

CODIFIED ORDINANCES OF MILFORD

PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Subdivision Regulations

Chap. 1101. Intent, Purpose and Administration.

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TITLE THREE - Zoning

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- Chap. 1101. Intent, Purpose and Administration.
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CHAPTER 1101
Intent, Purpose and Administration

1101.01	Purpose, policies and intent.	1101.05	Subdivision of record.
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CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.102
 Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15
 Planning Commission - see P. & Z. Ch. 1129

1101.01 PURPOSE, POLICIES AND INTENT.

(a) The purposes of these Subdivision Regulations is to regulate and control the division and development of land within the City, in order to promote the public health, safety and general welfare of the citizens.

(b) It is the general intent of these Subdivision Regulations to regulate the division and development of land so as to further the following policies:

- (1) Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of the City;
- (2) Provide for the orderly and appropriate development of land;
- (3) Assure adequate open space for traffic, recreation, light and air;
- (4) Provide facilities for the orderly movement of traffic on streets and highways;
- (5) Assure adequate and safe provision and proper construction of transportation, water, sanitary sewerage, storm drainage, open space and other public facilities;
- (6) Provide for the orderly arrangement of streets, public facilities and public services in accordance with the adopted Master Plan;
- (7) Assure proper accommodation of surface drainage over building sites and lots and accumulation on streets and roads;
- (8) Provide for adequate street lighting and signing;
- (9) Guarantee proper access of firefighting equipment and public service equipment;
- (10) To protect to the maximum degree possible historic sites, scenic points, desirable natural growths, watercourses and other water areas, and other environmentally sensitive features worthy of preservation;
- (11) Guarantee the equitable distribution of the costs and benefits of public works and facilities by requiring that the initial cost of constructing public improvements and facilities in new developments and/or necessary for proper public access and services therefore shall be borne by the developer and not by the City taxpayer; and
- (12) Coordinate the operations of City Departments and other agencies involved with land development.

(Ord. 90-1312. Passed 5-1-90.)

1101.02 ADMINISTRATION OF REGULATIONS.

All applications, fees, maps and documents relative to subdivision approval shall be submitted to the City Engineer for review and formal action by the Planning Commission. The City Manager shall formulate written administrative rules which govern the procedure for processing subdivision applications. Such administrative rules shall:

- (a) Outline the responsibility of parties concerned with subdivisions and the processing thereof;
- (b) Specify application fees, the number of copies and distribution of copies of subdivision plans, plats and other information;
- (c) Contain other information necessary to systematize handling and processing of subdivision applications; and

- (d) Be formulated after consultation with appropriate City departments and other governmental agencies.
(Ord. 90-1312. Passed 5-1-90.)

1101.03 JURISDICTION.

The provisions of these Subdivision Regulations shall apply to all land located within the corporate limits of Milford, Ohio.
(Ord. 90-1312. Passed 5-1-90.)

1101.04 APPLICATION AND INTERPRETATION.

(a) No land within the incorporated area of Milford, Ohio, shall be subdivided, nor shall any lot be sold or building erected in a subdivision as herein defined, until a plat of the subdivision is approved by the City and the plat properly filed and recorded by the County Recorder.

(b) Pursuant to Ohio R.C. Chapter 711, a County Recorder shall not record a plat of a subdivision unless the plat has been approved by the City as required by these Subdivision Regulations.

(c) In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be minimum requirements to meet the stated purpose and intent of these Subdivision Regulations. Where the provisions of these Subdivision Regulations impose greater restrictions than those of any statute, other regulations, or ordinance, the provisions of these Subdivision Regulations shall prevail. Where the provisions of any Federal, State, County or City statute, ordinance or regulation impose greater restrictions than those of these Subdivision Regulations, the provisions of such Federal, State, County, or City statute, regulation or ordinance shall prevail.
(Ord. 90-1312. Passed 5-1-90.)

1101.05 SUBDIVISION OF RECORD.

Any plat or subdivision recorded among the Land Records of the County prior to the effective date of these Subdivision Regulations shall be accepted as valid and no further approval by the Planning Commission shall be required for the conveyance of lots so shown.
(Ord. 90-1312. Passed 5-1-90.)

1101.06 MODIFICATION.

(a) Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these Subdivision Regulations, it may vary the Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such modification shall not have the effect of nullifying the intent and purpose of these Subdivision Regulations.

(b) A modification may be granted where the hardship is created by the physical character of the property, including irregular dimensions and topography, or by other extraordinary situation or condition of such property, or by the use or development of property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered as grounds for the issuance of a modification.

(c) In granting a modification, the Planning Commission may attach such conditions and safeguards as are deemed necessary to protect general public interest or the character of the neighborhood, and may require a guarantee or bond to assure compliance.
(Ord. 90-1312. Passed 5-1-90.)

1101.07 APPEALS.

Any person, jointly or severally aggrieved by any decision of the Planning Commission, or any other officer, department, board or bureau of the City, may appeal the same to the County Court of Common Pleas.
(Ord. 90-1312. Passed 5-1-90.)

1101.08 AMENDMENTS.

The Planning Commission may recommend and Council may adopt amendments to the provisions of these Subdivision Regulations if it is determined, after public hearing and advance public notice of such hearing, that any such amendment shall better the public interest and the general purpose of these Subdivision Regulations.
(Ord. 90-1312. Passed 5-1-90.)

1101.99 VIOLATIONS AND PENALTIES.

(a) Violation of Regulations.

- (1) Whoever willfully violates any of these Subdivision Regulations or fails to comply with any rule or order adopted pursuant to these Subdivision Regulations, shall forfeit and pay to the City not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). Such sum shall be recovered, with costs and fees, in a civil action brought by the Law Director in any court of competent jurisdiction in the name of the City and for the use thereof.
- (2) Each and every day during which such violation continues, shall be deemed a separate offense.

(b) Transfer of Land Before Recording.

- (1) Whoever, being the owner or agent of the owner of any land within the City, willfully transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision as defined in these Subdivision Regulations, before the plat has been approved by the City and has been recorded in the office of the County Recorder, shall forfeit and pay to the City not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel, or tract of land so sold. Such sum shall be recovered, with costs and fees, in a civil action brought by the Law Director in any court of competent jurisdiction in the name of the City and for the use thereof.
(Ord. 90-1312. Passed 5-1-90.)

CHAPTER 1103
Definitions

1103.01 **General rules.**

1103.02 **Terms defined.**

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Zoning definitions - see P. & Z. Ch. 1123

1103.01 GENERAL RULES.

(a) Unless a contrary intention clearly appears, the following words and phrases shall have, for the purpose of these Subdivision Regulations, the meanings in the following clauses.

(b) For the purpose of these Subdivision Regulations, words and terms used herein shall be interpreted as follows:

- (1) Words used in the present tense include the future;
- (2) The singular includes the plural, the masculine includes the feminine or neuter gender;
- (3) The word "person" includes a corporation, firm, institution, partnership, association or any legal entity;
- (4) The word "lot" includes the word "plot" or "parcel";
- (5) The word "Commission" and the words "Planning Commission" mean the Milford Planning Commission;
- (6) The words "plan" and the words "Comprehensive Plan", "Master Plan" and "General Plan" mean the Milford General Plan; and
- (7) The word "City" means the City of Milford, Ohio.

(c) Any word or term not defined herein shall be used with a meaning of standard usage. (Ord. 90-1312. Passed 5-1-90.)

1103.02 TERMS DEFINED.

(a) As used in these Subdivision Regulations, certain words and terms are defined as follows:

- (1) "Alley" means a public way which is used primarily for vehicular service access to the rear or the side of properties otherwise abutting a street.

- (2) "Applicant" means any developer who submits to the Planning Commission subdivision plats for the purpose of obtaining approval thereof.
- (3) "Bench mark" means a monument for which an accurate elevation has been established and shown on the plat or as defined by the United States Geological Survey.
- (4) "Block" means a grouping of lots unseparated by streets, parks, main waterways or other natural barriers.
- (5) "Building setback line" means a line drawn parallel to a lot line at a distance equal to the depth of a required setback.
- (6) "City Engineer" means the duly designated City Engineer of the City of Milford, Ohio.
- (7) "City Finance Director" means the duly designated Finance Director of the City of Milford, Ohio.
- (8) "City Law Director" means the duly designated Law Director of the City of Milford, Ohio.
- (9) "City Manager" means the duly designated City Manager of the City of Milford, Ohio.
- (10) "County Recorder" means the duly elected County Recorder of the County in which the property is located.
- (11) "Dedication" means the granting of interest, fee simple or otherwise, of land by the developer for any general and public uses, in accordance with the provisions herein.
- (12) "Development" means any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure.
- (13) "Developer" means any person commencing proceedings under these Subdivision Regulations to effect a subdivision of land as defined herein.
- (14) "Easement" means an area set aside, dedicated or granted by the property owner for the use by the public or by other corporations or persons for specific uses and purposes.
- (15) "Environmentally sensitive features" means those features such as excessive slopes, flooding, high water tables, shallow depth to bedrock, unique natural features, desirable natural growths, watercourses and other water areas, historic sites and scenic points.
- (16) "Flood plain" means areas subject to periodic flooding, including the 100-year flood plain depicted in Community Panel Nos. 3902270005C and 3900650045B as amended, maps prepared by the United States Federal Emergency Management Agency.
- (17) "Homeowners Association" means an incorporated, nonprofit organization operating under recorded legal agreements running with the land to provide an effective means of obtaining adherence to protective covenants and as a device for maintaining the character and long-range value of a development.
- (18) "Jurisdiction" means the geographical area within which the powers of the City of Milford may be exercised.

- (19) "Lot" means a portion of a subdivision or parcel of land intended for building development whether immediate or future.
- (20) "Lot, panhandle" means a lot whose only owned access to the street is a narrow strip of land. The narrow strip of land known and referred to as the "panhandle" shall be defined as a strip of land displaying a minimum width at any point of twenty feet and a maximum width of less than the minimum lot width required for building purposes.
- (21) "Lot, width" means the horizontal distance between the side lines of a lot measured at the building setback line.
- (22) "Open space" means land provided and deemed necessary and desirable for the recreation, leisure time and aesthetic needs of present and future citizens.
- (23) "Surety agreement" means any security which may be accepted by the City in lieu of a requirement that improvements be made before the Planning Commission approves a plat, including, but not limited to performance bonds, escrow agreements and other similar collateral or surety agreements with surety to be approved by Council or their representative, the City Manager.
- (24) "Plan, Milford General" means the policies, statements, goals and interrelated plans for private and public land use, transportation and community facilities documented in texts and maps which constitute the guide for the City's future development. For the purposes of this definition, the word "Plan" shall mean the Milford General Plan, all amendments thereto and all related general plans, master plans and community plans adopted by Council in accordance with Ohio R.C. Chapter 713.
- (25) "Planning Commission" means the Milford Planning Commission.
- (26) "Plat" means a map, plan, chart or drawing indicating the subdivision or resubdivision of land filed or intended to be filed for record.
- A. "Preliminary sketch plan" means a preliminary sketch of the proposed subdivision showing the developer's desires in regard to the future development of land for informal consideration by the Planning Commission at the preliminary consultation.
- B. "Preliminary plat" means a map indicating the subdivision of land, prepared in accordance with the requirements of these Subdivision Regulations as a basis for consideration prior to the preparation of the final plat.
- C. "Final plat" means the final map or plan which legally describes the subdivision of land, containing a detailed plan of the property, giving all dimensions, angles and bearings, together with such information, statements and certificates as required by these Subdivision Regulations, and presented to the Planning Commission for approval, and which if approved shall be submitted to the County Recorder for recording.

- (27) "Preliminary consultation" means a procedure for the presentation of a proposed subdivision to the Planning Commission for informal review prior to formal application and preparation of a preliminary plat.
- (28) "Required improvements" means storm drainage facilities, sanitary sewerage facilities, water supply facilities, streets, curbs, street lights, street signs, gutters, gas lines, electricity lines, walks and/or other accessory works and appurtenances.
- (29) "Right of way" means an area set aside, dedicated, granted or deeded by the property owner for the use by the public.
- (30) "Specifications" means the design specifications of the City of Milford, which have been adopted by Council or have been approved by the appropriate City department or agency.
- (31) "Street" and/or "road" means a public right-of-way, intended for vehicular traffic, including freeways, expressways, arterials, parkways, thoroughfares, collector roads, lanes and other public ways, with the exception of alleys as defined herein.
- (32) "Street classifications" include:
- A. "Arterial streets" provide area-wide connections between the City core and outlying activity centers, residential areas and the freeway system.
 - B. "Collector streets" provide residential neighborhood connections to the arterials.
 - C. "Local streets" (Major, Minor) provide individual house and site connections to collector streets.
 - D. "Cul-de-sacs" mean streets having one end open to traffic, the other end being terminated by a vehicle turnaround.
- (33) "Subdivision" means:
- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - 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.

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- (34) "Transportation Plan" means the plan for streets and highways included in the transportation plan element of the officially adopted Milford General Plan.
 - (35) "Utilities" means municipal utilities of the City of Milford and private franchised utilities.
 - (36) "Zoning Ordinance" means the officially adopted Zoning Ordinance and Zoning Maps for the City of Milford, Ohio and all amendments thereto. (Ord. 90-1312. Passed 5-1-90.)

CHAPTER 1105
Plat Procedure and Data Requirements

1105.01	Procedural steps.	1105.09	Final plat certification.
1105.02	Preliminary consultation.	1105.10	Final record plat approval.
1105.03	Preliminary plat review.	1105.11	Acceptance of required improvements.
1105.04	Preliminary plat data requirements.	1105.12	Final plat withdrawal.
1105.05	Preliminary plat approval.	1105.13	Minor subdivision approval.
1105.06	Preliminary plat withdrawal.	1105.14	Plat fees.
1105.07	Final plat review.	1105.15	Preliminary plat approval nontransferable.
1105.08	Final plat data requirements.		

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.
 Plat acknowledgement and recording - see Ohio R.C. 711.06
 Plat approval by planning authority; minimum lot area -
 see Ohio R.C. 711.09
 Definitions - see P. & Z. Ch. 1103

1105.01 PROCEDURAL STEPS.

The procedures for obtaining approval of a subdivision consist of the following three steps:

- (a) Preliminary consultation/concept;
- (b) Preliminary plat review and approvals, and construction plans; and
- (c) Final plat review and approval.
 (Ord. 90-1312. Passed 5-1-90.)

1105.02 PRELIMINARY CONSULTATION.

(a) The preliminary consultation is intended to provide the applicant with an opportunity to resolve problems with respect to a subdivision early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat.

(b) The preliminary consultation does not require formal application, fee or filing of a plat. A preliminary sketch plan containing the following information is all that is required for review:

- (1) Proposed layout of streets, lots and other elements basic to the proposed use in relationship to site conditions; and
- (2) Proposed methods for sewage collection, storm drainage, water supply and other utilities.

(c) The preliminary sketch plan may be a pencil drawing superimposed upon a print or a topographic survey of the area proposed to be subdivided or may be in any other graphic medium and form containing the above information. The Planning Commission shall provide comments and recommendations on such information as is provided.
(Ord. 90-1312. Passed 5-1-90.)

1105.03 PRELIMINARY PLAT REVIEW.

(a) The preliminary plat is intended to provide a formal basis for Planning Commission review and consideration of a subdivision prior to preparation of a final plat.

(b) The preliminary plat subdivision application and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Subdivision Regulations, except where variation therefrom may be specifically authorized in writing by the Planning Commission.
(Ord. 90-1312. Passed 5-1-90.)

1105.04 PRELIMINARY PLAT DATA REQUIREMENTS.

The preliminary plat shall be drawn at a scale of one inch equals fifty feet or as required by the City Engineer and may be of one or more sheets as necessary. The preliminary plat shall include the following information:

(a) Drafting Standards.

- (1) Dimensions shall be in feet and decimal parts thereof.
- (2) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (3) Where any revision is made, or when the plat is a resubdivision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
- (4) The plat shall contain adequate legend so as to clearly indicate which features are existing and which are proposed.
- (5) The boundary line of the subdivision shall be shown as a solid heavy line.

(b) Existing Information.

- (1) Vicinity map drawn to a scale of not less than one inch to 1,000 feet showing the approximate relationship of the plat to its general surroundings and showing the following details:
 - A. Existing or mapped streets within 1,000 feet of the subdivision; and

- B. Municipal boundaries within 1,000 feet of the tract.
- (2) The zoning district in which the proposed subdivision is located.
- (3) Identifying information.
 - A. Name of subdivision; the name shall not duplicate, be the same spelling or alike in pronunciation to any other recorded subdivision;
 - B. Location by tax map number, City, County and State;
 - C. Names and addresses of the developer and owner(s) if other than the developer;
 - D. Certificate signed by a registered land surveyor and/or registered professional engineer and responsible for the survey, preliminary plat and seal; and
 - E. Date of drawing, north point and scale.
- (4) Existing conditions.
 - A. A boundary survey or survey of record of the property to be subdivided including map book and page reference, locating and identifying adjacent or abutting streets (existing or platted), subdivisions, unsubdivided parcels, easements, water areas, and the like, and all visible monuments, showing all courses, distances, and area, and tie-ins to all adjacent street intersections.
 - B. Existing contours with intervals of not more than five feet where the slope is ten percent (10%) or greater and not more than two feet where the slope is less than ten percent (10%). Elevations shall be based on U.S. Geological Survey or equivalent adjusted datum. Source of contour information shall also be provided on the plat.
 - C. Location, width and names of all existing or prior platted streets or other public streets, railroad and utility rights-of-way, parks and other public open spaces, and municipal corporation lines within or adjoining the tract.
 - D. Other conditions on the tract being subdivided including, but not necessarily limited to, water-courses, marshes, floodplains, rock outcrop areas, wooded areas and other environmentally sensitive areas and significant features.
 - E. Utilities on and adjacent to the tract: location, size and invert elevation of existing sanitary sewerage facilities and storm drains, location and size of water mains, location of fire hydrants, utility lines and street lights. If water mains, sanitary sewers, and storm drains are not on or adjoining the tract, indicate the direction, distance to, and size of nearest water mains and sewers showing invert elevation of sewers to extent known to developer.

- F. Other conditions on adjoining land within 100 feet; approximate direction and gradient of ground slope, including any embankments or retaining walls, character, location and ownership of private sewerage systems within 100 feet of the subdivision boundary, railroads, utility lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjoining unplatted land; for adjoining platted land refer to subdivision plat by name recorded.
- G. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract to the extent known to developer.

(c) Proposed Layout.

- (1) Street plan containing the following information:
 - A. Location of all proposed streets in the subdivision;
 - B. Widths of all proposed rights of way and proposed paving widths;
 - C. Proposed street names;
 - D. Plan, profile and construction details of all proposed streets; and
 - E. Location of all required sidewalks and crosswalks;
- (2) Layout and dimension of proposed lots, including lot lines, lot area, lot numbers and block letters;
- (3) Sites, if any, for multi-family dwellings, including the number and types of units proposed, parking spaces, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family and two-family dwellings;
- (4) Building setback lines;
- (5) Location and dimensions of all parcels proposed to be dedicated or reserved for school sites, parks, open space use by occupants of the subdivision and for other public uses;
- (6) Identification including plan, profile and construction detail of all utilities proposed within the subdivision, including the location, grade and size of storm drains, catch basins, drainage ways and channels, sanitary sewerage facilities, pumping stations, water mains, street lights, fire hydrants and other required public facilities and improvements;
- (7) Design calculations as required by the City Engineer;
- (8) Rights of way proposed to be created for all drainage purposes and utilities;
- (9) Proposed contours with intervals of not more than five feet where the slope is ten percent (10%) or greater and not more than two feet where the slope is less than ten percent (10%); and

(10) Limits of construction.

(Ord. 90-1312. Passed 5-1-90.)

1105.05 PRELIMINARY PLAT APPROVAL.

The Planning Commission shall act either to: approve, conditionally approve or disapprove the preliminary plat within thirty days following formal receipt of such plat which is in compliance with Section 1105.04 by the Planning Commission, or within such further time as the applying party may agree to; otherwise such plat is deemed approved. For purposes of these Subdivision Regulations formal receipt shall be upon receipt by the Planning Commission at a scheduled public meeting. Preliminary plat approval shall be effective for a period of one year, and such additional periods as may be specifically approved in writing by the Planning Commission, not to exceed eighteen months.

- (a) Approval of the preliminary plat shall be noted by the Chairman of the Planning Commission signing two copies of such plat. One copy is to be returned to the applicant and the second retained in the Planning Commission's files.
- (b) If the Planning Commission disapproves the preliminary plat, it shall set forth the reasons for disapproval in its records and provide the applicant with written notification of such reasons.
- (c) Conditional approval of a preliminary plat shall state the conditions or modifications necessary to satisfy the requirements of the Subdivision Regulations prior to the submission of the final plat.
(Ord. 90-1312. Passed 5-1-90; Ord. 96-1704. Passed 6-18-96.)

1105.06 PRELIMINARY PLAT WITHDRAWAL.

A preliminary plat, upon written request of the applicant, shall be withdrawn from consideration by the Planning Commission, provided the written request is received prior to the expiration of the sixty day Planning Commission review period.
(Ord. 90-1312. Passed 5-1-90.)

1105.07 FINAL PLAT REVIEW.

- (a) The purpose of the final plat is to require formal approval by the Planning Commission before plats for subdivisions are recorded as required by these Subdivision Regulations. The final plat shall conform to the approved preliminary plat and shall reflect all changes required by the Planning Commission pursuant to the preliminary plat review procedure.
- (b) The approved preliminary plat may be submitted as the final plat if it meets all of the necessary requirements of these Subdivision Regulations.
- (c) The final plat may constitute only that portion of the approved preliminary plat which the developer proposed to record and develop at the time, provided that such portion conforms with all the requirements and standards of these Subdivision Regulations.
(Ord. 90-1312. Passed 5-1-90.)

1105.08 FINAL PLAT DATA REQUIREMENTS.

The final plat shall show or be accompanied by the following information:

- (a) Drafting Standards.
 - (1) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
 - (2) The scale of the final plat shall be one inch equals 100 feet or one inch equals fifty feet or as required by the County for recording.
 - (3) When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.
 - (4) Where the plat is a resubdivision of a previously approved plat, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
 - (5) The plat shall contain adequate legend so as to clearly indicate which features are existing and which are proposed.
 - (6) The boundary line of the subdivision shall be shown as a solid heavy line.
 - (7) The final plat shall be prepared by a certified land surveyor on a medium and sized in accordance with the requirements of the County for recording.
 - (8) All linear and angular dimensions for locating the boundaries of the subdivisions, lots, streets, alleys, public and private easements shall be expressed in feet and hundredths of a foot. Angular measurements shall be expressed by bearings. All curve data shall be expressed by a curve table on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the plat. Dimensions, both linear and angular, shall be determined by an accurate control survey in the field which shall be checked for closure and must balance and close within one to 10,000.
- (b) Existing Information.
 - (1) Identifying information.
 - A. Name of the subdivision;
 - B. Name and address of owner of the land being subdivided and name and address of the developer if different from that of the owner;
 - C. Name and address of the engineer or surveyor;
 - D. Date of drawing, north point and scale;
 - E. Location of subdivision by tax map number, City and State; and
 - F. Vicinity map for the purpose of locating the site to be subdivided at a scale of not less than 1,000 feet to the inch showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided.

- (2) Existing conditions.
 - A. Complete outline survey of the property to be subdivided, showing all courses, distances and area, and tie-ins to all adjacent street intersections.
 - B. The location, name and right of way of each street and the locations and width of all other rights of way.
 - C. The location and angles of departure of adjoining property and street right-of-way lines, the names of abutting subdivisions and the names of adjoining property owners of undivided tracts, including deed reference. The abutting subdivisions shall be identified by lot and block numbers, subdivision name, place of record or other proper designations.
 - D. The location, size and ownership of all existing utility easements as defined herein, both within the subdivision and within 100 feet of the subdivision's boundaries.
- (c) Proposed Layout.
 - (1) Lot layout with lots numbered in numerical order. In tracts continuing more than one block, the blocks shall be lettered in alphabetical order.
 - (2) Area of each lot, parcel, site or other unit shown on the final plat.
 - (3) The names and right-of-way widths of all proposed streets.
 - (4) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line.
 - (5) Building setback line for each street.
 - (6) Location and dimensions of all parcels proposed to be dedicated or reserved for open space use as defined herein or for other public uses with the purposes indicated thereon.
 - (7) The location, width, and purpose of all easements or rights-of-way and boundaries by bearings and dimensions.
 - (8) The location and description of all markers, monuments, or other evidence found or established to determine the boundaries of the subdivision.
 - (9) Private restrictions, if any, proposed to be included in deeds.
(Ord. 90-1312. Passed 5-1-90.)

1105.09 FINAL PLAT CERTIFICATION.

The following certifications and related information shall appear on the final plat:

- (a) Certification of ownership and dedication signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of such final plat, establishing minimum building restriction lines and dedicating the following public uses: roads, streets, alleys, walks, utility and storm drainage rights-of-way, open space, and other areas approved for dedication to public use by the Commission.

- (b) Certification of accuracy signed by a registered land surveyor responsible for the survey and final plat with seal.
- (c) Certification signed by the City Engineer approving the installation of streets and other improvements as defined herein in accordance with City specifications where these improvements have been completed, dedicated and accepted by the City prior to final plat approval.
- (d) Certification signed by the Finance Director of the City acknowledging that a performance bond in the amount determined by the appropriate City official(s) has been posted with Council guaranteeing completion of all improvements as defined herein in accordance with City specifications where these improvements have not been completed, dedicated and accepted by the City prior to final plat approval.
- (e) Certificates of approval signed by the Chairman of the Commission and the City Manager certifying that the subdivision shown on the final plat is in compliance with the Subdivision Regulations, Milford, Ohio, and approving the final plat for recording.
- (f) Any other restrictions or requirements relating to land use, height, area or bulk regulations or restrictions designed to promote the purposes of the Zoning Ordinance or Master Plan as determined by the Planning Commission.
- (g) Protective covenants, if any, in form for recording.
(Ord. 90-1312. Passed 5-1-90.)

1105.10 FINAL RECORD PLAT APPROVAL.

- (a) The final plat shall be approved or disapproved if all requirements of these Subdivision Regulations have been complied with, within thirty days after the submission thereof to the City Manager.
- (b) The applicant may waive the thirty day limitation and consent to an extension of such period.
- (c) If the final plat is determined to be in conformance with the approved preliminary plat by the City Manager, then the final plat shall be deemed to have been approved and a certificate to that effect shall be signed by the City Manager and Chairman of the Planning Commission.
 - (1) Approval of the final plat shall be noted by the signing of the certificate of approval by the Chairman of the Planning Commission and the City Manager on the record plat which shall then be recorded by the applicant with the County Recorder within six months, if not, approval of the plat shall be void.
 - (2) Within five working days of the date of recording, the applicant shall submit to the City a reproducible and two black line prints of the final plat with proof of recording affixed thereto. Failure to provide the City with the appropriate documentation of recording within the time period specified shall constitute a violation of these Regulations and the applicant shall be subject to penalties as provided in Section 1101.99.

- (3) If the final plat is disapproved, the City Manager shall set forth the reasons for disapproval and provide the applicant with written notification of such reasons.

(d) The Planning Commission shall have the power to agree with applicant upon use, height, area or bulk requirements or restrictions which are designed to promote the purposes of the Zoning Ordinance. Such requirements or restrictions shall be stated upon the final plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the Zoning Ordinance and Zoning Map. Such requirements and restrictions shall be in addition and not in place of provisions set forth in the Zoning Ordinance. (Ord. 90-1312. Passed 5-1-90.)

1105.11 ACCEPTANCE OF REQUIRED IMPROVEMENTS.

Approval of the final plat shall not be deemed to constitute or effect an acceptance by the City of any required improvement shown upon the final plat. Acceptance of such required improvement shall be made in accordance with these Subdivision Regulations and other applicable ordinances, statutes and regulations. (Ord. 90-1312. Passed 5-1-90.)

1105.12 FINAL PLAT WITHDRAWAL.

A final plat, upon written request of the applicant, shall be withdrawn from consideration, provided the written request is received prior to the expiration of the thirty day review period. (Ord. 90-1312. Passed 5-1-90.)

1105.13 MINOR SUBDIVISION APPROVAL.

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five residential lots after the original tract has been completely subdivided, may be submitted to the City Manager for the purpose of reviewing the proposed division.

(a) The submission shall comply with Section 1105.08.

(b) If the City Manager is satisfied that the proposed division is not contrary to applicable subdividing or zoning regulations, he shall within ten working days after submission of the proposed division approve same in accordance with Section 1105.10(a) to (c).

(Ord. 90-1312. Passed 5-1-90.)

1105.14 PLAT FEES.

The plat fees shall be according to the fee schedule adopted by Council and amended from time to time. (Ord. 90-1312. Passed 5-1-90.)

1105.15 PRELIMINARY PLAT APPROVAL NONTRANSFERABLE.

Preliminary plat approval is applicable solely to the party to whom the approval was originally given and is not transferable or assignable to any other person, entity or successor in interest without the written approval of the Planning Commission. The Planning Commission may require the successor in interest to resubmit for approval a new preliminary plat which shall proceed as if the application were an initial submission.

(Ord. 96-1704. Passed 6-18-96.)

CHAPTER 1107
Design Principles and Standards

1107.01	Application.	1107.07	Sidewalks.
1107.02	Layout and design.	1107.08	Easements.
1107.03	Street widths and grades.	1107.09	Blocks.
1107.04	Building setback lines.	1107.10	Lots.
1107.05	Street names.		
1107.06	Alleys and cul-de-sacs.		

CROSS REFERENCES

Lot numbering and revision - see Ohio R.C. 711.02, 711.06,
711.28 et seq.
Lot and area requirements - see P. & Z. Ch. 1107

1107.01 APPLICATION.

(a) The subdivision plat shall conform to the principles which are generally exhibited in the Plan and Zoning Ordinance, and any other applicable ordinances, statutes or regulations included but not limited to the transportation element of the Plan.

(b) The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety and general welfare.

(c) All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses, so that remnants and landlocked areas shall not be created.

(d) No land shall be subdivided unless there exists adequate access to the land over approved streets or roads as defined herein, or unless such access shall be provided by the developer, or if such land is considered by the Planning Commission to be unsuitable for such use by reason of flooding or improper drainage, geological structure, topography or any other feature harmful to the health, safety and general welfare of present and future residents of the City.
(Ord. 90-1312. Passed 5-1-90.)

1107.02 LAYOUT AND DESIGN.

- (a) Arrangement, character, extent, width, grade and location of all streets shall conform to the transportation element of the Plan which has been officially adopted by Council, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and appropriate relation to the proposed uses of land to be served by such streets.
- (b) The overall street plan for any subdivision shall provide access to the subdivision by a public street(s) connected to the existing road system of the City.
- (c) Where not indicated in the Plan, arrangement of streets in a subdivision shall either:
- (1) Provide for continuation or appropriate projection of existing roads or streets (constructed or recorded) in surrounding areas; or
 - (2) Where topography or other conditions make continuance or projection of existing streets unnecessary or impracticable shall conform to a general area plan approved by the Planning Commission.
- (d) Local streets in residential neighborhoods shall be so laid out that their use by through traffic shall be discouraged.
- (e) Where subdivision abuts or contains an existing or proposed arterial street or other streets carrying heavy traffic, the Planning Commission may require local access streets, reversed frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment, including wider pavement widths, as may be necessary for adequate protection of residential or other properties and separation of local and through traffic.
- (f) Where a subdivision borders or contains a railroad or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, and at such distance therefrom as required for appropriate use of intervening land, if any, and as determined with due regard for requirements of future approach grades and grade separations.
- (g) A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate right-of-way and slope easements, for construction of an underpass or overpass.
- (h) No street intersection shall include more than four street approaches.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another at less than seventy-five degrees, provided, however, that other arrangements for smooth merging of traffic shall be permitted where the total effect on the intersection is to reduce traffic hazards and to provide for smooth traffic flow at the intersection as a whole.

(j) Property lines at the intersection of local streets with each other shall be curved with a minimum radius of fifteen feet. Property lines at the intersection of alleys with any streets shall be curved with a minimum radius of ten feet. Property lines at all other street intersections shall be curved with a minimum radius of twenty feet.

(k) When connecting street lines deflect from each other, they shall be connected by a curve with a radius sufficient to insure a sight distance adequate for visibility and safety, as determined by the City Engineer after consideration of the character of the street and the types and speed of traffic anticipated.

(l) If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.

(m) Dead-end streets are prohibited except as stubs to adjoining tracts. Where stub streets are provided abutting unsubdivided acreage, temporary easements for turnarounds shall be provided at the boundary line and appropriate arrangements shall be made for those parts of temporary turnarounds outside of street right-of-way to revert to abutting owners at such time as the street shall be extended.

(n) Private streets are prohibited unless approved by the Planning Commission.
(Ord. 90-1312. Passed 5-1-90.)

1107.03 STREET WIDTHS AND GRADES.

(a) Projects with net densities equal to or less than two dwelling units per acre may be served by open-section roads without sidewalks or street lighting. Projects with a net density greater than two units or more per acre are required to have street lighting and closed-section roads with sidewalks within the right-of-way on each side of the street. On occasion, open section design may be allowed for higher density developments if the number of access points are minimized by off-street parking areas. Net density for purposes of this section shall not include common open space and street rights-of-way.

(b) The width of pavement and rights of way shall be in accordance with City standards and specifications.

(c) Street grades shall not exceed the following:

<u>Type of City Street</u>		<u>Grade (Percent)</u>
(1)	Arterial	6.0
(2)	Collector	8.0
(3)	Local major	10.0
(4)	Local minor	10.0
(5)	Cul-de-sac	12.0
(5a)	Cul-de-sac end	4.0
(6)	Alley	10.0

(d) For adequate drainage, the minimum street grade shall not be less than one percent, or as approved by the City Engineer in accordance with acceptable engineering standards.

(e) A normal street crown shall be provided on all streets, not superelevated, of one-fourth inch per foot straight slope extending in cross section from edge of pavement to centerline, symmetrical to the center.
(Ord. 90-1312. Passed 5-1-90.)

1107.04 BUILDING SETBACK LINES.

Building setback lines shall be no less than the following:

	<u>Building Setback Line (feet)</u>
Arterials	50
Collectors	30
Local*	30
Cul-de-sac*	30

* May be reduced for planned development in accordance with the Zoning Ordinance.
(Ord. 90-1312. Passed 5-1-90.)

1107.05 STREET NAMES.

No street name shall be used which duplicates or is likely to be confused with the name of an existing or previously platted street. Proposed streets in alignment with existing or platted streets shall bear the names of the existing or platted streets.
(Ord. 90-1312. Passed 5-1-90.)

1107.06 ALLEYS AND CUL-DE-SACS.

(a) Except where justified by unusual and extreme conditions of topography, traffic flow or access, alleys shall be prohibited in residential subdivisions.

(b) No subdivision shall be approved by the Planning Commission where the only access to the subdivision or any lot, parcel or site thereof is by means of an alley as defined herein. All such lots, parcels or sites shall be provided with access to an arterial, collector or local street as defined herein in accordance with the minimum right-of-way and pavement widths specified in Section 1107.03.

(c) Except where unusual land configuration requires otherwise cul-de-sac streets shall not be longer than 800 feet from the nearest intersecting street, and shall be provided at the closed end with a turnaround in accordance with City standards.
(Ord. 90-1312. Passed 5-1-90.)

1107.07 SIDEWALKS.

Sidewalks not less than four feet wide shall be required to provide adequate circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities. Sidewalks not less than five feet wide shall be required adjacent to arterial streets as required by Section 1107.03.

(Ord. 90-1312. Passed 5-1-90.)

1107.08 EASEMENTS.

(a) Easements for utilities and drainage shall be provided, as required by the agency or utility that may be involved, across lots or overlapping or adjoining rear or side lot lines, and shall be of whatever width is necessary to provide for installation of such utilities or drainage and of whatever width and slope is necessary for access for maintenance, provided however that no such easement shall be less than twenty feet wide. There shall be no buildings, structures, improvements or appurtenances of any kind erected or placed upon any easement area.

(b) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines thereof, and such further width or further construction, or both, as shall be required for the purpose of handling drainage.

(Ord. 90-1312. Passed 5-1-90.)

1107.09 BLOCKS.

(a) Block lengths shall not exceed 1,800 feet except where alternate designs are approved by the Planning Commission.

(b) Blocks shall normally be designed with sufficient width to provide two tiers of lots. However, the Planning Commission may approve a more flexible block width design where due to heavy traffic ways, railroads, bordering streams, drainage courses, multi-family housing, commercial or industrial areas, schools, churches or other land uses a two tier block design is not appropriate.

(Ord. 90-1312. Passed 5-1-90.)

1107.10 LOTS.

(a) Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and the type of development and use contemplated.

(b) Lot dimensions in residential districts or for residential uses in other districts shall be as required by the Zoning Ordinance. Depth and width of properties subdivided for nonresidential purposes shall be adequate for off-street parking and service facilities required by the type of use and development anticipated.

(c) Double frontage and reversed frontage residential lots shall in general be avoided except where essential to provide residential separation from traffic arteries or to overcome other disadvantages of orientation or topography.

(d) Where utility or other easements are involved, lot lines shall be so arranged with respect to such easements as to permit efficient installation of the utilities without unnecessary irregularities in alignment.

(e) No lot shall be divided by a municipal boundary line without the approval of Council.

(f) Where there is a resubdivision of any lot, tract or other parcel of land, the resubdivided lots shall have the same character with respect to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

(g) The panhandle of a panhandle lot as defined in Section 1103.02 shall have a minimum width of twenty feet and shall not exceed 300 feet in length unless an alternate design is approved by the Planning Commission. The panhandle shall not be used in the calculation of minimum lot size.

(Ord. 90-1312. Passed 5-1-90.)

CHAPTER 1109
Required Improvements

1109.01	Purpose and applicability.	1109.10	Open space.
1109.02	Streets and alleys.	1109.11	Permanent monuments.
1109.03	Street signs.	1109.12	Assurances and guarantees.
1109.04	Street lights.	1109.13	Surety agreement.
1109.05	Storm drainage facilities.	1109.14	Public acceptance of
1109.06	Curbs and gutters.		required improvements
1109.07	Driveway entrances and		and dedications.
	sidewalks.	1109.15	Release of bonds.
1109.08	Sanitary sewerage system.		
1109.09	Water supply system.		

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03,
711.14
Underground utilities - see P. & Z. 1111.01
Street lighting - see P. & Z. 1111.02

1109.01 PURPOSE AND APPLICABILITY.

(a) The purpose of this chapter is to delineate the required improvements as defined herein which shall be required of the applicant as condition for final approval.

(b) All construction shall be completed in accordance with specifications as defined herein in a manner acceptable to the Planning Commission and other applicable City departments and agencies.

(c) All required improvements delineated in these Subdivision Regulations shall be installed and constructed by the developer who shall pay all costs involved in installation, construction, inspection, and testing.

(d) Approval of the final plat by the Planning Commission does not constitute permission to construct required improvements. Appropriate permits shall be obtained from the City Engineer and other applicable departments and agencies before construction may commence. (Ord. 90-1312. Passed 5-1-90.)

1109.02 STREETS AND ALLEYS.

(a) Streets and alleys shall be graded and surfaced in accordance with specifications and the design standards enumerated in Chapter 1107.

(b) In the case of a subdivision containing lots fronting on an existing State or City maintained road, the developer shall provide required right-of-way as necessary to serve the needs of such subdivision for access and traffic.

(Ord. 90-1312. Passed 5-1-90.)

1109.03 STREET SIGNS.

Street signs shall be installed in accordance with specifications at all street intersections and shall comply with adopted City policies and ordinances, as applicable.

(Ord. 90-1312. Passed 5-1-90.)

1109.04 STREET LIGHTS.

(a) Street lights shall be provided by the developer in all subdivisions, installed in accordance with specifications, and inspected by the appropriate electric utility.

(b) The developer shall pay all costs involved in installation, and all maintenance costs incurred until dedicated and accepted by the City.

(Ord. 90-1312. Passed 5-1-90.)

1109.05 STORM DRAINAGE FACILITIES.

(a) The developer shall provide in every subdivision, storm drains, culverts, drainageways or other works adequate to collect and dispose of all water originating on or flowing across the property without inundating or damaging neighboring streets, roads, lots or other properties. All systems shall be designed in accordance with specifications and comply with adopted City policies and ordinances, where applicable.

(b) Wherever curbs and gutters are provided or when the City Engineer determines the natural surface drainage to be inadequate, the subdivider shall construct a storm drainage system with catch basins appropriately spaced along the streets in the subdivision.

(c) In the design of a storm drainage system for a subdivision, the present and future expected runoff from the larger drainage areas shall be required. It may be required that larger sewers than those needed to service the immediate subdivision be installed, and certification by a registered professional engineer stating that all proposed drainage facilities are adequately designed to safely handle surface drainage from a higher watershed area shall be provided to the City Engineer.

(Ord. 90-1312. Passed 5-1-90.)

1109.06 CURBS AND GUTTERS.

Curbs and gutters, where required, shall be built in accordance with City standards and specifications, as applicable.

(Ord. 90-1312. Passed 5-1-90.)

1109.07 DRIVEWAY ENTRANCES AND SIDEWALKS.

(a) Sidewalks and driveway entrances shall be constructed in accordance with specifications. Pedestrian sidewalks and crosswalks shall be required where deemed essential to provide interior circulation and access to schools, parks and other community facilities in accordance with the design standards enumerated in Chapter 1107.

(b) Where the Planning Commission finds that sidewalks, other than those located at the edges of streets, would provide safe, logical and convenient routing of pedestrian traffic, such sidewalks constructed in a manner appropriate to their purpose, may be required. Sidewalk handicapped ramps shall be provided at all intersections in accordance with adopted City standards and specifications, as applicable.

(Ord. 90-1312. Passed 5-1-90.)

1109.08 SANITARY SEWERAGE SYSTEM.

Each lot, parcel or site in a subdivision shall be connected with an existing public sanitary sewerage system or the sanitary sewerage system provided by the developer. All sanitary sewerage systems shall be designed, constructed, inspected and tested in accordance with specifications and other appropriate governmental regulations.

(Ord. 90-1312. Passed 5-1-90.)

1109.09 WATER SUPPLY SYSTEM.

(a) Every subdivision shall be provided with a public water supply system adequate for the type of development proposed and so related to existing or potential surrounding development as to form a logical part of a coordinated system minimizing potential water supply problems for the general area.

(b) Each lot, parcel or site in the subdivision shall be provided with water from the water supply system. All water supply systems shall be designed and constructed in accordance with specifications and other appropriate governmental regulations.

(c) Fire hydrants shall be installed in accordance with specifications in the manner and at locations designated by the Water Department.

(Ord. 90-1312. Passed 5-1-90.)

1109.10 OPEN SPACE.

(a) The Planning Commission may require the dedication of land for open space purposes for access, utilities, access of fire fighting apparatus, recreation, light and air and the avoidance of congestion of population, including minimum width and area of lots.

(b) The following criteria shall be used to determine open space requirements within a subdivision:

<u>Gross Residential Density (units per acre)</u>	<u>Maximum Percentage of Total Land Required For Open Space</u>
More than 4	15%
4 or less	10%

Where the Planning Commission deems it appropriate, the subdivider may be required to pay the City's fee in lieu of dedication of open space in the sum of one hundred dollars (\$100.00) for each residential lot or dwelling unit. Sums so received by the City shall be placed in a special fund to be known as the Park Land Purchase and Development Fund and shall be used by Council solely for the purchase and development of lands for parks, or other public purposes if so recommended by the Planning Commission. The Land Purchase Fund may be used for park improvements. The subdivider may pay the sums at the time the final plat is approved or may pay as building permits are secured; no building permit shall be issued for any lot or dwelling unit in a new subdivision until the one hundred dollars (\$100.00) has been paid.
(Ord. 90-1312. Passed 5-1-90.)

1109.11 PERMANENT MONUMENTS.

Permanent monuments of material, size and length as prescribed in the specifications shall be placed and at such points and in such manner as provided by State law.
(Ord. 90-1312. Passed 5-1-90.)

1109.12 ASSURANCES AND GUARANTEES.

Before the Planning Commission shall approve the final plat for any subdivision, they shall ascertain that one of the two following requirements have been adequately met by the developer:

- (a) All required improvements have been completed, inspected and accepted by the City in accordance with these Subdivision Regulations and other applicable ordinances, statutes and regulations; or
- (b) Where required improvements have not been completed, that acceptable assurances have been made to the Mayor and Council guaranteeing completion of all required improvements in accordance with specifications.

(Ord. 90-1312. Passed 5-1-90.)

1109.13 SURETY AGREEMENT.

(a) A surety agreement, as referred to in these Subdivision Regulations shall be a performance bond, escrow agreement or other acceptable collateral or surety. Such surety agreement shall be required by the City as acceptable guarantee for the installation and construction of required improvements where they have not been completed prior to final plat approval. The surety shall be sufficient as determined by the appropriate City official(s).

(b) The developer shall post such a surety agreement with the Finance Director in the amount specified by the City Engineer providing acceptable guarantee to the City that all required improvements shall be constructed in accordance with specifications.

(c) Specifically, the developer shall be required in posting the surety agreement to agree to the following items:

- (1) To construct and install or cause to be constructed and installed at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, street lights and other required improvements in strict accordance with the final plat, as approved, and in strict accordance with design standards and specifications.
- (2) To maintain at his own cost such streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities, and other required improvements, until the same are accepted by Council in accordance with applicable regulations and ordinances.
- (3) To obtain at the developer's expense the easements and releases required when any street, storm drainage facility, or other required improvement abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision.
- (4) To post a guarantee bond or acceptable surety agreement to remain in effect for a period of one year, following acceptance of required improvements by the City for the purpose of assuring satisfactory construction.
(Ord. 90-1312. Passed 5-1-90.)

1109.14 PUBLIC ACCEPTANCE OF REQUIRED IMPROVEMENTS AND DEDICATIONS.

(a) The installation of required improvements, in accordance with the terms of these Subdivision Regulations, shall in no way be construed as acceptance by the City or an acceptance of an offer of dedication. Same shall be considered only as an offer of dedication until formally accepted by Council.

(b) All offers of dedication of rights of way, streets, alleys, open spaces, public areas or any other matter of whatsoever nature or kind shall be considered only an offer to dedicate and shall in no way be considered accepted by the City until action is taken in the manner prescribed by law.

(c) Manner of Acceptance of Dedication. All offers of dedication to the City of any required improvements, as set forth herein, shall only be considered accepted after all the following procedures have been completed:

- (1) An offer of dedication has been made on the appropriate plat;
- (2) The City Engineer certifies that the improvements have been constructed in accordance with specifications;
- (3) Acceptance of same by a formal resolution of Council;
- (4) Conveyance to the City of the interest in question by applicable deed, or other instrument in writing with proper designation and description of same, and of specific reference to the formal acceptance;
- (5) The signature of the City Manager affixed thereon showing formal acceptance; and
- (6) The applicable instrument be received and recorded among the land records of the County.

After the date of adoption, under no circumstances shall implied acceptance of an offer of dedication be recognized by the City except as set forth herein.

(d) In the event that Council does not accept or reject a formal offer of dedication within sixty days of such formal offer, same shall be considered accepted provided the applicant furnishes the necessary dedication, in the proper form, subject to approval by the City Law Director.

(e) A rejection of an offer of dedication shall not preclude reapplication or reoffer to dedication either immediately or at any later date.
(Ord. 90-1312. Passed 5-1-90.)

1109.15 RELEASE OF BONDS.

Performance bonds or other sureties established in accordance with the provisions of these Subdivision Regulations shall be released by Council when the City Engineer or other applicable officials certify that the requirements set forth therein have been met and when the required improvements and offers to dedicate have been accepted by the City in accordance with Section 1109.14.

(Ord. 90-1312. Passed 5-1-90.)

CHAPTER 1111
Underground Utility Distribution Facilities

1111.01 **Underground facilities.** **1111.02** **Street lighting.**

CROSS REFERENCES
Street lights - see P. & Z. 1109.04

1111.01 UNDERGROUND FACILITIES.

(a) The developer shall have installed by the respective utility companies, underground distribution facilities, street lighting facilities and underground communication distribution facilities in all new residential subdivisions. In all cases, street lighting facilities shall be included by the developer.

(b) The definition of a developer is that person or organization who submits a subdivision plat or other plat to the Planning Commission and/or Council for their approval.

(c) Underground utilities shall serve the subdivision within or along the right-of-way of existing or proposed public streets, provided that prior to installation of such facilities, the developer pays the utility companies' schedules and/or associated charges and gives written commitment to pay the utility company for the cost of any relocation of such facilities and to provide all easements necessary for relocation and for any extension. The developer shall provide necessary easements to the utility companies at no cost.

(d) All service lines connecting the customer's service within the utility company's underground distribution lines shall be installed underground to connection points on the distribution facilities determined by the utility company. The customer's service line shall be installed by the developer or customer, except for communications service lines. The actual connection to the utility company's facilities shall be made by the utility company. Underground electrical wiring shall be in accordance with applicable codes and specifications of the City.

(e) Installation of pad mounted transformers and communication interconnection cabinets are required and nothing in this chapter shall be construed as requiring the installation of this equipment underground. The use of underground transformers shall not be permitted. Prior to paving any street, the developer shall install, at its own cost, acceptable separate conduit cross-overs for electric and communication facilities at locations specified by the utility company. (Ord. 89-1211. Passed 1-3-89.)

1111.02 STREET LIGHTING.

(a) The developer shall pay the utility company all charges associated with the installation of street lights in all subdivisions having underground utilities. Street light pole standards and fixtures shall be selected by the developer and approved by the Planning Commission. The selection of standards and fixtures are limited to those units as listed in the street lighting contract. The rated lumens and the locations of the standards and fixtures shall be determined by the City and the utility company.

(b) Street lights shall be located at every intersection and at the neck of every cul-de-sac. At other locations, street lights shall be located as specified by the City.

(c) The monthly costs for the street lighting units shall be borne by the developer until these streets are accepted and dedicated to the City. Upon acceptance and dedication, the City shall assume the monthly costs for street lighting as part of its contract with the utility company. (Ord. 89-1211. Passed 1-3-89.)

TITLE THREE - Zoning

EDITOR'S NOTE: Pursuant to Ordinance 99-1966, passed May 4, 1999, the City has enacted a new Zoning Code and Map. Copies of the new Zoning Code are on file with the Clerk of Council.