

SUBDIVISION REGULATIONS

CITY OF GREENVILLE, OHIO

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Revisions

Ordinance 04-119, effective 12/16/04, Section 7.02.E

ARTICLE I AUTHORIZATION AND PURPOSE

Section 1.01 Title

These regulations shall be known and may be cited as the

SUBDIVISION REGULATIONS FOR THE CITY OF GREENVILLE, OHIO

Section 1.02 Authority

The authority for the preparation, adoption and implementation of these regulations is derived from Section 711.101 of the Ohio Revised Code, which enables the City to adopt uniform rules and regulations governing plats and subdivisions of land, and to establish standards and specifications for the construction of streets and improvements to lands being platted within its jurisdiction.

Section 1.03 Purpose

The purpose of these regulations shall be to promote and protect the public health, safety and general welfare by providing uniform standards and procedures for subdivision of lands within the City of Greenville. These standards and procedures are established to provide for the orderly expansion of community services and facilities at minimal long term cost and maximum effectiveness, to provide for safe, convenient and efficient traffic circulation, to ensure accurate surveying of land, and to coordinate land development in accordance with present or future land use and/or comprehensive development plans of the City of Greenville.

Section 1.04 Scope and Jurisdiction

It shall be unlawful for any person, organization or entity to subdivide any land within the City of Greenville, unless said subdivision complies with the regulations herein contained. No plat shall be recorded and no land or lot shall be sold until said plat has been approved as herein required. All land contracts and/or long term leases affecting a present or future subdivision of land, as defined in Article II, shall be subject to these regulations.

Section 1.05 Relation to Other Restrictions

These regulations shall be minimum requirements. Whenever these provisions are at variance with any and all laws of the State of Ohio, or other lawfully adopted rules or regulations, the provisions of the most restrictive of such rules or laws shall govern.

Section 1.06 Severability

Each Article, Section, or other divisible part of these regulations is hereby declared severable, and if such Article, Section or part is declared invalid by a court of competent jurisdiction in a valid judgment or decree, such invalidity shall not affect any of the remaining portions thereof.

ARTICLE II DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Code, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. The word "shall" is mandatory; the word "may" is permissive.

Section 2.02 Definitions

"Average Daily Traffic" or "ADT" means the average number of vehicles that pass over a given point in the street or highway during a single twenty-four (24) hour period.

"Alley" means a permanent public right-of-way providing secondary access to abutting property.

"Bond" means cash deposit, surety, bond, collateral, or other instrument of credit satisfactory to the City of Greenville for performance of the obligations of this Ordinance.

"Block" means the property abutting one side of a street, and lying between two (2) consecutive intersecting streets.

"Building Setback" means a line parallel to and at a fixed distance from the street, the purpose of which is to establish the minimum distance from a building to the street right-of-way line.

"City" means the City of Greenville, Ohio.

"*City Standard Plans and Specifications*" means the engineering drawings and standards as adopted by the City of Greenville in Ordinance 76-109, as may be subsequently amended.

"City Engineer" means the City Engineer of the City of Greenville, or his/her duly authorized agent.

"Commission" means the Planning and Zoning Commission of the City of Greenville, Ohio.

"Concept plan" means a sketch or drawing prepared by the Owner/ Developer prior to the preliminary plan, which shows the general outline and layout of the proposed subdivision.

"Cul-de-sac" (see "Street")

"Driveway" means a private road giving access from a street to a detached

single family dwelling on abutting ground or to one (1) or more multi-family, commercial or industrial buildings.

"Easement" means a right or privilege of use of land, as distinct from fee simple ownership.

"Floodway" means the portion of land subject to flooding that comprises the channel of a watercourse, and the adjacent lands, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Floodway fringe" means that portion of land subject to flooding that is outside the floodway.

"Improvements" mean any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, storm sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

- A. "Site improvements" mean the improvements made to the land outside the exterior limits of a structure or structures.
- B. "Public improvements" mean all improvements financed entirely or in part by public funds or which have been dedicated to public use by plat, easement or deed of transfer.

"Land subject to flooding" means those lands adjacent to a watercourse subject to flooding as have been identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for the City of Greenville," and referenced in Chapter 1450 of the Codified Ordinances of the City of Greenville.

"Lot" means a plot, parcel or area of land of sufficient size to provide yards and applicable setbacks as established in the Zoning Ordinance and other requirements. Such lot shall have frontage on an improved public street, or an approved private street.

"Lot of record" means a lot which is part of an existing subdivision, the plat of which has been recorded in the Office of the Recorder of Darke County. "Lot of record" may also mean a parcel or tract of land, the deed of which was of record as of the effective date of this Ordinance.

"Monument" means a permanent concrete or iron marker used to establish the lines of the plat of a subdivision, including all lot corners, boundaries, corners and points of change in street alignment.

"Owner/Developer" means any person proceeding under these regulations to create a subdivision of land hereunder.

"Person" means any individual, corporation, company, business partnership, association or legal entity.

"Plan" means a drawing showing the proportion and relation of parts of improvements to each other and their surroundings.

- A. "Construction plan" means a plan which gives information required to construct improvements including plan views, sections, profiles, details, quantities, reference specifications and standard drawings.
- B. "Grading plan" means a plan which shows the proposed grades for the development in a manner that reflects the scope of earthwork required and the finished site grades.
- C. "Preliminary plan" means a proposal for the subdivision of land as described in Article IV of this Ordinance, submitted to the Planning and Zoning Commission pursuant to these regulations.

"Plat" or "Final Plat" means a plan of a tract or parcel of land made by a surveyor registered in the State of Ohio showing public dedications, property lines, lot lines and such other information as is required by these regulations.

"Right of way" means a strip of land lying between property lines, wherein is located a street, thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

"Sidewalk" means a paved path, intended for pedestrian use, lying outside the curb lines or edge of pavement of a roadway.

"Street" means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property. Streets shall be classified as follows:

- A. "Arterial Street" means a street connecting Greenville with outside activity centers and/or serving as the primary routes through and within the City. Arterial streets carry the largest volume of traffic - over 10,000 vehicles per day ADT - usually on a continuous route. Service to the adjacent land is subordinate to the provision of travel service on arterial streets.
- B. "Collector Street (Major)" means a thoroughfare which carries vehicular traffic from local streets to arterial streets, and is designed to accommodate 2,000 - 10,000 vehicles per day ADT.
- C. "Collector Street (Minor)" means a thoroughfare which primarily carries vehicular traffic from local streets to major collector and arterial streets, and is designed to accommodate 500-2,000 vehicles per day ADT.
- D. "Cul-de-sac" means a short local street having but one end open for motor traffic and the other end terminated by a vehicular turn-around or back-around.
- E. "Local Street" means a street on which the majority of the traffic originates or terminates in the abutting properties. These streets are designed to accommodate up to 500 vehicles per day ADT at low speeds.
- F. "Industrial Street" means a street on which more than twenty-five percent (25%) of the traffic is comprised of trucks, or where more than fifty percent (50%) of the abutting property is either occupied by industrial uses as permitted in the GI or LIC zoning districts, or is within the GI or LIC districts.
- G. "Private Street" means a strip of privately-owned land providing access to abutting properties.
- H. "Public Street" means a strip of land providing public access to abutting property, as dedicated to the City or Darke County upon a plat which has been duly approved, filed and recorded in the Darke County Recorder's Office.
- I. "Service road" or "access road" means a minor street parallel to a

thoroughfare to afford abutting property owners access to the thoroughfare at limited points.

“Subdivision” means:

- the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites and where the lots resulting are not reduced below minimum sizes required by law, shall be exempted; or
- the improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

"Thoroughfare Plan" means a plan, now or hereafter adopted by the Planning and Zoning Commission, which sets forth the location, alignment and/or classification of existing and proposed streets.

“Variance” means a modification of the strict terms and requirements of this Ordinance 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 actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

“Zoning” or "Zoning Code" means the City regulations limiting the height, area and use of buildings, structures and/or areas.

ARTICLE III ADMINISTRATION AND ENFORCEMENT

Section 3.01 Enforcement Authority

Pursuant to Chapters 711 and 713 of the Ohio Revised Code, the Planning and Zoning Commission is hereby designated as the platting authority of and for the City of Greenville. It shall be the duty of the Planning and Zoning Commission, together with the City Engineer and other City agencies and/or designated staff as appropriate, to approve, conditionally approve or disapprove proposed subdivisions, to make investigations and recommendations on the design and construction of public improvements in such subdivisions, and to take other actions as deemed appropriate to enforce these regulations.

Section 3.02 Violations and Penalties

Any person who violates any provision of this Code shall be served by the Director of Public Safety/Service, or his/her designated agent, with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any such violation beyond the time limit stated in such notice shall be guilty of a separate misdemeanor for each day during which said violation continues, with the penalty therefore being set forth in Section 408.01 of the Codified Ordinances of the City of Greenville. A separate offense shall be deemed committed each day or part thereof, during or on which an offense occurs or continues beyond the time limit stated in the notice required hereinunder. Nothing herein contained shall prevent the City, or any owner of contiguous property who would be especially damaged by such violation from such other lawful action as is necessary to prevent or remedy such violation, including, but not limited to, initiating legal action for the immediate termination of such activity, through injunction or other means.

This penalty shall be in addition to and not in substitution for the penalties for violation set forth the ORC Section 711.102 as may be subsequently amended.

Section 3.03 County Responsibility

The Darke County Auditor and/or Darke County Recorder shall not transfer property or record deeds, leases or contracts that seek to convey property, contrary to the provisions of these regulations. In cases of doubt, the County Auditor or County Recorder may require the person(s) presenting the deed, lease or other document to give evidence that such action is in

compliance with these regulations, or is exempt from the provisions of Chapter 711 of the Ohio Revised Code.

Section 3.04 Appeal

Any person who believes he/she has been aggrieved by these regulations or the action(s) of the Planning and Zoning Commission, has all the rights of appeal as set forth in Chapter 711 and/or other applicable sections of the Ohio Revised Code.

Section 3.05 Fees

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for preliminary and final plats, and other matters pertaining to these regulations. The schedule of fees shall be posted in the Office of the City Engineer, and may be altered or amended by separate ordinance. In addition to the payment of fees so established, the Owner/Developer shall also be responsible for costs associated with inspections, testing and other similar activities required by these regulations. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any preliminary or final plan or plat.

ARTICLE IV SUBDIVISION PROCEDURES

Section 4.01 Pre-Application Meeting

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the City Engineer and/or the Planning and Zoning Commission to familiarize himself/herself with the provisions of this Code, the zoning ordinance and other applicable regulations. The submittal of a concept or sketch plan for the proposed development, incorporating existing aerial photographs and topographic information, and plans for adjacent areas, is strongly recommended.

Section 4.02 Submittal of Minor Subdivisions ("Lot Splits")

If the City Engineer determines that the proposed subdivision of land meets the following criteria, then it shall be classified as a *minor subdivision*:

- A. adjoins an existing public street and does not involve opening, widening, extension or improvement of any roadway or the installation of any public utilities, and
- B. creates no more than five (5) lots including the remainder, and
- C. complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City.

If the subdivision is considered as a minor subdivision, only such drawings and information as is determined necessary by the City Engineer to determine compliance with pertinent subdivision, zoning and other regulations need to be submitted for approval. At a minimum, the submitted material shall include a survey of the property by a Registered Surveyor, along with a completed application form as provided for such purpose by the City Engineer.

After determination that such action meets the criteria for a minor subdivision and within ten (10) working days after it has been submitted, the City Engineer may approve or disapprove said minor subdivision by indicating upon the preliminary plan or instrument of conveyance *Approved (Disapproved) Greenville Planning and Zoning Commission / No Plat Required* or he/she may refer such submittal to the full Planning and Zoning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan or instrument of conveyance, with such notation thereon, shall be retained for the files of the Planning and Zoning Commission. The decision of the City Engineer may be appealed in writing to the full Planning and Zoning Commission within thirty (30) days from the date of the approval or disapproval.

If no action on the proposed minor subdivision is taken within thirty (30)

days from submittal, then the minor subdivision shall be considered as approved by the Planning and Zoning Commission

Section 4.03 Application for Preliminary Plan

Upon determining to proceed with a preliminary plan, the Owner/ Developer shall submit six (6) complete sets of drawings at 24" X 36" in size, along with ten (10) reduced and legible (11"X17" or smaller) copies of the drawings and one (1) copy of the application for a preliminary plan to the City Engineer, along with applicable fees as established by City Council in separate Ordinance.

Within ten (10) working days from receipt, the City Engineer shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Section 4.04 below, the City Engineer shall certify such application to the Planning and Zoning Commission, and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked.

Section 4.04 Contents of Application for Preliminary Plan

The application for preliminary plan shall, at a minimum, include the following information:

- A. Proposed name of the subdivision and its location;
- B. Names, addresses and telephone numbers of owners and/or developers;
- C. Name, address and registration number of the Professional Engineer or Professional Surveyor preparing the plan.
- D. Date, north arrow and plan scale;
- E. Boundary lines of the proposed development and the total tract owned or controlled by Owner /Developer, along with the acreage of both;
- F. Existing physical features, including any existing structures, with contour lines at not more than two foot (2') intervals if slope of the site is fifteen percent (15%) or less, and five feet (5') feet if slope of the site is more than fifteen percent (15%). Contours shall be based on USGS topographic information, recent aerial photography and/or ground surveys;
- G. Portions of the site identified by the Federal Emergency Management Agency (FEMA) as within the Official Flood Hazard Area for the 100-Year Flood, as specified on Flood Hazard Boundary Map(s) for Greenville, as may be amended.
- H. Portions of the site subject to federal wetlands requirements.
- I. Existing sewers, water mains, transmission lines, culverts and other underground structures within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations;

- J. Proposed lot or parcel dimensions, street rights-of-way widths, water, sanitary sewer and storm sewer layout, along with grades and elevation of proposed streets, storm sewers and sanitary sewers;
- K. Other utility system layouts and requirements;
- L. Proposed methods for addressing storm runoff;
- M. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications;
- N. For commercial and/or industrial development, the location, dimensions and grades of proposed parking and loading areas, alleys, streets and points of vehicular ingress and egress to the site.

Section 4.05 Submittal of Preliminary Plan to Planning and Zoning Commission

Upon certification to the Planning and Zoning Commission pursuant to Section 4.03 above, the City Engineer shall review the preliminary plan application and submit said application to other City departments and/or other entities as deemed appropriate for input. In addition, the City Engineer may seek the input of special consultants for the express purpose of providing input on particular issues. After review, the City Engineer shall submit the preliminary plan to the Planning and Zoning Commission, along with a compilation of comments, recommendations and input received from other sources and his/her recommendations for action. The date of submittal of the preliminary plan shall be deemed the date of the first Planning and Zoning Commission meeting following completion of review by the City Engineer.

Section 4.06 Action on Preliminary Plan by Planning and Zoning Commission

The Planning and Zoning Commission shall review and take action on the preliminary plan not later than thirty (30) days from submittal of the preliminary plan to the Commission by the City Engineer pursuant to Section 4.05 above, or within such further time as is agreed upon by the Owner/Developer. In reviewing the preliminary plan, the Planning and Zoning Commission shall consider the input received from the City Engineer.

A preliminary plan shall not be approved unless the Planning and Zoning Commission finds that:

- A. The provisions of the Ohio Revised Code, the Zoning Ordinance, these regulations and other codes of the City are complied with, and
- B. The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and
- C. Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other menace; however, preliminary

approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

The Planning and Zoning Commission may approve, disapprove, or approve with modification the submitted plan. The grounds for the action, including citation or reference for rules violated by the plan, shall be stated in the written record of the Commission. Any approval of a preliminary plan shall be effective for a period of two (2) years.

In the event that modifications are required, a copy of the revised preliminary plan incorporating such modifications shall be completed by the Owner/Developer and submitted to the Commission for the permanent file.

Approval of the preliminary plan shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within such two (2) year period, the whole, part or parts of the preliminary plan may be submitted for final approval, pursuant to Section 4.07 below, unless and extension of such time is granted by the Planning and Zoning Commission.

Section 4.07 Application for Final Plat

Upon approval of the preliminary plan, an application for a final plat for land being subdivided shall be submitted by the Owner/Developer to the City Engineer. It shall incorporate all modifications required by the Planning and Zoning Commission during approval of the preliminary plan, and otherwise conform to the preliminary plan as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plan which he/she proposes to develop and record at the time, provided that such portion conforms to all provisions of these regulations.

Section 4.08 Plans and Specifications for Site Improvements

Prior to action on a final plat by the Planning and Zoning Commission, the applicant shall prepare Construction and Grading Plans, specifications and cost estimates of the required site improvements. Such cost estimates shall reflect current prevailing wage rates, and be prepared and certified by a Professional Engineer. A minimum of seven (7) copies of such material shall be submitted to the City Engineer, who shall provide copies of the plans and estimates to local utilities, as applicable.

The estimates shall be grouped according to the following:

- A. Street improvements, including curb, gutter, pavement, sidewalks, street lighting, storm drainage and signage;

- B. Water mains, including lines, valves and hydrants;
- C. Sanitary sewers, including lines, manholes, lift stations and service taps if located within the public street right-of-way;
- D. Storm drainage improvements, including pipes, drainage structures, and grading and earthwork for detention/retention areas and open channels.
- E. Site improvements, including seeding, sodding, and erosion control.
- F. Other site improvements as required by the City Engineer.

Section 4.09 Review by City Engineer

The City Engineer shall review the plans submitted pursuant to Section 4.08 above, and, subject to his review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants selected by the City for that purpose, if it is determined by the Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer.

Section 4.10 Construction of Improvements and Performance Guarantees

The Owner/Developer shall furnish satisfactory performance guarantees pursuant to Article VII of this Ordinance, for the construction of such improvements.

No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including street grading, be started until the Owner/Developer has obtained approval of the final plat, approval of the Construction and Grading Plans from the City Engineer, approval of necessary bonds and/or letters of credit, payment of all applicable inspection and other development fees, execution of any development agreement, and recording of such plat by the Darke County Recorder.

Section 4.11 Application for Approval of Final Plat

Upon determining to proceed with a final plat, the Owner/ Developer shall submit six (6) complete sets of drawings at 24" X 36" in size, along with ten (10) reduced and legible (11"X17" or smaller) copies of the drawings and one (1) copy of the application for a final plat to the City Engineer. The applicant shall submit all fees as applicable for a final plat, as established by City Council. The application shall be submitted within two (2) years after approval of the preliminary plan; otherwise, approval of the preliminary plan shall become null and void unless an extension is granted by the Commission. Within ten (10) working days, the City Engineer shall review the application, and determine if such application is complete and if all applicable requirements of this Ordinance have been met. If he/she

determines that all applicable requirements have been met, the City Engineer shall transmit the application to the Planning and Zoning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

Section 4.12 Contents of Application for Final Plat

A final plat shall be drawn to a scale of one (1) inch to one-hundred feet, on a sheet or sheets 18"X24" in size, or other size(s) and scale(s) as determined appropriate by the City Engineer. The final plat shall contain the following items:

- A. Name of the subdivision and the section number, if it is a portion of the total subdivision.
- B. A legal description giving the number of acres, City, township, section, range, parcel identification number and property owner's name.
- C. All required certifications and approvals
- D. Requested covenants
- E. Sheet and total number for each sheet, including covenant sheet and construction plan
- F. Scale and north indicator
- G. The bearings and distances of the boundary lines of the subdivision
- H. The bearings and distances of all lot lines or areas dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of radius, the length of arc and the length and bearing of the chord shall be given
- I. Lot numbers
- J. The bearing and distances of all straight sections of street center lines. Curved sections of street center lines shall show the same information as curved lot lines
- K. Street names
- L. Street, alley and easement widths. Any easements not parallel to property lines shall show the bearings and distances of the lines
- M. In the case of plats not located wholly within the City, the corporation line shall be accurately shown and measurements given to the nearest corners of the boundary lines
- N. The location of all permanent markers or monuments
- O. Building setback lines with their distance from the right-of-way lines
- P. The proposed location of all utilities and easements
- Q. All of the above, including any additional requirements as may be cited by Darke County.

Section 4.13 Action by Planning and Zoning Commission

If the final plat as submitted to the Commission pursuant to Section 4.11 above conforms to the provisions of the Ohio Revised Code and this Ordinance, and is consistent with the preliminary plan with such changes as required by the Planning and Zoning Commission, and if satisfactory

provision is made regarding site improvements, and costs pursuant to Section 4.08 of this Ordinance, the Commission shall take action on the final plat within thirty (30) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman of the Planning and Zoning Commission. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning and Zoning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval.

Section 4.14 Appeal of Plat Refusal

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Darke County Recorder to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning and Zoning Commission are unreasonable and/or unlawful. The Planning and Zoning Commission of the City of Greenville and the Darke County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in civil action. This appeal shall proceed in accordance with the terms and conditions set forth in ORC Section 711.09.

Section 4.15 Recording of Plat

Upon approval of the final plat, a copy thereof shall be properly recorded in the Office of the Darke County Recorder, at the sole expense of the Owner/Developer. The Final Plat shall be so recorded within sixty (60) days after such plat is approved by the Planning and Zoning Commission, unless such period for recording is extended by approval of the Planning and Zoning Commission. At such time as the final plat is submitted for recording, the final plat shall contain the City lot number designations, as well as a statement that the public improvements associated with the plat shall be completed within twenty-four (24) months from final plat approval, pursuant to Section 4.13 above. Subsequent to the recording required hereby, one copy shall be returned to the City Engineer, along with the assurances for completion of improvements as required in Article VII of this Ordinance.

In the event that the Final Plat is not recorded within sixty (60) days, the approval of such Final Plat shall thereupon become null and void, unless an extension of such time is granted by the Planning and Zoning Commission.

ARTICLE V VARIANCES AND APPEALS

Section 5.01 Variances

Where the Planning and Zoning Commission finds that special conditions, involving *physical conditions of the land* exist, whereby strict application of these requirements would result in *practical difficulty* and *unnecessary hardship* that would deprive the owner of the reasonable use of the land and buildings involved, it may modify these regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. No such variance shall have the effect of nullifying the intent or purpose of these regulations or the Zoning Ordinance of the City of Greenville. In addition, the Planning and Zoning Commission shall find that the variance is necessary to enable the reasonable use of the property and will represent the least modification possible of the regulation at issue.

Section 5.02 Additional Variance Standards

- A. One or more variance(s) may be requested by the applicant at the time of submission of the preliminary plan or final plat. Such variances will be addressed in the normal processing of the proposed plan or plat.
- B. In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.
- C. Any variance granted by the Planning Commission shall be noted in writing on the final subdivision plat.

Section 5.03 Appeals

Any person who believes he/she has been aggrieved by these regulations or actions of the Planning Commission has all the rights of appeal as set forth in Chapter 711 or other applicable sections of the Ohio Revised Code.

ARTICLE VI

RESERVED FOR FUTURE USE

ARTICLE VII OBLIGATIONS OF DEVELOPER AND CITY

Section 7.01 Required Improvements

The Owner/Developer who desires to develop any land subject to this Ordinance shall provide and pay the entire cost of improvements to such land as follows:

- A. Streets and parking areas, graded full width and paved, including drainage structures, bridges, sidewalks, curbing and other improvements as shown on the City Standard Plans and Specifications;
- B. Sanitary sewers, including manholes, services and all appurtenances;
- C. Water distribution system including mains, services, valves, fire hydrants and all appurtenances;
- D. Storm sewers, including manholes, inlets and all the appurtenances;
- E. Monuments, stakes and property pins, as capped by a Professional Surveyor;
- F. Street signs designating the name of each street at each intersection within the development and all related traffic control signs and devices. Such signs and devices shall conform to the standards of the Ohio Manual of Uniform of Traffic Control Devices (OMUTCD) and as established by the City;
- A. Street lighting including poles, underground conduits and appurtenances;
- B. Utilities, including electric, telephone and cable television services;
- I. All other improvements shown on the plans as approved by the City.

Section 7.02 Obligations of Owner/Developer

The Owner/Developer of the land being developed shall be subject to the following obligations:

- A. The Owner/Developer shall execute a development agreement with the City, specifying the terms and conditions required under this Section of this Ordinance. Such development agreement shall be subject to approval by the City Engineer and Law Director.
- B. All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the general supervision of the City Engineer. The Owner/Developer shall be responsible for the payment of all fees incurred by the City pertaining to inspection of the improvements
- C. The Owner/Developer, or his agent, shall give three (3) working days notice to the City Engineer for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the City Engineer or his/her agent.
- D. The Owner/Developer shall hold the City free and harmless from any

and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof, except such liability of the City resulting from its sole negligence;

- E. All improvements and utilities shall be installed within thirty-three (33) months from the date of approval of the final plat and dedicated as public improvements within thirty-six (36) months from the date of approval of the final plat, or within such time schedule as presented and approved by the Planning and Zoning Commission. The Planning and Zoning Commission shall have the authority to require the delayed construction of specific improvements as deemed appropriate. A separate time frame for sidewalk construction on undeveloped lots may be permitted by the Planning and zoning Commission, pursuant to Section 8.06G of these regulations. (Rev. Ord. 04-119)
- F. Owner/Developer shall provide an acceptable performance assurance equal to one-hundred percent (100%) of the estimated cost of all required improvements, as approved by the City Engineer, and shall deposit same with the City. Except as otherwise provided herein, such performance assurances shall remain in effect for the entire period of time required for completion of the improvements. In addition, such performance assurances shall be subject to review and approval by the City Auditor and Law Director, and shall consist of one of the following:
 - 1. performance or construction bond equal to the estimated construction cost as approved by the City Engineer for the public improvements, or
 - 2. A certified check equal to one hundred percent (100%) of the estimated construction cost as approved by the City Engineer for the public improvement; or
 - 3. A certification to the City by the institution, person or corporation financing the construction of the public improvements. Such certification shall consist of a subdivision bond, irrevocable letter of credit, or escrow account in favor of the City, stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds;
 - a) That these funds will not be released to the owner, developer, or their agent until all public improvements are accepted and said release of funds is signed by the City;
 - b) That such release by the City only certifies that as best as the City can determine, the construction was completed to the City's satisfaction and does not relieve the Owner/Developer and/or owner of the City's maintenance guarantee requirement;

- G. All permits and approvals shall be obtained, development agreement(s) signed, all fees and deposits paid, and plat recorded prior to beginning any final grading or construction/installation of any improvements;
- H. Prior to acceptance of any public improvement, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the City that such work is required, and shall be completed to the satisfaction of the City Engineer.
- I. All public improvements shall be guaranteed by the Owner/ Developer for a period of one year from the effective date of the legislative acceptance of such improvement by City Council. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches and restoring lawns, sidewalks, yards, streets, sewers, pipe lines, etc., during the one year guarantee period shall be assumed by such Owner/Developer. In the event the Owner fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the City, or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements from the above guarantee.
- J. The Owner/Developer shall furnish to the City copies of final plats and as-built drawings, pursuant to Section 4.15 of this Ordinance. Printed copies of such drawings shall be provided, in addition to the same drawings in such AutoCAD format as requested by the City.
- G. No person or owner shall violate any of the regulations established in this Section and upon violation the City shall have the right to:
 - 1. Stop all work on the development site forthwith;
 - 2. Hold the parties responsible for issuance of the performance assurances responsible for the completion of the public improvement according to the approved construction drawings and the agreement.

Section 7.03 Costs that may be shared by the City

In consideration for the agreement by the Owner/Developer of the land being developed to install utilities and/or streets to sizes and configurations in excess of the needs of the land being developed, the City may share in the cost of the excess size and configuration of the utilities and/or streets as stipulated herein:

- A. A utility or street may be considered excessive to needs of the land being developed when:
1. The City specifically requires a greater width, size or configuration of street for the purpose of meeting the future needs of the City as provided for in approved systems studies;
 2. There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
 3. The City requests that a water line be more than eight (8) inches in diameter, when such size is not required to meet the needs of the land being developed;
 4. A sanitary sewer line is more than ten (10) inches in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
 5. Other conditions warrant cost sharing and such conditions are approved by Council.
- B. The City may share in the cost of improvements by:
1. Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed;
 2. Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed;
- C. Nothing in this section shall be interpreted, read or construed to obligate the City for expenses incurred by the owner, developer, contractor, subcontractor or other persons because of:
1. Equipment or labor cost due to the oversizing or increased depth of waterlines or sewers;
 2. Equipment, labor or material cost due to improperly and/or unacceptable installed improvements including the removal and replacement thereof; or
 3. Any improvements installed prior to the approval of the cost sharing by the City.
- D. Upon approval by Planning and Zoning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:
1. The City Engineer shall identify all improvements eligible for cost sharing, and shall estimate the cost of the City's portion of such improvements;
 2. If applicable, an ordinance shall be submitted to Council for

approval, appropriating funds to cover the City's portion;
3. Upon completion and acceptance of the work and quantities thereof by the City Engineer, the costs shall be certified to the chief fiscal officer of the City.

E. Failure of the Owner/Developer of the land to provide the City Engineer with copies of billings, invoices, contracts, agreements or such other evidence of construction costs as the City Engineer deems necessary within six (6) months of completion and acceptance of the improvements by the City, shall constitute just cause to declare the City's agreement to cost share as provided herein null and void and no reimbursement shall be made or monies paid without reapproval by Council.

Section 7.04 Inspections

A. Authority and Duties of Inspectors

1. Inspectors employed by the City shall be authorized to inspect all work done and all materials furnished. Such inspection may extend to all or any part of the work and to the preparation, fabrication, or manufacture of the materials to be used. The inspector shall not be authorized to revoke, alter, or waive any requirements of the specifications or plans. He shall be authorized to call the attention of the contractor to any failure of the work or materials to conform to the specifications and contract. He shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Planning & Zoning Commission or its duly authorized representative.
2. The inspections performed hereby shall not constitute or guarantee that the work performed, materials furnished or improvement installed are in conformance with the relevant plans and specifications; rather, such guarantee shall be provided by the developer pursuant to the certification required pursuant to Section 7.05 hereof.

B. Final Inspection

1. Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the City Engineer or its duly authorized representative. The City Engineer, or his duly authorized representative, shall make a final inspection of streets, sidewalks, curbs and gutters, sanitary and storm sewers, water mains and other improvements required in these regulations.

Section 7.05 Acceptance of Improvements

The City will not accept dedication of required improvements, nor release nor reduce posed guarantees, until the City Engineer has submitted a letter of recommendation stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified and sealed to the City Engineer, through submission of a detailed "as built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning and Zoning Commission or City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and said improvements are ready for dedication to the City and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

ARTICLE VIII MINIMUM DESIGN STANDARDS AND REQUIREMENTS

Section 8.01 Conformity with Requirements

The design standards and requirements of this Article shall apply to all subdivisions of land as defined in Article II.

A. Conformity with City Standards

All public improvements undertaken in any subdivision shall conform to the standards of this Article, the *City Standard Plans and Specifications*, and the Southwest Ohio Engineering Association Design Criteria, as adopted by the City of Greenville in Ordinance 76-109.

B. Conformity with Zoning

No final plat of land shall be approved unless it conforms with the Zoning Ordinance of the City of Greenville, as may be subsequently amended.

C. Land Use / Master Planning

The design of a proposed subdivision of land shall be in general conformity with any adopted land use and/or comprehensive plan prepared by the City for the area.

Section 8.02 General Subdivision Design

The development of the subdivision shall be based on an analysis of environmental characteristics of the site. To the maximum extent possible, development shall be located so as to preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts on and alteration of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with reasonable utilization of the land, in accordance with other applicable state or local regulations:

- A. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1982, subject to field verification by the US Army Corps of Engineers, or other agency authorized to make such determination
- B. Significant trees or wooded areas, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree or species or groups of trees that are rare to the area or of particular horticultural or landscape value;

- C. Lands subject to flooding, as specified in Section 8.03 below;
- D. Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety;
- B. Historically significant structures and/or sites, as listed on, or eligible for inclusion, on the National Register of Historic Places;

Section 8.03 Land Not Suited for Development

If the Planning and Zoning Commission finds that land proposed for subdivision development is unsuitable due to flooding, poor drainage, topography, inadequate public facilities, and/or other condition that may be detrimental to the general health, safety or welfare of the public, and if it is determined that the land should not be developed for the purpose proposed, the Commission shall not approve such subdivision unless adequate methods are proposed by the Owner/Developer for alleviating the problems that would be created by development of the land.

A. Land Subject to Flooding

The Planning and Zoning Commission shall not allow subdivision of land or lands subject to flooding, as defined in Article II of this Ordinance, unless the following requirements are met:

1. No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
2. No subdivision, or part thereof, shall be approved for floodway fringe areas which will substantially affect the storage capacity of the flood plain.
3. Building sites used or intended to be used for human occupation shall not be permitted in floodway areas. Sites for these uses may be permitted outside the floodway if the sites or structures are developed in compliance with Chapter 1450 of the Codified Ordinances of the City of Greenville, as may be subsequently amended.
4. When the Planning and Zoning Commission determines that only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
5. The Planning and Zoning Commission may attach other

reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures.

Section 8.04 Erosion and Sedimentation Control

Measures shall be taken by the Owner/Developer to minimize erosion and its impacts during subdivision construction activity. The Planning and Zoning Commission, upon recommendation of the City Engineer, shall require detailed erosion and sedimentation plans to be submitted if it determines that the size and/or scale of the proposed subdivision warrants such action. Such a plan shall be required for major subdivisions comprising more than twenty (20) lots or more than five (5) acres. Such plans shall indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the City Engineer.

All erosion and sedimentation control devices shall be in place at the start of construction activity.

Section 8.05 Surface Runoff and Storm Drainage

A. Outlets

No subdivision shall be approved by the Planning and Zoning Commission unless there is an adequate outlet for storm water as determined by the City Engineer. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention/detention methods in compliance with the Southwest Ohio Engineering Association Design Criteria, as adopted by the City of Greenville in Ordinance 76-109, to minimize excessive off-site storm water flows.

B. Preservation of Natural Drainage Courses

No natural drainage course shall be altered and no fill, buildings or structures shall be located unless provision is made for the flow of surface water, in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future

maintenance. These easements must be shown on the Construction Plans, including the volume and page number of the recorded easement.

C. Grades

All surface areas not covered by hard surface improvements or stone shall be seeded or sodded and sloped to drain according to the following:

1. Grass areas shall have a minimum slope or grade of eight-tenths of one percent (.8%).
2. Grass areas next to buildings shall slope away from the building at not less than five percent (5%) for a minimum of ten feet.
3. Ditches or swales in grassed areas with a bottom slope or grade between two percent and seven percent (2-7%) shall be sodded
4. Ditches or swales with a bottom slope or grade greater than seven percent (7%) shall have a paved or concrete gutter.

D. Submittal of Drainage Data

Information and data pertaining to water volumes and velocities for all watersheds entering and on the property, along with calculations to show that proposed drainage improvements will adequately address such flows, shall be submitted to the City Engineer, along with required Construction and Grading Plans. Storm drainage systems shall generally be designed so that the peak rate of storm water runoff from the site after development, does not exceed the peak rate of runoff before development; however, the City Engineer may grant administrative exceptions to this requirement when specific conditions warrant such action. The methods and techniques proposed to address surface runoff shall be designed to accommodate the 100 year frequency storm.

E. Culverts

All culverts utilized in subdivisions shall have the appropriate headwalls and other structures and improvements to protect the facility, as determined by the City Engineer.

Section 8.06 Streets

A. General

The arrangement of streets shall generally conform to the Official Thoroughfare Plan for the City. When a proposed subdivision includes any portion or segment of a proposed arterial or collector street as designated on the Official Thoroughfare Plan, such street right-of-way shall be platted by the Owner/Developer in the location so designated. For streets not indicated on the Thoroughfare Plan, the arrangement shall provide for appropriate extensions of existing streets.

B. Classification, Street Widths and Street Grades

The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. The Planning and Zoning Commission shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. Rights-of-way, pavement widths and street grades shall be as specified in APPENDIX A, which is hereby made a part of this Ordinance.

C Alignment

1. The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
2. If a subdivision adjoins or contains an existing or proposed arterial or major collector street, the Planning and Zoning Commission may require marginal access streets or reverse frontage with a planting strip of a minimum width of twenty feet (20') on the rear of those lots abutting the street, and no vehicular access across the strip.
3. Local streets shall be laid out so as to discourage use by through traffic.
4. Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible. The intersecting street must remain within these degree parameters for a distance of not less than one-hundred feet (100') from the intersection.
5. Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
6. The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turnaround.
7. Half width streets shall be prohibited.

D. Dedication

The necessary rights-of-way for widening or extension of all thoroughfares, as delineated in the Thoroughfare Plan, shall be dedicated to public use. When a subdivision fronts on an existing City street, dedication shall be made to the proper authority so as to meet the requirements of the table in APPENDIX A.

E. Blocks

Blocks shall not exceed 1,500 feet in length except where specific topographic conditions require a greater length.

F. Street Names

The names of new streets shall not duplicate names of existing dedicated streets except that new streets which are extensions of existing streets shall bear the names of such existing streets. All new roadways shall be named according to the following manner:

DIRECTION	CUL-DE-SACS	ALL OTHER STREETS
<i>North/South</i>	<i>Place</i>	<i>Street</i>
<i>East/West</i>	<i>Court</i>	<i>Avenue</i>
<i>Diagonal</i>	<i>Way</i>	<i>Road</i>
<i>Curving</i>	<i>Way</i>	<i>Drive</i>

G. Curbs, Gutters and Sidewalks

Curbs, gutters and sidewalks shall be required in all subdivisions. In no case shall a Certificate of Zoning Compliance, as required by Section 4.09 of the Zoning Ordinance, be granted for a building within a new subdivision until the sidewalks on the lot are constructed and approved. Notwithstanding the above, sidewalks in all portions of the subdivision may be required by the Planning and Zoning Commission within five (5) years after the date of plat approval by the City. The City retains the authority to require the installation of sidewalks on individual lots through assessment procedures pursuant to Chapter 729 of the Ohio Revised Code.

H. Driveways

1. All driveways shall be at least three (3) feet from the side lot line.
2. No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as an arterial or major collector street, except where no alternative access is available. Such lots shall be provided with on-lot turnarounds.

Section 8.07 Lots

- A. All lots shall have the required frontage on an improved public street or an approved private street.
- B. Lots in subdivisions located within the City of Greenville shall meet the dimension and area requirements of the zoning district in which such subdivision is located. In addition, residential lots shall conform to the following requirements:
 - 1. All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet the requirements of Section 8.06 C2.
 - 2. Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement shall be provided along the rear lot line across which there shall be no vehicular access.
 - 3. Whenever possible, side lot lines should be at right angles or radial to street lines.
 - 4. Except where alleys are provided for such purpose, necessary easements shall be provided along side and rear lot lines.
 - 5. Easements shall be provided on both sides of any open drainage course, for the purposes of widening, deepening or general maintenance. Such easements shall be a minimum of twenty feet (20') on both sides. In no case shall a fence or any other obstruction be constructed on this easement.

Section 8.08 Sanitary Sewers

- A. Sanitary sewers should be designed to maintain a minimum velocity of two (2) feet per second. The design of the overall sewer system shall be in conformance with the requirements of the City Standard Specifications, the Ohio Environmental Protection Agency (OEPA), the Ohio Department of Health and Ten State Standards.
- B. Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by the Planning and Zoning Commission.
- C. Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of this Ordinance. Such systems shall only be permitted

with the approval of the Planning and Zoning Commission, upon recommendation of the City Engineer. The Owner/Developer shall be responsible for all costs associated with the lift station until such time that fifty percent (50%) of the lots in the subdivision are developed.

- D. Minimum line size shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the City Engineer. If larger pipe sizes are required to accommodate future growth, the City may participate in the costs associated with the larger sizes, in accordance with Article VII of this Ordinance.

Section 8.09 Water Lines

- A. Water lines shall be designed, sized and constructed so as to be in conformance with the City Standard Plans and Specifications. Fire hydrants shall be located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met.
- B. Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Planning and Zoning Commission.
- C. The standard minimum size of water mains shall be eight inches (8"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the City may participate in costs for the size increase, in accordance with the procedures of Article VII of this Ordinance.
- D. Minimum cover for water lines shall be forty-eight inches (48"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and sanitary sewer line. In cases where ten feet (10') of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained. At crossings, one full length of water pipe should be used so both joints will be as far away from the sewer line as possible.

Section 8.10 Underground Utilities and Street Lighting

- A. Underground utilities shall be required for all subdivisions within the subdivision jurisdiction of the City of Greenville. Easements for such utilities, where needed, shall be provided along side and/ or rear lot lines in accordance with Section 8.07B5 above. No above ground appurtenances associated with utility provision (other than fire hydrants) shall be located within the front yards of any residential lots.

- B. Street lights shall be required for all subdivisions within corporate boundaries of the City of Greenville, and for all subdivisions where the total number of residential lots exceeds ten (10), or where the lots average one hundred feet (100') or less of frontage, as shown on the preliminary plat.
- C. Street lights and all appurtenances shall be installed by the Owner/Developer, and shall be of a type acceptable for cost-effective service by the City and electric utility currently providing service to the City.
- D. Illumination for street lights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, street lights shall be located not less than 400 feet apart. Lights shall be placed at each street intersection and within 200 feet from the closed end of each cul-de-sac.

Section 8.11 Street Trees

- A. Trees planted in the right-of-way of any street shall not be planted in any location where the City Engineer determines that such placement would create a safety hazard. In no case shall a street tree be planted within fifty feet (50') from an intersection, within thirty feet (30') from any alley approach, or ten feet (10') from any driveway approach.
- B. No street tree shall be of such type as listed as an undesirable species in Section 33.04 B of the Zoning Ordinance of the City of Greenville.
- C. Any portion of any tree that extends over the curb line shall be maintained to a minimum of fifteen feet (15') from the top of limb to lowest point on portion extending over the curb, and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk.

Section 8.12 Public Sites and Open Space

- A. Required Dedication or Reservation

Where a proposed park or school site, as shown on a land use and/or comprehensive plan adopted by City Council, is located in whole or in part within a proposed subdivision, the Planning and Zoning Commission may require the following:

- 1. the dedication to the public of part or all of the proposed site and/or
- 2. Reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

- B. Minimum Dedication Requirements

The Owner/Developer shall be required to reserve a minimum of five percent (5%) of the total area of the land included in the proposed plat as permanent open space. The open space shall either be dedicated to a public agency which has expressed a desire to accept and maintain the open space or shall be transferred to a private association or entity. If the open space is transferred to a private association or entity, acceptable provisions for the perpetual maintenance of the open space shall be stated on the plat.

Land proposed for open space shall be suitable for recreational purposes. The Planning and Zoning Commission shall have the authority to determine whether or not the proposed open space and maintenance provisions are acceptable, based on the recommendations of any open space, land use or comprehensive plan adopted by the City, as well as an evaluation of the shape, topography, location, access and environmental characteristics of the land proposed for dedication. Lands used for the purposes of utilities shall not be considered open space for the purposes of this Ordinance.

C. Fee in Lieu of Dedication

Where the Planning and Zoning Commission determines that the dedication of open space as proposed by the Owner/Developer within the proposed subdivision is not desirable based on the standards cited in Section 8.12 B above, the Owner/Developer shall be required to pay an amount equal to five percent (5%) of the total value of the land within the proposed subdivision, as shown on the current Darke County tax records, to the City of Greenville. This payment in lieu of dedication shall be placed in a separate fund to be used by the City only for the purposes of open space acquisition or improvement of public open space and recreational facilities for the benefit of the residents of the proposed subdivision and adjacent areas.

Section 8.13 Monuments

A. Location

Monuments shall be placed at the point of intersection of the centerlines of all streets, at the beginning and end of each curved street centerline, at all angle points on the outside boundary of the subdivision, and at the corners of all lots. In those cases where sanitary sewer manholes prevent the setting of monuments at the point of intersection, monuments shall be offset five feet (5') in each direction along the street centerline.

B. When Set

Monuments in the street centerlines shall be placed upon the completion of paving of the streets. All other monuments are to be set

upon completion of the street, water, sanitary sewer improvements, and overlot grading and before acceptance of improvements by the City of Greenville.

C. Materials

Monuments within paved areas and markers shall be solid iron pins with a diameter of not less than seven-eighths inch ($7/8$ ") and a length not less than thirty inches (30"). Such monuments shall be encased in monument boxes.

ARTICLE IX SITE IMPROVEMENTS

Section 9.01 General

The improvements required by these subdivision regulations shall conform to the City Standard Plans and Specifications, the Southwest Ohio Engineering Association Design Criteria as adopted by the City of Greenville in Ordinance 76-109, and other applicable ordinances of the City. Such improvements shall be designed and installed by the Owner/ Developer of the subdivision. The Owner/ Developer shall be responsible for the costs of all inspections and tests required by the City Engineer to establish that the materials and methods utilized in construction of the improvements meet the specifications. Subdivisions shall be provided with the same improvements, whether the streets are public or private, except in special situations as approved by the Planning and Zoning Commission.

Section 9.02 Grading

A. Lot Grading

Individual lots shall be graded so that water drains away from each building site. Surface drainage swales shall have a minimum slope of two percent (2%) and shall be so designed that surface water will drain into a driveway, street gutter, storm sewer or natural drainage way.

B. Street Grading

No final street grading shall be performed nor improvements installed until the final construction plans have been approved by the City Engineer, construction guarantees have been provided and approved pursuant to Article VII, and inspection fees have been paid. No street grading shall be commenced without three (3) working days notice to the City Engineer.

Section 9.03 Erosion and Sedimentation Control

During construction, the following measures shall be implemented to control on-site erosion and sedimentation:

- A. The preliminary and final plans for the development shall be designed so as to create the least potential erosion.
- B. The smallest practical area of land should be exposed at any one time during development.
- C. When land is exposed during development, the exposure shall be kept

to the shortest practical period of time.

- D. here necessary, temporary vegetation and/or mulching shall be used to protect exposed areas during development.
- E. Sediment basins or silt traps should be installed and maintained to remove sediment from runoff of land undergoing development.
- F. Permanent final vegetation and structures should be installed as soon as practical.
- G. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed evenly on the lot, and shall be stabilized by seeding or planting.

Section 9.04 Responsibility and Liability During Construction

No streets or public improvements shall be the responsibility of any public entity prior to formal acceptance. Until such time as such improvements have been approved and accepted, the Owner/Developer shall assume full responsibility and liability for all areas dedicated to the public, and the improvements thereon. The Owner/Developer shall agree to indemnify and hold harmless the City of Greenville until such time as the improvements are accepted.

ARTICLE X NONRESIDENTIAL SUBDIVISIONS

Section 10.01 General

If a proposed subdivision or development includes land that is zoned for commercial or industrial uses, the proposed subdivision or development shall be subject to the submittal and approval of a Development Plan by the Planning and Zoning Commission, pursuant to Section 10.02.07 of the Zoning Ordinance. In reviewing such Development Plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

Section 10.02 Standards

The Owner/Developer of a commercial and/or industrial subdivision shall provide evidence that the following standards shall be met, and the Planning and Zoning Commission shall consider such evidence in evaluating the Development Plan, as required in Section 10.01 above:

- A. The proposed industrial/commercial parcels shall be suitable in area and dimensions to the types of industrial or commercial development proposed.
- B. Street rights-of-way and standards shall be adequate to accommodate the type and volume of traffic anticipated to be generated by the development.
- C. Accommodation shall be made for special requirements for street, curb, gutter and sidewalk design and construction, and installation of public utilities, including water, sewer and storm drainage.
- D. Adverse impacts to adjacent residential areas are identified, and measures are employed to protect adjacent residential areas from such adverse impacts.
- E. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of existing residential areas, or areas proposed for residential use in any land use or comprehensive plan for the City, as adopted by City Council.

ARTICLE XI PLANNED UNIT DEVELOPMENT

Section 11.01 Planned Unit Developments

The subdivision and development of land using planned unit development procedures, as defined and regulated in Article XXVII of the zoning code of the City, is permitted. Planned unit developments, or PUDs, shall be subject to the requirements of that Article, as well as this Ordinance.

Section 11.02 Plans and Plats

The process of subdivision platting may occur concurrently with the process of rezoning an area into the PUD District, as specified in Article XXVII of the Zoning Ordinance. In such case, the preliminary and final development plans may take the form of the preliminary and final plats, provided that the submittal requirements of each Ordinance are met.

ARTICLE XII
RESERVED FOR FUTURE USE

APPENDIX A

STREET CLASSIFICATION SYSTEM

WIDTHS AND GRADES

<u>STREET CLASS</u>	<u>ADT RANGE</u>	<u>MINIMUM R.O.W. (FT.)</u>	<u>PAVEMENT WIDTH (FT.)</u>	<u>MINIMUM LANE WIDTH</u>	<u>MINIMUM GRADE</u>
Arterial	5,000	110	62	12	.5%
Collector (Major)	1,000-5,000	80	41	11	.5%
(Minor)	500-1,000	60	41	11	.5%
Local	under 500	50	31	11	.5%
Cul-de-Sac	under 500	50	31	11	.5%
Alley	under 100	16	10	10	.5%
Industrial	NA	80	41	12	.5%

- NOTES:
1. Pavement width is measured from back of curb to back of curb.
 2. Upon recommendation of the City Engineer, Planning and Zoning Commission may require additional right-of-way and pavement width for Arterial Streets with ADT volumes greater than 10,000.
 3. Maximum street grades shall be as per current City Standards.
 4. The typical section for an industrial street will be widened in horizontal curves to compensate for wheel off-tracking by AASHTO WB-50 design vehicles.

APPENDIX B

SUMMARY OF SUBDIVISION APPROVAL PROCESS

1. Owner attends informal meeting with Planning and Zoning Commission (PZC) to explain project. (This step is optional)
2. Owner submits copies of application for preliminary plan to City Engineer (CE). CE transmits copies of application material to PZC and others as appropriate.
3. CE submits comments on application to PZC.
4. PZC reviews comments and acts to *approve*, *disapprove* or *modify* the application for the preliminary plan.
5. If preliminary plan is approved, owner may prepare application for final plat.
6. Owner submits seven (7) copies of Construction and Grading Plans and Specifications and cost estimates for subdivision to CE and PZC.
7. CE submits comments on plans, specifications and estimates to PZC.
8. After approval of plans, Owner submits application for final plat approval to CE. CE transmits such application to PZC for consideration at next meeting.
9. PZC approves, disapproves or approves with modification the final plat.
10. Owner/Developer must submit approved performance bond, applicable fees and development agreement to CE prior to recording plat.
11. If final plat is approved, recording of plat must occur within sixty (60) days from date of approval.