

Title 23- Subdivision Regulations

TITLE 23. SUBDIVISION REGULATIONS

- Chapter 23.01. General Provisions.**
- Chapter 23.02. Administration.**
- Chapter 23.03. Subdivision Application Procedures and Approval Process.**
- Chapter 23.04. Design and Construction Standards.**
- Chapter 23.05. Street Design and Construction Standards.**
- Chapter 23.06. Utilities Design and Construction Standards.**
- Chapter 23.07. Environmental and Landscaping Design and Construction Standards.**
- Chapter 23.08. Requirements for Construction of Improvements.**
- Chapter 23.09. Planned Unit Developments.**
- Chapter 23.10. Hillside Regulations.**
- Chapter 23.11. Required Statements and Signatures to be Affixed on the Plat.**
- Chapter 23.12. Definitions.**
- Chapter 23.13. Appendices, Tables and Drawings.**

Chapter 23.01. General Provisions.

- §23.01.01. Title.
- §23.01.02. Policy.
- §23.01.03. Purpose.
- §23.01.04. Authority.
- §23.01.05. Public purpose.
- §23.01.06. Jurisdiction.
- §23.01.07. Relation to other laws.
- §23.01.08. Validity and separability.
- §23.01.09. Saving provision.
- §23.01.10. Enactment.

§23.01.01. Title.

These rules, guidelines and standards adopted by the Nelsonville City Council hereinafter referred to as “the Council” shall be officially known as the “*Subdivision Regulations of the City of Nelsonville, Athens County, Ohio*,” and shall hereinafter be referred to as “these Regulations”

§23.01.02. Policy.

A. It is declared to be the policy of the City of Nelsonville hereinafter referred to as “the City” to consider the subdivision of land and its subsequent development as subject to the control of the City and administered by the Planning Commission of the City of Nelsonville, Ohio hereinafter referred to as “the Commission” pursuant to the officially adopted Comprehensive Plan of the City of Nelsonville, Ohio hereinafter referred to as “the Plan” for orderly, planned, efficient, and economical development.

B. Land to be divided shall be of such character that it can be used safely for building purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, sewerage, and public open space are provided or, a performance bond or

guarantee is filed to assure that the required improvements will be made by the sub-divider.

C. The existing and proposed public improvements shall conform with and be related to the proposals shown in the comprehensive plan, capital improvement program, and development programs of the City, and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building, housing, zoning and property maintenance codes, the Plan, and the capital improvement program of the City.

§23.01.03. Purpose.

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the City and within three (3) miles of the corporate limits in accordance with *Ohio Revised Code §711.09*. These regulations are intended to:

A. Establish standards for logical, sound, and economical development.

B. To provide for adequate light, air and privacy; to secure safety from fire, flood, and other danger; to prevent population congestion and overcrowding of the land; to provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience.

C. To provide for the proper arrangement of streets and highways in relation to those existing or planned and to provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements.

D. To improve the quality of life through protection of the total environment, including the prevention of air, water, light, and noise pollution, the prevention of soil erosion, and the preservation of natural beauty and topography.

E. To ensure appropriate 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 City and land sub-dividers.

§23.01.04. Authority.

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

§23.01.05. Public purpose.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the State to the City pursuant to *Ohio Revised Code Chapter 711 and Article XVIII, Section 3 of the Ohio Constitution*. A sub-divider has the duty of compliance with reasonable conditions laid down by the City for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the City and the health, safety, and general welfare of the future lot owners of the subdivision and of the City generally.

§23.01.06. Jurisdiction.

A. These Regulations shall be applicable to all subdivision of land located within the incorporated area of City and within three (3) miles of the corporate limits in accordance with *Ohio Revised Code §711.09*.

B. Whenever the City has adopted a major thoroughfare, parks and public open space plan for the territory within the City limits and for the territory within three (3) miles of the City, or any portion thereof, and has adopted subdivision regulations shall exercise extra-territorial jurisdiction for a distance of up to three (3) miles from its corporate limits if county or township zoning is not in effect within the area as provided in *Ohio Revised Code §711.09*. The Commission may receive advice from the Athens County Regional Planning Commission hereinafter referred to as “the ACRPC” or the Hocking County Regional Planning Commission hereinafter referred to as “the HCRPC” upon all subdivision plats located within three (3) miles of the corporate limits.

C. The City and the ACRPC or HCRPC may agree, in writing, that the approval of the plat by the City, as provided in *Ohio Revised Code §711.09*, shall be conditioned upon receiving advice from or approval by the appropriate Regional Planning Commission.

D. The City may cooperate with the ACRPC or the HCRPC in the review of subdivision plats occurring on lands adjoining the corporation line of the City or within a reasonable distance of same. The City may, as a condition for such cooperation, and in order to carry out these Regulations more effectively, seek an agreement with the ACRPC or the HCRPC. The terms of the agreement may permit joint review, by the City, the ACRPC, or the HCRPC of subdivisions occurring next to or within its corporate limits.

E. Regional and Municipal Planning Commissions with subdivision approval authority will have to reach agreement on review of lands, proposed for subdivision, which lie partially within and partially outside of the three (3) mile limit area.

§23.01.07. Relation to other laws.

A. The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the Council, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these Regulations.

B. No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and certification thereof has been endorsed upon the plat by the appropriate reviewing authorities.

C. Whenever the requirements of these Regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.

D. Whenever a county or township or part thereof has adopted a zoning plan, under *Ohio Revised Code Chapters 303 or 519*, all proposed subdivisions shall meet the requirements of said zoning plan, as well as the provisions of these Regulations.

§23.01.08. Validity and separability.

If, for any reason, any clause, provision or portion of these Regulations shall be held invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect validity or legality of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with private deed restrictions.

§23.01.09. Saving provision.

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any Section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in these Regulations.

§23.01.10. Enactment.

These Regulations shall become effective from and after the date of their approval, adoption, or amendment by the Commission and the Council after public hearing and certification to the Athens County Recorder and the Hocking County Recorder as required by *Ohio Revised Code §711.09*. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date, provided, however, that no changes to the preliminary plan, as approved, are introduced by the sub-divider.

Chapter 23.02. Administration.

- §23.02.01. Administration, enforcement and interpretation.
- §23.02.02. Reservations and repeals.
- §23.02.03. Amendments.
- §23.02.04. Variances, exceptions, and waiver of conditions.
- §23.02.05. Expiration and extension.
- §23.02.06. Voided application.
- §23.02.07. Recording of plat.
- §23.02.08. Revision of plat after approval.
- §23.02.09. Fees.
- §23.02.10. Violations and penalties.

§23.02.11. Appeal.

§23.02.01. Administration, enforcement and interpretation.

These Regulations shall be administered by the Planning Commission of the City of Nelsonville. The Commission, assisted by other government agencies, legal counsel, and through other advice it may solicit, shall administer these Regulations. Discretionary, conflicting, or disputed aspects of these Regulations shall be interpreted by the Commission.

§23.02.02. Reservations and repeals.

Upon adoption of these Regulations, according to the law, any ordinance previously approved and regulating the subdivision of land within the City are hereby repealed.

§23.02.03. Amendments.

The Commission may recommend changes to these Regulations. Such changes will only take effect after public hearings and approval by the Council as directed in the *Ohio Revised Code*.

§23.02.04. Variances, exceptions and waivers of conditions.

A. Where, due to exceptional topographic or other physical conditions, the Commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations, or the purpose of these Regulations may be served to a greater extent by an alternative proposal, it may recommend to the Council approval of variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties. Such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the Comprehensive Plan, or the zoning resolution. In recommending variances to the Council, the Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

B. An application for relief may be denied if an owner requests it merely for his/her own convenience, such as when the land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add to development costs.

§23.02.05. Expiration or extension.

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and associated Commission and Council approvals. Before expiration, the sub-divider may provide a letter stating why these time periods cannot be met in requesting their extension. The sub-divider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations.

Neither the Commission nor the Council shall have duty, obligation or responsibility to remind or notify sub-dividers of approaching expiration dates.

§23.02.06. Voided applications.

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

§23.02.07. Recording of plat.

No plat of any subdivision shall be recorded by the applicable County Recorder or have any validity until said plat has received a final approval in the manner prescribed in these Regulations.

§23.02.08. Revision of plat after approval.

No change, modification, or revision shall be made in any plat of a subdivision after approval has been given by the Council, and endorsed in writing on the plat, unless said plat is first resubmitted for review and approval by the Commission and the Council or their designated representative.

§23.02.09. Fees.

The Council shall establish by these regulations or by separate ordinance a schedule of fees, charges, expenses, and collection procedures for administration of these Regulations. The schedule of fees shall be posted in the office of the Nelsonville City Manager. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The sub-divider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water and sanitary sewage facilities. Inspection fees may be assessed by the City for any construction inspections performed by City personnel.

§23.02.10. Violations and penalties.

A. Whoever transfers, offers for sale, or leases for a period of more than five (5) years any lot, parcel, or tract of land from 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 dollars (\$100.00) nor more than five hundred dollars (\$500.00) or as established by separate ordinance for each lot, parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this Section.

B. The City shall not have any obligation to provide services to any parcel of land created in violation of these Regulations.

C. A County Recorder who records a plat contrary to the provisions of these Regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor

more than five hundred dollars (\$500.00) or as established by separate ordinance, to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the City.

§23.02.11. Appeal.

Any person who believes he or she has been aggrieved by these Regulations or the actions of the Commission has all rights to appeal to the Council or to appeal as set forth in *Ohio Revised Code Chapter 711* or any other applicable Section of the *Ohio Revised Code*.

Chapter 23.03. Subdivision Application, Procedures and Approval Process.

- §23.03.01. Purpose.
- §23.03.02. General procedure.
- §23.03.03. Outline of conditions for minor subdivision.
- §23.03.04. Administrative procedure and approval for minor subdivision.
- §23.03.05. Submission requirements for minor subdivision.
- §23.03.06. Large lot divisions.
- §23.03.07. Submission requirements for large lot division.
- §23.03.08. Standards for large lot divisions.
- §23.03.09. Combining entire existing tax parcels, replat, subdivision vacations, plat of streets, common open spaces and easements for public utilities.
- §23.03.10. Transfer of property between adjoining owners.
- §23.03.11. Outline of conditions for major subdivision.
- §23.03.12. Pre-Application conference and sketch plan.
- §23.03.13. Submission requirements.
- §23.03.14. Preliminary plan.
- §23.03.15. Preliminary plan form.
- §23.03.16. Preliminary plan content.
- §23.03.17. Additional information for the preliminary plan.
- §23.03.18. Public hearing.
- §23.03.19. Filing.
- §23.03.20. Review and approval of preliminary plans.
- §23.03.21. Preliminary plan expiration.
- §23.03.22. Preliminary plan recall.
- §23.03.23. Submission to Ohio Department of Transportation.
- §23.03.24. Final plat procedures.
- §23.03.25. Final plat form.
- §23.03.26. Final plat contents.
- §23.03.27. Additional information for final plat.
- §23.03.28. Final plat filing.
- §23.03.29. Nelsonville City Planning Commission action.
- §23.03.30. Public improvements.
- §23.03.31. Final plat expiration.

- §23.03.32. Signing, recordation and transmittal of copies of final plat.
- §23.03.33. Final plat amendments.

§23.03.01. Purpose.

The purpose of this Chapter is to establish the procedure for review and approval of subdivisions, as authorized under *Ohio Revised Code Chapter 711*. The procedure is intended to provide orderly and expeditious processing of such applications.

§23.03.02. General procedure.

Before any land is subdivided, the owner of the property, or his/her authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

A. Minor Subdivision, Lot Split or Parcel Split

A minor subdivision is one which meets the criteria listed on §23.03.03. These shall be handled by the Commission or their designated representative and require a survey drawing, a deed with a legal description, and any fees that may be in effect. It is recommended that prior to any survey work a site visit be conducted with the Commission or their representative in order to ensure compatibility with these Regulations.

B. Major Subdivision or Platted Subdivision

These divisions of land involve approval actions by the Commission before plat signature by its representative. The approval process for a major subdivision includes three principal steps: an optional sketch plan, an optional preliminary plan, and a final plat.

§23.03.03. Outline of conditions for minor subdivision.

Approval of a minor subdivision may be granted by the Commission or their designated representative if the proposed subdivision of the parcel of land meets all of the following conditions:

A. The proposed division of a parcel of land involves no more than five (5) tracts, after the original parcel has been completely subdivided (inclusive of the remainder parcel).

B. The proposed subdivision is along an existing public street, and involves no opening, widening or extension of any street or road or public utility.

C. The proposed subdivision is not contrary to applicable subdivision or zoning regulations or if so has received any necessary variances.

D. The property has been surveyed and a survey drawing, in the form as provided in §23.03.05, and a legal description of the property is submitted with the application.

E. The proposed subdivision is approved by the Nelsonville Water and Sewer Distribution and Collection Department, appropriate County Health Department or the Ohio Environmental Protection Agency (for special sanitary districts) for sanitary sewage disposal, the Office

of the appropriate County Engineer for mathematical accuracy of the survey of plat, and others as may be applicable.

§23.03.04. Administrative procedure and approval for minor subdivision.

A. A minor subdivision application available at the Nelsonville City Manager's office shall be filed by the landowner or designated representative. A complete application shall contain a survey drawing as described in §23.03.05, a proposed deed with a legal description for each lot being created that is approved by the Athens County or Hocking County Engineer for math accuracy, the fee as set forth in these Regulations, and a certification of approval by the Health Department of jurisdiction, and others as may be applicable.

B. After the split has been approved by the County Engineer of jurisdiction and the Health Department or authority of jurisdiction, the deed and a copy of the survey drawing shall then be checked by the Commission or their representative for conformity with these Regulations. A property inspection may be conducted. The President of the Nelsonville City Planning Commission or his/her representative shall stamp and sign the deed "*Approved-Minor Subdivision, no plat required as per Ohio Revised Code §711.131*" within seven (7) working days after submission if the lot in question meets all requirements as stipulated above.

C. The deed shall then be taken to the County Auditor of jurisdiction for the transfer of property and then to the County Recorder of jurisdiction where it will become a legal lot of record. Minor subdivision requests expire if not recorded within (1) year of approval by the Commission.

D. Incomplete or deficient proposals shall be disapproved and the sub-divider notified in writing of reasons for the disapproval.

§23.03.05. Submission requirements for minor subdivision.

The application for minor subdivision shall include the following:

A. The survey shall conform to the minimum standards for boundary surveys in the State of Ohio (*Ohio Administrative Code §4733-37*). Also refer to the Athens County Auditor's most recent edition of *Requirements for all Instruments of Conveyance in Athens County, Ohio*.

B. All dimensions shall be shown in feet and hundredths of feet and presented legibly.

C. Location of monuments and their descriptions.

D. Approximate locations, sizes, and types (i.e. commercial, residence or outbuilding) of all existing buildings.

E. Approximate areas within the 1% chance/100-year floodplain and within floodways, as determined by mapping provided by the Federal Emergency Management

Agency hereinafter referred to as "FEMA" to the appropriate participating community in the National Flood Insurance Program hereinafter referred to as "the NFIP".

F. Approval of the applicable Health Department or sewerage jurisdiction for centralized or private, on-site sewerage disposal systems.

§23.03.06. Large lot divisions.

Pursuant to *Ohio Revised Code §711.133*, if the proposed division of land meets the following criteria, then it shall be considered a large lot division for the purposes of these Regulations.

A. The proposed division has required road frontage of at least fifty (50) feet along an existing or previously dedicated public street or other dedicated right-of-way. In addition, such division shall not involve the opening, widening, extension or improvement of any existing roadway and;

B. The proposed division shall consist of lots more than four (4) acres in area and not greater than twenty (20) acres in area.

C. Large lot divisions shall not be considered a subdivision and shall be subject to the rules as cited in §23.03.08 and §23.03.09 below.

§23.03.07. Submission requirements for large lot division.

The items to be submitted for approval of a large lot division shall be the same as for a minor subdivision as specified in §23.03.05 above.

§23.03.08. Standards for large lot divisions.

A Large Lot Division shall be approved when the division meets the following standards:

A. The proposed lot, including the remainder of the parent tract, is consistent with these rules and any applicable rules of authorities of jurisdiction.

B. The proposed division has been reviewed and approved by the Health Department or sewerage district of jurisdiction.

C. The proposed division has been reviewed by the applicable County Engineer, Township Trustees, Ohio Department of Transportation or the City Manager for access to an existing road, highway or right-of-way.

D. The proposed division and its use are compatible with the applicable flood damage reduction mapping and regulations.

E. Action on the proposed division shall occur within seven (7) working days after submission or in a time considered reasonable given the scope or size of the proposal.

F. Parcels which shall only be used for agricultural or personal recreational purposes shall be exempt from these regulations and the conveyance instrument clearly marked "*No approval or plat required as per Ohio Revised Code §711.133: for agricultural or personal recreational use only*".

§23.03.09. Combining entire existing tax parcels, replat, subdivision vacations, plat of streets, common open spaces, and easements for public utilities.

A. Combining entire existing tax parcels can be accomplished by the County Auditor of jurisdiction without Commission involvement if the existing parcels have the same deed reference, are adjacent to each other, are not separated by a public roadway, and acreage of all parcels is combined into a single tax parcel.

B. A sub-divider proposing the re-subdivision of a plat previously recorded by the appropriate County Recorder shall follow the same procedures required for a major subdivision.

C. Proposals of subdivision abandonment; platting of street openings, widenings, and extensions; platting of open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm drainage, or other public utility shall follow the same procedures required for a major subdivision.

D. Provisions for the subdivision of land for use by utility companies shall be considered on the basis of special conditions in each case. Primary consideration of any proposed use shall be that it is not detrimental to the public health, safety, or welfare.

§23.03.10. Transfer of property between adjoining owners.

A. Where a transfer of property between adjoining owners results in a residual parcel which is less than five (5) acres, said residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if the residual meets these Regulations. A property containing a building site that is transferred to an adjoining owner shall only be approved if it meets the standards of these Regulations. The grantees' names on the deed shall match the names on the deed of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: "*Not to be used as a separate building site or transferred as an independent parcel without planning commission approval.*"

B. If the transfer of property is within a recorded subdivision it shall be submitted to the Commission or their representative for approval if it involves the elimination or creation of any subdivision lot as a separate building tract.

§23.03.11. Outline of conditions for major subdivision.

A proposal involving any of the following shall be subject to major subdivision procedures:

A. Creation of more than five (5) lots, any one of which is less than five (5) acres, including the original tract.

B. Creation, widening or extension of a street or access easement.

C. Division or allocation of land as a utility or drainage easement.

D. Subdividing platted land to create additional building lots in a recorded subdivision.

§23.03.12. Pre-Application conference and sketch plan.

A. Prior to preparing a sketch plan, the sub-divider may meet with Commission representatives, in a pre-application conference, in order to discuss the procedure for approval of the subdivision plan and to familiarize the sub-divider with the comprehensive plan, the zoning plan, the thoroughfare plan, drainage and sewerage requirements, fire protection, and the availability of existing utility services.

B. It is recommended that five (5) copies of a sketch plan be brought to the pre-application conference.

§23.02.13. Submission requirements.

Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- A. Location or vicinity map;
- B. Ownership of property and adjacent properties;
- C. Existing and proposed public roads and easements (approximate);
- D. Existing structures (approximate);
- E. North arrow;
- F. Outline of areas to be subdivided;
- G. Proposed lot lines;
- H. Important natural features and drainage ways (approximate); and
- I. A written statement about plans for storm drainage, sewage disposal, water supply, telephone, electric service, and other utilities.

§23.03.14. Preliminary plan.

The sub-divider may submit a preliminary plan for review and approval prior to submission of a final plat and detailed construction drawings. The preliminary plan submittal and review is conducted for the sub-divider's benefit and at his/her discretion, its submission does not constitute a formal subdivision review pursuant to *Ohio Revised Code §711.10*.

With the submission of the preliminary plan, the sub-divider waives any rights to an approval under *Ohio Revised Code §711.10* until such time as application is made for final subdivision plat review and is submitted to the Commission for review and approval as detailed in these Regulations.

§23.03.15. Preliminary plan form.

The preliminary plan application shall contain:

- A. Complete application form available from the Nelsonville City Manager's office;

B. Signed variance application form if a variance is requested;

C. Fee set forth in the appendix (application fee will only be assessed one time); and

D. Five (5) copies of the preliminary plan containing all required information. The preliminary plan shall be submitted in the following form:

1. On one or more sheets 24"X36" or 18"X 24" in size, clearly and legibly drawn.

2. The original shall be drawn on mylar material. Copies shall be blue or black line paper prints.

§23.03.16. Preliminary plan content.

The preliminary plan shall contain the following information:

A. Proposed name of the subdivision, location by section, range, township or other survey;

B. Boundaries and acreage;

C. Name, address and telephone number of the owner, sub-divider, professional surveyor and professional engineer with appropriate numbers and seals;

D. Date of survey, scale of the plat, north point, legend, and a vicinity map of a scale not less than two thousand (2,000) feet to an inch;

E. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to two hundred (200) feet beyond the boundary of the subdivision;

F. Topographic contours, within and adjacent to the plat for a minimum distance of two hundred (200) feet, with intervals no greater than two (2) feet at five percent (5%) slope, no greater than five (5) feet for slopes over five percent (5%) and less than or equal to fifteen percent (15%), and no greater than ten (10) feet for slopes greater than fifteen percent (15%);

G. Location, width, and names of existing and proposed streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, water bodies, and topographic features within and adjacent to the plat for a minimum distance of two hundred (200) feet;

H. Location of floodways and floodplains;

I. A good-faith effort to identify the location of environmentally sensitive areas;

J. Layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible);

K. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision;

L. Potential streets or common access drive layouts for adjacent land under sub-dividers control intended for future development;

M. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements,

drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto;

N. Known cemeteries, historical or archeological sites; and

O. A schedule outlining the order of development of each section or phase of the subdivision.

§23.03.17. Additional information for the preliminary plan.

The following information does not apply to all projects and may be requested during the site review or required during review and approval of applications:

A. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry.

B. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.

C. A drawing of all present and proposed grades and facilities for storm water drainage, in cases where natural drainage is altered, and proposals to abate erosion and storm water damage.

D. Screening, buffering and/or noise abatement measures.

E. Soil types, derived from the United States Department of Agriculture hereinafter referred to "the USDA" *Soil Survey of Athens County, Ohio*. For property located in Athens County, an interpretive soil report, prepared by the Athens County Soil and Water Conservation District hereinafter referred to as "the ACSWCD" is recommended.

F. Typical cross sections and centerline profiles for each proposed street and preliminary engineering designs of any new bridges or culverts proposed in the project.

G. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote public health, safety, and welfare.

§23.03.18. Public hearing.

The Commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the Commission may designate.

§23.03.19. Filing.

A. The preliminary plan shall be considered officially filed after it is examined by the Nelsonville City Manager hereinafter referred to as "the City Manager" or his/her designee (minor subdivision, lot splits, parcel splits and large lot divisions) or the Commission (major subdivisions) and is found to be in full compliance with the formal provisions of these Regulations. The sub-divider shall be notified by mail within five (5) working days from

the date that the City Manager received the preliminary plan, as to whether the plan submitted is in compliance with these Regulations. If the preliminary plan is in compliance, the notice to the sub-divider shall state the official filing date that begins the forty-five (45) day review period for major subdivisions and the date and time of a meeting at which the preliminary plan shall be reviewed. If the preliminary plan is not in compliance the notice shall provide explanations for the sub-divider. If the sub-divider is not notified within five (5) working days, the plan will be considered officially filed.

B. If the preliminary plan is in compliance, the City Manager or his/her designee (minor subdivisions, lot splits, parcel splits and large lot divisions) or the Commission (major subdivisions) shall schedule a meeting to consider the preliminary plan.

§23.03.20. Review and approval of the preliminary plan.

The City Manager shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for disapproval shall be stated in a letter sent to the sub-divider. The Commission shall act on the preliminary plan for a major subdivision within forty-five (45) working days after filing unless such time is extended by agreement with the sub-divider.

§23.03.21. Preliminary plan expiration.

The approval of the preliminary plan by the Commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the Commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

§23.03.22. Preliminary plan recall.

The Commission or their representative may recall unplatted portions of the preliminary plan for consideration, and reapproval, modification, or disapproval. A recall may occur if:

A. Incomplete, inaccurate or fraudulent information influenced approval;

B. The sub-divider has failed to satisfactorily pursue final platting or conditions of approval; or

C. Previously unknown or new health, safety or environmental concerns arise. The sub-divider shall be notified by letter no later than thirty (30) days before the recall is scheduled for consideration.

§23.03.23. Submission to Ohio Department of Transportation.

Any subdivision plan within three hundred (300) feet of the centerline of a proposed new State highway or a State highway for which changes are proposed, 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 requires that the Commission or their representative give notice by registered or certified mail to the Ohio Department of Transportation hereinafter referred to as "ODOT". If ODOT notifies the City that it shall proceed to acquire the land needed, the application shall be refused.

§23.03.24. Final plat procedures.

A. Having received approval of the preliminary plan, if applicable, the sub-divider shall submit a final plat application containing all changes in the preliminary plan as required by the Commission. The final plat shall be prepared by a qualified registered surveyor and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio.

B. The final plat shall be considered officially filed after it is examined by the Commission or their representative and is found to be in full compliance with the formal provisions of these Regulations. The sub-divider shall be notified by mail within five (5) working days from the date that the Commission received the final plat, as to whether the plat submitted is in compliance with these Regulations. If the final plat is in compliance, the notice to the sub-divider shall state the official filing date that begins the forty-five (45) day review period and the meeting at which the final plat shall be reviewed. If the final plat is not in compliance the notice shall provide explanations for the sub-divider. If the sub-divider is not notified within five (5) working days, the plat will be considered officially filed. A complete application shall contain:

(1) Complete and signed application form available from the City Manager's office with the fee as set forth in the Appendix;

(2) Original plat document signed by the sub-divider and lien holder with notary and seal and the surveyor with seal;

(3) Five (5) sets of copies of the final plat and one (1) reproducible tracing of the plat, construction drawings and specifications, and supplementary or additional information specified herein;

(4) Five (5) sets of approved grading, street, storm water management, waterline and sanitary sewer improvement plans;

(5) Professional engineer's (licensed in Ohio) certified cost estimate for all improvements; and

(6) A letter from the City Manager stating that all improvements are built to specification and a maintenance guarantee in an amount of ten percent (10%) of the professional engineer's cost estimate. If

improvements are not built, a performance guarantee that meets the requirements of §23.08.02 shall be submitted.

§23.03.25. Final plat form.

The final plat shall be submitted in the following form:

A. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch, inclusively;

B. Plats shall be on one or more sheets twenty-four (24) by thirty-six (36) inches or eighteen (18) by twenty-four (24) inches in size and shall be clearly and legibly drawn. The original shall be drawn on reproducible material capable of producing blue or black line paper prints;

C. No ditto marks or abbreviations shall be used on the final plat and a legend of all symbols and abbreviations used shall be placed on the plat; and

D. The Commission may also require the final plat to be filed in a digital or computer format.

§23.03.26. Final plat contents.

The final plat shall contain the following information:

A. Subdivision name, location by section, range, township or other accepted survey district. The *Minimum Standards for Boundary Surveys in the State of Ohio* and the measurement specifications as presented in *Ohio Administrative Code Chapter 4733-37* shall be used as minimum standards;

B. Date, scale, north point, and acreage;

C. Name, address and telephone number of owner, sub-divider, professional surveyor and professional engineer with appropriate numbers and seals;

D. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths;

E. Building front, rear and side yard setback lines shown with dimensions;

F. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by contrasting line style in the case of a replat;

G. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments;

H. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets;

I. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the uses of such easements or rights-of-way;

J. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area. Base flood

elevations shall be determined by the sub-divider's professional engineer, in areas where such information has not been made available by other means, for subdivisions greater than five (5) acres in size;

K. The owners of record, size, and deed book and page references for all abutting tracts; and, the name of all abutting subdivisions, with lot lines, lot numbers and plat book and page references; and

L. A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Commission, the City Manager or other plat-signing authority.

§23.03.27. Additional information for final plat.

The following information shall be supplied in addition to the above required data:

A. If a zoning change is involved, certification from the Clerk of City Council or the appropriate-township or county zoning officer shall be required indicating that the change has been approved and is in accordance with the requirements of the local zoning resolution;

B. A letter from the appropriate County Engineer, Township Trustee, City Manager or ODOT District Office indicating that a driveway permits may be issued onto the existing public road or roads; and

C. If a Homeowners Association or an improvements maintenance agreement is proposed, include sample Association bylaws and/or copies of the proposed maintenance agreement.

§23.03.28. Final plat filing.

If a preliminary plan was approved, the final plat shall be filed with the Commission not later than one (1) year after the date of approval of the preliminary plan; otherwise it will be considered void unless an extension is requested by the sub-divider and granted in writing by the Commission.

§23.03.29. Nelsonville City Planning Commission action.

A. The Commission shall act on the final plat within forty-five (45) days after filing, unless such time is extended by agreement with the sub-divider, the final plat is withdrawn or a delay-of-action is requested and granted. If disapproved, the reason shall be stated in the record of the Commission. Failure of the Commission to act upon the final plat within such time shall be deemed an approval of the plat. If disapproved, the sub-divider shall make the necessary corrections and resubmit the final plat, within thirty (30) days, to the Commission for its final approval. If a final plat is refused by the Commission, the sub-divider may file a petition within sixty (60) days after such refusal in the Court of Common Pleas of the county in which the land described in said plat is situated to reconsider the action of the Commission.

B. Within five (5) days after the submission of

the final plat for approval, the Commission shall schedule a meeting to consider the plat and, if applicable, send a written notice by certified mail, return receipt requested, to the Clerk of the Board of Township Trustees of the township in which the proposed plat is located. The notice shall inform the Trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the Commission will consider or act upon the proposed plat.

§23.03.30. Public improvements.

Prior to the granting of approval of the final plat, the Commission shall require that either all public improvements be installed and dedicated prior to the signing of the final plat by the Commission President or his/her designee, or shall require that the sub-divider furnish a performance guarantee for the ultimate installation of said improvements. The requirements, approval and length of term for the performance guarantee shall be administered by the Commission, and are described in Chapter 23.08, *Requirements for Construction of Improvements*.

§23.03.31. Final plat expiration.

The sub-divider shall record the final plat within ninety (90) days of receiving all required signatures; otherwise the final plat approval shall expire and become void.

§23.03.32. Signing, recordation and transmittal of copies of final plat.

When a final plat has been approved and all conditions for approval have been satisfied, the President or designated representative of the Commission shall sign the certificate of approval on the original tracing, forward a copy to the Council and return the original to the sub-divider. In accordance with Section §4.08 (f) of the *Nelsonville City Charter*, hereinafter referred to as “the Charter”, final approval by the Council shall be obtained by ordinance. The sub-divider shall, within ninety (90) days of Council approval, submit a copy of the approved plat for processing by the County Tax Map Department, County Auditor, and filing with the County Recorder. It shall be the responsibility of the sub-divider to gain all necessary certifications before filing the plat with the appropriate County Recorder. The sub-divider shall provide the Commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the appropriate County Recorder. Any County office may require the submission of the final plat in digital or computer format.

§23.03.33. Final plat amendments.

Procedures and requirements for changing a Commission-approved final plat (signed, unsigned, recorded or unrecorded) shall be specified by the

Commission in keeping with the spirit, intent and purpose of these Regulations. Amendment fees are set forth in the Appendix. Changes to recorded plats involving resubdivision or other changes which may adversely impact owners of lots within a subdivision may require signatures of such lot owners according to *Ohio Revised Code §711.24*.

Chapter 23.04. Design and Construction Standards.

- §23.04.01. General purpose.
- §23.04.02. Suitability of land.
- §24.04.03. Conformance to applicable rules and regulations.
- §24.03.05. Subdivision and site design.
- §23.04.06. Blocks.
- §23.04.07. Lot improvements.
- §23.04.08. Easements.

§23.04.01. General purpose.

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the City. To promote this purpose, the subdivision shall conform to this Chapter’s standards which are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help insure creation of convenient and safe streets, usable lots, allocation of space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth. The Commission has the responsibility for reviewing the design of each future subdivision early in its design development to insure that all the requirements of these Regulations are addressed.

§23.04.02. Suitability of land.

If the Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslip potential, or other such conditions which may endanger health, life, safety, or property; and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the sub-divider.

§23.04.03. Conformance to applicable rules and regulations.

In addition to the requirements established in these Regulations, all subdivisions shall comply with the following:

- A. All applicable laws of the City or of governments in which the subdivision is located;

B. A comprehensive plan, public utility plan, and capital improvement program, including plans for all streets, drainage systems, and parks shown in any comprehensive plan as adopted by the City;

C. The special requirements of these Regulations and any rule of the health department of jurisdiction and/or appropriate State agencies;

D. The rules of ODOT if the subdivision or any lot contained therein abuts a State highway or connected street; and

E. The standards and regulations adopted by the Council, and all boards, agencies and officials of the City.

§23.04.04. Subdivision and site design.

Design of the subdivision shall take into consideration any existing applicable comprehensive plans, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid environmentally sensitive areas, and to minimize the negative impacts that may occur by altering natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with applicable State or Federal regulations:

A. Unique and/or fragile areas, including wetlands, as may be defined in *Section 404, Federal Water Pollution Act*, as amended; and in Ohio Environmental Protection Agency, hereinafter referred to as “the OEPA”, standards.

B. Land in the floodway as identified and mapped using the NFIP Flood Hazard Boundary Maps.

C. Steep slopes in excess of fifteen percent (15%) unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account.

D. Habitats of endangered flora and fauna, as identified on Federal and State lists of endangered species.

E. Historically and culturally significant structures and sites as listed on the National Register of Historical Places.

The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to minimize disturbance of riparian areas; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. Lot design for building sites shall take into consideration topography,

privacy, building height, orientation and drainage, and aesthetics.

§23.04.05. Blocks.

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

A. The arrangements of blocks shall conform to the street design criteria set forth in these Regulations.

B. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable zoning resolution, to provide for adequate community facilities, and with regard to the limitations and opportunities of topography.

C. Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the Commission if properly designed and located.

D. No block shall be larger than fourteen hundred (1,400) feet or less than eight hundred (800) feet. Cross streets shall be provided between blocks.

E. Where blocks are more than nine hundred (900) feet in length, a walkway easement not less than ten (10) feet in width at or near the halfway point of the block may be required.

F. Through lots (extending from one street to the other) shall be discouraged to avoid problems between adjoining owners and to reduce the number of streets.

§23.04.06. Lot improvements.

A. Lot Arrangement and dimensions

(1) Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from an existing approved street, shall be properly related to topography and the character of the surrounding development, and shall be in compliance with all local regulations.

(2) Where a county or township zoning resolution is not in effect, the minimum lot size, width and frontage shall be as specified in Table 1. Where soils conditions are of such a nature that proper operation of wells and septic tanks may be impaired, the Commission, upon recommendation from the appropriate health department may increase the size of any or all lots in the subdivision, or may deny approval of the subdivision.

(3) Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.

(4) The maximum depth of any lot shall not be greater than four times its width.

Table 1: Minimum Lot Areas and Width Requirements

Development Type	Public Water Available	Central Sewage Treatment Available	Minimum Lot Width (ft.)	Lot Area (sf)	Minimum Front Setback Requirements (ft.)			Side Setback (ft)	Rear Setback (ft)
					Arterial Street	Collector Street	Local & Cul-de-sac		
Single Family Use or R-1 zone	Yes	No	90	20,000	30	25	25	10	25
	No	Yes	90	20,000	30	25	25	10	25
	Yes	Yes	70	9,450	30	25	25	10	25
	No	No	Prohibited						
Multi-Family Use or R-2 zone	Yes	No	90		30	25	25	10	25
	No	Yes	90	20,000	30	25	25	10	25
	Yes	Yes	70	9,450	30	25	25	10	25
	No	No	Prohibited						
Commercial Use or C-1 and C-2 zone	Yes	No	100	1 acre	40	30	30	10 or 0	50
	No	Yes	100	20,000	40	30	30	with	50
	Yes	Yes	70	9,450	10	10	0	2-hour fire	20
	No	No	200	1 acre	50	50	50	rating	100
Industrial Use or I zone	Yes	No	150	1 acre	40	30	30	10 or 0	50
	No	Yes	100	20,000	40	30	10	with	50
	Yes	Yes	70	9,450	10	10	10	2-hour fire	20
	No	No	200	1 acre	50	50	50	rating	100

Note: Lot area does not include road right-of-way. Lot areas may be increased by recommendation of the appropriate County Health Department. For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to hillside regulations.

B. Lot Design

- (1) Residential lots shall front on a dedicated public street (existing or proposed).
- (2) Side lot lines shall be at right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. However, side lot lines shall not deflect more than thirty (30) degrees from the perpendicular in relation to street centerlines. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the zoning resolution or these Regulations.

C. Double Frontage Lots and Access to Lots

(1) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets. These requirements may be waived by mutual consent of the Commission and the City Manager.

(2) Lots may not be created by dividing land at the end of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.

(3) A minimum fifty (50) foot rear yard setback may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

§23.04.07. Easements.

A. Easements for utilities may be located along front, rear, or side lot lines as necessary. Location of utility easements, including drainage ditches, within the road right-of-way shall be located outside of the improved portion of the roadway. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide.

B. Recommendations on the proposed layout of telephone, electric company, and water line easements shall be sought from all of the utility companies serving the area. It shall be the responsibility of the sub-divider to submit copies of the preliminary plan to all appropriate public utility companies.

C. Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural watercourse, channels, streams or creeks which traverse the subdivision

or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for maintenance, however shall not be less than twenty (20) feet. Provision of easements in no way makes any political subdivision responsible for maintenance of storm water facilities.

D. Utilities may be placed underground, according to the standards of the appropriate utility company.

E. The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public. The City Manager shall determine what constitutes a hazard.

§23.04.08. Standards for nonresidential subdivisions.

A. In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the Commission that the streets, parcels, blocks, and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity.

B. Proposed industrial parcels shall be suitable in areas and dimensions to the types of industrial development anticipated.

C. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

D. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provisions for parking, loading and delivery services. Such blocks shall not be less than two hundred fifty (250) feet in width and not less than five hundred (500) feet in length.

E. Lots intended for purposes other than residential use shall be specifically noted and designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and loading and unloading areas.

Chapter 23.05. Street Design and Construction Standards.

- §23.05.01. General.
- §23.05.02. Conformity to development plans and zoning.
- §23.05.03. Official thoroughfare design standards.
- §23.05.04. Street names.
- §23.05.05. Street and circulation system design.
- §23.05.06. Street vacation.
- §23.05.07. Rights-of-way.
- §23.05.08. Horizontal alignment.
- §23.05.09. Vertical alignment.
- §23.05.10. Special street types.
- §23.05.11. Street design standards for all collector streets.
- §23.05.12. Street design standards for local streets.
- §23.05.13. Intersection design standards.
- §23.05.14. Streets for commercial subdivisions.
- §23.05.15. Streets for industrial subdivisions.

- §23.05.16. Driveways.
- §23.05.17. Off-street parking.
- §23.05.18. Sidewalks and graded areas.
- §23.05.19. Street and walkway lighting.
- §23.05.20. Monuments, markers, and pins.
- §23.05.21. Culverts and bridges.
- §23.05.22. Street improvements.
- §23.05.23. Street width.
- §23.05.24. Street sub-grade.
- §23.05.25. Street base course.
- §23.05.26. Street surface course.
- §23.05.27. Portland cement concrete pavement.
- §23.05.28. Full-depth asphalt pavement.
- §23.05.29. Street curbs and gutters.
- §23.05.30. Open ditches and slopes.
- §23.05.31. Street construction standards.

§23.05.01. General.

These Regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population; to have a simple and logical pattern; to minimize impact to natural features and topography; and to present an attractive streetscape.

§23.05.02. Conformity to development plans and zoning.

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street on the official thoroughfare map, or if there is no official thoroughfare map, unless such street is an existing State, county, or township highway or a street shown upon a plat approved by the Commission and recorded in the appropriate county recorder's office. Such street or highway must be suitably improved, as required by these Regulations, or guaranteed, with a performance bond, to be improved as required by these Regulations. In addition, no final plat of land within an existing zoning district shall be approved unless it conforms to all requirements of the zoning district.

§23.05.03. Official thoroughfare design standards.

Design standards and required improvements to arterial streets and roads are contained in Table 2. Construction design criteria of these streets are to be determined by the City Manager when such streets abut or cross the proposed subdivision. Certain improvements may be waived upon recommendation of the City Manager and after review and approval by the Commission. In all cases right-of-way dedications shall be required for streets leading to new subdivisions

Table 2: Street Design Width Standards for Arterial Roads

R/W (ft)	Sidewalks (ft)	Planting Strip (ft)	Median (ft)	Pavement (ft)
70	5	8	None	44
82	5	5	14	48
90	5	9	14	48
120	5	12	14	72

§23.05.04. Street names.

Names of new streets are subject to the approval of the Athens or Hocking County Emergency Communications/9-1-1 Office. Such names shall not duplicate or be similar to those of existing or platted streets, regardless of the use of the suffix “street”, “avenue”, “lane”, etc. When a new street is a direct extension of an existing street, the name shall remain the same. Street names shall be displayed at each street intersection with street signs of the type established by the County. The sub-divider is responsible for the cost of purchasing and installing all signage.

§23.05.05. Street and circulation system design.

A. The arrangement, character, extent, and location of all streets shall conform to the thoroughfare plan of the City; such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their relation to the proposed uses of land to be served by such streets. The Commission reserves the right to disapprove any street plan which does not represent good design or does not insure continuity of the existing street system.

B. The road system shall be designed to serve the need of the neighborhood and to discourage through-traffic in the interior of such subdivision. Residential driveway access shall not be permitted onto principal arterials. Major subdivisions shall be designed to discourage residential driveway access onto major arterial and collector roadways by using access roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged.

C. There shall be no private streets, lanes, roads, ways, or private easements used for the purpose of primary access to any subdivision, including subdivisions exempt from platting under *Ohio Revised Code §711.131* unless constructed and maintained to county road specifications and standards.

§23.05.06. Street vacation.

The Commission shall not recommend to the Council the vacation of any street dedicated to and accepted by the public if such vacation will adversely affect the proper functioning of the existing street system or any future street plan prepared by, or approved by, the Commission. The procedure to vacate a street or alley may be found in *Ohio Revised Code §5553.01*.

§23.05.07. Rights-of-way.

A. The right-of-way, hereinafter referred to as “the R/W” shall be measured from lot line to lot line at a width recommended in accordance with Table 3 (below) and shall be sufficient in width to contain the roadway, curbs, gutters, sidewalks, utilities, graded areas and shade trees.

B. The R/W of a new road that is a continuation of an existing road shall in no case be continued at a width less than that of the existing street.

C. The R/W for roads shall be in accordance with the major thoroughfare plan, and shall provide for future development

Table 3: Right-of-way Recommended Standards:

Street Type	R/W Width (feet)
Major Arterial	120-300
Minor Arterial	80-100
Major Collector	64-80
Minor Collector	60-80
Local Industrial	60-80
Local Street/Road	50-60
Marginal Access Street	50
Alley	20-28
Cul-de-Sac	50

§23.05.08. Horizontal alignment.

When there is an angle of deflection of more than one (1) degree between two (2) centerline tangent sections of a street, the following conditions shall be met:
For residential streets:

A. The preferred maximum degree of curvature (D) is 16° 00'.

B. The maximum allowable degree of curvature shall be 23° 00'. Where Degree of Curvature is defined as:
 $D=5730.28 \text{ feet/R}$

Where R= Radius of the curve.

C. Sight conditions shall be such that minimum stopping sight distance is between one hundred fifty (150) and two hundred fifty (250) feet, depending upon whether the terrain is level, rolling, or hilly, as defined in these Regulations. This minimum required distance may be increased by the City Manager based upon analysis of site conditions. A minimum tangent length of one hundred (100) feet shall be introduced between reverse curves. Design criteria for other than residential streets shall meet with the approval of the City Manager.

§23.05.09. Vertical alignment.

All changes in grade in residential streets shall be connected by vertical curves, the minimum length of which satisfies the following requirements:

A. Twenty (20) times (measured in feet) the algebraic difference in the rates of grade.

B. A minimum stopping sight distance of between one hundred fifty (150) and two hundred fifty (250) feet depending upon whether the terrain is level, rolling, or hilly as defined in these Regulations. The City Manager may increase minimum site distance based upon an analysis of site conditions.

C. The appropriate maximum gradient as specified in the Table shall not be exceeded.

D. No street grade shall be less than six tenths percent (0.6%) and in no case shall a street grade on a collector or arterial street be more than five percent (5%) percent within one hundred (100) feet of an intersection. Lesser classification of streets shall in no case have a street grade in excess of ten percent (10%) within one hundred (100) feet of an intersection. For slopes, refer to *Chapter 23.10, Hillside Regulations*.

§23.05.10. Special street types.

The following requirements shall apply to special street types:

A. One way streets: One-way streets are permitted in new subdivisions if the Commission determines that such streets are properly integrated with the existing and proposed street systems in the area.

(1) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turnaround satisfactory to the Commission. The Commission shall reserve the right to limit the length of such a dead-end street based on principles of proper planning, and the Commission may require R/W dedication along the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.

(2) Cul-de sac streets shall not exceed a length of one thousand (1,000) feet measured to the center of the radius of the turnaround. The terminus may be circular with a minimum radius of fifty-five (55) feet measured from a point on the street centerline. Other termini types, such as “T’s” or vegetated islands, are acceptable and subject to review and approval by the City Manager and the Commission. Cul-de-sacs that exceed one thousand (1,000) feet in length may be approved by the Commission if there is no other feasible way to provide access to the lots.

B. The dedication of new half-streets shall not be permitted. If a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted, provided that in the opinion of the Commission such right-of-way is necessary for the proper development of the area.

C. Where a subdivision adjoins a major thoroughfare, a marginal access street shall be designed to control access to the thoroughfare from lots fronting on it. Points of access to the arterial street shall be spaced at a minimum of thirteen hundred twenty (1,320) feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet. In addition, the Commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination of such.

D. Easements or reserve strips controlling access to streets shall be prohibited except where deemed necessary by the Commission and where their control is definitely placed with the City.

E. In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one or more access streets to undeveloped land not fronting on an existing street or road shall be incorporated. Said access streets shall be spaced not less than eight hundred (800) feet nor more than one thousand four hundred (1,400) feet apart.

F. Alleys may be approved in residential

subdivisions when justified by subdivision street design, to provide vehicular access to parking areas. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum width for an alley R/W shall be twenty (20) feet and they shall be dedicated to the public. Alley intersections, sharp changes in alignment, and dead-ends shall not be permitted unless extreme conditions would warrant such permission.

§23.05.11. Street design standards for all collector streets.

The design and improvements standards contained herein Table 4 are minimums for all collector streets.

Table 4: Street Design Standards for Collector

TERRAIN Classification	COLLECTOR STREET		
	LEVEL	ROLLING	HILLY
Right-of-way(ft)	60	60	60
Pavement width (ft)	28	28	28
Berms (total both sides)	4	4	4
Minimum Stopping Sight Distance (ft)	250	200	150
Maximum Grade	4%	8%	12%
Minimum Spacing when intersecting with an arterial (ft)	1320	1320	1320
Minimum Center Line Radius of Streets with an angle of/turn of			
(1) Between 80 and 100	-----	-----	-----
(2) Less than 80 or more than 100	-----	-----	-----
Minimum Center Line Radius	350	350	350

*A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

Note: Exceptions to the standards contained in this table are permitted under certain conditions for large lots. Hillside lots with grades of more than fifteen percent (15%) are also subject to exceptions as provided under *Chapter 23.10, Hillside Regulations*.

§23.05.12. Street design standards for local streets.

The design and improvement standards contained herein are minimums for local streets in residential subdivisions. All such streets shall be designed and constructed in accordance with standards as specified in the following table. Cul-de-sacs are required whenever a street is intended to be permanently dead-ended.

Table 5: Street Design Standards for Local Streets, including Cul-de-sacs

Terrain Classification	Level	Rolling	Hilly
Right-of-way (ft)	50*	50*	50*
Pavement Width (ft)	22	22	22
Berms (total both sides)	4	4	4
Minimum Stopping Sight Distance (ft)	250	200	150
Maximum Grade	4%	8%	15%
Maximum cul-de-sac length	1000	1000	1000
Minimum cul-de-sac radius (R/W)	55	55	55
Minimum cul-de-sac radius (pavement)	45	45	45
Minimum Centerline radius of streets with an angle of:			
(1) Between 80 and 100	50	50	50
(2) Less than 80 or more than 100	200	200	200

*A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

Note: Exceptions to the standards contained in this table are permitted under certain conditions for large lots. Hillside lots with grades of more than fifteen percent (15%) are also subject to exceptions as provided under Chapter 23.10, Hillside Regulations. Note: See Drawing 1 for a typical section of a local street.

§23.05.13. Intersection design standards.

The design and improvement standards are suggested minimums for all street intersections in subdivisions. All such intersections shall be designed in accordance with standards as specified in Table 6. Multiple intersections involving junctions of more than two (2) streets shall not be permitted. Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit. No intersection of streets on angles less than sixty (60) degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the Commission shall be made.

Table 6: Intersection Design Standards

Terrain Classification	Level	Rolling	Hilly
Maximum approach speed	25 mph	25 mph	25 mph
Clear sight distance length along each approach leg	90 ft.	90 ft.	70 ft.
Vertical alignment with intersection	Crown	5% maximum	5% maximum
Minimum Angle of Intersection shall remain in the angle of intersection for at least one hundred (100) feet beyond the point of intersection: 60 Degrees considered an absolute minimum (90 Degrees Preferred)			

Minimum Curb Radius (ft)	
(a) local-local	20 - all classes
(b) local-collector	30 - all classes
(c) collector-collector	35 - all classes
(d) collector, marginal access-arterial	40 - all classes
Minimum Centerline offset of adjacent intersection (ft)	
(a) local-local	150- all classes
(b) local-collector	150 - all classes
(c) collector-collector	200 - all classes
(d) collector, marginal access-arterial	1320 - all classes

§23.05.14. Streets for commercial subdivisions.

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersection of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

§23.05.15. Streets for industrial subdivisions.

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. Intersections with service streets shall be at least one hundred (100) feet away from all other intersections. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except if severe physical conditions prevent this or if the Commission finds such extension is not in accord with the approved plan of the area.

§23.05.16. Driveways.

A. A private driveway right-of-way may be used only by approved variance to provide vehicular access to no more than four (4) single family detached dwelling units. If approved, a homeowner’s association shall be formed to provide for the long-term maintenance of any private driveway. Common driveways shall have a maintenance agreement acceptable to the Commission. The maintenance agreement shall specifically state that adequate access for fire and emergency vehicles shall be maintained at all times. The minimum standard for a private driveway right-of-way serving less than four (4) lots shall be a graded and drained driveway at least ten (10) feet in width with a minimum depth of four (4) inches of crushed stone. Any driveway serving more than four (4) single family dwelling units shall be considered a street and shall be designed and constructed according to these Regulations.

B. Access roads or vehicular ways within subdivisions containing single-family attached dwelling units or multi-family dwellings shall be considered streets and designed and constructed according to these Regulations.

C. A driveway permit shall be obtained from the office of the City Manager, County Engineer, Township Trustee or ODOT prior to construction of a driveway by the homeowner.

D. When adequate frontage is available on a non-limited access highway, two (2) driveways to a property used for a single purpose may be permitted.

E. Driveways shall have a maximum grade of fifteen percent (15%) within the right-of-way. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side. The sub-divider shall place the approved drainage structures under intersecting driveways. Driveways shall be designed so as to drain into the roadside ditch and not into the roadway surface. See Drawing 2 for a typical section of a local street/driveway intersection.

Table 7: Recommended Driveway Dimensions

	Residential	Commercial	Industrial
Minimum Width	10	15	20
Maximum Width	30	40	40
Turn Radius Minimum	10	15	25
Turn Radius Maximum	25	50	50
Minimum Angle of Intersection	45	45	45

Table 8: Recommended Parking Standards

Types of Uses	Off-Street Parking Requirements
One/Two Family Dwellings	2 spaces/DU.
Townhouses and Multiple Family	2 spaces/DU.
Mobile Homes	2 spaces/unit.
Office Uses	2 spaces plus 1 space for each 200 sq. ft. of usable floor area.
Office Uses	1 space for each 100 sq. ft. of usable floor area.
Industrial Uses	1 space for employee in the largest working shift.
Churches and Temples	1 space for each 3 seats
School	2 per classroom, but not less than 1 per teacher & staff member
Restaurant	1 per 3 seats
Fast-Food Establishment	1 per 30 sq. ft. of usable floor area
Retail Store	1 per 200 sq. ft. of usable floor area
Shopping Center Under 400,000 sq. ft.	4 per 1,000 sq. ft. of usable floor area
Shopping Center 400,000-599,999 sq. ft.	4.5 per 1,000 sq. ft. of usable floor area
Shopping Center 600,000+ sq. ft.	5 per 1,000 sq. ft. of usable floor area
Medical Center	1 per 250 sq. ft. of usable floor area

Note: Where and if these standards conflict with applicable Zoning Regulations, the Zoning Regulation’s standards shall apply. Each off-street parking space shall measure nine (9) feet in width by twenty (20) feet in length and be permanently hard surfaced with asphalt or concrete within the City. Parking spaces for the physically handicapped shall measure twelve (12) feet in width. For every twenty-five (25) spaces, there must be at least one (1) handicapped accessible space, labeled and signed as such.

§23.05.17. Off-street parking.

A. Off-street parking areas shall be located within a reasonable walking distance of the buildings they are designed to serve and must be located on the same parcel of land as the intended use.

B. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress and egress in the opinion of the City Manager from all parking spaces to ensure ease of mobility, ample clearance, and emergency vehicle and pedestrian access.

C. Parking lots containing ten (10) or more spaces, shall be planted with at least one (1) tree per eight (8) spaces, no smaller than two inch (2") caliper (tree trunk diameter at chest height).

D. Parking areas shall be screened along lot lines bordering institutional or residential uses and along streets. Native trees and shrubs shall be planted wherever possible.

E. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

F. Parking spaces within the corporate limits of the City shall comply with the requirements of the zoning code or other applicable parking ordinance.

§23.05.18. Sidewalks and graded areas.

A. Sidewalks may be required in all subdivisions. Where the average lot line frontage is one hundred (100) feet or less, sidewalks may be required on both sides of the street. Where the average lot line frontage is greater than one hundred (100) feet, sidewalks may only be required on one side of the street. Where the average lot line frontage is greater than one hundred fifty (150) feet sidewalks may not be required.

B. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.

C. Pedestrian-way easements ten (10) feet wide may be required by the Commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

D. Sidewalks shall measure four (4) feet in width; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and parked cars overhang the sidewalk, widths shall be five (5) feet. The width of graded areas shall be the same as for sidewalks.

E. Sidewalks and graded areas shall be constructed according to the specifications set forth in these Regulations.

F. Public sidewalks may be required for industrial lots, subject to the approval of the Commission.

§23.05.19. Street and walkway lighting.

The Commission may require the sub-divider to install street lights in accordance with standards and specifications of the City Manager, with consultation provided by the local electric utility company, in each residential subdivision which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each street intersection within the subdivision and at other locations deemed necessary by the City Manager. Street lights shall be designed, with appropriate lamps and reflectors, to minimize light pollution.

§23.05.20. Monuments, markers, and pins.

Monuments shall be set at all subdivision corners and iron pins at lot corners. The City Manager may require other monuments or iron pins to be set in the subdivision.

For lot corners, reinforcing bars 5/8" x 30" will be acceptable. Other types of markers may be used if approved by the City Manager. Subdivision corner and benchmark monuments shall be encased with concrete at least six inches (6") in diameter and thirty inches (30") in depth. All monuments and iron pins shall be identified on the final plat, and shall be in place at the time the roads and other improvements are inspected for acceptance by the City Manager.

§23.05.21. Culverts and bridges.

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the sub-divider to have satisfactory bridges and/or culverts constructed. The drainage channel is then to be maintained by the property owner and not modified, filled or diverted without the consent of the City Manager. Where culverts are required, minimum requirements shall be observed as follows:

A. All culverts shall extend for an adequate distance to accommodate the required roadway embankment slopes. The cover over the culvert and its capacity shall be determined by the sub-divider's professional engineer and approved by the City Manager. The minimum diameter of the culvert pipe shall be twelve (12) inches. Depending on the existing drainage conditions, head walls may be required. Where driveway culverts are wholly or partially in the street right-of-way, they shall have a minimum length of twenty (20) feet and minimum diameter of twelve (12) inches. The driveway culverts shall be placed so as to maintain the flow lines of the ditch or gutter.

§23.05.22. Street improvements.

All streets and thoroughfares shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these Regulations. These standards are considered minimum and are subject to change where deemed necessary. All materials and construction procedures shall be in accordance with the current *Construction and Materials Specifications* of ODOT or the specifications on file in the appropriate County Engineer's office, whichever are more stringent.

§23.05.23. Street width.

Minimum street pavement widths shall conform to the standards of these Regulations. Where pavement widths greater than those specified are deemed necessary by the City Manager and approved by the Commission, the City shall bear the extra cost of providing the width beyond the requirements of these Regulations. Street widths are specified in Tables 4 and 5.

§23.05.24. Street sub-grade.

A. The sub-grade shall be free of sod, vegetative or organic matter, soft clay, and objectionable materials for a depth of at least two (2) feet below the finish surface.

B. The sub-grade shall be properly rolled,

shaped, and compacted to the satisfaction of the City Manager and in accordance with the current edition of ODOT's *Construction and Material Specifications*.

C. All soft areas shall be removed and replaced with suitable granular approved by the City Manager. Backfills over sewers, culverts and underground utilities in the roadway shall also meet the specifications in the current edition of ODOT's *Construction and Material Specifications*.

D. Sub-base grade tolerance shall be no more than one (1) inch in sixteen (16) feet, and shall be subject to the approval of the City Manager.

E. Where granular subbase is not a part of the pavement design, and rock, shale or coal is encountered; the sub-grade shall be excavated to a depth of two (2) feet below the surface of the sub-grade for the cross section width of the roadway between points one (1) foot beyond the shoulders. The additional excavation shall be filled with suitable embankment material.

F. Where granular sub-base is a part of the pavement design, and rock, shale or coal is encountered; the sub-grade shall be excavated to a depth of eighteen (18) inches below the sub-base for the cross section width of the roadway between points one (1) foot beyond the shoulders. The additional excavation shall be filled with suitable embankment material.

G. Approval of the sub-grade shall be obtained from the City Manager prior to the application of the base course.

§23.05.25. Street base course.

The sub-divider has the option of using any of the following base courses, based on recommendations of the City Manager as to soil and traffic conditions: aggregate, bituminous aggregate, asphalt concrete, or equally suitable base course. Thickness shall be as listed in Table 9, based upon the physical properties of the base course used and the physical properties of the roadbed.

§23.05.26. Street surface course.

The surface course shall be constructed using either two (2) layers of sealed aggregate, asphalt concrete, bituminous mix or portland concrete cement. Specific material and thickness recommendations shall be determined as listed in Table 9. The City Manager may waive surface course requirements in cases where streets within a proposed subdivision plat connect to a public road whose surface is of lesser material than that required by these Regulations and where no specific plan, within two (2) years of approval of final plat, exists for upgrading said public road surface. However, streets within the proposed subdivision shall meet or exceed the surface material of said public road. Waiver may not be granted where the proposed density meets or exceeds medium-low density residential as defined in these Regulations.

§23.05.27. Portland cement concrete pavement.

If the sub-divider elects to construct streets totally out of Portland cement concrete or if such pavement is required by the City Manager, thicknesses of seven (7) inches for local and collector streets, seven and one half inches (7.5") for minor arterial streets, and eight inches (8')

for major arterial, commercial, and industrial streets shall be required, and shall meet the current *Plain Portland Cement Concrete Pavement Specifications* of ODOT. The Commission may require pavements of greater thickness, upon the recommendation of the City Manager, based upon his or her evaluation of the sub-grade, traffic, and wheel load conditions.

§23.05.28. Full-Depth asphalt pavement.

Table 9, Minimum Pavement Composition, states required thickness for full-depth asphalt pavement.

§23.05.29. Street curbs and gutters.

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas with substantial flash flooding or heavy rain run-off, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs and gutters shall be constructed in conformance with the current *Construction and Material Specifications* of ODOT.

§23.05.30. Open ditches and slopes.

Open ditch construction for roadside drainage shall be permitted in low-density development and constructed according to ODOT specifications. Minimum depth of ditches shall be two (2) feet below the edge of pavement, and one (1) foot minimum at top of hill and toe of bank. All ditches shall be protected against erosion. Ditches shall be designed according to standards and specifications in *Rainwater and Land Development, 2nd ed., 1996, Ohio Department of Natural Resources*, hereinafter referred to as "ODNR", or any later version that is published as an update.

§23.05.31. Street construction standards.

Street construction design is based upon the California Bearing Ratio, hereinafter referred to as "CBR", value of the soil sub-grade. Where more than one soil type of varying CBR value occurs on the proposed street, design shall be made on the basis of the lowest CBR. While actual on-site testing is recognized as a proper method of determining CBR values, the use of soil types may be utilized in lieu of on-site testing as a satisfactory substitute. For purpose of street construction standards, Table 9 (below) shows three (3) classifications of soil with its engineering design calculation.

Table 9: Minimum Pavement Composition (thickness expressed in inches)

Pavement Composition	ODOT ITEM	Local Street (n=5)*			Collector Street (n=10)			Minor Arterial Street (n=35)			Major Arterial & Industrial (n=75)		
		3-6	6-10	10+	3-6	6-10	10+	3-6	6-10	10+	3-6	6-10	10+
Aggregate Base	304 301 448	6" 6" 3.5"	6" 6" 3"	5" 5" 3"	9" 3" 1.5"	5" 3" 1.5"	5" 5" 1.5"						
Deep Strength Asphalt Base	301 402 448	5" 1.5" 1.5"	4.5" 1.5" 1.5"	4.5" 1.5" 1.5"	7.5" 1.5" 1.5"	5.5" 1.5" 1.5"	4.5" 1.5" 1.5"	7.5" 1.5" 1.5"	5.5" 1.5" 1.5"	4.5" 1.5" 1.5"	8.5" 1.25" 1.25"	7" 1.25" 1.25"	6" 1.25" 1.25"
Concrete Base	305 448	6" 1.25"	6" 1.25"	6" 1.25"	6" 1.25"	6" 1.25"	6" 1.25"	6" 1.50"	6" "	6" "	6" 1.50"	6" 1.50"	6" 1.50"
Concrete Pavement	452	7"	7"	7"	7"	7"	7"	7.5"	7.5"	7.5"	8.0"	8.0"	8.0"

Note: The number in parentheses (after the street type) is the design traffic number and is the “n” number of 18,000 lb. equivalent loads per day. When it is possible this loading will be exceeded, the County Engineer or City Manager may elect to change the roadway design specifications.

LEGEND

C.B.R. = California Bearing Ratio (a measure of soil bearing capacity)

301 = Bituminous aggregate base

304 = Aggregate base

305 = Portland cement concrete base (5.5 bag mix)

448 = Asphalt concrete

407 = Tack coat (RS-1)

408 = Prime Coat (RC-30, MC-70, RT-2, RS-1, or RS-2)

452 = Plain Portland cement concrete pavement (6.5 bag mix)

*The sub-divider may elect to place 8" of 304 and a sealed surface that meets the following specifications:

Bottom Seal - 40 lbs #67 stone per SY, rolled and compacted

0.6 gal. of 150XL emulsion or equivalent per SY

Top Seal - 25 lbs #8 stone per SY, rolled and compacted

0.4 gal. of 150 XL emulsion or equivalent per SY

Berms - Shall consist of ODOT 617

Chapter 23.06. Utility Design and Construction Standards.

§23.06.01. General.

§23.06.02. Water supply.

§23.06.03. Fire protection.

§23.06.04. Sanitary sewers.

§23.06.05. Drainage and storm sewers.

§23.06.06. Electric, gas and telephone improvements.

§23.06.07. Over-size and off-site improvements.

§23.06.01. General.

A professional engineer, licensed in Ohio, shall design any plans for public water supply, storm water control and disposal and wastewater collection and disposal facilities.

§23.06.02. Water supply.

A. Where a public water supply is reasonably accessible or required because of groundwater pollution problems, the subdivision shall be provided with a complete water distribution system including a connection for each lot. Public water distribution and public well systems shall meet the requirements of the OEPA, as cited in the *Ohio Revised Code*.

B. Where public water supply is not

available, as determined by the City and the County Health Department, or not required, the sub-divider shall supply acceptable evidence of the availability of water. The sub-divider may be required to drill one (1) or more test wells in the area to be platted. Location and construction of a private water supply shall meet the requirements of the *Ohio Revised Code* and the *Ohio Administrative Code*. Wells located in floodplain areas shall be constructed so as to be sealed from the entry of floodwaters. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

C. Private water wells and other water distribution systems may be accepted for maintenance and operation by the City if the ownership is vested to the City and if the water distribution system has been constructed according to the specifications and approved by the City.

§23.06.03. Fire protection.

A. Definitions

(1) "Minimum Fire Flow": For residential subdivisions the minimum flow must be at least five hundred (500) gallons per minute (GPM) with a residual pressure of at least twenty (20) pounds per square inch (PSI). For commercial and industrial subdivisions, the minimum flow must be at least one thousand (1000) GPM, additional hydrant flow may be required due to fireloading of the structure. Hydrant spacing for commercial and industrial subdivisions shall be no more than three hundred (300) feet between hydrants or as determined by the Fire Chief.

(2) "Adequate Public Water Supply": Any existing water system that is within a reasonable distance as determined by the City. Adequate water lines consist of six inch (6") or larger diameter piping. A four inch (4") line may be adequate but only if the local water authority and the Fire Chief determine that minimum fire flow can be met.

(3) "Block": Any continuous road frontage in excess of five hundred (500) feet, or any continuous road frontage between two perpendicular roads.

(4) "Fire Hydrant": A device with two (2) two and one-half (2.5") outlets and one (1) four and one-half inch (4.5") outlet, with all threads being right hand NST.

(5) "Flushing Port": A device with one (1) two and one-half inch (2.5") outlet with right hand NST threads.

(6) "Dry Hydrant": A one thousand (1000) GPM drafting connection tied into a pond, cistern, or other suitable body of water. These devices shall be installed according to NRCS and NFPA standards and include a four and one-half inch (4.5") port with a four and one-half inch (4.5") to tow and one-half inch (2.5") adapter and cap.

(7) "National Fire Protection Association" is herein referred to as "NFPA".

(8) "Natural Resources Conservation Service" is herein referred to as "NRCS".

B. Requirements

(1) Fire hydrants shall be provided by the sub-divider in all subdivisions with adequate water

supplies. Dry hydrants and flushing devices shall also be provided by the sub-divider when deemed appropriate by the City.

(2) The make of control valves, lines, connections and the installation procedure shall conform to the requirements of the local water authority. The minimum size of any line serving a fire hydrant shall not be less than six inches (6") in diameter, and should be a looped, circulating line. In the event that a four inch (4") line has been determined to be adequate in accordance with §23.06.03 (A) (2), then the minimum size shall be four inches (4").

(3) The proposed fire protection plan shall require the written approval of the Fire Chief or person responsible for fire protection in the political subdivision in which the plat is located.

(4) Size and location of water lines shall be approved by the Fire Chief and the City Manager.

C. Placement of Hydrants and Specifications

(1) Fire hydrants shall be located between property lines and curbs. The large outlet shall be facing or parallel to the street with the center of the opening not less than sixteen inches (16") above grade level.

(2) All hydrants shall be no more than six (6) feet from the edge of an improved road surface. In the event that damage from traffic is a serious concern, the sub-divider may be required to erect a barricade to protect the hydrant.

(3) All inhabited residences and all commercial and industrial structures shall be within five hundred (500) feet of a hydrant as measured along the roadways or a distance determined by the Fire Chief.

(4) Hydrants shall be placed at the corners of all blocks exceeding five hundred (500) feet in length. For blocks that exceed one thousand (1,000) feet in length, hydrants shall be spaced so as to maintain the five hundred (500) foot coverage area. For blocks less than five hundred (500) feet in length, a hydrant shall be placed at the corner most accessible to the nearest fire station. Hydrants shall also be required at the entrance of all cul-de-sacs exceeding five hundred (500) feet in length.

(5) A dry hydrant may replace a fire hydrant whenever possible. Dry hydrants must at least meet Sections (A), (B), (C), but (D) may be slightly varied to accommodate terrain limitations.

(6) Fire hydrants will conform to the following specifications:

- (a) One and one-half inch (1 ½") pentagon operating nut.
- (b) Turn to the left to open hydrant.
- (c) Two (2) two and one-half inch (2 ½") outlets on each side with National Standard threads and caps chained to the hydrant.
- (d) One (1) four and one-half inch (4 ½") outlet on the front with National Standard Threads and caps chained to the hydrant
- (e) Five and one-quarter inch (5 ¼") piping from the water line to the hydrant joint base
- (f) Six inch (6") mechanical

(g) Self draining when hydrant is turned off, with drain hole

(h) Have a working pressure of two hundred (200) psi, and test pressure of four hundred (400) psi.

(i) Upper barrel can be rotated three hundred and sixty (360) degrees.

D. No Adequate Public Water

(1) When adequate public water is not available, and/or the minimum fire flow cannot be met, then the minimum spacing between inhabited residences and commercial or industrial structures shall not be less than one hundred (100) feet.

(2) Within a five hundred (500) foot range of a dry hydrant the minimum spacing may be reduced to thirty (30) feet.

(3) For smaller public water supplies that do not meet minimum fire flows, the installation of flushing devices shall be located as outlined in Placement of Hydrants and Specifications, 1-4.

(4) If a commercial building of more than three thousand (3000) square feet is erected and there is no public water source the building will have a cistern or pond on the site at a location authorized by the local fire department. The cistern or pond will have a capacity of fifteen thousand (15,000) gallons of water and a dry hydrant connection will be installed for the fire department use. The specifications for the dry hydrant connection will conform to Definitions, (6). The cistern or pond will be constructed so that the local fire department can also discharge water into the cistern or pond for use during a fire.

§23.06.04. Sanitary sewers.

A. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the county health district; public sanitary sewers shall be installed to adequately serve all lots. Public sewer system extensions, including lateral connections, shall meet the requirements and standards of the OEPA and the City. Sanitary sewers and storm sewers shall not be combined in the same line.

B. Where a public sanitary sewer system is not reasonably accessible, the sub-divider may provide a central treatment plant for the subdivision, provided that such central treatment plant is installed in accordance with OEPA and county health requirements. Lots may be served by individual disposal systems only with approval of appropriate OEPA and county health officials. Where the installation of individual disposal systems is considered, the absorptive ability of the soil, surface drainage, ground water level and topography shall be the criteria used for determining whether or not the installation of individual systems is permissible.

C. When individual, on-lot sewage systems are approved; each lot so served shall be of a size and shape to accommodate the necessary length of a leach field at a safe distance from and at a lower elevation than the proposed building(s). Adequate area for replacement leach fields will usually be required. On-lot systems shall be designed to retain effluent on the lot as much as possible. Easements

across abutting landowners may be required for the necessary drainage of treated sewage effluent.

§23.06.05. Drainage and storm sewers.

All storm drainage design shall be planned and executed so as to preserve natural topographic features and vegetative cover, to minimize change to existing topography, and to preserve natural drainage systems.

A. Where an adequate public storm sewer is available at the plat boundary, the sub-divider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of at least thirty (30) feet in width shall be provided as determined by the City Manager and approved by the Commission. Storm drainage from lots, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

B. The sub-divider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the City Manager, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The best available technology shall be used to minimize off-site storm water runoff, increase on-site filtration, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces, and swales. Storm water management shall follow the standards established in *Rainwater and Land Development, 2nd ed., 1996, ODNR*, or any later version that is published as an update. Subdivision development shall not increase the rate of runoff and an increase in the volume of runoff shall require a reduction in the rate of runoff. NRCS TR-55, or other suitable engineering method, shall be used to determine flow rate. Manning's equation, or other suitable engineering method, shall be used to determine velocity.

C. When necessary, outlet ditches of closed sewers of an approved type and size shall be required as part of the construction. If same is across private property, rights-of-way or easements shall be obtained by the sub-divider for construction and future maintenance. These rights-of-way or easements shall be shown on the construction plans. The channel downstream of the subdivision shall be improved adequately by the sub-divider to convey the storm runoff from the subdivision and across the adjacent property owner so that damages from flooding are minimized. Whenever possible, post-development drainage patterns shall be the same as pre-development drainage patterns.

D. The sub-divider shall guard against the creation or continuation of swampy areas or stagnant pools, unless they are a component of a designed wetlands open space. The City Manager may require fill, swale, and/or channel improvements in order to forestall such problems.

§23.06.06. Electric, gas, and telephone improvements.

A. Electric and telephone service shall be provided within each subdivision. Gas service may be

required where reasonably accessible. Telephone, electric, and street lighting wires, conduits, and cables shall be constructed underground except in cases where the City Manager determines that topographic, bedrock, or underground water conditions would result in excessive costs to the sub-divider.

B. Overhead utility lines, where non-existent and where permitted shall be located in an area mutually agreed to by the City Manager, utility company, and sub-divider. The width of the easement per lot shall be not less than ten (10) feet and the total easement width shall be not less than twenty (20) feet.

C. Whenever any two or more of the following: water line, storm water line, sanitary sewer line, electric line, or telephone line are placed underground in the same utility easement, the total easement width shall be not less than twenty (20) feet.

D. Whenever a major gas transmission line is on or adjacent to property proposed to be subdivided, adequate measures shall be taken to insure that all buildable sites are at a minimum safe distance from the transmission line easement, as recommended by the gas transmission company and the Public Utilities Commission of Ohio, hereinafter referred to as "PUCO".

§23.06.07. Over-size and off-site improvements.

The City Manager may require that utilities, pavements, and other land improvements for the proposed subdivision be designed over-sized, and/or with extensions provided, to serve nearby land which is an integral part of the neighborhood service or drainage area. For all utility systems within the City, the City shall pay the difference between the cost of the utility necessary to service the platted area and any larger sized utility connection required to service the area beyond the limits of the plat.

Chapter 23.07. Environmental and Landscaping Design and Construction Standards.

- §23.07.01. Purpose.
- §23.07.02. Public sites, open space and recreation.
- §23.07.03. Flood areas and storm drainage ditches.
- §23.07.04. Soil erosion requirements.
- §23.07.05. Landscape plan.
- §23.07.06. Site protection and general planting requirements.
- §23.07.07. Shade trees.
- §23.07.08. Buffering.
- §23.07.09. Maintenance.
- §23.07.10. Parking lots landscaping.
- §23.07.11. Paving materials.
- §23.07.12. Walls and fences.
- §23.07.13. Street furniture.
- §23.07.14. Lighting.

§23.07.01. Purpose.

Protection of existing environmental features and provision of landscaping provides for an attractive development. Minimization of soil loss, flood hazard, noise pollution, and visual nuisance can be accomplished through good site planning. Additionally, protection of

existing vegetation, drainage patterns, and topography can help reduce construction costs. Planned landscaping features will add to property values and provide benefits to future residents of the subdivision.

§23.07.02. Public sites, open space and recreation.

A. Where a park, playground, school, public access to water frontage, or other proposed public property is located in whole or in part in a proposed subdivision, the Commission may request the dedication of such area within the subdivision or that provision be made for the acquisition of such area by the proper agency within a mutually acceptable period.

B. The Commission, in conjunction with the City Manager may require that land be conveyed to the City for park purposes. The Commission may require the sub-divider to provide for creation of a homeowners association that will be responsible for dedicated open space maintenance. All subdivision residents will be members of the homeowners association. The Commission will review proposed association by-laws as part of the subdivision review process.

C. Where a large-scale subdivision or planned unit development is proposed, the Commission shall require that consideration be given to sites for schools, parks, playgrounds, and other such areas for common use, and that provisions be made for such reservation or acquisition by the proper agency.

D. The Commission reserves the right to deny approval to a subdivision if such subdivision disregards the preservation of natural features such as wooded areas, water courses, geologic formations, riparian areas, and areas of natural, historical, or prehistorical significance which add value to a residential development and the community.

§23.07.03. Flood areas and storm drainage ditches.

All subdivisions shall comply with *Title 25, Nelsonville City Flood Damage Reduction Code* on file in the City Manager's office or the Flood Damage Reduction standards of the political subdivision of jurisdiction. Appropriate measures shall be taken to elevate buildings to required levels. A proposed subdivision may be denied if access to the subdivision is periodically blocked by floodwaters. Flood control or storm drainage facilities shall be provided as follows:

A. Access to flood control or storm drainage ditches and channels shall be provided by easements of not less than thirty (30) feet in width, twenty (20) feet of which is located on one side of the flood control or drainage ditch, channel or similar facilities.

B. Flood control or storm drainage easements containing only underground facilities shall have a minimum width of twenty (20) feet.

§23.07.04. Soil erosion requirements.

A. In the development of a subdivision, the sub-divider shall apply best management practices, with both temporary and permanent measures, during all phases of clearing, grading, and construction in order to minimize the amount of sediment flowing into a public or private surface ditch, subsurface drainage, stream, river or lake, or onto an

adjoining property. Sediment control shall follow the standards and specifications in *Rainwater and Land Development, 2nd ed., 1996, ODNR*, or any later version that is published as an update.

B. When a proposed development area consists of one (1) or more acres of earth-disturbing activities, the owner of record shall develop and submit to the OEPA for review and approval, a soil erosion and sedimentation control plan. Such a plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction. The soil and erosion control plan shall have OEPA approval before the final plat is submitted to the Commission.

C. When a proposed development area involves less than one (1) acre of earth-disturbing activities, it is not necessary to submit a soil erosion and sedimentation control plan; however, the sub-divider shall comply with the standards and specifications in *Rainwater and Land Development, 2nd ed., 1996, ODNR*, or any later version that is published as an update. Upon request, submittal of specific soil erosion and sedimentation prevention measures to be or being implemented may be required to determine compliance.

D. Soil erosion and sedimentation control plans shall be certified by a professional engineer registered in the State of Ohio before being submitted to the City Manager for review and approval.

§23.07.05. Landscape plan.

A landscape plan shall be submitted for planned unit developments and commercial, industrial, medium-low, medium, medium-high, and high-density residential subdivisions, unless an exception is granted by the Commission pursuant to these Regulations. The landscape plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. Where existing plants are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction. Careful thought shall be given as to how best to preserve existing plant material at the site. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture.

§23.07.06. Site protection and general planting requirements.

A. Topsoil preservation

Topsoil shall be temporarily stored and later redistributed on all regraded surfaces so as to provide at least four (4) inches of even topsoil cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

B. Removal of debris

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the City Manager.

C. Protection of existing plantings

Maximum effort should be made to save fine or exceptional plant specimens. No material or temporary soil deposits shall be placed within the dripline of shrubs and trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

D. Slope plantings

Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertical to three (3) feet horizontal shall be planted with ground cover appropriate for the land use and for the soil conditions and water availability.

E. Additional landscaping

In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy, or other reasons in accordance with the landscape plan approved by the Commission taking cost constraints into consideration. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the Commission.

F. Planting specifications

Deciduous trees shall have at least a two-inch (2") caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the sub-divider during the following planting season.

G. Plant species

The plant species selected shall be hardy for the climate in the City and appropriate in terms of function and size.

§23.07.07. Shade trees.

Shade trees shall be installed on both sides of all streets in accordance with the approved landscape plan. Subdivisions planned for wooded sites will not need shade trees planted along roadways. When trees are planted at predetermined intervals along streets, spacing shall depend tree size at maturity as follows in Table 10 (below):

Table 10: Spacing between Shade Trees

Growth Diameter (feet)	Planting Interval (feet)
Large trees (40+)	50-70
Medium trees (30-40)	40-50
Small trees (to 30)	30-40

When the spacing interval exceeds forty (40) feet, small ornamental trees can be placed between the larger trees. If a street canopy effect is desired, trees may be planted closer together, following the recommendations of a registered landscape architect, or an ODNR urban forester. Tree plantings shall be coordinated with utilities, roadways, sidewalks, sight easements, or streetlights. Tree location, landscaping design, and tree spacing shall be approved by the Commission as part of the landscape plan.

§23.07.08. Buffering.

Buffering is the provision of an area between different land uses that attempts to minimize negative environmental impacts, such as noise and light pollution, from one to the other. Buffers shall provide a year-round visual screen in order to minimize adverse impacts. They may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives. Every sub-divider shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Commission determines that there is a need to shield (1) neighboring properties from any adverse external effects of a development; or (2) the development from negative impacts of adjacent uses such as commercial developments, streets, or railroads. In medium-low to high-density developments, when building design and siding do not provide visual and audio privacy, the Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

Table 11: Buffer Strip Width

Parking lots, garbage collection, utility areas, and loading and unloading areas	5 feet width minimum
All other land uses	25 feet width minimum

§23.07.09. Maintenance.

Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within any buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.

§23.07.10. Parking lot landscaping.

A. In parking lots, at least five percent (5%) of the interior parking area shall be landscaped with plantings and shall include at least one (1) tree for each eight (8) spaces. Parking lot street frontage screening and perimeter screening shall be a minimum of five (5) feet wide.

Planting required within the parking lot is exclusive of other planting requirements, such as shade trees planted along the street.

B. Landscaping should be located in protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance. Plantings in parking areas and on streets shall pay particular attention to sun position during the summer months so that maximum cooling effects can be gained from well-placed trees.

C. A mixture of hardy flowering and/or decorative evergreen and deciduous trees may be planted. The evergreens should be used along the perimeter of the lot for screening, and the deciduous trees for shade within the lot. The area between trees shall be mulched or planted with shrubs or ground cover. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.

§23.07.11. Paving materials.

Design and choice of paving materials used in pedestrian areas shall consider such factors as function, climate, user characteristics, availability, cost, maintenance, glare, drainage, noise, appearance, and compatibility with surroundings. Acceptable materials shall include, but are not limited to, concrete, brick, cement pavers, asphalt, and stone.

§23.07.12. Walls and fences.

Walls and fences may be erected for privacy, screening, separation, security, or erosion control. The design and materials used shall be functional and compatible with existing and proposed site architecture.

No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

§23.07.13. Street furniture.

Street furniture such as trash receptacles, benches, and phone booths, shall be located and sized in accordance with their function. The different street furniture components shall be compatible in form, material, and finish. Design and materials shall be coordinated with existing and proposed site architecture. Selection of street furniture shall take into consideration functionality and durability.

§23.07.14. Lighting.

Exterior lighting shall be directed towards the ground with shields that prevent light from escaping away from the intended object or area to be lit.

Chapter 23.08. Requirements for Construction of Improvements.

- §23.08.01. Improvements and cost estimation information.
- §23.08.02. Performance guarantee for installation and maintenance of improvements.
- §23.08.03. Temporary improvements.
- §23.08.04. Extension of time.
- §23.08.05. Failure to complete improvements.
- §23.08.06. Progressive installation.
- §23.08.07. Deferral or waiver of required improvements.
- §23.08.08. Inspection of improvements.
- §23.08.09. Acceptance of streets, storm drainage, sanitary sewer and water distribution improvements for use and maintenance by the public.

§23.08.01. Improvement and cost estimate information.

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the City and the appropriate County Health Department or other appropriate agency, all the streets, sanitary improvements, and other public improvements, including lot improvements on the individual lots, as listed on the final plat and engineering plans. When required improvements are not completed, the sub-divider shall insure their completion with a performance guarantee acceptable to the Commission and the City Manager. All required improvements shall be made by the sub-divider, at his or her expense, and cost estimates for materials and labor shall be provided by a professional engineer licensed in the State of Ohio. The sub-divider shall dedicate public improvements to the City, free and clear of all liens and encumbrances on the dedicated property and public improvements.

§23.08.02. Performance guarantee for installation and maintenance of improvements.

To guarantee the construction and/or maintenance of required improvements prior to the

approval and recording of the final plat, the sub-divider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

A. Performance Bond, Certified Check, or Irrevocable Letter of Credit

The sub-divider shall post a bond, executed by a surety company, or a certified check or irrevocable letter of credit equal to the estimated cost plus ten percent (10%) of the required improvements. The bond shall be in favor of the City and shall guarantee construction of the improvements according to the plans and specifications approved by the Commission. The term of the bond shall not exceed one (1) year plus a two (2) year maintenance period for a total of three (3) years. The City Manager may grant an extension where due cause can be shown. Failure of the developer to maintain the bond until released shall not void the bonding requirement. Under no circumstances shall the required performance bond, cash deposit or irrevocable letter of credit be tied to or be considered a portion of the sub-divider's financing for the development.

B. Deposit

The sub-divider may make a deposit with the County Treasurer, with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus ten percent (10%) of the required improvements. If a cash deposit is made, an agreement may be executed to provide payments to the contractor or the sub-divider from the deposit as the work progresses and is approved by the responsible county official.

§23.08.03. Temporary improvements.

The applicant shall build and pay for all temporary improvements required by the Commission and shall maintain those temporary improvements for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the sub-divider shall file with the City Manager a separate performance guarantee in an amount equal to the estimated cost of the temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

§23.08.04. Extension of time.

If the construction or installation of any improvements or facility, for which guarantee has been made by the sub-divider in the form of a performance bond, cash deposit, or irrevocable letter of credit, is not completed within one (1) year from the date of final plat recording, the sub-divider may request the City Manager to grant an extension of six (6) months, provided he can show reasonable cause for inability to complete said improvements within the required one (1) year. The request shall be accompanied by a revised cost estimate of construction.

§23.08.05. Failure to complete improvements.

In case the sub-divider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the City Manager may proceed to have such work completed and reimburse itself for the cost

thereof by appropriating the cash deposit, certified check, surety bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

§23.08.06. Progressive installation.

After the preliminary plan of a proposed subdivision has been approved by the Commission, the sub-divider may improve a part of the entire area and submit a final plat for that improved portion to the Commission for approval.

§23.08.07. Deferral or waiver of required improvements.

The Commission may defer or waive, at the time of final plat approval and subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interest of the public health, safety, or welfare, or which are inappropriate because of the inadequate or nonexistence of connecting facilities. Any determination to defer or waive the provision of certain public improvements must be expressly made on the record. Whenever it is deemed necessary by the Commission to defer the construction of any improvement the sub-divider shall pay his share of the costs of the future improvements to the local government prior to the signing of the final subdivision plat by the Council. The sub-divider may provide a separate performance bond, cash deposit or irrevocable letter of credit for the completion of the deferred improvements upon demand of the local government.

§23.08.08. Inspection of improvements.

The City Manager shall coordinate with the appropriate County Health Department or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. A professional engineer, licensed in the State of Ohio and under contract with the sub-divider, shall supervise inspection of the construction improvements and shall sign and certify inspection reports provided by the City Manager. The City Manager shall be notified by least twenty-four (24) hours in advance of placement of road base material, culvert cover material, and road surface material. The City Manager may assess fees for any inspection performed by his/her staff. An inspection schedule shall be finalized by the Manager and sub-divider before any work begins. If, in the opinion of the City Manager, installations are improper or inadequate, the inspector shall issue a stop order. Failure to comply with the City Manager's recommendations during construction shall be deemed a violation of these Regulations subject to having the approved final plat invalidated by the City Manager.

§23.08.09. Acceptance of streets, storm drainage, sanitary sewer and water distribution improvements for use and maintenance by the public.

Upon completion of all improvements, the sub-divider shall request that the City Manager perform an

inspection. After the inspection, the City Manager will do one of the following:

A. Issue a letter to the Council, with a copy to the sub-divider, recommending the start of a two year maintenance period;

B. Issue a letter to the sub-divider, with a copy to the Council, listing items of work necessary to accomplish satisfactory completion of the improvements;

C. The two year maintenance period begins when the City Manager officially acknowledge the receipt of the maintenance guarantee. During the two year maintenance period, the sub-divider shall be responsible for maintenance of all improvements, including snow removal and grass mowing, and shall repair all failures due to faulty construction as soon as they become apparent. The sub-divider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failure, for all other reasons, during the two year maintenance period. The sub-divider shall restore the improvements at the end of the maintenance period. The maintenance guarantee shall remain in effect until final acceptance of improvements by the City Manager. Before the City Manager will release the maintenance guarantee, the sub-divider shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid. After the two (2) year maintenance period, the sub-divider shall, after restoring all improvements to an acceptable condition, and after all monies are paid to contractors, request that the City Manager perform an inspection for final acceptance. After the inspection, the Commission will do one of the following:

(1) Issue a letter to the Council, with a copy to the sub-divider, recommending final acceptance of the improvements and release of maintenance guarantee.

(2) Issue a letter to the sub-divider, with a copy to the Council, listing items of work necessary to accomplish before the recommendation for final acceptance can be made.

D. The Council will vote to accept the improvements after the City Manager has recommended final acceptance. Upon acceptance of the public improvements, the City Manager will file an affidavit with the appropriate County Recorder stating the public improvements on the referenced plat have been accepted. The County Recorder will record the affidavit and note it on the referenced plat.

Chapter 23.09. Planned Unit Development.

- §23.09.01. General statement.
- §23.09.02. Purpose of planned unit development.
- §23.09.03. Uses permitted.
- §23.09.04. General requirements.
- §23.09.05. Open space.
- §23.09.06. Management of common property.
- §23.09.07. Open space improvement guarantee.
- §23.09.08. Conformity to existing street and thoroughfare plan.
- §23.09.09. Public streets.
- §23.09.10. Private streets.

§23.09.11. Staging of residential planned unit development.

§23.09.01. General statement.

The planned unit development is a contiguous area to be planned, developed, operated and maintained as a single entity containing one or more structures to accommodate residential, commercial and/or industrial uses. The procedures for approval of planned unit developments are subject to the approval procedure specified by Chapter 23.03 of these Regulations.

§23.09.02. Purpose of planned unit development.

Planned unit development of land may be permitted in order to provide a means for a more desirable physical development pattern than would be possible through the strict application of zoning regulations and subdivision regulations. The Commission will permit variety and flexibility in land development to encourage the sub-divider to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.

§23.09.03. Uses permitted.

Compatible residential, commercial, industrial, public and quasi-public uses may be combined, provided that the proposed location of the commercial or industrial uses will not adversely affect or disregard adjacent property, public health, safety, and the general welfare. A variety of housing and building types is encouraged by permitting a higher per acre housing density and a reduction in lot dimensions and yard and building setbacks, compared with conventional development standards.

§23.09.04. General requirements.

A. The gross area of the tract to be developed under the planned unit development approach shall comprise not less than ten (10) acres, unless otherwise approved by the Commission.

B. The total ground area occupied by buildings and structures shall not exceed eighty percent (80%) of the total ground area, unless previous development in the neighborhood has a greater ground coverage, in which case the plan may increase the ground coverage of buildings and structures to correspond with the average coverage in the neighborhood.

C. A minimum of ten percent (10%) percent of the land developed shall be reserved for open space and similar uses such as an internal park network, recreational facilities, and preservation of natural features.

D. The minimum lot size shall be not less than seventy percent (70%) of the lot area per family or used otherwise required under these Regulations. Lot widths and required yards may be reduced to eighty percent (80%) of the requirements of these Regulations.

E. The design of the internal circulation system shall provide convenient access to dwelling units and non-residential facilities, separation of vehicular and pedestrian traffic, and shall be adequate to carry anticipated traffic, including access for emergency vehicles.

§23.09.05. Open Space.

The amount of open space reserved in the planned unit development shall either be held in corporate ownership by the owners of the project area, for the use of those who buy property, be held by an association of property owners within the development, or be dedicated to City and retained as open space or related uses. All land dedicated to City shall meet the requirements of the Commission. Public utility easements and easements for watercourses are not acceptable for open space dedication unless such land is usable as a trail and approved by the Commission.

§23.09.06. Management of common property.

A homeowner's association, or in the case of non-residential development, an owner's association, shall be established to provide for the maintenance of all facilities and/or properties held in common within planned unit developments. These shall include, but not be limited to, private streets and walkways, private recreational facilities, and common lots and open space areas. The sub-divider shall submit evidence as to the financial ability of the homeowner's association to maintain any property or facilities held in common ownership, including the estimated annual cost of maintaining all common properties and facilities; the estimated monthly fee that shall be assessed to each residential property; and an estimate of the value of the dwelling units that will be constructed within the planned unit development. Any homeowner's association and accompanying regulations shall be reviewed and approved by the City Attorney.

§23.09.07. Open space improvement guarantee.

At the time of the application for final plat approval, the sub-divider shall provide a performance guarantee, in accordance with Chapter 23.08 of these Regulations, in the amount of the estimated cost of the proposed open space improvements. When the improvements are satisfactorily completed, the performance guarantee may be reduced to ten percent (10%) of its original amount to be used as a maintenance guarantee for a one (1) year period. Improvements will then be inspected by the City Manager and, if acceptable, will be thereafter managed as open space by the City.

§23.09.08. Conformity to existing streets and thoroughfare plan.

Whenever a Planned Unit Development abuts or contains an existing or proposed major thoroughfare or minor existing street, the roadway standards as contained in these Regulations shall be applicable.

§23.09.09. Public streets.

The Commission may require certain streets within the planned unit development be public if it determines that the project density necessitates the use of public streets for adequate circulation.

§23.09.10. Private streets.

Private streets may be permitted in planned unit developments and shall meet the construction requirements of these Regulations. Private streets shall be owned and

maintained by abutting property owners and other persons to whom the streets provide access.

§23.09.11. Staging of residential planned unit development.

A. Each stage of a planned unit development must be so designed so as to stand independently of future related stages, in the event future stages are not constructed. The construction and provision of all the common open spaces and public and recreational facilities that are shown on the final development plat must proceed at the same rate as the construction of dwelling units.

B. If a planned unit development contains non-residential uses, these uses may be constructed first if the Commission so approves.

Chapter 23.10. Hillside Regulations.

- §23.10.01. General.
- §23.10.02. Determination of average slope.
- §23.10.03. Minimum lot requirements for single family homes.
- §23.10.04. Grading plans and controls.
- §23.10.05. Cuts and fills.
- §23.10.06. Compaction of fill.
- §23.10.07. Retaining walls.
- §23.10.08. Minimum hillside requirements.
- §23.10.09. Street alignment.
- §23.10.10. Driveways.

§23.10.01. General.

These Regulations apply to all hillside areas. A hillside is defined as sloping ground with an average slope of more than fifteen percent (15%). The sub-divider shall submit detailed information concerning geologic conditions, soil types, and underground water level in order that a determination can be made by the City Manager as to the safety of the particular site. New development shall maintain existing levels of slope stability and not increase the potential for slope failure. Development in hillside areas shall follow the technical standards and specifications in *Rainwater and Land Development, 2nd ed., 1996, ODNR, 2nd ed.*, or any later version that is published as an update.

§23.10.02. Determination of average slope.

The average slope for any hillside development shall be determined by the Commission during the time of preliminary subdivision design. Determination will be on an area-by-area basis with each lot sized according to the average topographic change falling within each area.

§23.10.03. Minimum lot requirements for single family homes.

The minimum lot requirements shall be used to determine the minimum lot area for a single-family home (Table 12). The average percent of slope is determined by the sub-divider's registered engineer and approved by the City Manager. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest five (5) foot frontage interval.

§23.10.04. Grading plan and controls.

The grading plan shall show contour lines at the same intervals as required in the preliminary plan. Lot layout and the approximate dimensions shall be shown for each lot and each building site. Engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, lot layout and lot dimensions, and finished grade of streets prior to consideration of the final plat.

§23.10.05. Cuts and fills.

Cut and fill slopes shall be designed, constructed, and maintained in a manner that will maximize stability and minimize erosion. Consideration shall be given to length and steepness of slope, soil type, upslope drainage area, and groundwater conditions when determining appropriate drainage management and slope stabilization measures. Rock or similar irreducible material with a maximum dimension greater than eight (8) inches, organic materials, and construction and demolition debris shall be prohibited from fills, unless such fills are intended and approved by the City Manager as mass rock fills or disposal fills. Fills shall be compacted in eight-inch (8) lifts to a density that is appropriate for the intended use. That density shall be determined by laboratory analysis of the fill material prior to its placement. The sub-divider shall be responsible for this laboratory analysis. The horizontal distance from the top and from the toe of an existing or proposed unrestrained cut or fill slope to the nearest existing or proposed structure, property line, or paved surface shall be at least one-half (1/2) the vertical height of the cut or fill, unless local geology or character of materials indicates that a different distance is appropriate. No land shall be graded, divider's engineer and the County Engineer. The sub-divider shall have fill material tested by a responsible testing company at his or her expense. No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots, unless a retaining wall, designed by a professional engineer, registered in the State of Ohio, is provided to retain the graded bank.

§23.10.06. Compaction of fill.

All fill underlying a proposed roadway shall be compacted to a density of ninety-five percent (95%) or greater. Inspection of fill shall be conducted by the sub-divider's engineer and the City or County Engineer. The sub-divider shall have the material tested by a responsible testing company at his or her expense.

§23.10.07. Retaining walls.

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. Such improvements shall require the approval of the City Manager.

§23.10.08. Minimum hillside requirements.

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

Table 13: Minimum Hillside Requirements

Group	Slope	Front Yard Setback	Side Yard % of Lot Width	Right of Way	Pavement
1	15-25%	25'	10%	50'	24'
2	26-30%	23'	10%	45'	22'
3	31%-Over	20'	10%	40'	20'

§23.10.09. Street alignment.

The following regulations shall govern street alignment:

A. Vertical profile grades shall be connected by vertical curves up to fifteen percent (15%), but for only short, straight stretches.

B. Waiver of visibility requirements may be given subject to the approval of the Commission.

§23.10.10. Driveways.

The maximum grade on that portion of a driveway within a public right-of-way shall not exceed fifteen percent (15%). Each driveway shall provide sufficient space and distance to turn around prior to entering the street. When the average slope on a lot will exceed fifteen percent (15%), the driveway location will be shown on the preliminary plan (or final plat if no preliminary plan was submitted). Driveways shall be designed and constructed so as to drain into the roadway ditch and not onto the roadway surface. The area of the driveway adjacent to the roadway shall drain away from the roadway.

Chapter 23.11. Required Statements and Signatures to be Affixed on the Plat.

§23.11.01 Required statements.

The following statements shall be affixed on the subdivision plat. The Commission may require modifications to the statements. All signatures shall be obtained prior to approval of the subdivision plat by the Commission.

A. Deed Reference

Situated _____ in _____ Section _____, _____ Township, City of Nelsonville, Ohio, containing ___ acres and being (part or) the same tract as conveyed to _____ and described in the deed recorded in Deed Book (Official Records) ___ Page ___, City of Nelsonville, Ohio.

B. Certificate of Ownership

We, the undersigned, do hereby certify that we are the owners of the property described in the above caption and that all legally due taxes have been paid, and that as such owners, we have caused the said above described property to be surveyed and subdivided as shown.

Seal

Seal

County _____ }
State of Ohio _____ } SS

C. Owner's Consent and Dedication

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or open space as shown hereon to the public use forever, unless such areas are specifically marked "private" on the final plat. Easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, storm water disposal and to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever. No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances of either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities or (4) create a hazard.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health or other lawful rules and regulations for the benefit of himself or herself and all other subsequent owners or assigns taking title from, under, or through the undersigned.

In witness thereof this ____ day of _____, _____.

Witness: _____
Signed: _____

D. Certificate of Notary Public

State of Ohio, S.S.

Be it remembered that on this ___ day of _____, _____ before me the undersigned, a Notary Public in and for said State, personally came _____, who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed for the purpose therein expressed.

In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

By: _____

NOTARY PUBLIC
State of Ohio

Nelsonville City Code

My commission expires _____

E. Certificate of Surveyor

I hereby certify that this map is a true and complete survey made by me (under my supervision) on _____ (date) and that all monuments and lot corner pins are (or will be) set as shown.

By: _____

(Print name and registration number here)

Registered Surveyor

F. Nelsonville City Planning Commission

Approval

Nelsonville City Planning Commission

This plat is recommended for Nelsonville City Council approval by the Nelsonville City Planning Commission on this _____ day of _____, _____.

President

G. County Health Department
COUNTY HEALTH DISTRICT

I hereby approve this plat on this _____ day of _____, _____.

County Health Administrator

H. County Engineer

Mathematical accuracy approved this _____ day of _____, 20____.

County Engineer

Construction of road improvements as per City of Nelsonville Subdivision Regulations:

Approved this _____ day of _____, 20____.

Nelsonville City Manager

I. Nelsonville City Council Approval

Acceptance of the dedication of the right-of-way does not constitute an obligation on the part of any government entity to maintain and/or improve said right-of-way. Approval of this plat for recording does not constitute an acceptance of the dedication of any public street, road, or highway dedicated on such plat. (*Ohio Revised Code Chapter 711*)

NELSONVILLE CITY COUNCIL

We hereby approve this plat on this _____ day of _____, _____.

Nelsonville City Council (President)

J. County Auditor's Transfer:
COUNTY AUDITOR

Transferred on this _____ day of _____, _____.

By _____
County Auditor

K. County Recorder:
COUNTY RECORDER:

File No. _____
Received on this _____ day of _____, _____ at _____ .M.

Recorded on this _____ day of _____, _____ at _____ .M.

Recorded in plat book No. _____, Page _____.

Fee \$ _____.

By _____

Deputy County Recorder

L. Acceptance of Public Improvements for Maintenance

Be it resolved by the Nelsonville City Council, that infrastructure improvements have been inspected and approved for permanent maintenance by the City Manager on this _____ day of _____, _____.

Nelsonville City Council (President)

Chapter 23.12. Definitions.

§23.12.01. Definitions.

Interpretation of Terms or Words: For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

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."

F. The word "City" where used shall mean the City of Nelsonville, Athens County, Ohio adopting these Regulations and its legal entities.

G. "Alley": See Thoroughfare

H. "Archaeological site": Reserved.

I. "Block": That property abutting one side of a street and lying between the two nearest intersecting streets, 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.

J. "Block frontage": Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

K. "Building": A structure designed to be used as a place of occupancy, storage or shelter.

L. "Building site": A parcel under separate deed or description containing less than five (5) acres, having road frontage, and, in the opinion of the Nelsonville City Planning Commission, having attributes whereby a residence or business could be feasibly constructed.

M. "Capital Improvement Program": A plan for expenditures of funds for making improvements to local infrastructure. The plan includes a project list, cost estimates, construction schedule, and financing methods.

N. "Comprehensive Plan or Comprehensive Development Plan": A plan or any portion, thereof, adopted by the Nelsonville City Planning Commission and the Nelsonville City Council showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

O. "Condominium": Condominium means and includes the land, together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of *Ohio Revised Code* Chapter 5311 and which is subject to said Chapter 5311.

P. "Corner lot": See Lot Types

Q. "Covenant": A written promise or pledge.

R. "Cul-de-sac": See Thoroughfare

S. "Culvert": A transverse drain that channels under a bridge, street, or driveway.

T. "Dead-end Street": See Thoroughfare

U. "Density": A unit of measurement; the number of dwelling units per acre of land.

(1) "Gross density" - the number of dwelling units per acre of the total land to be developed.

(2) "Net density" - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(3) "Density, Low Residential": Land to be utilized for residential purposes, including public housing, and industrialized units, which does not exceed two (2) dwelling units per gross acre.

(4) "Density, Medium-Low Residential": Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purpose of street design requirements, the medium-low density residential classification shall be considered as medium density.

(5) "Density, Medium Residential": Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

(6) "Density, Medium-High Residential": Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

(7) "Density, High Residential": Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

V. "Develop": To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

W. "Developer": Any individual, sub-divider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

X. "Dripline": An imaginary curved line, on the ground, that is vertically below the outermost limit of leaves or needles on trees and shrubs.

Y. "Driveway": A vehicular travelway used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Z. "Dwelling unit": Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

AA. "Easement": A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

BB. "Engineer": Any person registered to practice professional engineering by the State board of registration as specified in *Ohio Revised Code* §4733.14.

CC. "Environmental Protection Agency": Ohio Environmental Protection Agency (O.E.P.A.)

DD. "Environmentally sensitive area": An area within a subdivision's borders that possesses unique environmental characteristics that may be destroyed if disturbed by construction activity. Examples are wetland

areas or locations containing rare or endangered flora or fauna.

EE. "Erosion": The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FF. "FEMA": The Federal Emergency Management Agency.

GG. "Final plat": A revised version of the preliminary plan showing exact locations of lot lines, rights-of-way, easements, and dedicated areas. The final plat is recorded in the office of the County Recorder.

HH. "Flood": An overflowing of water, from watercourses, onto land which is normally dry.

II. "Flood, 1% Chance/100-Year": The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

JJ. "Flood plain": Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (1% chance/100-year flood) on the "Flood Insurance Rate Map" (FIRM) prepared by F.E.M.A.

KK. "Grade": The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

LL. "Health Department": City-County Health District of Athens or Hocking County, whichever has jurisdiction.

MM. "Highway Director": The Director of the Department of Transportation.

NN. "Historical site": Structures and/or premises having historical or cultural significance, including but not limited to structures and districts recognized in 1996 by the National Registry of Historic Places District #96000672.

OO. "Improvements": Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

PP. "Land Contract": A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

QQ. "Letter of Credit": A written statement from a bank or loan company, written against the good standing of a sub-divider, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the sub-divider fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, Performance Bond or Surety Bond)

RR. "Light pollution": Exterior light that goes beyond the area or object that is intended to be illuminated.

SS. "Location map": See Vicinity map

TT. "Lot": For purposes of these regulations, a lot is a parcel of land that is:

- (1) A single lot of record;
- (2) A portion of a lot of record;

(3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

UU. "Lot area": The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

VV. "Lot depth": The mean horizontal distance between the front and rear lines of a lot.

WW. "Lot frontage": The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

XX. "Lot measurements": A lot shall be measured as follows:

(1) Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width.

YY. "Lot of record": A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

ZZ. "Lot types": Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

(1) Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

(2) Interior Lot: A lot other than a corner lot with only one frontage on a street.

(3) Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(4) Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

(5) Flag Lot: A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle.

AAA. "Lot width": The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the

measurement shall be made on the arc, on or parallel to the curve of the street line.

BBB. "Maintenance bond": An agreement by a sub-divider or sub-divider with the City of Nelsonville guaranteeing the maintenance of physical improvements for a period of two (2) years from the release of the performance bond.

CCC. "Minor subdivision": A division of a parcel of land that does not require a plat to be approved by a planning authority according to *Ohio Revised Code §711.131* known also as a Lot Split or Parcel Split.

DDD. "Monuments": Iron bases or iron pipes which will be set at all lot or parcel corners within the subdivision.

EEE. "Official map": The map established by the Nelsonville City Planning Commission showing the streets, highways, and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Nelsonville City Council and the Nelsonville City Planning Commission or additions thereto resulting from the approval of subdivision plats by the Nelsonville City Manager and the subsequent filing of such approved plans.

FFF. "Open space": An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the Nelsonville City Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

GGG. "Out lot": Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

HHH. "Owner": Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Resolution.

III. "Pad": A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

JJJ. "Parcel": Any piece of land described by a current deed.

KKK. "Parking space, off-street": For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

LLL. "Performance bond or Surety bond": An agreement by a sub-divider with the City of Nelsonville for the amount of the estimated construction cost (as approved by Nelsonville City Council and the Nelsonville City Manager) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement. (See also, Letter of Credit)

MMM. "Performance guarantee": Any security that may be accepted by a municipality as a guarantee that

the improvements required as part of an application for development that are satisfactorily completed.

NNN. "Person": An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

OOO. "Planned unit development": An area of land, in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

PPP. "Plat": The map, drawing, or chart on which the sub-divider's subdivision is presented to the Nelsonville City Planning Commission for approval, and the county recorder for recording.

QQQ. "Preliminary plan": The initial proposal, including both narrative and site design information, intended to provide the Nelsonville City Planning Commission with an understanding of the manner in which the site in question is to be developed.

RRR. "Public way": An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not. (See also, Right-of-Way)

SSS. "Replat": A Subdivision or Plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous Subdivision or Plat.

TTT. "Reserve strip": An area of land adjacent to a public right-of-way retained in ownership by the sub-divider or sub-divider for the purpose of denying access to the adjacent land.

UUU. "Residual parcel": That property remaining in the original deed description after a more recently surveyed parcel has been separated from the original deed description.

VVV. "Right-of-Way": A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See also, Public Way)

WWW. "Setback line": A line established by the subdivision regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

XXX. "Sewers, Central or Group": An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

YYY. "Sewers, On-Site": A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process,

for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

ZZZ. "Sidewalk": That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See also, Walkway).

AAAA. "Sketch plan": An informal drawing which shows how a sub-divider proposes to subdivide a property and which gives sufficient site information for the Nelsonville City Planning Commission representatives to offer suggestions for site development.

BBBB. "Slippage potential": The potential which land has to move, under the force of gravity, should it be disturbed during construction activity.

CCCC. "Stopping sight distance": The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

DDDD. "Sub-divider": Any individual, sub-divider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

EEEE. "Subdivision":

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

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

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

(3) As the planning authority has adopted a rule in accordance with *Ohio Revised Code §711.133* that exempts from Division (B) (1) of that Section, any parcel of land that is more than four (4) acres and less than twenty (20) acres.

B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (See also, Minor Subdivision)

FFFF. "Surveyor": Any person registered to practice surveying by the State Board of Registration as specified in *Ohio Revised Code §4733.02*.

GGGG. "Tract": The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

HHHH. "Technical Review Committee": A committee of representatives of the Nelsonville City Manager's Office, the applicable County Health Department, the Nelsonville City Planning Commission, and the Nelsonville City Council who shall meet with sub-dividers or property owners proposing a major subdivision, a commercial or industrial subdivision, or a minor subdivision on which a Technical Review member requires additional information. The Technical Review Committee shall offer advice and assistance to the Nelsonville City Planning Commission.

III. "Terrain classification": Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:

(1) "Level": Land which has a cross slope range of four percent (4%) or less;

(2) "Rolling": Land which has a cross slope range of more than four percent (4%) but not more than eight percent (8%);

(3) "Hilly": Land which has a cross slope range of more than eight (8) percent but not more than fifteen percent (15%);

(4) "Hillside": Land which has a cross slope range of more than fifteen percent (15%).

JJJJ. "Thoroughfare, Street, or Road": The full width between property lines bounding every dedicated travelway, with a part thereof to be used for vehicular traffic and designated as follows:

(1) "Alley": A minor street used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is ten (10) miles per hour.

(2) "Arterial Street": A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally fifty-five (55) miles per hour. Arterial streets may be differentiated as major arterials or minor arterials.

(3) "Collector Street": A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally thirty-five (35) miles per hour.

(4) "Cul-de-Sac": A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally twenty-five (25) miles per hour.

(a) "Dead-end Street": A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

(b) "Local Street": A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally twenty-five (25) miles per hour.

(c) "Loop Street": A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred-eighty (180)

degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

d. "Marginal Access Street":

A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

KKKK. "Through lot": See Lot Types.

LLLL. "Variance": A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

MMMM. "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 Nelsonville in order to better locate and orient the area in question.

NNNN. "Watershed": The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

OOOO. "Wetland": An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

PPPP. "Yard": A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

(1) "Yard, Front": A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(2) "Yard, Rear": A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

(3) "Yard, Side": A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

QQQQ. "Zoning Officer": Zoning Officer shall mean the Zoning Officer of the City of Nelsonville.

Chapter 23.13. Appendices, Tables and Drawings.

Appendices:

- Appendix A. Subdivision Fee Schedule.
- Appendix B. Application for Minor Subdivision and Large Lot Division Approval.
- Appendix C. Application for Major Subdivision Approval.
- Appendix D. Application for Subdivision Variance.
- Appendix E. Preliminary Plan Checklist.
- Appendix F. Final Plat Checklist.

Appendix G. Environmental Review Checklist.

Tables:

- Table 1: Minimum Lot Areas and Width Requirements
- Table 2: Street Design Standards for Arterial Roads
- Table 3: Right-of-way Recommended Standards
- Table 4: Street Design Standards for all Collector Streets
- Table 5: Street Design Standards for Local Streets, including Cul-de-sacs
- Table 6: Intersection Design Standards
- Table 7: Recommended Driveway Dimensions
- Table 8: Recommended Parking Standards
- Table 9: Minimum Pavement Composition
- Table 10: Spacing between Shade Trees
- Table 11: Buffer Strip Width
- Table 12: Minimum Lot Size Requirements Based on Slope
- Table 13: Minimum Hillside Requirements

Drawings:

- Drawing 1: Typical Roadway Section
- Drawing 2: Typical Driveway/Public Road Intersection

Appendix A - Schedule of Subdivision and Parcel Transfer Fees.

Lot Splits, Parcel Splits and Large Lot Division
\$25.00

Minor Subdivision where one to four lots are proposed by variance with new access easements/private street.
No fee for initial site visit

Major Subdivision Platting
\$100.00 for first 5 acres, \$10 for each acre or portion thereof thereafter

Note: Payment is due at time of preliminary plan filing. If preliminary plan phases were not performed, the fee for the final plat will include the fees that would have been charged for preliminary plan review.

Other Subdivision Fees

One, Two, Three & Four Lot Major Subdivisions with Private Access Easement \$100.00 (if approved by variance)

Note: Variance application fee applied to fee if approved

Preliminary Plan Amendment \$25.00

Final Plat Amendment \$25.00

Subdivision Appeal or Variance \$50.00

Inspection Rates \$50.00 per visit
(Includes additional site visits for subdivision inspections)

City of Nelsonville Subdivision Regulations Purchase \$10.00

Appendix B - Application for Minor Subdivision Approval and Large Lot Division Regulated by Ohio Revised Code §711.131 and §711.133.

Three (3) completed and executed copies of this application supplemented with applicable required information must be filed with the Nelsonville City Manager's Office. Such applications will be assigned a file number and distributed to the Health Department for review and comments. Separate application shall be submitted for each lot subdivided. One (1) copy of the application, together with the actions taken by the Nelsonville City Planning Commission will be returned to the applicant or his/her agent.

NAME OF APPLICANT OR AGENT ADDRESS CITY STATE ZIP CODE TELEPHONE

NAME OF GRANTOR ADDRESS CITY STATE ZIP CODE TELEPHONE

Township of transfer Section Size of Parcel

(For use of the Nelsonville City Manager)

Date Received Date Reviewed Approved Disapproved

Nelsonville City Manager

Comments:

(For Health Department Use Only)

Date Received Date Reviewed Action Supervising Sanitarian Comments

(For Use of the Nelsonville City Planning Commission Only)

Date Received

Date Reviewed

Action: Fees Due \$ Fees Paid \$ Date Paid Comments

President

Appendix C - Application for Major Subdivision Approval Regulated by Ohio Revised Code Chapter 711.

Name of Development Sketch plan reviewed Preliminary plan approved Final plat approved

General Information: Owner Address Phone Home Business

Applicant: Address Phone Home Business

Engineer or Surveyor: Address Phone Home Business

Development Data: Location Existing Zoning Proposed Use Number of Lots Total Acreage Range of Lot Sizes

Linear Feet of New Street

CHECK ONE: Water Supply: On lot System Public System Sewerage System: On lot System Public System

(For Official Use Only)

- Exhibits Submitted Sketch Design Plan Preliminary Plan Final Plan Feasibility Study Street Profile and Cross Sections Drainage Plan Performance Bond Deed Restrictions

_____ Other

Distribution of Plan

- _____ City Manager
- _____ Dept. of Health
- _____ ODOT
- _____ OEPA
- _____ Water Co.
- _____ School District
- _____ Other

ACTION:

Sketch Plan:

Comments _____

Preliminary Plan:

Approved: _____
Rejected: _____
Comments: _____

Final Plat:

Approved: _____ Rejected: _____
Comments _____

Plat Recorded with County: Yes _____ No _____
Date Recorded: _____

Appendix D - Application for Subdivision Variance.

Date Application Received _____
Fee \$ _____ Application Number _____

A variance is a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

APPLICANT NAME _____
ADDRESS _____
CITY _____
STATE _____ ZIPCODE _____
TELEPHONE _____

Location of property under consideration (Address and/or description):

Nature of variance required: (Describe generally the nature of the variance)

Justification of variance: On a separate sheet, please attach a statement explaining why the variance from requirements of the subdivision regulation is required. Include such items as:

- (1) Exceptional topographical or other conditions peculiar to this particular parcel or land.
- (2) Why the strict interpretation of the regulations would deprive the applicant of rights enjoyed by other property owners.
- (3) That the peculiar conditions do not result from previous actions of the applicant.
- (4) That the required variance is the minimum variance that will allow a reasonable division of the land.
- (5) A sketch of the area showing the location and characteristics of the requested variance.

I certify that all information contained in this application and its supplements is true and correct.

DATE _____

SIGNATURE _____

(For Official Use Only)

Date Application Received _____
Approved _____ Disapproved _____
Description of Action: _____

Nelsonville City Manager

Fee Received: YES _____ NO _____
AMOUNT \$ _____
Comments: _____

Appendix E - Preliminary Plan Checklist.

Subdivision Name: _____

Owner: _____

Reviewer: _____

Date: _____

The following items (do, do not) conform with the requirements of the City of Nelsonville Subdivision Regulations. Items not conforming are explained on the reverse side of this checklist.

YES NO

1. ___ ___ Application form complete
2. ___ ___ Variance application form complete (if necessary)
3. ___ ___ One original preliminary plan/appropriate # of copies complete
4. ___ ___ One set of preliminary subdivision improvement plans complete
5. ___ ___ Proposed name (no duplication) and location
6. ___ ___ Name, address, & phone # of owner, subdivider, professional engineer, and professional surveyor with appropriate numbers and seals
7. ___ ___ Scale of plat, north point, legend, and vicinity map of scale not less than 1"= 2000'
9. ___ ___ Names of adjacent subdivisions, owners of adjoining parcels, and locations of common boundary lines within 200 feet of the subdivision boundaries
10. ___ ___ Topographic contours (2 feet for <5% slopes, 5 feet for >5%<15% slopes, and 10 feet for >15% slopes)
11. ___ ___ Locations, widths, and names of existing and proposed streets, railroad R/W's, easements, parks, buildings, corporation and township lines, wooded areas, water courses, drainage patterns, water bodies, and topographic features within and around the subdivision for 200 feet from its borders
12. ___ ___ Locations of floodways, floodplains, and other potentially hazardous areas
13. ___ ___ Locations of environmentally sensitive areas
14. ___ ___ Soil types from USDA soils map
15. ___ ___ Layout, numbers, dimensions of lots, and setback lines
16. ___ ___ Parcels reserved for public use or for use by residents of the subdivision
17. ___ ___ Points of ingress/egress to the subdivision and locations of proposed future access way locations for adjacent lands
18. ___ ___ Type of water supply and wastewater disposal systems, locations and dimensions of proposed utilities, utility easements, sewer lines, water mains, culverts, drainage tiles, or other underground utilities within or adjacent to the tract
19. ___ ___ Locations of cemeteries, historical, or archaeological sites
20. ___ ___ Copy of proposed covenants and restrictions
21. ___ ___ Proposed schedule of construction

The following information does not apply to all subdivisions and may be requested during the preliminary plan phase.

22. ___ ___ Statements of proposed use of lots with type and number of dwelling units and/or type of business or industry
23. ___ ___ Conceptual plan for commercial or industrial development showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development, and landscape features

24. ___ ___ Drawing of present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered
25. ___ ___ Feasibility study on water and sewer facilities
26. ___ ___ Screening, buffering, and/or noise abatement measures
27. ___ ___ Cross sections and centerline profiles for each proposed street and preliminary engineering designs for any bridges or culverts proposed in the project
28. ___ ___ Other information deemed necessary or prudent to create buildable sites or to promote the public health, safety, and welfare

Appendix F - Final Plat Checklist.

Subdivision Name: _____

Owner: _____

Reviewer: _____

Date: _____

The following items (do, do not) conform with the requirements of the City of Nelsonville Subdivision Regulations. Items not conforming are explained on the reverse side of this checklist.

YES NO

1. ___ ___ Application form complete
2. ___ ___ Variance application form complete (if necessary)
3. ___ ___ One original final plat/appropriate # of copies complete
4. ___ ___ One original set of subdivision improvement plans and required # of copies complete with name, address, and phone number of the professional engineer with the appropriate number and seal
5. ___ ___ Sheet size and map scale
6. ___ ___ Proposed name (no duplication) and location
7. ___ ___ Name, address, & phone # of owner, subdivider, and professional surveyor with appropriate number and seal
8. ___ ___ Date of survey, scale of plat, north point, and acreage
9. ___ ___ Plat boundaries based on a field boundary survey, as defined in *Ohio Administrative Code, 4733-37*, all lot numbers and lot lines shown with accurate dimensions in feet and hundredths
10. ___ ___ Building front, rear, and side setback lines with dimensions
11. ___ ___ Outline of areas to be dedicated or reserved for public use or common use by subdivision residents and outlines of previous lots or blocks and their numbers, indicated by a contrasting line style, in the case of a replat
12. ___ ___ Bearings and distances to the nearest established street lines and accurate location and description of all monuments

- 13. ___ ___ Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets
- 14. ___ ___ Purposes, locations, and dimensions of all easements
- 15. ___ ___ Locations of all water bodies and flood hazard boundaries. Base flood elevations have determined by a professional engineer when necessary
- 16. ___ ___ The owners of record, acreage, deed book and page references for all abutting metes and bounds tracts and the names of all abutting subdivisions, with lot lines, lot numbers and plat book and page references
- 17. ___ ___ A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by the subdivision regulations or the county
- 18. ___ ___ If a zoning change is involved, certification from the appropriate city, township or county zoning officer.
- 19. ___ ___ A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the City Manager, office of the County Engineer, Township Trustees or Ohio Department of Transportation on existing roads
- 20. ___ ___ Overlay map per *Ohio Revised Code §711.02 (B)*

- ___ ___ Does the subdivision change existing topography or involve construction in any floodplain, natural drainage course, or watercourse? Are cuts and fills adequately engineered?
- ___ ___ Is the subdivision one of a series of cumulative actions, which, although individually small, may as a whole have significant environmental impact?
- ___ ___ Does the subdivision area serve as a habitat, food source, nesting place, crossing, wintering area, source of water, etc. for any wildlife species?
- ___ ___ Are there any rare or endangered plant species in the subdivision area?
- ___ ___ Could the subdivision change existing features of any stream frontage or greenbelt areas?
- ___ ___ Will the subdivision remove substantial amounts of vegetation, including ground cover?
- ___ ___ Will the subdivision affect the hydrology of the region?
- ___ ___ Will the subdivision serve to encourage development of presently undeveloped areas or intensify development of already developed areas? Have adequate measures been taken to plan for this development?
- ___ ___ Is there appreciable opposition to the subdivision or is it likely to be controversial?
- ___ ___ Will the subdivision create new or aggravate existing health or safety hazards?
- ___ ___ Will the subdivision generate significant amounts of dust or odor?
- ___ ___ What will be the effects on traffic volumes and flow in the vicinity of the subdivision?
- ___ ___ Will the subdivision contribute to the loss of agricultural land or impact existing farming operations in the vicinity?
- ___ ___ Have adequate measures been taken to minimize pollution of the air, water, and soil? Measures shall consider the subdivision's future impacts of noise pollution; light pollution; air pollution from dust; water pollution from chemical applications, soil erosion, and human effluent, and soil pollution from chemical applications and human effluent.

Appendix G - Subdivision Environmental Review Checklist.

Subdivision Name: _____

Owner: _____

Reviewer: _____

Date: _____

The following questions should be answered as part of the sketch plan and preliminary plan process. By giving serious consideration to the issues posed by the questions, environmental problems posed by subdivision creation can be minimized.

- YES NO
- ___ ___ Does the subdivision conflict with any existing plans?
 - ___ ___ Does the subdivision affect the use of a recreation area, an area of important visual value, or preempt a site with potential recreation or open space value?
 - ___ ___ Will any unique natural or manmade features in the subdivision area be disturbed?
 - ___ ___ Do the engineering plans follow State-recommended guidelines for erosion control?
 - ___ ___ Do the engineering plans follow State-recommended guidelines for storm water management?
 - ___ ___ Do the engineering plans adequately protect against geologic hazards, particularly land slippage, unstable soils, and underground mine subsidence?