and Planning and Development Director, the Planning Commission shall determine whether the developer shall dedicate land, pay a fee-in-lieu of dedication, or provide a combination of dedication and fee payment.

2. **Procedure.** In making the determination referred to in subsection one above, the following procedure shall apply.

a. At the time of official submission of the initial development plan for the property, the developer shall submit the plan to the Parks, Recreation and Culture Board for preliminary feedback.

b. At the time of filing the initial development plan for the property (specific site plan, detailed site plan, or preliminary subdivision plan, whichever is earlier), the developer shall, as a part of such filing, indicate whether the requirements of this section will be met by land dedication, fees in-lieu-of dedication, or a combination thereof. If the developer intends to dedicate land, such land shall be indicated on the development plan.

c. Planning Commission determination regarding land dedication, fees, or a combination thereof, shall be made during the review of the initial development plan for the property. Insofar as practicable, the determination of the Planning Commission shall be compatible with the Parks, Recreation and Culture Master Plan.

3. **Criteria.** In making the determination referred to in subsection (1) above, the following criteria shall be considered:

a. Suitability of soils and geology for the proposed use;

b. Suitability of topography and drainage for the proposed use, with no more than forty percent (40%) of the dedicated land comprised of environmentally sensitive areas and no more than fifty percent (50%) of the dry ground exceeding three percent (3%) grade or the remaining dry ground exceeding five percent (5%) grade, unless the Planning Commission determines that such areas would be of unique natural or environmental value for future subdivision residents;

c. Location and impact of federally-designated floodways and floodway fringe areas relative to the proposed use;

d. Extent of natural vegetation and tree cover, with priority given to the preservation of wooded areas and other natural features of scenic beauty which will add attractiveness and value to the dedicated land;

e. The adequacy of the location of the dedicated land within the subdivision relative to its centrality and proximity to residents;

f. The adequacy of the configuration of each proposed area, with preference given to one contiguous parcel sufficiently geometric to be usable for active and/or passive recreational pursuits; and

g. The degree and quality of vehicular and non-vehicular access provided to the public and for maintenance purposes.

4. Minimum dedication. A fee-in-lieu of dedication shall be paid, and no dedication of land shall be required, in the event the amount of dedication required by this section would comprise less than one acre, except in the event the land so dedicated could be added to the adjoining, contiguous land area of an existing park or recreational facility.

5. Quality of land to be dedicated. A fee-in-lieu-of land dedication shall be paid when the Planning Commission, upon the advice of the Parks, Recreation and Culture Board, determines no land shall be required to be dedicated and/or the land proposed to be dedicated to be unsuitable in location, topography, environmental characteristics and/or development potential as related to the intended use.

#### E. Dedication of land

1. Intent. The primary intent of this subsection is to provide land to serve local or neighborhood recreational needs, including but not limited to facilities such as tot lots, play lots, playgrounds, neighborhood parks, playfields, community parks, and other specialized recreational facilities which may serve citizens of all ages.

2. Amount of land to be dedicated. The amount of land to be dedicated by a developer pursuant to this section shall be determined by the following formula:

a. The maximum number of dwelling units permitted by the zoning approval; multiplied by:

1. The average number of residents per relevant dwelling unit type (single-family, multi-family, mobile home) within the City as determined by the most recent available American Community Survey published by the US Census Bureau ; multiplied by,

2. Twelve and half thousandths of an acre (.0125 acre) per person, which shall be increased to Fifteen thousandths of an acre (.015 acre) per person two years after passage of Ordinance 22-17.

3. Consideration of demographic study. In the event such figures are disputed, a developer or subdivider may submit a demographic study, conducted at their expense, showing the estimated population to be generated from the subdivision for consideration by the Planning

Commission, which may choose to reduce estimated population at their discretion.

4. Location of land to be dedicated. Upon the advice of the Parks, Recreation and Culture Board and/or Parks Director, the Planning Commission shall determine the final location of the park land to be dedicated. The park shall be located to primarily benefit the future residents of the subdivision.

5. Procedure. Dedication of park land shall occur at the final subdivision approval stage or as may be otherwise required by the Planning Commission. The dedication of land required by this subsection shall be by a general warranty deed conveying to the City and its successors and assigns, good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances, including any property taxes owned at the time of dedication. This general warranty deed for dedicated public park land, as well as any covenants for private park or recreational facilities, shall be executed and delivered to the County Recorder together with the final subdivision plat. The form of all deeds and dedication of land to the City pursuant to this subsection shall be approved by the City Attorney. Subdivision plats shall show dedication of land for park uses at approved locations. All land to be dedicated to the City for park purposes shall be shown on the plat as dedicated to Beavercreek, Ohio for park and recreation purposes.

6. Adverse effects of development; reclamation. Following approval of any plan which designates land for dedication as required by this section, the existing vegetation, topography, features of historic value, stream courses, soil, rock strata and other natural features shall not be altered or their condition adversely affected in any way except as directed in this subsection or as directed by the Planning Commission. If, in the opinion of the Planning Commission after consultation with the Parks, Recreation and Culture Board, any portion of land proposed for dedication has been, or will be, adversely affected by the operations of a developer and such land or portion thereof will require reclamation in order to render it suitable as a park or recreational facility, the Planning Commission may require the developer to furnish a plan for such reclamation. After approval of such plan by the City, the developer shall implement such reclamation plan within one year of final plat approval. Required reclamation shall be included in the developer's performance bond to ensure implementation.

7. Required improvements. Whenever land is dedicated, the developer shall provide the following improvements:

- a. Site grading necessary for the conveyance and disposal of stormwater generated within or flowing through the park land;
- b. Seeding of the park land utilizing an athletic field mixture as specified by the Parks Board.
- c. Fencing as specified by the Parks Board;
- d. Full street improvements and utility connections within the adjoining public rights-of-way including, but not limited to, street paving, sidewalks, curbs and gutters, street trees

and traffic control devices; and

e. Any other public improvements which the City determines are necessary in order to make the dedicated park land suitable for development as a park facility.

F. Fee-in-lieu of dedication. In the event a developer is required to pay a fee- in-lieu of land dedication, as outlined in subsection (E) above, the following provisions shall apply:

1. Amount of fee. The amount of the fee shall equal the amount of park land required to be dedicated under subsection (E) multiplied by the Fair Market Value, less any credit allowed by subsection (G).

2. Determination of Fair Market Value. Fair Market Value shall equal the average value per acre of all land in the development in its raw, undeveloped state during the current year. The Fair Market Value shall be based upon an appraisal of the land value of the entire gross acreage of the development. Such appraisal shall be prepared by a certified appraiser selected and paid for by the developer and who is acceptable in advance of said appraisal to the Planning and Development Director.

3. Use and deposit of fees. The developer shall deposit all required fees with the Planning and Development Department before the City will release the subdivision plat for recording. Said fees shall be in cash form or surety bond assuring future performance. All fees collected pursuant to this subsection shall be deposited in the Parks and Recreation Capital Improvement Fund, to be used solely for the acquisition, development and improvement of park and recreational facilities.

G. Exemptions. The following types of development shall be exempt from the land dedication and fee requirements of this section:

1. Non-residential developments.

2. Condominium or cooperative projects which consist of the subdivision of airspace in an existing apartment building when no new dwelling units are added.

H. Adjustments. Notwithstanding any provision of this section to the contrary, the Planning Commission may in cases of an unusual or exceptional nature allow for adjustments in the land dedication and fee requirements when it has been sufficiently shown that the needs of a development sufficiently justify such an adjustment.

I. Effective period. The land dedication and/or payment of fees required by this section shall be conveyed to the City prior to final subdivision plat approval and recording. No zoning permit shall be issued for the development unless and until the plat is recorded and this dedication or payment is conveyed.

**REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS****§155.101 BOND FOR INSTALLATION OF IMPROVEMENTS**

**A. GENERAL.** In order to ensure that the construction and installation of all required improvements are constructed to the City's specifications and standards, the subdivider shall enter into a subdivider's agreement, development agreement or PUD agreement, as required by the City Engineer, with the City and furnish a bond executed by a surety company or certified check, or irrevocable letter of credit equal to the cost of construction of such improvements as shown on plans and based on an itemized estimate of the construction costs prepared by the engineer of the developer, and subject to final approval of the City Engineer or County Sanitary Engineer as applicable. Bond and Letter of Credit shall be on forms which contain language as supplied by the City of Beavercreek. Sanitary sewer and water installation shall be bonded and posted according to the Greene County Sanitary Engineering Department.

**B. CONDITIONS.** Before the subdivision plan is given final approval and the record plat released by the City for recording, the developer shall have executed a surety with the City covering the estimated cost of required improvements. Bonds shall be posted in the office of the Planning and Development Department.

The surety shall run to the City of Beavercreek for a period of two (2) years from date of execution, and shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of these and other pertinent regulations, and will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Before said surety is accepted it shall be approved by the proper administrative officials.

**C. EXPIRATION OF LETTER OF CREDIT.** The financial institution issuing the letter of credit shall provide written notice of the upcoming expiration to the City of Beavercreek Planning and Development Department no later than thirty (30) days and no sooner than sixty (60) days prior to the indicated date of expiration in the letter of credit. Such expiration notice shall be served to the Planning and Development Department by hand delivery or by U.S. mail, return receipt requested. In the event of failure to provide the City of Beavercreek with timely advance written notice, the expiration date of the letter of credit shall be extended thirty (30) days after the date of any late written notice to the City.

**D. COMPLETION OF WORK AND REDUCTION OF SURETY.** As required improvements are completed, the City may agree to, reduce the amount of the performance bond, cash deposit, or irrevocable letter of credit, in an amount equal to the amount of construction completed upon request by the developer. In no event shall more than 90% of the bond, cash deposit, or letter of credit be released until all construction, installation, and improvements required by the subdivider's contract have been completed and approved by the respective governmental authorities.

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

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

1. The inspections for street and storm drainage shall be as prescribed by the City Construction Standards and as follows:

- a. Clearing and grubbing
- b. Street coring operations
- c. Installation of sediment abatement and erosion controls
- d. Storm sewer and culvert installation
- e. Construction of manholes and catch basins
- f. Inspection of sidewalk and curb and gutter forms prior to placing concrete
- g. Placing of concrete for curb and gutter and sidewalks when appropriate
- h. Placing of each lift of base
- i. During each phase of road surfacing operation
- j. Erecting road name signs

2. Inspections for sanitary sewer and/or water shall be as prescribed by the Rules and Regulations - Construction Specifications of the Greene County Sanitary Engineering Department.

3. The absence of an inspector from the site during construction shall not relieve the subdivider from full responsibility under this agreement.

F. RELEASE OF SURETY. When the required improvements have been completed, the developer shall notify the City Engineer of his desire for final inspection. Upon certification of acceptable completion of the installation of the required improvements by the City Engineer, the City Engineering Department shall issue a letter to the Planning and Development Department recommending release of the surety. The Planning and Development Director shall issue a letter to the subdivider or his agent and such letter shall be sufficient evidence of the release by the City. The performance bond shall not be released until a maintenance bond has been accepted by the City.

G. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS. The improvements for which the performance bond, cash deposit, or irrevocable letter of credit has been posted shall be

deemed accepted, when the Planning and Development Department releases said bond, unless otherwise stipulated.

H. The final surface of any future public roadway shall not be applied unless at least seventy-five (75) percent of the lots in the subdivision have been built or three years in time have passed since the installation of the first course of asphalt, whichever occurs first. A longer period of time may be required for the posting of a maintenance bond if required by the City to assure proper maintenance of the facilities. The developer shall be responsible for all maintenance (including snow removal) and repair of all facilities until accepted by the City.

I. Whenever public improvements have not been constructed in accordance with the agreement and with standards as established, the City may exercise the right of foreclosure under the performance bond, cash deposit, or irrevocable letter of credit.

If in the opinion of the inspector, installations are improper or inadequate the City shall issue a stop work order. The developer may appeal the inspector's findings to the City Engineer within forty-eight (48) hours. Failure to comply with the inspector, or City Engineers directive, will be deemed a violation of this Code.

### **§155.102 CONSTRUCTION PROCEDURE AND MATERIALS**

The subdivider shall design and construct improvements at a minimum according to the standards outlined in these and other pertinent regulations. The work shall be done under City supervision

A. The minimum requirements for materials and installation procedures for roadway and drainage facilities shall be in compliance with the State of Ohio Department of Transportation Construction and Material Specifications (ODOT-CMS), current edition, and the City of Beavercreek Subdivision Construction Standards, current edition, unless superceded in these regulations. All references to ODOT personnel and Departments in the ODOT-CMS shall refer to the City Engineer and the Department of Public Works. In the event of a conflict in the requirements of the ODOT- CMS and the City of Beavercreek Subdivision Regulations, the requirements of the City of Beavercreek Subdivision Regulations shall govern.

B. The minimum requirements for materials and installation procedures for sanitary sewers and water lines shall be in compliance with the Rules and Regulations - Construction Specifications of the Greene County Sanitary Engineering Department.

### **§155.103 SURVEY MONUMENTS**

A complete survey shall be made by a registered surveyor.

The traverse of the exterior boundaries of the tract and of each block, when computed from field measurements of the ground, shall close within a limit of error of one foot to ten thousand (10,000) feet of the perimeter before balancing the survey.

Permanent reference monuments shall be located and placed within the subdivision. The number and location of permanent reference monuments shall be determined in consultation with the City Engineer and their location noted on the record plan. These monuments shall be placed immediately after final grading of lots is completed and the cost of the monuments will be included in the cost of improvements. There shall be no release of performance bond until after monuments have been placed.

A solid iron pin monument, topped with a plastic cap bearing the surveyors name and registration number , shall be placed by the surveyor at all points on boundary lines where there is a change of direction and at all lot corners before the performance bond is released by the City. Prior to bond release a surveyor's certified statement shall be filed with the City Engineer attesting that all required monuments and iron pins are in place. Iron pins and monuments shall be flagged.

Prior to the placement of solid iron pin monuments each corner of a lot abutting a proposed public street will be indicated by clearly identifiable lot markers with lot numbers on the appropriate side of the markers. Markers or marks may be removed when pins are placed.

#### **§155.104 CONSTRUCTION DRAWINGS**

Complete drawings, plans and profiles, signed and approved by a registered engineer, shall be made for all new streets and other improvements to be constructed in any subdivision subject to these regulations. Submission of plans shall be as stipulated in section 155.051.

The drawings, plan and profile shall be on 24" x 36" plan-profile drawing at a scale approved by the City Engineer and/or Sanitary Engineer. Plans and profiles shall show all necessary data in sufficient detail for the complete construction of all work and improvements to be made in the subdivision.

All grade elevations shall be based on U.S.G.S. datum or shall be referenced to said datum.

All plans and profiles shall show and include the following items:

#### **GENERAL PLAN**

- A. All proposed lots, streets and curbs etc.
- B. Existing pavements, head-walls, piers, etc.
- C. Typical street and curb sections
- D. Construction notes
- E. Structural details
- F. North arrow (preferably up or to the right)
- G. Street names
- H. Centerline stations (south to north and east to west where possible)
- I. Easements for utilities and storm drainage
- J. Pavement and right-of-way widths
- K. Lot numbers and dimensions
- L. Curb radius at intersections

- M. Curve data; Station of PC, PT, PCC
- N. Sheet reference
- O. Plat section lines, boundary lines and stations
- P. Size and location of water, sanitary and, storm utilities
- Q. Erosion and sediment control plan

**PROFILE**

- A. Existing centerline and proposed centerline profile;
- B. Centerline stations;
- C. Centerline elevations at minimum 50 foot stations;
- D. Profile of all water, sanitary, and storm sewers;
- E. Stations and center line elevations of intersection streets;
- F. “Centerline elevations” at upper left hand corner of profile grid;
- G. Title block in lower right hand corner.

**STORM SEWER****PLAN**

- A. Proposed storm sewers, manholes, laterals, catch basins, headwalls etc.
- B. Each span length and pipe size, material, bedding, and grade
- C. Station of low points grade

**PROFILE**

- A. Length, size, grade, slope
- B. Storm sewer manholes, junction boxes, and centerline of streets and stations for each
- C. Invert Elevations of all pipe at manholes, headwall, junction boxes, etc., except laterals to catch basins
- D. Elevations on top of manhole or catch basin, when not in paved street or when in vertical curve of portion of street

**DETENTION/RETENTION BASINS**

All storm water detention plans for proposed developments shall conform to the requirements of §154, Runoff Control and Sediment Abatement, of the City of Beavercreek Codified Ordinances and the City of Beavercreek Subdivision Construction Standards Manual, current edition.

**SANITARY SEWER AND WATER**

As prescribed by the rules and regulations and construction specifications of the Greene County Sanitary Engineer.

**FINAL GRADING, DRAINAGE AND TREE PRESERVATION PLANS**

Grading plans shall comply with Chapter 154, Runoff Control and Sediment Abatement, and shall be based on the preservation of topography and natural features - not on balancing the site and minimizing development costs - by meeting the following minimum requirements.

- A. Direct water away from buildings;
- B. Prevent standing water and soil saturation detrimental to structures and lot uses;
- C. Provide for disposal of water from the lot;
- D. Preserve such desirable lot features that do not interfere with the proper drainage of the lot or the desired use of the lot;
- E. Provide grades for safe and convenient access to the lot;
- F. Protect adjacent properties from excessive water drainage.
- G. All drainage swales shall have adequate width and depth to carry the anticipated runoff and shall be located within a drainage easement.
- H. Lots shall be shown to finished grade. Upon completion of a building upon the lot, finish grades shall conform to those on approved final grading and drainage plan. Prior to building, all lots shall be rough graded to accomplish the intent and purpose of said approved plan.
- I. Where determined necessary, storm drainage from impervious surfaces and lots shall be tapped into the nearest catch basin, inlet or manhole.
- J. Steepest maximum slope shall be 3:1 unless otherwise approved by the City Engineer.
- K. Identify the location, species, and health of all trees six (6) inches or more in diameter, measured at four feet above the base of the tree.

### **§155.105 ARTERIAL AND COLLECTOR STREET STANDARDS**

At the discretion of the City Engineer, the developer may be required to perform soils tests and design the street to AASHTO specs. Street construction design is based upon the California Bearing Ratio (CBR) value of the soil subgrade.

### **§155.106 WATER SUPPLY IMPROVEMENTS**

The City shall require and the subdivider or developer shall construct a system of water mains and appurtenances and shall connect them to an existing public water supply and provide a connection for each lot.

**§155.107 FIRE PROTECTION**

Fire hydrants conforming to the materials and installation standards of the Greene County Sanitary Engineering Department with two and one half (2-1/2) inch diameter hose connections and a five (5) inch stortz pumping connection shall be provided by the subdivider. The hydrants shall be located at common property lines and behind curbs with the pumper connection facing and the hose connection parallel to the street. Hydrants shall be placed at each street intersection and at mid-block for blocks under one thousand (1000) feet in length, but over five hundred (500), and as otherwise recommended by the National Fire Protection Association but in no case shall hydrants be spaced more than five hundred (500) feet apart in residential subdivisions. Additional fire hydrants may be required in accordance with the current edition of the Ohio Fire Code, or may be required by the fire department to accommodate specific fire protection needs.

The type of hydrant and control valves and the location of the hydrant shall be approved by the Sanitary Engineer and the Beavercreek Fire Department. The minimum size of any water line serving any hydrant shall not be less than six (6) inches in diameter and shall be circulating water lines, for low density residential development, or less than eight (8) inches in diameter and circulating waterlines for medium and high density residential developments. Non-circulating (dead end) water lines, greater than 300 feet in length, shall not be less than eight (8) inches in diameter.

For commercial and industrial subdivisions, the size and location of water lines shall be approved by the Sanitary Engineer and the Beavercreek Fire Department. The minimum size of water lines serving industrial and commercial subdivisions shall be eight (8) inches in diameter and circulating. Fire hydrants in commercial and industrial subdivisions shall be spaced every 300 feet along apparatus travel routes, and within 400 feet of all building access points used for fire suppression.

**§155.108 SANITARY SEWER IMPROVEMENTS**

Public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and Greene County Sanitary Engineer standards. Combinations of sanitary sewers and storm sewers shall be prohibited.

**§155.109 ELECTRIC, GAS, AND TELEPHONE IMPROVEMENTS**

A. Electric service and telephone service shall be provided within each subdivision. Natural gas and telecommunications service should be provided where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. All pipes, conduits and cables shall be required to be constructed underground.

B. The width of the easement for each lot shall not be less than five (5) feet and the total easement width shall not be less than ten (10) feet, or as required by the electric service, gas service, telephone service, and/or telecommunications service provider.

**§155.110 OVER-SIZE AND OFF-SITE IMPROVEMENTS**

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed over-size for future expansion with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer and/or County Sanitary Engineer. Off-site improvements may be required to handle the impacts of new development.

**§155.111 COST OF OVER-SIZE IMPROVEMENTS**

When oversize improvements are necessary for streets, the City may consider participating in paying for the cost of these improvements.

The subdivider shall be required to pay for all other over-size improvements that pertain to sanitary sewers and water lines and storm drainage requirements inherent to the plat and shall not be required to pay for oversize sanitary sewer and/or water line improvements where such oversizing has been required for conformance with conceptual Sanitary Sewer and Water Master Plan for Greene County.

**§155.112 CURB CUTS**

Where sidewalks are constructed, curb ramps will be provided at intersections according to the City's construction standards.

**§155.113 EXTENSIONS TO BOUNDARIES**

The subdivider shall be required to extend the necessary improvements and utilities to the boundary of the proposed subdivision to serve adjoining unsubdivided land as determined by the City.

**§155.114 OFF-SITE EXTENSIONS**

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

**§155.115 STREET LIGHTING**

A. The developer of any residential subdivision shall install street lighting fixtures in accordance with the City's construction standards and utility company requirements, unless waived by the Planning Commission.

B. Street lighting fixtures shall be required at all intersections of the arterial streets, two

collector streets, and an arterial and collector street. Fixtures may be required at other locations with potential vehicular and non- vehicular conflicts, as determined by the City Engineer.

C. The developer shall submit a street lighting plan as part of the subdivision application.

D. The developer shall pay all costs of construction and installation for all street lighting.

E. A street lighting assessment district may be required for the entire subdivision, as determined by the City Engineer.

## **REVISIONS AND ENFORCEMENT**

### **§155.130 RECORDING OF PLAT**

No plat of any subdivision shall be recorded by the County Recorder of Greene County or have any validity until said plat has received final approval in the manner prescribed in these regulations. No final plat shall be recorded after sixty (60) days of it being signed by the Planning and Development Director and shall be considered void thereafter. Approval may be extended after a written request has been approved by the Planning Commission.

### **§155.131 REVISION OF PLAT AFTER APPROVAL**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission. Any proposed change to any approved and recorded subdivision must meet the designated requirements as provided in Section 711.01 to 711.38, of the Ohio Revised Code and be approved by the Planning Commission for replatting.

### **§155.132 SALE OF LAND WITHIN SUBDIVISIONS**

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by the use of a plat of the subdivision before such plat has been approved and recorded in the manner prescribed by these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

### **§155.133 SCHEDULE OF FEES, CHARGES, AND EXPENSES**

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

### **§155.134 PENALTIES**

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

A. Whoever violates any rule or regulation of the City, promulgated for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the City or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. Each day shall constitute a separate offense. Such sum may be recovered with costs in a civil action

suit brought in the Common Pleas Court of Greene County by a legal representative of the City of Beavercreek, in the name of the City of Beavercreek, and for the use thereof.

B. Whoever, being the owner or agent of the owner of any land within the City, records a plat contrary to the provision of these regulations shall forfeit and pay not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, to be recovered with costs in a civil action suit by the legal representative in the name and for the use of the City of Beavercreek. Such contrary plat shall be amended so as to conform to requirements in these Regulations, prior to any sale, lease or transfer of any lot or part of any lot.

C. Whoever, being the owner or agent of the owner of any land within the City, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each lot, parcel, or tract so sold.

D. Any person who disposes of, offers for sale or lease any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars for each lot or part of a lot so sold, offered for sale or lease, to be recovered with costs in a civil action, by the legal representative in the name and for the use of the City of Beavercreek.

### **§155.135 VARIANCES**

The following regulations shall govern the granting of variances:

A. Where the Planning Commission finds that practical difficulty may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such practical difficulty, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the land use plan, or the Zoning Code.

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

### **§155.136 APPEAL**

Decisions of the Planning Commission may be appealed to the Council of the City by filing a petition with the Clerk of Council within fifteen (15) days from the date of the decision and setting forth the facts of the case. Procedures governing such appeals shall be established by ordinance. The Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal has been filed with its Clerk. The Council by an affirmative vote of four (4) of its members shall decide the matter, and their decision shall be final.

**ENACTMENT**

**§155.140 EFFECTIVE DATE**

These regulations as amended shall become effective thirty (30) days from and after the date of their approval and adoption by City Council.