RULES AND REGULATIONS

OF THE

HAMILTON COUNTY
REGIONAL PLANNING COMMISSION

FOR

PLATS AND SUBDIVISIONS OF LAND

WITHIN THE UNINCORPORATED TERRITORY
OF HAMILTON COUNTY, OHIO

Adopted by
The Board Of County Commissioners
of
Hamilton County, Ohio

with
Revisions Effective
October 1, 2015

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1 GENERAL PROVISIONS

1.1 TITLE.

These Rules and Regulations shall be known, cited and referred to as the "Rules and Regulations of the Hamilton County Regional Planning Commission for Plats and Subdivisions."

1.2 AUTHORITY AND JURISDICTION.

The subdivision of land within the unincorporated territory of the County and the subsequent development of the subdivided plat shall be subject to the control of the County through the Hamilton County Regional Planning Commission pursuant to its exercise of authority under Section 711.10 of the Ohio Revised Code, with the assistance of the office of the Hamilton County Engineer pursuant to Section 713.26 of the Ohio Revised Code.

1.3 POLICY.

It is hereby declared to be the policy of the County within its unincorporated areas that:

(a) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage and other needed capital improvements. Development and construction on any part or lot of a subdivision shall be in full accord with, and shall contribute in a positive manner to the various systems and aspects of the approved subdivision plan required by these Rules and Regulations.

(b) Existing and proposed public improvements shall conform to and be properly related to thoroughfare and all other related plans duly adopted by the Regional Planning Commission and it is intended that these Rules and Regulations shall facilitate and help coordinate the implementation of the provisions and standards contained in applicable zoning resolutions, the Building Code, the County's capital improvements program, the Rules and Regulations of the County Engineer, the Stormwater and Infrastrucure Division of the County Department of Planning and Development, the Metropolitan Sewer District, the Greater Cincinnati Water Works, the Ohio Department of Transportation, the Ohio Environmental Protection Agency, Hamilton County Public Health and those of other offices and agencies having jurisdiction.

1.4 PURPOSES.

These Rules and Regulations are adopted for the following purposes:

(a) To protect and provide for the public health, safety, convenience, comfort, prosperity and general welfare of the County by establishing reasonable standards of design and procedures or approval of plats and subdivisions.

(b) To secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the County or regional plan.

(c) To assure adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, air.

(d) To avoid congestion of population and to further the orderly layout and use of land.

(e) To ensure proper legal descriptions and monumenting of subdivided land.

(f) To help safeguard against the pollution of air, streams, and ponds; to help assure the adequacy of drainage facilities; to help safeguard the water table; and to encourage the wise use and management of natural resources throughout the County.

(g) To provide the most beneficial relationship between the use of land and buildings, provide for the proper location of lot lines and building setback lines, and to encourage innovative forms of development.

(h) To insure appropriate development with regard to natural features.

1.5 EXEMPTED IMPROVEMENTS AND DIVISIONS OF LAND.

Any person who demonstrates to the office of the County Auditor that their proposed division, sale, exchange or improvement of land satisfies one of the exemptions described in Sections 1.5.1, 1.5.2 and 1.5.3, shall be exempted from the requirements of these Rules and Regulations. (See Appendix D)

1.5.1 LARGE LOT SUBDIVISIONS.

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

1.5.2 ADJOINING OWNER TRANSFERS.

The sale or exchange of parcels between adjoining lot owners which does not create additional building sites;

1.5.3 PRIVATE STREETS FOR INDUSTRY.

The establishment of private streets serving industrial structures.

1.6 SCOPE OF APPLICATION.

Within the unincorporated territory of the County, these Rules and Regulations shall be applicable to:

(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 (5) acres for the purpose, whether immediate or future, of transfer of ownership.

(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; and

(c) 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, permanent open space, or other public facilities.

1.7 INTERPRETATION, CONFLICT, AND SEVERABILITY.

1.7.1 INTERPRETATION.

In their interpretation and application, the provisions of these Rules and Regulations shall be held to be the minimum requirements necessary to promote the public health, safety and welfare.

1.7.2 CONFLICT.

Where the conditions imposed by any provisions of these Rules and Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

1.7.3 SEVERABILITY.

If any sentence, clause, section, word or words, or part of these Rules and Regulations is for any reason found to be unconstitutional, illegal, or invalid, that unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, word or words and parts of these Rules and Regulations.

1.8 SAVING PROVISION.

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

1.9 EFFECT ON OTHER LAWS AND REGULATIONS.

These Rules and Regulations are not intended to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other laws or regulations (except those subdivision regulations specifically repealed by or in conflict with these Rules and Regulations), or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the County is a party (See Appendix A for list of other agencies that have jurisdiction over the development of proposed subdivisions).

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2 DUTIES OF CERTAIN OFFICES

The following offices, without limitation upon their respective powers and duties established by law, have the following duties pertaining to the implementation and administration of these Rules and Regulations:

2.1 REGIONAL PLANNING COMMISSION.

The Regional Planning Commission (the "Planning Commission"), through the Subdivision Administrator, distributes applications for subdivision approval to the various offices and agencies having jurisdiction and coordinates the receipt of reviews thereof and the procedures leading to Final Plat approval. More specifically, the Planning Commission:

(a) Reviews all Preliminary Subdivision Plans and reports thereon by and through the Subdivision Administrator and approves, disapproves or conditionally approves such Plans;

(b) Reviews and approves or disapproves all Final Plats;

(c) Grants or denies requests for variations;

(d) Initiates and holds public hearings from time to time to certify to the Board of County Commissioners such modifications or amendments to these Rules and Regulations as the Planning Commission may deem necessary or advisable; and

(e) Makes all other determinations provided for by these Rules and Regulations.

2.2 THE SUBDIVISION ADMINISTRATOR.

The Subdivision Administrator:

(a) Enforces the provisions of these Rules and Regulations;

(b) Conducts a pre-application conference, if requested;

(c) Maintains permanent and current records of these Rules and Regulations, including amendments thereto;

(d) Receives, files and distributes all Preliminary Subdivision Plans, Improvement (Construction) Plans and Final Plats and supporting data;

(e) Certifies conformance of Improvement (Construction) Plans with the approved Preliminary Subdivision Plan following receipt of reviews and reports from appropriate offices and agencies;

(f) Certifies conformance of the Final Plat with the Preliminary Subdivision Plan and Improvement (Construction) Plans following receipt of reviews and reports from appropriate offices and agencies; and

(g) Makes all other determinations provided for by these Rules and Regulations.

2.3 COUNTY ENGINEER (C.E.).

The County Engineer, within the scope of his resources and without interference with his regular duties as defined in Section 315.08 of the Ohio Revised Code, reviews all engineering plans and specifications concerning streets, grades, typical sections, bridges and other public improvements and submits recommendations thereon to the Planning Commission through the Subdivision Administrator.

2.4 HAMILTON COUNTY STORMWATER AND INFRASTRUCTURE DIVISION (H.C.S.W.I.).

The Stormwater and Infrastructure Division of the County Department of Planning and Development reviews storm sewers and appurtenances, headwalls, detention/retention basins and the involvement of the planned work with existing and proposed water courses, etc.

H.C.S.W.I. also reviews water distribution/supply improvements for locations not served by Greater Cincinnati Water Works.

2.5 METROPOLITAN SEWER DISTRICT (M.S.D.).

The Metropolitan Sewer District reviews the planned sanitary sewer system within the subdivision including manholes and appurtenances, the connections to existing facilities, and compatibility with future system improvements and easements.

2.6 GREATER CINCINNATI WATER WORKS (G.C.W.W.).

For developments located within the boundaries of the "County Water Area" or "Supplemental County Water Areas" established by the Hamilton County/City of Cincinnati County Water Area Contract (1987), as amended or supplemented, the Greater Cincinnati Water Works reviews the planned water main system, including all water service connections and appurtenances, and its compatibility with existing and/or proposed distribution systems in the vicinity in accordance with the provisions of that contract.

2.7 HAMILTON COUNTY SOIL AND WATER CONSERVATION DISTRICT (H.C.S.W.)

The Hamitlon County Soil and Water Conservation District reviews compliance with the County Earthwork Regulations (grading and geotechnical analysis) and the erosion control plan for all major subdivisions.

2.8 BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners:

(a) Considers modifications to these Rules and Regulations certified to it by the Regional Planning Commission when found necessary and desirable, as hereinafter provided;

(b) Accepts or refuses intended dedications and, by resolution, declares public reservations of land;

(c) Orders the vacation of a street or other public place and fixes compensation therefore; and

(d) Makes all other determinations provided for by these Rules and Regulations.

2.9 REGULATIONS OF OTHER OFFICES AND GOVERNMENTAL BODIES.

The offices described in this Section 2 as well as other offices, agencies and governmental bodies have the authority to enforce regulations of relevance to subdivisions. These offices, agencies and governmental bodies and the regulations for which they are responsible are described in the Appendix A to these Rules and Regulations. (See Appendix A.)

3 DEFINITIONS

3.1 USAGE.

3.1.1 GENERAL.

For the purpose of these Rules and Regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

3.1.2 CONTEXT AND INTERPRETATION.

Unless the context indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these rules"; the word "rules" means "these rules."

3.1.3 TERMS AND INTERPRETATION.

A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club. The term "shall" is always mandatory. The terms "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

3.2 DEFINITION OF TERMS.

In addition to the definitions included in other sections of these Rules and Regulations, the following definitions shall be applicable.

ADMINISTRATOR, SUBDIVISION. The staff person or persons to whom the administrative responsibilities under these Rules and Regulations are assigned by the administrative head (Executive Director) of the Hamilton County Regional Planning Commission and/or the Director of the Hamilton County Planning and Development Department.

AGRICULTURAL. Farming, dairying, pasturage, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

APPLICANT. The legal or beneficial owner or owners of land included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. Written consent shall be required from the legal owner of the land. See also Subdivider and Developer.

BLOCK. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or the corporate limits of the County.

BUFFER. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of and/or sound from the site to adjacent sites or properties.

BUILDABLE AREA. Space remaining on a lot after the minimum zoning requirements for yards, set-backs, coverage and allowances for panhandles, easements and restrictions have been met.

BUILDING. A structure designed or used for the shelter of persons, animals or chattels.

CAPPED SYSTEM. A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

CONDOMINIUM. The land together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Chapter 5311 of the Ohio Revised Code and which is subject to said Chapter 5311. A condominium or condominium property is not a subdivision within the meaning of or subject to the Rules and Regulations contained herein.

CUL-DE-SAC. A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movement.

DEVELOPER. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

DIGITAL. Data or information that is generated, stored, and/or processed electronically in a computer.

DIGITAL IMAGE. Electronic or scanned data or information viewable as an image in a computer and transmitted in a format compatible with the Cincinnati Area Geographic Information System (CAGIS).

DIGITAL SUBMISSION. Electronic submission of plans, reports or other documents as a digital image.

DRIVEWAY. A private way, other than a street private access road or alley, to one lot of record for the use of vehicles and pedestrians.

DRY LINES. See Capped System.

DWELLING UNIT. A single unit (of one or more rooms) providing complete, independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EARTHWORK REGULATIONS. The rules and procedures enacted by the County in order to help eliminate, or at least minimize the creation of new or the aggravation of existing sensitive land areas and formations within unincorporated Hamilton County, either known or not known, through control of earth disturbing activities which have an effect on the stability of hillsides and slopes and which may cause hazardous erosion, sedimentation and associated problems.

EASEMENT. A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

EASEMENT OF ACCESS. An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

ENGINEER, COUNTY. The person who is elected to the office of County Engineer of Hamilton County, Ohio, pursuant to Chapter 315 of the Ohio Revised Code to perform the duties defined therein and who performs the functions described in Section 2.3 in connection with these Rules and Regulations.

ENVIRONMENTAL CONSTRAINTS. Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

FLOODPLAIN. The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.

FLOODWAY. The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100 year flood.

FLOODWAY FRINGE. That portion of the floodplain outside of the floodway.

FRONTAGE. All the property on the side of a street between two intersecting streets (crossing or terminating) measured along the right-of-way line of the street or easement line of private street or access road or if the street is dead ended, then all of the property abutting on one side, excluding the terminus between an intersecting street and the dead end of the street.

GRADE, EXISTING. The present level of ground.

GRADE, FINISH. The top surface elevation of lawns, walks, drives or other improved surfaces after completion of construction of grading operations.

HISTORIC FEATURE. A landmark, improvement or landscape feature associated with an historic event which has been officially designated as having historic significance by a state, county, township or municipal agency.

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

IMPROVEMENTS, PUBLIC. Improvements, including but not limited to, streets and highways, sidewalks, public grounds, ways for public service facilities, parks, playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment, which are devoted to public use and are either owned or maintained by a public body or agency.

LAND, DEVELOPED. Land or lots in a subdivision which have been converted into building sites by the construction of one or more buildings and/or other structures.

LAND, IMPROVED. A parcel or parcels of land subdivided and provided with necessary facilities for development.

LANDOMINIUM. A subdivision with access and maintenance agreements which is similar to a condominium except that a purchaser of a unit receives fee simple title both to the unit and the land underlying the unit. A landominium is a subdivision within the meaning of and subject to the Rules and Regulations contained herein.

LOT. Any parcel of land occupied or intended for transfer of ownership or for building development, including the open spaces required by these Rules and Regulations and other rules and laws.

LOT AREA. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

LOT, CORNER. A lot which has two adjacent sides abutting on public or private streets, or private access roads serving more than two lots, provided the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A corner lot must have two required front yards.

LOT DEPTH. The average distance from the front lot line to the rear lot line, measured in the mean direction parallel to the side lot lines.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT FRONTAGE. The greater of the following two distances; either the length of the front lot line or the length of a line substantially parallel to the front lot line, at the required least front yard depth.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, REVERSE. A lot intended to have its rear yard abutting any road frontage.

LOT LINES. The lines bounding a lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street.

LOT LINE, REAR. The lot line(s) generally opposite the front lot line.

LOT LINE, SIDE. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Auditor and Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to August 10, 1949.

LOT, PANHANDLE. A lot, also known as a "rear lot" or a "flag lot" which utilizes a narrow strip of land or stem not a building site to provide access to, or legal frontage on, a public street, or a private street, and which complies with the requirements of Section 12.2.3.

MODEL HOME. A dwelling unit constructed on an unrecorded lot in a subdivision for marketing purposes and not available for sale until recordation of the Final (Record) Plat of Subdivision.

MOTORWAY PLAN. The comprehensive thoroughfare plan adopted by the Regional Planning Commission and amended from time to time, indicating the general location of motorways in the County.

OWNER. Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under these Rules and Regulations.

PARCEL. A contiguous quantity of land in single ownership or under single control.

PERSON. Any individual, firm, association, syndicate, corporation, trust or any other legal entity.

PLAN, PRELIMINARY SUBDIVISION. The drawings and documents described in Section 5.6 of these Rules and Regulations.

PLANNED UNIT DEVELOPMENT. A type of development within which zoning, subdivision and platting regulations may be varied in order to accommodate a unified development project that includes residential, commercial, industrial or any other use, alone or in combination, and encourages the efficient use of land and resources, promotes greater efficiency in providing public and utility services, encourages innovation in the planning and building of development and generally promotes the public welfare.

PLANNING COMMISSION. The Regional Planning Commission of Hamilton County, Ohio.

PLANS, IMPROVEMENT (CONSTRUCTION). The drawings and documents described in Section 5.7 of these Rules and Regulations.

PLAT, FINAL RECORD. The Final Plat of a subdivision, and any accompanying material, as described in Section 5.8 of these Rules and Regulations.

RIGHT-OF-WAY. A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric transmission lines, gas pipe lines, water mains, sanitary sewers or storm sewers. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final record plat is to be separate and distinct from the lots or parcels adjoining such rights-of-way and not included within the dimensions or areas of such lots or parcels, provided the size of the lot for zoning purposes shall be determined by the applicable zoning resolution.

ROAD, PRIVATE ACCESS. A shared means of ingress and egress serving two (2) to six (6) lots or two (2) or more buildings on, over and across an easement or a portion of a lot of record that begins at the right-of-way line of a public or private street and terminates at a location selected by the use(s) of said access road.

ROAD, COUNTY. Property reserved by or dedicated to the County for street traffic as identified on the County Motorway Plan and is within the jurisdiction of the office of the County Engineer.

SPECIMEN, FINE. A tree or shrub specimen that is large for its species, rare to the area, or of special horticulture or landscape value.

STREET. The pavement area within a right-of-way, publicly or privately owned, which provides public or private vehicular and pedestrian circulation and access to adjacent properties.

STREET, COLLECTOR. A street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from the arterials in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.

STREET, MAJOR ARTERIAL. A street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

STREET, MINOR. A street not designed as a major or collector street that provides access exclusively to abutting property.

STREET, MINOR ARTERIAL. A street which interconnects and augments the principal arterial system and provides service to trips of moderate length. This class of roadway places more emphasis on land access and less on travel mobility than the major arterial system.

STREET, PRIVATE (NONPUBLIC). A means of ingress and egress located within an easement of access serving more than six (6) lots, not dedicated or intended to be dedicated to the County by recorded instrument, which is maintained by the property owners benefiting from such nonpublic street for private access.

STREET, PUD PUBLIC**.** A street with reduced right-of-way and pavement width in a residential planned unit development that has been approved as a subdivision by the Hamilton County Regional Planning Commission and that complies with the County Engineer's typical section and other details of construction.

STREET, STUB. A street extended to the property line which has been approved by the Planning Commission in a Preliminary Subdivision Plan for future extension to another access point, or to provide access to abutting property.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground including buildings, trailers, mobile homes, travel trailers, campers, re-locatable or portable homes and houses and other like units, playgrounds, parking lots, tennis courts, swimming pools, dams or earthworks for retaining water and like construction.

SUBDIVIDER. A developer or any duly authorized agent of a landowner who undertakes the subdivision of land as defined herein.

SUBDIVISION. A subdivision shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two 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 following are exempt:

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

    (b) The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites.

(2) 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 public or private street or streets, except private streets serving industrial structures; or

(3) 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 or private sewer, water, storm drainage or other similar facilities.

SUBDIVISION DESIGN STANDARDS. The standards detailed in Section 12 of these Rules and Regulations with which all subdivisions must comply.

SUBDIVISION FEE SCHEDULE. The schedule of fees and charges established from time to time by County offices and agencies in connection with the subdivision approval process and which is provided to an applicant.

SUBDIVISION, MAJOR. Any subdivision containing more than five (5) lots or involving new streets or easements of access.

SUBDIVISION, MINOR (LOT SPLIT). 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 (5) lots after the original tract has been completely subdivided and which is not contrary to any platting, subdividing or zoning regulation of the County.

SUBGRADE. The elevation established to receive top surfacing or finishing materials.

VARIATION. A modification of the strict terms of these subdivision rules where such modification will not be contrary to the public interest and where owing to unusual topographical and other exceptional conditions, and not the result of the action of the applicant, a literal enforcement of those Rules and Regulations would result in undue hardship or exceptional practical difficulty.

YARD. The open space on the same lot with a principal structure, lying between such structure and a lot line, open, unoccupied and unobstructed by any structure from the ground to the sky, except as otherwise provided in these Rules and Regulations.

YARD, FRONT. A yard extending across the entire width of the lot, between a principal structure and the front lot line.

YARD, REAR. A yard extending across the entire width of the lot, between a principal structure and the rear lot line.

YARD, REAR, LEAST DEPTH. The shortest distance, measured horizontally, from the nearest portion of a principal structure to the rear lot line.

YARD, SIDE. A yard extending along a side lot line, from the front yard to the rear yard, between a principal structure and such side lot line.

YARD, SIDE, LEAST WIDTH. The shortest distance, measured horizontally, from the nearest portion of a principal structure to the nearest side lot line.

ZONING RESOLUTION. The Zoning Resolution of Hamilton County or of any township located within the County which has a separate zoning resolution pursuant to either Section 303.22 or Section 303.25 of the Ohio Revised Code.

4 CLASSIFICATION OF SUBDIVISION REQUESTS; GENERAL PROCEDURE

4.1 REVIEW AND CLASSIFICATION BY SUBDIVISION ADMINISTRATOR.

All proposed divisions of land except as exempted pursuant to Section 1.5 shall be presented to the Subdivision Administrator for his review and classification thereof, as constituting a minor subdivision or a major subdivision pursuant to Section 1.6 and the respective definitions thereof set forth in Section 3.

4.2 APPROVAL STEPS FOR MINOR AND MAJOR SUBDIVISIONS.

Approval of a division of land for a minor or major subdivision shall involve the corresponding steps identified below:

4.2.1 MINOR SUBDIVISION (LOT SPLITS).

Minor subdivisions shall be reviewed and processed by the Subdivision Administrator (approval without plat required) pursuant to Section 5.2.

4.2.2 MAJOR SUBDIVISION

Major subdivisions may be accomplished by either of two procedural sequences set forth below.

<u>Alternative I</u>

(a) Preliminary Subdivision Plan approval pursuant to Section 5.6

(b) Improvement (Construction) Plans approval pursuant to Section 5.7

(c) Final (Record) Plat approval pursuant to Section 5.8

<u>Alternative II</u>

Final (Record) Plat approval pursuant to Section 5.8 (See Appendix G)

4.3 CHART SUMMARY OF APPROVAL STEPS.

See Chart Summary of Approval Steps for Major Subdivisions, Minor Subdivisions and Exempt Subdivisions in the following appendices:

Appendix F. Subdivision Approval Steps For Major Subdivisions Requiring New Public Improvements Alternative I (4.2.2)

Appendix G. Approval Steps for Major Subdivisions with Public Improvements Already Built or Assured Alternative II (4.2.2)

Appendix H. Approval Steps for Minor Subdivisions, Lot-Splits Or Cut-Ups (4.2.1)

Appendix I. Approval Steps for Exempt Subdivisions (1.5)

Note 1. Time limits specified in charts reflect the requirements and intent of applicable provisions in the Ohio Revised Code.

Note 2. See Appendix A for explanation of abbreviations and list of applicable regulations and agencies.

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5 PROCEDURES

5.1 GENERAL PROCEDURES FOR ALL SUBDIVISIONS.

5.1.1 *(RESERVED FOR FUTURE USE)*

5.1.2 PRE-APPLICATION CONFERENCE.

In order to help minimize development planning costs, avoid misinterpretation, identify required concept approvals, identify the need for a consolidated agency review conference, and ensure compliance with the requirements of these Rules and Regulations, all applicants for subdivision are required to schedule a pre-application conference with the Subdivision Administrator unless determined to be unnecessary by the Subdivision Administrator.

5.1.3 DETERMINATION OF COMPLETENESS OF APPLICATION.

Upon receipt of an application for review and/or approval of a Minor Subdivision, approval of a Preliminary Subdivision Plan, Improvement (Construction) Plans or a Final Record Plat, as the case may be, the Subdivision Administrator determines if the application is complete.

(a) If the application is complete and the filing fees paid, it is reviewed in accordance with the terms of the applicable sections of these Rules and Regulations. The Planning Commission may subsequently require correction of any information found to be in error and submission and additional information not specified in these Rules and Regulations, as is reasonably necessary to make an informed decision. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Commission.

(b) If the Subdivision Administrator determines that the application is incomplete, the applicant will be notified in writing of the deficiencies of the application (the "Application Completeness Report").

(c) For the purposes of this Section 5.1.3, completeness shall mean that all required documentation pursuant to Sections 5.2.1 and 5.6.2 has been submitted; it shall not mean that the application conforms to the standards of Sections 12 and 13 herein.

5.1.4 FEES REQUIRED.

The Board of County Commissioners, upon recommendation of the Planning Commission through the Subdivision Administrator, shall establish and, from time to time, update a schedule of fees for the filing, review and processing of applications under the provisions of these Rules and Regulations. Periodically the Subdivision Administrator shall review the fee structure and at the direction of the Planning Commission, make recommendations to the Board for such adjustments as are determined appropriate.

5.2 PROCEDURES FOR MINOR SUBDIVISIONS (LOT SPLITS)

5.2.1 APPLICATION.

Applications for a Minor Subdivision approval shall be accompanied by the fee indicated on the Subdivision Fee Schedule and a property survey prepared by a professionally registered surveyor and, at a minimum, shall contain the following features:

(1) Location and Description of Property. Location of property by township, section number, place or locality name as applicable shall be specified, and location on roads by which property is reached.

(2) Boundary of the Property. The boundary of the property shall be shown by bold lines.

(3) Existing Rights-of-way; Buildings. The true relationship between the boundary of the property and the rights-of-way of existing roads upon which it may border. Existing permanent buildings shall be shown.

(4) Building Site Access. Show proposed means of vehicular access from the public right-of-way to the tract to be subdivided without trespass upon adjoining properties. Indicate any bridges, culverts, and culvert pipe installations required to provide access to a building site.

(5) Zoning District. Show zoning districts as obtained from the county or township zoning administrator, as applicable.

5.2.2 CERTIFICATIONS OF COMPLIANCE.

Certifications of compliance obtained by the applicant shall be submitted indicating adequacy of existing public facilities and concept approval of the Minor Subdivision by the applicable sewer authority, e.g., the Metropolitan Sewer District, Board of Health or the Ohio Environmental Protection Agency (as to availability of public sanitary sewer and adequacy of proposed public or private sewerage concept), the applicable township zoning administrator or County Zoning Administrator (as to lot size, building setbacks, frontage and width), the Hamilton County Engineer for three (3) lots or more sharing a common access onto a County or local road (as to the compliance with the Hamilton County Access Management Regulations) and by such other applicable offices and agencies as may be identified by the Subdivision Administrator.

5.2.3 SUBDIVISION ADMINISTRATOR DECISION.

If the Subdivision Administrator determines that the proposed subdivision is not contrary to (i) applicable platting, and subdivision rules of the County, (ii) the regulations of governments having zoning jurisdiction over the property, and (iii) the applicable regulations of sewer or sewage disposal authorities, (iv) the Hamilton County Access Management Regulations for three (3) lots or more sharing a common access onto a County or local road, (v) any deed restriction and/or protective covenant pertaining to the subject property or any applicable record plat (certified by the applicant), the Subdivision Administrator shall, within seven (7) working days following submission of such certifications as a part of the complete application, and receipt of a survey of the property drawn by a registered professional surveyor, approve the minor subdivision. Approval shall be indicated by stamping on the instrument to be recorded, "Regional Planning Commission, Hamilton County, Ohio, ApprovedNo Plat Required"

If the Subdivision Administrator determines that the proposed minor subdivision does not satisfy the requirements of these Rules and Regulations and other applicable regulations, including a determination that the proposed subdivision is, in fact, a major subdivision, the Subdivision Administrator shall not approve the application and shall so notify the applicant in writing. Failure of the Subdivision Administrator to act on the minor subdivision within the seven (7) working day period shall constitute minor subdivision approval and a certificate of the Subdivision Administrator as to the failure of his office to act shall be issued on request of the applicant.

5.2.4 TIME LIMIT FOR RECORDING DEED FOR MINOR SUBDIVISION.

Approval of a minor subdivision shall expire twelve (12) months from the date of approval unless within such period a deed clearly describing the approved minor subdivision is filed by the applicant with the office of the Recorder of Hamilton

County. The Subdivision Administrator may for good cause shown, extend the period for recording for an additional period not to exceed sixty (60) days from the date of expiration.

5.3 (*RESERVED FOR FUTURE USE*)

5.4 (*RESERVED FOR FUTURE USE*)

5.5 (*RESERVED FOR FUTURE USE*)

5.6 PRELIMINARY SUBDIVISION PLAN.

5.6.1 PURPOSE.

The purpose of the Preliminary Subdivision Plan is to provide the Planning Commission with sufficiently detailed information, but not full engineering details, to evaluate a major subdivision. The plan should show all of the information needed to enable the Planning Commission to determine whether the proposed layout meets the standards and requirements of these Rules and Regulations, and whether the proposed development concepts under the zoning classification, public improvements and utilities are acceptable to the appropriate offices, agencies and governmental bodies having jurisdiction.

5.6.2 APPLICATION.

An Application for Preliminary Subdivision Plan approval shall be accompanied by the fee indicated on the Subdivision Fee Schedule. The application shall be submitted at least fourteen (14) calendar days prior to the meeting of the Planning Commission at which action is desired, but not prior to the Pre-application Conference required in Section 5.1.2. An Application for Preliminary Subdivision Plan approval shall contain such information as may be required from time to time by the Planning Commission and the Subdivision Administrator but in all instances shall contain the following:

(a) The Drawing: The preliminary subdivision plan shall be clearly and legibly drawn at an appropriate scale. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheet or sheets. Two (2) prints or copies of the Preliminary Plat shall be submitted. Additional prints may be required by the Subdivision Administrator for distribution to other reviewing agencies. Submittal of a digital image (as defined in Section 3.2) of the Preliminary Subdivision Plan, through either email or recordable media, in addition to required prints is encouraged but not required.

(b) The Preliminary Subdivision Plan shall clearly show the following features and information:

(1) The proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the incorporated or unincorporated areas of Hamilton County.

(2) The names and addresses of the owner or owners of record, the subdivider, the engineer and surveyor.

(3) The names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.

(4) The boundary lines, accurate to scale, of the tract to be subdivided.

(5) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, sidewalks, water courses, railroad lines, corporation lines,

township lines, cemeteries, pipe lines, pole lines, high tension lines, bridges, section lines, etc.

(6) Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto.

(7) Contours, normally with intervals of two (2) feet referenced to the U.S.G.S. datum and proposed grading.

(8) Flood hazard areas, wetlands (if mapped by governmental jurisdiction), flood plain management areas, detention basins, active landslide areas, and Soils Overlay (per Soil Survey of Hamilton County, Ohio by USDA) unstable soils (per U.S. Soil Conservation Service survey),

(9) The layout, proposed names and widths of proposed streets, alleys and easements; the layout, numbers and the approximate dimensions and square footage of proposed lots so as to exclude any access easement.

(10) Square footage of panhandle and irregular lots calculated for zoning purposes so as to exclude the handle of panhandle lots and those narrow appendages of irregular lots less than fifty feet in width.

(11) Zoning boundary lines, if any, including the boundary lines of any flood plain management district, hillside district or other overlay or special districts; proposed uses of property and proposed front yard set-back.

(12) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitation of such reservation indicated.

(13) Special zones, i.e., historical, archeological, dump, wildlife, etc.

(14) The total acreage of the subdivision.

(15) North-point, scale and date. The horizontal scale shall be one hundred (100) feet or less to the inch.

(16) Other information that may be required by reviewing offices and agencies, including but not limited to: slope analysis, sight distance analysis, reference points, circulation analysis, and proposed water main and service branches.

(17) Space for statement of approval or denial by the Planning Commission with lines for signature and date.

(18) For projects proposing a wastewater pump station or treatment facility, a fifty year economic analysis and concept approval by The Board of County Commissioners is required.

(c) If required by the Subdivision Administrator, concept reports must be obtained by the applicant regarding adequacy of existing public facilities and regulatory compliance of the preliminary plan by:

(1) The County Engineer (as to sight distances, drainage, construction standards, etc.),

(2) The applicable wastewater authority (as to availability of public sanitary sewer and adequacy of proposed public or private sewerage concept),

(3) The applicable water authority (as to availability of public water system),

(4) The applicable township zoning administrator or County Zoning Administrator (as to lot size, building setbacks, frontage and width),

(5) The Hamilton County Storwmater and Infrastructure Division of the Planning and Development Department (as to the general location of storm drainage facilities),

(6) Such other applicable offices and agencies as may be identified by the Subdivision Administrator.

(d) Concept report from Township Trustees or authorized representative, if required by the Subdivision Administrator, pertaining to the following, if applicable:

(1) Historic features (A landmark or feature associated with an historic event which has been officially designated as having historical significance by a state, county, township or municipal agency).

(2) Requested variation to the typical street R.O.W. standard (Township roads only).

(3) Remnant Parcels (as per section 12.2.6) which are intended to be dedicated to the township.

(4) Recommendation of adopted Township Plans relating to ornamental entranceways or structures (Section 12.3.8 (b)), and bikeways (Section 12.3.9, or requested exceptions to sidewalk requirements (Section 12.3.7 (a)).

5.6.3 (*RESERVED FOR FUTURE USE*)

5.6.4 TIME LIMIT FOR REQUEST AND RECEIPT OF CONCEPT APPROVAL IF REQUESTED BY SUBDIVISION ADMINISTRATOR.

Notwithstanding the requirement of Section 5.6.2(c) pertaining to applicant's responsibility for requesting and submitting letters or stamped plans certifying concept approval, an application for Preliminary Subdivision Plan approval may be deemed by the Planning Commission to have received concept approval if such concept approval, or disapproval, has not been communicated to the Subdivision Administrator within ten (10) business days from the date of written or digital request, with deadline indicated, by the Subdivision Administrator.

5.6.5 SUBDIVISION ADMINISTRATOR REVIEW AND REPORT.

Upon receipt of an application for Preliminary Subdivision Plan approval, and upon determining pursuant to Section 5.1.3 that the application is complete, the Subdivision Administrator shall forward the application with the Subdivision Administrator's report to the Planning Commission for its review and action. The Subdivision Administrator's report shall reference all concept approval recommendations, the conclusions of reviewing offices and agencies and shall set forth his recommendations to the Planning Commission (the "Regulatory Compliance Report").

5.6.6 PLANNING COMMISSION CONSIDERATION AND ACTION.

(a) Within five (5) calendar days following receipt by the Subdivision Administrator of a complete application for Preliminary Subdivision Plan approval, the application shall be placed on the Planning Commission agenda for consideration at the next regularly scheduled meeting. The Subdivision Administrator shall send written notice of the application and the date, time and location of the meeting, by regular mail or by electronic mail, to the fiscal officer of the board of township trustees of the township in

which the proposed subdivision is located.The meeting shall take place within thirty (30) days of submission of the plan and no meeting shall be held until at least seven (7) days from the date of the notice.

(b) Within thirty-five (35) business days of the submission to the Planning Commission of the complete application for a Preliminary Subdivision Plan approval, the Planning Commission shall approve or disapprove the Preliminary Subdivision Plan or approve it with conditions, unless such time is extended by written agreement of the applicant.

(c) The decision of the Planning Commission shall be in writing and as the basis for its action the Commission shall take into consideration:

(1) The conformity of the Preliminary Subdivision Plan with the purposes, objectives, standards and criteria of Sections 12 and 13 of these Rules and Regulations.

(2) The conformity of the Preliminary Subdivision Plan with all other applicable laws and rules as determined by concept review and reports requested from other offices and agencies having jurisdiction.

(d) If the decision of the Planning Commission on the Preliminary Subdivision Plan is for disapproval the refusal to approve shall be endorsed on the Preliminary Subdivision Plan. The Planning Commission shall in its decision, as part of the record, state the reason or reasons for such disapproval, including the rules or provisions with which the preliminary plan does not comply.

(e) If the Preliminary Subdivision Plan is approved by the Planning Commission, three (3) prints or copies of the plan shall be provided to and endorsed by the Executive Director of the Planning Commission.

(f) The motion of the Planning Commission approving the Preliminary Subdivision Plan shall be accompanied by a second motion approving the Final Record Plat, subject to certification by the Subdivision Administrator that the Final Plat is in conformance with the Preliminary Subdivision Plan approved by the Planning Commission and the Improvement (Construction) Plans as approved by the Subdivision Administrator.

(g) Written notification of the Planning Commission's decision shall be sent by the Subdivision Administrator, by regular mail or electronic mail, to the applicant and the township in which the proposed subdivision is located. Notification shall be accompanied by one (1) Executive Director-endorsed prints of the Preliminary Subdivision Plan.

5.6.7 TIME LIMIT ON APPROVAL OF PRELIMINARY SUBDIVISION PLAN; EFFECT OF APPROVAL; EFFECT OF DISAPPROVAL.

Approval of the Preliminary Subdivision Plan shall be good for two (2) years from the date of approval or, in the case of a Preliminary Subdivision Plan approved by the Planning Commission to be completed in two or more phases, such approvals shall be good for two (2) years from the date of approval of the Improvement (Construction) Plans of the last preceding phase of the development. Preliminary Subdivision Plan approval shall confer upon applicant the following rights for the two (2) year period from the date of approval:

(a) The general terms and conditions upon which the approval was granted shall not be changed.

(b) The applicant may submit for Improvement (Construction) Plans and/or Final Plat approval on or before the expiration date of Preliminary

Subdivision Plan approval of the whole, or a section, or sections of the Preliminary Subdivision Plan.

(c) The applicant may apply for and the Planning Commission may grant extension on such Preliminary Subdivision Plan approval for additional periods of at least one (1) year but not to exceed a total extension of three (3) years, provided the applicant has a current concept approval from he applicable sewer authority.

(d) In the case of unusual or extraordinary circumstances, the Planning Commission may grant the rights referred to in Subsections (a), (b) and (c) above for such period of time longer than three (3) years as shall be determined by the Planning Commission to be reasonable.

If the decision of the Planning Commission is for disapproval of the Preliminary Subdivision Plan, an applicant may submit a revised Preliminary Subdivision Plan pursuant to Section 5.6, or elect to proceed under Alternative II and submit a Final Record Plat for approval pursuant to Section 5.8. (See Section 4.2)

5.7 IMPROVEMENT (CONSTRUCTION) PLANS.

5.7.1 PURPOSE.

The purpose of the Improvement (Construction) Plans is to provide the County with final construction drawings and specifications for review and approval before construction of improvements and the submission of the Final Plat.

5.7.2 APPLICATION.

An application for Improvement (Construction) Plans approval shall be submitted to the Subdivision Administrator within two (2) years of the date of approval of the Preliminary Subdivision Plan. An application shall contain such information as may be required from time to time by the Planning Commission but in all instances shall contain the following:

(a) The date of Preliminary Subdivision Plan approval and identification of any changes from such approved plan.

(b) The Drawing: The Improvement (Construction) Plans shall be clearly and legibly drawn at an appropriate scale. Two (2) sets of prints or copies of the Improvement Plans shall be submitted. Additional sets shall be submitted upon request of the Subdivision Administrator for distribution to reviewing agencies pursuant to Section 5.7.4. The Improvement Plans shall show:

(1) Title or Cover Sheet with a vicinity map and general notes as required by the departments or agencies reviewing the plan, a north point, written and graphic scale, and date. The horizontal scale shall be 50 feet or less to the inch.

(2) Plans, profiles, typical cross sections, specifications, notes and other details related to streets, rights-of-way, storm and sanitary sewers, home sewage treatment systems, private water systems, water mains, fire hydrants, guardrails and other proposed or required physical improvements in accordance with the current Rules and Regulations of the office of the County Engineer and the Soil and Water Conservation District, the Metropolitan Sewer District, the Hamilton County Stormwater and Infrastructure Division, Greater Cincinnati Water Works, General Health District, and Township Trustees.

(3) Earthwork and erosion control plan, where required by the Hamilton County Soil and Water Conservation District.

(4) Flood hazard areas, wetlands (if mapped by governmental jurisdiction), flood plain management areas, detention basins, active landslide areas, and Soils Overlay (per Soil Survey of Hamilton County, Ohio USDA) and , streams and rivers within 200' of the proposed site.

(5) The layout and widths of proposed streets, and easements; the layout, numbers and the approximate dimensions and square footage of proposed lots so as to exclude any access easement.

(6) All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitation of such reservation indicated.

(7) Zoning boundary lines, if any, including the boundary lines of any flood plain management district, hillside district or other overlay or special districts; proposed uses of property. Front yard setbacks if required by the applicable zoning jurisdiction.

(8) Square footage of panhandle and irregular lots calculated for zoning purposes so as to exclude the handle of panhandle lots and those narrow appendages of irregular lots less than fifty feet in width.

(9) A plan, for review by the Planning Commission, of the location of any ornamental entranceway structure, and related utility easements, if proposed for the subdivision.

(10) Other information that may be required by reviewing offices and agencies, including but not limited to: slope analysis, sight distance analysis, circulation analysis, and proposed water main and service branches.

(11) An overall lot layout, with any proposed phases, with lot numbers and street names completely contained on a single sheet.

5.7.3 (*RESERVED FOR FUTURE USE*)

5.7.4 AGENCY REVIEW.

Upon determining pursuant to Section 5.1.3 that the application for Improvement (Construction) Plans approval is complete, the Subdivision Administrator shall within five (5) working days distribute the Improvement Plans (known as Phase 2 routing) to the appropriate water and wastewater authority, C.E., H.C.S.W.I. and such other County or township offices and agencies as are necessary to obtain a proper review of the plans.

5.7.5 AGENCY CROSS ACCEPTANCE OF REVISIONS.

Upon receiving a favorable report from each reviewing agency and receipt of four (4) sets of revised Improvement (Construction) Plans from the applicant, the Subdivision Administrator shall distribute the revised plans to appropriate wastewater authority, C.E. and H.C.S.W.I.for certification of cross acceptance of revised plans.

5.7.6 STAFF REVIEW AND ACTION.

On the basis of the reports received from the reviewing offices and agencies regarding submitted and revised plans, the Subdivision Administrator shall certify compliance of the Improvement (Construction) Plans with the Preliminary Subdivision Plan as approved by the Planning Commission, or refuse to certify if the plans do not comply. If compliance is certified, the applicant shall submit additional sets of plans as required by the Subdivision Administrator. Each set shall be stamped "approved for construction" with the signature of the Subdivision

Administrator. Stamped sets of approved plans shall be distributed to each reviewing agency. A separate mylar may be required by M.S.D.

5.7.7 TIME LIMIT ON APPROVAL OF IMPROVEMENT (CONSTRUCTION) PLANS.

Approval of Improvement (Construction) Plans shall be good for two (2) years from the date of approval and shall authorize the developer to commence construction in accordance with the requirements of the office of the County Engineer and those of other applicable offices and agencies.

5.8 FINAL RECORD PLAT.

5.8.1 PURPOSE.

The purpose of the Final Record Plat ("Final Plat") is to create lots or parcels for use as building sites, enable simple transfer of said lots or parcels without the need of legal description of each, ensure that all conditions, engineering plans and other requirements have been completed or fulfilled, and certify that required improvements have been installed, or guarantees properly posted for their completion prior to recordation of the Final Plat of the subdivision.

5.8.2 APPLICATION.

Application for Final Plat approval shall be accompanied by any fee indicated on the Subdivision Fee Schedule and shall contain all information required by the County Engineer, M.S.D., G.C.W.W. (or other applicable agency), H.C.S.W.I., and such information as may be required from time to time by the Planning Commission. In all instances, however, the application shall contain the following:

(a) The dates of approval of the Preliminary Subdivision Plan and Improvement (Construction) Plans and identification of any changes from such approved plans.

(b) The Drawing: The Final Plat of subdivision shall be clearly and legibly drawn in black ink upon mylar at an appropriate scale from an accurate survey. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheet or sheets. Two (2) prints or copies of the Final Plat shall be submitted. Additional prints may be required by the Subdivision Administrator for distribution to other reviewing agencies. Submittal of a digital image (as defined in Section 3.2) of the Final Plat, through either email or recordable media, in addition to required prints is encouraged but not required. The Final Plat of the subdivision shall show:

<u>Items Pertaining to Title.</u>

(1) Name of the subdivision.

(2) Location by section, township, range (or Military Survey Number and Name), county, state.

(3) Names and addresses of the developer and engineer.

(4) Scale - shown by a bar scale on each sheet.

(5) Date.

(6) North Point.

<u>Graphic Items Pertaining to Plat.</u>

(7) Boundary of the plat, with accurate distances and bearings, and its acreage.

(8) Exact location and width of all rights of way within and adjoining the plat. The names of new streets shall not duplicate or too

closely approximate, phonetically, the name of any other street in Hamilton County or nearby jurisdictions.

(9) Bearings and distances to the nearest established street lines, political subdivision boundaries, section or patent corners, or other official monuments.

(10) Lengths of all arcs, radii, internal angles, points of curvature and tangent bearings.

(11) Exact locations and widths of all public or private easements for right-of-ways provided for public services, utilities or other private use, including easements for future sanitary sewer as specified in Section 12.7.2 , and any limitations of such easements.

(12) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles.

(13) Accurate description of location, material, and size of all monuments in accordance with the requirements of Section 711.03 of the Ohio Revised Code and the current Rules and Regulations of the Office of the County Engineer.

(14) Accurate outlines of any areas to be dedicated or reserved for public use, with the purposes indicated thereon: and of any area to be reserved by deed covenant for common use of all property owners in the subdivision.

(15) Accurate outlines of all debris pits as constructed.

(16) Building setback lines, shown graphically along all streets, with dimensions, if required by the jurisdiction having zoning authority.

(17) If approved as a planned unit development, any pertinent notes or conditions regarding setbacks, landscaping features, signage restrictions, open space areas, or other facets dictated by the PUD approval, if required by the jurisdiction having zoning authority.

(18) Base flood elevations for each lot or parcel, and the boundaries of Special Flood Hazard Areas, if applicable, including floodways.

Other Items Pertaining to Plat.

(19) Notation regarding protective covenants, if any are to be incorporated in deeds, unless shown on the plat.

(20) Closure calculations of the perimeter or boundary of the subdivision which comply with the requirements of the current Rules and Regulations of the Office of the County Engineer. The County Engineer may accept closure calculations on a separate sheet.

(21) Certification by a registered surveyor in the State of Ohio to the effect that the plat represents a survey made and closed by him and that all the monuments shown thereon actually exist, and that their location, size, and material are correctly shown.

(22) A signed and notarized certification by the owner or owners, of his or their adoption of the plat, and dedication of streets, easements, and any other public areas.

(23) Notation giving deed reference and County Auditor reference of last transfer of title to owner making dedication.

(24) Description of restrictions on sewer or sewage treatment system easements, if such easements are involved.

(25) Description of restrictions on water main easements, if such easements are involved.

(26) “As-built” centerline of sanitary sewer with bearings, distance and ties to R.O.W.

(27) Space for statement of approval by the Planning Commission with lines for signature and date.

(28) Space for statement of acceptance of land to be dedicated by the owner, such as streets or other public areas, with lines for signature and date.

(29) Where physical improvements are not complete, a "Note" to the effect that streets and crosswalkways dedicated by the plat are not accepted until all physical improvements are completed according to the approved Improvement (Construction) Plans on file in the office of the County Engineer, and acceptance is entered in the Road Records of said office.

(30) A note indicating agreement by the owner/subdivider to clean and maintain all public ways, sewers and drainage facilities during the period prior to acceptance as a public street by the County. This shall include the removal of snow, ice, mud, debris, trash and other extraneous material.

(31) Summary letter by a geotechnical engineer stating that debris pits were constructed in accordance with the plans, cross sections, details and specifications contained in the approved improvement (construction) plans.

(32) (*Reserved For Future Use)*

(33) Seal and signature of a registered surveyor licensed to practice within the State of Ohio.

5.8.3 SUBDIVISION ADMINISTRATOR REVIEW AND ACTION.

(a) Upon submission of a Final Plat to the Subdivision Administrator for approval by the Planning Commission, the Subdivision Administrator shall first determine pursuant to Section 5.1.3 if the application for Final Plat approval is complete. If the Subdivision Administrator determines that the application for Final Plat approval is not complete, he shall notify the applicant in writing of the deficiencies (the "Record Plat Completeness Report") and, at the same time, provide applicant with a form by which the applicant can advise the Subdivision Administrator in writing, pursuant to Section 711.10 of the Ohio Revised Code, whether the applicant wishes to extend the time for approval of the Final Plat in order that the deficiencies in the application can be corrected. Notwithstanding the Subdivision Administrator's notice of deficiencies to the applicant, the Subdivision Administrator shall, within five (5) days of submission of any application that did not receive Preliminary Subdivision Plat approval by the Planning Commission, place the application for Final Plat approval on the agenda of the Planning Commission. Consideration by the Planning Commission of said agenda item shall only be delayed upon receipt by the Subdivision Administrator of written notice from the applicant agreeing to an extension of time for approval of the Final Plat in order to provide the applicant with time to correct the deficiencies identified by the Subdivision Administrator.

(b) If, upon submission of a Final Plat to the Subdivision Administrator for approval by the Planning Commission, the Subdivision Administrator determines pursuant to Section 5.1.3 that the application is complete, he shall, at least seven (7) days prior to next meeting of the Planning

Commission, place the Final Plat on the agenda of the Commission together with a certificate showing that the specifications and technical details have been reviewed and approved.

5.8.4 PLANNING COMMISSION REVIEW AND ACTION.

Within thirty (30) calendar days of the submission to the Commission of the application for Final Plat approval which did not receive Preliminary Plat approval by the Planning Commission, the Planning Commission shall approve or disapprove the Final Plat. Approval of the Final Plat shall be conditional upon compliance with all other applicable statutes and resolutions of the State of Ohio and Hamilton County.

(a) If the decision of the Planning Commission on the Final Plat of subdivision is for disapproval, the refusal to approve shall be endorsed on the Final Plat. The Planning Commission shall, in its motion, state the reason or reasons for such disapproval, including the rules or provisions with which the Final Plat does not comply.

(b) If the Final Plat that is approved by the Planning Commission was submitted without prior submittal and approval of a Preliminary Subdivision Plan, the Planning Commission shall on the date of its approval endorse the original and one copy of the Final Plat.

(c) If the Final Plat of subdivision was approved by the Planning Commission at the time of the approval of the Preliminary Subdivision Plan subject to the certification procedure provided for in Section 5.6.6(f), the Final Plat, upon favorable review by applicable offices and agencies and the Subdivision Administrator's filing with the Commission of a certificate certifying conformance of the Final Plat with the Improvement (Construction) Plans, shall be deemed approved as of the date of the filing of said certificate and said Planning Commission approval shall be endorsed on the original and one copy of the Final Plat by the Director of the Regional Planning Commission or his authorized representative.

5.8.5 SUBMISSION TO STATE DIRECTOR OF TRANSPORTATION.

Before any preliminary plan, improvement plan, or record plat is approved affecting any land within three hundred feet (300') of the centerline of a proposed new highway, or a highway for which changes are proposed as described in the certification to local officials by the State Director of Transportation of any land within a radius of five hundred feet (500') from the point of intersection of centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail, to the Director. The Planning Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Planning Commission that the director shall proceed to acquire the land needed, then the Planning Commission may refuse to approve the plat, according to the provisions of Section 5511.01 of the Ohio Revised Code. At the request of the subdivider, the Planning Commission may give tentative approval and allow the subdivider to proceed with completion of the subdivider's plat. However, it shall be clearly understood that the subdivider proceeds at the subdivider's own risk and the tentative approval will be withdrawn if the Director of the Department of Transportation proceeds to acquire the land. If the Director notifies the Planning Commission that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Rules and Regulations, approve the plat.

5.8.6 RECORDING OF FINAL PLAT.

(a) Upon approval of the Final Plat by the Planning Commission, but prior to the Subdivision Administrator's filing of the certification of compliance with

the Improvement (Construction) Plans pursuant to Section 5.8.4, the Final Plat shall be forwarded to the following offices and agencies for their respective signatures pending review.

(1) Metropolitan Sewer District and the HamiltonCounty Stormwater and Infrastructure Division: Review of proposed easements;

(2) County Engineer (in cooperation with M.S.D. and H.C.S.W.I.): Determination of the amount of surety required to guarantee completion of improvements and review of survey closure.

(3) Other applicable offices and agencies as determined by the Subdivision Administrator.

(b) Upon receipt by the County Engineer of the approvals required by Subsections 5.8.6 (a)(1) and (3) and of the surety required by Subsection 5.8.6 (a)(2), the County Engineer will notify the Planning Commission, which will obtain the signatures of the County Administrator (certifying County acceptance of rights-of-way and easements) and the Executive Director of Regional Planning Commission and then shall release the mylar to the subdivider for recording.

(c) Upon receipt by the subdivider of the mylar, the subdivider shall cause the Final Plat to be recorded in the office of the Auditor and Recorder of Hamilton County within six (6) months after the date of Planning Commission endorsement pursuant to Section 5.8.4(b) or Section 5.8.4(c), as the case may be, and prior to recording shall provide the Subdivision Administrator with eight (8) copies thereof; the subdivision administrator shall transmit two (2) prints to the Township.

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6 VARIATIONS

6.1 GENERAL.

6.1.1 LIMITED AUTHORITY.

Where the Planning Commission finds that extraordinary hardship or exceptional practical difficulties may result from strict compliance with the requirements of these Rules and Regulations, the Planning Commission may grant variations, or modifications, therefrom so that substantial justice may be done and the public interest secured; provided, however, that such variations shall not have the effect of nullifying the intent and purpose of these Rules and Regulations, those of applicable zoning resolutions, or of modifying the Rules and Regulations of the office of the County Engineer or of any other office or agency having jurisdiction.

6.1.2 ADDITIONAL AUTHORITY IN PLANNED UNIT DEVELOPMENTS.

The planned unit development approach to development is encouraged as a means to further the policies and objectives set forth in Section 1. These Rules and Regulations may be modified to the degree necessary to accomplish the objectives and standards set forth in applicable zoning resolutions for planned unit developments of residential, commercial or industrial subdivisions, or a combination thereof. Provided, however, that such variations shall not exempt the subdivider from the requirements of subdivision plat approval as set forth herein nor have the effect of nullifying the intent and purpose of these Rules and Regulations or the applicable zoning resolution.

6.2 GENERAL STANDARDS FOR VARIATIONS.

The Planning Commission shall not grant variations to these Rules and Regulations unless it shall make written findings of fact based upon the evidence presented by each specific case that:

(a) The particular physical surroundings, environmental constraints, shape, topographical or other exceptional condition of the specific property involved would cause extraordinary hardship or exceptional practical difficulty to the applicant, as distinguished from a mere inconvenience, if the provisions of these Rules and Regulations were strictly enforced; and

(b) The conditions upon which the request for a variation is based are unusual to the property for which the variation is sought and are not applicable generally to other property; and

(c) The purpose of the variation is not based exclusively upon a desire to obtain additional income from the property; and

(d) The granting of the variation will not be detrimental to the public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(e) The special circumstances or conditions are created by the provisions or requirements of these Rules and Regulations and have not resulted from any act of the applicant or applicant's predecessor in interest; and

(f) The variation requested is the minimum adjustment necessary for the reasonable use of the land.

6.3 CONDITIONS.

In approving variations, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Rules and Regulations.

6.4 PROCEDURES.

A petition for any such variation shall be submitted in writing by the subdivider on a form provided by the Subdivision Administrator at the time when the Preliminary Subdivision Plan is filed for consideration by the Planning Commission or at the earliest point in the process after the need for the variance becomes evident. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

7 VACATION OF PLATS

7.1 GENERAL AUTHORITY.

Any person owning, either jointly or severally, either in his own right or in trust, and having the legal title to any land laid out in town lots within the unincorporated territory of the County, or having such title to any whole block of lots in any land laid out in town lots, and not within the limits or under the control of a municipal corporation, may vacate such lots or block of lots under the authority granted by Section 711.25 of the Ohio Revised Code.

7.2 PROCEDURE.

A person desiring to vacate such lot or block of lots shall give notice of such intention for two (2) weeks, in a newspaper published and of general circulation in the County. If any of such lots have been sold, personal written notice shall be given to the owner thereof.

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8 RESUBDIVISION OF LAND AND DEDICATION OF LAND

8.1 *(RESERVED FOR FUTURE USE.)*

8.2 PROCEDURE FOR SUBDIVISIONS WHERE FUTURE RESUBDIVISION IS INDICATED.

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing greater than two times the minimum lot size for the applicable zoning district and there are indications or the possibility that such lots will eventually be resubdivided into smaller building sites, or that adjacent property is likely for continued development, the Planning Commission may require that such parcel of land allow for future opening of streets, adequate area for future corner lots and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

8.3 PLATS FOR DEDICATION OF LAND.

Dedication of easements, right-of-way of common areas for pubic use, but not resulting in the subdivision of land as defined in these rules and regulations, shall be entered upon a plat and submitted to the public agency or department having jurisdiction. The Subdivision Administrator shall review such plats upon the request of the agency or department having jurisdiction.

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9 AMENDMENTS

9.1 INITIATION OF AMENDMENTS.

The Planning Commission may, from time to time, initiate and conduct public hearings to consider such change or additions to the provisions and rules contained herein for subdivision control as it may deem necessary or advisable.

9.2 APPROVAL OF AMENDMENTS.

The Planning Commission shall certify in writing to the Board of County Commissioners such changes or additions to these Subdivision Rules and Regulations upon conclusion of a public hearing. Such changes or additions shall become effective after their adoption by the Board of County Commissioners by the passage of an amendment to these Rules and Regulations following a public hearing.

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10 GUARANTEE OF COMPLETION AND MAINTENANCE OF IMPROVEMENTS; CONTROL OF CONSTRUCTION

10.1 GENERAL.

In order to assure that growth in the County will be orderly and to ensure the proper installation and maintenance of all required streets, utility and other improvements, public or private, in newly developed areas, no Final Plat shall be recorded until the requirements of this section have been met.

10.2 GUARANTEES FOR PUBLIC IMPROVEMENTS.

Before approval of the Final Plat, or as a condition of final approval, a performance guarantee acceptable to the office of the County Engineer and/or other office, agency and township having jurisdiction must be provided in accordance with their respective rules and regulations.

10.3 AGREEMENTS FOR COMPLETION AND MAINTENANCE OF PRIVATE IMPROVEMENTS.

10.3.1 JURISDICTION.

In the event that private streets, parkway/shade tree easements, buffers and other such private improvements required by these Rules and Regulations are not covered by a performance or maintenance guarantee to another office or agency having jurisdiction, maintenance and completion agreement shall be required by the Planning Commission for such improvements pursuant to the provisions of this Section 10.3, or certifications of compliance from an approved inspection consultant may be required by the Planning Commission or the Subdivision Administrator.

10.3.2 APPLICATION.

Before the recording of the Final Plat, or as a condition of Final Plat approval, the Planning Commission may require and shall accept the following agreements to be included on or referenced on the Final Plat or applicable deeds:

(a) A maintenance agreement, and

(b) A certification of completion or a completion agreement assuring construction in compliance with Sec. 12.3.2.

10.4 CONSTRUCTION CONTROL

10.4.1 TIME OF CONSTRUCTION OF IMPROVEMENTS.

All public and private improvements required pursuant to these Rules and Regulations shall be installed after approval of the Improvement (Construction) Plans. No work shall start prior to said approval.

10.4.2 CONSTRUCTION OF BUILDINGS.

Except to permit the construction of "Model homes" after approval of an Improvement Plan or a minor subdivision, zoning certificates will not be issued for release of building permits unless:

(a) A Final Plat has been approved and submitted for recording, and

(b) All agreements assuring adequate completion and maintenance of required private improvements (in accordance with Section 10.3.2) have been submitted for recording, or

(c) A lot of record exists for such building site.

10.4.3 SEQUENCE OF CONSTRUCTION.

All underground utilities, water mains, sanitary sewers or storm sewers and cable for T.V., installed in streets or service roads shall be installed in accordance with the current Rules and Regulations of the office of the County Engineer and other offices and agencies having jurisdiction.

10.4.4 MAINTENANCE DURING CONSTRUCTION.

The owner/subdivider shall clean and maintain all public ways, sewers and drainage facilities during the period prior to acceptance as a public street by the County. This shall include the removal of snow, ice, mud, debris, trash and other extraneous material.

10.4.5 EMERGENCY ACCESS.

Signs in accordance with fire prevention regulations, designating fire lanes and parking restrictions may be required prior to record plat approval if the Regional Planning Commission determines that such signs are necessary to assure emergency access to existing structures.

10.4.6 EROSION, SEDIMENTATION MEASURES & MAINTENANCE REQUIREMENTS DURING CONSTRUCTION.

Sediment basins, diversions, sediment barriers, and other measures shall be constructed as a first step in grading and be made functional and so approved by Hamilton County Soil and Water Conservation District before land disturbance takes place.

Temporary stabilization of denuded areas, soil stock piles and all other measures required by the Hamilton County Soil and Water Conservation District shall be in accordance with such design standards as are required by that department.

10.5 INSPECTION OF IMPROVEMENTS

10.5.1 INSPECTION REQUIRED.

All required land improvements to be installed under the provisions of these Rules and Regulations shall be inspected by the office or agency having jurisdiction or by a required inspection consultant at the contractor's expense in accordance with each office's or agency's schedule of fees.

10.5.2 SUBDIVIDER'S RESPONSIBILITY.

Regardless of contracts, agreements or inspections performed, final responsibility for the installation of all improvements in accordance with the applicable standards rests with the subdivider.

11 ACCEPTANCE OF PUBLIC IMPROVEMENTS; RELEASE OF PERFORMANCE SURETY

11.1 ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF SURETY.

The acceptance of all public improvements within the County's jurisdiction shall be made only in accordance with the procedures set forth in the Rules and Regulations of the office of the County Engineer.

11.2 SUBMISSION OF APPROVED REVISIONS.

Prior to revision of any approved public improvements and prior to final acceptance of said improvements, the subdivider, where required by those reviewing offices or agencies having jurisdiction within the subdivision approval process, shall make or cause to be made "revised" drawings showing the actual location of all improvements in accordance with the submittal requirements of such office or agency. Presentation of the required drawings to the respective offices and agencies of the County shall be a condition of final acceptance of the public improvements.

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12 SUBDIVISION DESIGN STANDARDS

12.1 GENERAL.

All subdivisions in Hamilton County shall comply with the minimum standards set forth in these Rules and Regulations, the applicable zoning resolution and all other applicable rules and regulations of the County, and shall take into consideration all local and regional plans adopted by the Regional Planning Commission. (See List of Regulations in Appendix A, and Hamilton County Building Code "Site Requirements" in Appendix B.)

12.1.1 CONSIDERATION OF NATURAL FEATURES.

Development shall be located to minimize the alteration or disturbance of the natural features of the site, to avoid areas of environmental sensitivity, and to preserve natural features of significant public interest.

12.1.2 CONSIDERATION OF AGENCY RECOMMENDATIONS.

The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to minimize cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties based on recommendations of applicable agencies.

12.2 LOT STANDARDS

12.2.1 LOT DIMENSIONS; AREA AND SETBACKS.

Lot dimensions, area, and setbacks shall comply with the requirements of the applicable zoning resolution for the zoning district in which the property is situated.

12.2.2 LOT ARRANGEMENT AND DESIGN.

(a) Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to the topography and the character of surrounding development.

(b) All lots shall be numbered consistent with the lot numbers in the Preliminary Subdivision Plan or the Improvement (Construction) Plan.

(c) Irregular shapes and panhandles and other narrow appendages with less than fifty feet (50') of width shall not be calculated in the determination of required minimum lot area.

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

(e) Every lot of a subdivision shall abut a publicly-dedicated street with at least 50 feet of frontage or greater frontage if required by zoning, except as permitted pursuant to Section 12.2.3.

12.2.3 REAR OR PANHANDLE LOTS.

The Planning Commission may approve rear or panhandle lots if:

(a) Said rear lot or lots abut on:

(1) an existing public street with a minimum of twenty feet (20') of frontage for one (1) rear lot and a minimum of thirty feet (30') total for up to six (6) rear lots with abutting stems; or

(2) a private street in an approved planned unit development which complies with the standards set forth in Section 12.3.7 of these Rules and Regulations; or

(3) an existing lot as part of a planned unit development which in turn abuts on an existing public street or a private street; and

(b) Said rear lots (if two (2) to six (6) stems abut) are served by an unobstructed and uninterrupted easement not less than thirty feet (30') in width which connects such rear lot or lots with the existing public or private street described in part (a) of this Section 12.2.3; and

(c) Said rear lots permit more efficient lotting or avoid the construction of a street in an environmentally sensitive area; and

(d) Said rear lots do not exceed six (6) per private access road; and

(e) The primary purpose is not to avoid the construction of a public street; and

(f) Such lots would not create a safety hazard or be inconsistent with the surrounding pattern of circulation.

12.2.4 DOUBLE FRONTAGE AND REVERSE LOTS.

Double frontage and reverse frontage lots shall be required where they are essential to provide separation of residential, commercial or industrial development from traffic arteries. These lots shall be larger in order to accommodate buffer of at least twenty feet (20') beyond the required rear yard area, across which vehicular access is prohibited, and shall be provided along the lot lines abutting such traffic arteries. Landscaping of the buffer area pursuant to Section 13 may be required by the Planning Commission to adequately screen views of rear yards and rear facades.

12.2.5 CORNER LOTS.

(a) Corner lots shall be platted wider than interior lots in order to permit conformance with the front yard depth on the abutting street required by the applicable zoning resolution. No corner lot shall have a width at the building line of less than seventy-five feet (75').

(b) An isosceles triangular easement with thirty-five foot (35') legs along the right-of-way at the street intersection corner (right-of-way) shall be notated on the Final Plat and recorded against all corner lots. Such easement shall restrict all planting and structures above a height of twelve inches (12").

12.2.6 REMNANT PARCELS.

No remnants of property shall be left which do not conform to all lot requirements, unless such remnant parcels are accepted by the County, township, other public agency or homeowners association for public purposes.

12.2.7 ACCESS TO LOTS.

Residential lots should front on or have access to minor or collector streets, not on major arterial streets. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property for its intended use.

12.3 STREETS.

12.3.1 GENERAL

All improvements required by this Section 12.3 shall be constructed in accordance with the Rules and Regulations of the office of the County Engineer and the general standards set forth herein.

(a) Convenient access to all property within a subdivision shall be afforded by either a dedicated public street or a private street. A private street will be considered by the Planning Commission pursuant to the provisions of Section 12.3.7 provided that a binding agreement contained in the plat or other recorded or registered document shall assure the completion, continued existence and maintenance of said street or access, and of a street sign, if required.

(b) Proposed streets which are obviously in alignment or continuation of existing streets already named shall bear the name of such existing streets whether in areas of the County or other adjacent jurisdictions. In no case shall the names for proposed streets (except extensions of existing streets) duplicate or closely approximate existing street names, irrespective of the use of a suffix such as street, boulevard, drive, place or court, etc.) or an abbreviation thereof. Street names shall be approved by the Subdivision Administrator who shall keep a list of all street names in the incorporated and unincorporated areas of the County. A street name shall not be confusing or excessive in length.

(c) As far as practicable, all proposed through streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(d) Proposed rights-of-way for streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout, or the most advantageous future development, of adjacent tracts. Cul-de-sac streets will be approved by the Planning Commission pursuant to the provisions of Section 12.3.10.

(e) Proposed streets shall be platted with appropriate regard for topography, streams, wooded areas, soil and geologic constraints and other natural features to create desirable building sites and to preserve and enhance natural attractiveness.

(f) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permits and in conformance with the sight distance requirements set forth in the Rules and Regulations of the office of the County Engineer.

(g) Whenever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or service drive, the other half width of such street or service drive shall be platted.

12.3.2 RIGHT-OF-WAY REQUIREMENTS

(a) The arrangement, character, extent, width, grade and location of all streets shall conform to the County Motorway Plan and subsequent amendments thereof, and the Rules and Regulations of the office of the County Engineer.

(b) Right-of-way or easements to be dedicated for public or private streets shall be located at least thirty (30) feet from any existing building in an unzoned area and shall otherwise comply with the requirements of the applicable zoning resolution and adopted Motorway Plan.

(c) Lots or parts of lots may be reserved for future streets if approved by the Planning Commission and shown on the Record Plat as future right-of-way, and evidence is submitted to the Subdivision Administrator that such plat has been certified to the applicable zoning jurisdiction.

12.3.3 LOT ACCESS ON MAJOR ARTERIAL

The creation of lots which would have direct access from a major arterial as identified in the County Motorway Plan or as identified by the standards in these Rules and Regulations shall be discouraged.

12.3.4 LOT ABUTTING ARTERIAL

The creation of lots which would have direct access from an arterial as identified in the County Motorway Plan or as identified by the standards in these Rules and

Regulations shall be encouraged to provide the following to reduce traffic conflicts and create more desirable development sites:

(a) Frontage access roads;

(b) Reverse frontage lots with depth adequate to insulate the building area from the arterial;

(c) Buffering and screening or such other treatment as may be necessary for the separation of through traffic from the activities of the proposed building areas pursuant to Section 13;

(d) Driveways with turnarounds;

(e) Combined access points to the public right-of-way.

12.3.5 BLOCK STANDARDS

Block lengths and widths shall be coordinated with the development of the land and shall be designed in a manner that will allow proper traffic flow including fire fighting equipment and pedestrian use; and pedestrian access ways within the blocks to schools, parks or other destinations as may be required by the Planning Commission. In addition, blocks shall be designed in conformance with the following requirements:

(a) Blocks shall not exceed eighteen hundred linear feet (1800') and shall be of sufficient width to provide for two tiers of lots of appropriate length, except where unusual topography or other exceptional physical circumstances exist.

(b) Where blocks exceed eighteen hundred linear feet (1800'), a crosswalk easement on subdivision lots no less than ten feet (10') in width at or near the halfway point may be required to provide proper access to schools, recreational areas, shopping centers, and other facilities.

12.3.6 PUBLIC STREET CLASSIFICATION AND DESIGN STANDARDS.

(a) Each street in a subdivision shall be classified and designed in accordance with the standards set forth in the Rules and Regulations of the office of the County Engineer.

(b) In areas of sensitive natural resources, the Planning Commission may recommend to the County Engineer that a variation be granted to the horizontal alignment of minor streets in order to avoid the destruction of mature trees or other important natural features pursuant to Section 12.1.1.

(c) A PUD Public Street (as defined in Section 3.2) shall comply with the following requirements:

(1) Zoning – The PUD and the use of the PUD Public Street Standard in the PUD shall be approved by the applicable zoning jurisdiction prior to approval of the preliminary subdivision plan.

(2) Street Design – the use of the PUD Public Street Standard in the proposed subdivision shall be approved by the County Engineer prior to approval of the preliminary subdivision plan.

(3) Circulation - No PUD Public Street shall serve as a collector or arterial street.

(4) Off-street Parking - A minimum of four off-street parking spaces shall be provided per single family dwelling unit (e.g., two enclosed parking spaces and two off-street parking spaces on a driveway)

(5) On-street Parking - Parking shall be prohibited on one side (the fire hydrant side) of all PUD Public Streets.

12.3.7 PRIVATE STREET AND ACCESS ROAD CLASSIFICATION AND DESIGN STANDARDS.

The private street shall conform to the following standards:

(a) A private street, other than an access road, shall only be permitted as part of a planned unit development approved pursuant to the applicable zoning resolution.

(b) A private street, other than a private access road, shall only be permitted in a residential subdivision where the minimum lot size is one acre or where at least one off-street guest parking space is provided for every four dwelling units in addition to parking required by the applicable zoning authority.

(c) The terminus of a private street shall not be more than a quarter mile (1,320 feet) from a public street.

(d) The maximum number of units which may be served by the private street shall be determined pursuant to the procedures for planned unit development approval.

(e) Driveways and private access roads shall also comply with any applicable specifications of the Hamilton County Building Code.

(f) The construction of private streets shall conform to the typical sections and construction standards for the "AA" Street and typical cul-de-sac sections described in the Rules and Regulations of the County Engineer Governing Subdivisions.

(g) The private street shall be maintained as part of a maintenance agreement which shall be recorded and shall be the responsibility of a homeowners association or condominium association.

(h) No private street shall serve as a through street.

(i) Parking shall be prohibited on private streets, and signs indicating "Parking Prohibited" shall be posted by the developer, unless waived by the Hamilton County Regional Planning Commission. The signs shall be maintained by the property owners.

(j) A sign indicating "Private Street / End Public Maintenance" shall be posted by the developer at the entrance to the private street prior to record plat approval. The sign shall be maintained by the property owners.

(k) Pavement and easement widths for private access facilities shall conform to the following standards:

TABLE 12.3.7 (k)
PAVEMENT AND EASEMENT WIDTHS FOR
PRIVATE ACCESS FACILITIES

Type	Easement Width	Minimum Pavement Width	Construction Standards
Private Access Road (serving 3 to 6 lots]	30 ft.	16 ft. (18 ft. if waterline is installed)	Per Appendix E
Private Street - PUD (serving more than 6 lots]	40 ft	22 ft. (with curbs and gutters)	Per County Engineer Regulations

12.3.8 INTERSECTION DESIGN STANDARDS; SIGHT DISTANCES.

Subdivision street intersections, including intersection sight distances shall conform to the standards set forth in the Rules and Regulations of the office of the County Engineer.

12.3.9 CIRCULATION SYSTEM DESIGN.

(a) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; and to respect natural features and topography.

(b) In residential subdivisions, the minor street system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

(c) The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. In planned unit developments, walks may be placed away from the road system, but they may also be required parallel to the street for safety reasons.

(d) Bikeways shall be required only in accordance with Section 12.3.16.

12.3.10 RESIDENTIAL STREETS - CUL-DE-SACS; STUBS.

Dead-end streets shall be permitted as permanent only with an approved cul-de-sac or an alternate design approved by the Planning Commission and endorsed by the County Engineer. Temporary dead-end streets with temporary turn-around provisions that meet the specifications of the County Engineer shall be permitted as part of a Planning Commission approved continuing street plan.

(a) Cul-de-Sacs Having Single Public Access. A cul-de-sac, series of cul-de-sacs, or any other combination of permanent dead-end streets shall not provide access to more than thirty (30) lots, provided, however, that the Planning Commission may approve (apart from the standards for variations set forth in Section 6) a subdivision or the extension of a street, which will result in frontage to more than thirty (30) lots having only one access, upon making findings and conclusions that justify the number of lots relative to consideration of the following factors:

(1) Total number of lots that access on the cul-de-sac or dead-end street design;

(2) Size of lots;

(3) Type of street section;

(4) Right-of-way width;

(5) Street gradients;

(6) Size of turn-around;

(7) Availability of intermediate turn-arounds;

(8) Availability of water lines and fire hydrants at proper capacity levels;

(9) Availability of sanitary sewers;

(10) Topography (on-site and off-site) and environmental impact of any future extension of a stub street;

(11) Potential and feasibility of any future connection of a stub street to an existing or planned street.

(12) Availability of alternate emergency access;

(13) Traffic as measured by average daily trip (ADT) rate;

(14) Length of cul-de-sac;

(15) Recommendation of adopted township plan.

(b) Stub Streets. Stub streets may be approved by the Planning Commission in order to facilitate future street extensions and connection of street systems provided the proposed stub street system satisfies the following standards:

(1) The potential future extension of the stub street is identified and its connection to an existing or planned street as shown on a Stub Street Extension Plan is feasible and practical;

(2) A note is added to the plat indicating that future connection to the stub streets identified thereon by the same or other developers shall be extended and opened as public streets in subsequent phases of development.

(3) A "No Outlet" sign is placed at the entrance to the stub street and a barricade is placed at the end of the stub.

(4) Temporary turnaround is provided in accordance with the Rules and Regulations of the office of the County Engineer.

(5) The end of the stub street and right-of-way shall not be used for frontage to individual lots.

(6) The stub street and right-of-way shall extend to the limits of the proposed subdivision.

(c) Stub Street as Future Second Access. When a stub street is indicated on the Preliminary Subdivision Plan or Improvement Plan as a future second access, the maximum number of lots and street length permitted from one access shall be as follows:

(1) One access and one stub: 60 Lots

(2) One access and two stubs: 90 Lots

(3) One access and three stubs: 120 Lots

(d) Criteria for Extension of Existing Stubs. An existing stub street adjoining the proposed subdivision shall be extended (except as provided in section (e) below) if one of the following applies:

(1) A proposed subdivision provides a second point of access required for adjacent subdivisions.

(2) The extension provides a second point of access required for the proposed subdivision.

(3) Overall circulation of the surrounding neighborhood is improved by providing potential extension to multiple points of access.

(4) To provide adjacent landlocked parcels with access possibilities without exceeding the maximum number of lots permitted under Section 12.3.10 (a) and 12.3.10 (c)

(e) Criteria for Termination of an Existing Stub: An existing stub street adjacent to the proposed subdivision may be terminated if one of the following applies:

(1) Extension would result in potential regular use by non-local traffic as a cut through between major streets.

(2) Extension fails to provide potential for a secondary point of access and the resulting number of lots exceeds the maximum permitted under Section 12.3.10 (a) or 12.3.10 (c).

(3) Extension is proposed only to avoid a variance to the subdivision regulation Section 12.3.10 (a).

(4) Topographic constraints prohibit feasible extension at the proposed location or creates a potential hardship for future extension.

12.3.11 PRIVATE SERVICE ROADS OR ALLEYS.

Private alleys or service roads shall not be permitted in residential subdivisions except as part of planned unit developments. Alleys may be required in commercial and industrial developments if no other adequate service access can be provided.

12.3.12 CURB AND GUTTER.

Mountable curb or standard curb and gutter street sections shall be required on public and private streets in all residential subdivisions for purposes of drainage, safety, and declaration and protection of pavement edge.

12.3.13 SIDEWALKS.

(a) Sidewalks may be required on both sides of the street on all County roads and major streets and shall be required as identified on the Hamilton County Motorway Plan and in all locations recommended by township plans adopted by the Planning Commission. This requirement shall encompass all types of land use activity, including but not limited to residential, commercial, industrial and public land uses.

(b) Except as provided in Section 12.3.14(a) and (c) below, sidewalks shall be required on all public streets within a residential subdivision.

(c) Sidewalks shall be constructed in conformance with the requirements in the Rules and Regulations of the office of the County Engineer.

12.3.14 EXCEPTION TO SIDEWALK REQUIREMENT.

(a) The requirements of Section 12.3.13 (a) and (b) may be waived, supplemented or modified (apart from the standards for variations set forth in Section 6) by the Planning Commission in accordance with the provisions of a township plan adopted by the Planning Commission within the last five (5) years or in an approved planned unit development.

(b) *(Reserved for Future Use)*

(c) Sidewalks may be waived or required on only one side of the street in residential subdivisions in:

(1) Zoned areas where the lot area required by zoning is at least one acre and the lot width at the required building setback is at least one hundred feet (150').

(2) Unzoned areas where each lot has an area of at least one acre and a width of at least one hundred feet (150') measured fifty (50) feet from the street line.

12.3.15 STREET SIGNS.

(a) Public street name signs and stop signs shall conform to the standards set forth in the Rules and Regulations of the Office of the County Engineer. Customized or specially designed street name signs or address range signs at intersections of private streets with public streets may be erected by the developer, at the developer's expense, provided the sign face material and design are in accordance with current County standards and are approved by the County Engineer. All other street name signs on private streets shall be erected by the developer, at the developer's expense, subject to review and approval by the Subdivision Administrator.

(b) Ornamental entranceway structures in conformance with applicable zoning and building permit requirements and the policies in adopted township plans may be erected at street entrances upon review and approval by the Subdivision Administrator as part of the Improvement (Construction) Plans, The provision of electric and water service for such entranceway areas shall comply with Section 12.5.1 and be installed prior to approval of the Final (Record) Plat.

12.3.16 BIKEWAYS.

Right-of-way or easements for bicycle paths shall be required only if such paths have been specified as part of a Township Plan or a local or regional bikeway plan adopted by the Planning Commission.

12.3.17 SHADE TREE AREAS.

Shade tree easement areas shall be located on both sides of and parallel to the street but shall be required only if such shade tree areas or parkways have been specified as part of a Township Plan or a local or regional plan adopted by the Planning Commission.

12.4 STORM DRAINAGE.

All storm runoff shall be calculated by means of such methods as are approved in advance by the Hamilton County Stormwater and Infrastructure Division (H.C.S.W.I.). Drainage structures shall be designed in conformance with the rules and regulations of the H.C.S.W.I. and of the County Engineer.

12.5 PUBLIC UTILITIES.

12.5.1 LOCATION.

All telephone, electric, gas, water and television service lines, both main and service connections serving residential units, may be required to be placed underground throughout the entire subdivision area. All conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground service. All such telephone, electric, gas, water and television service lines shall be installed and located in accordance with the standards set forth in the Rules and Regulations of the Office of the County Engineer, the H.C.S.W.I. and other offices and agencies having jurisdiction.

12.6 WATER SUPPLY.

12.6.1 CONNECTION TO PUBLIC SYSTEM; WAIVER.

Developments located within one thousand feet (1000') of an existing public water system, shall provide justification satisfactory to local water authority and the H.C.S.W.I. or other agency having jurisdiction if not connected to the existing public water supply system.

12.6.2 PLAN REVIEW.

All proposals for new public community water supplies for extensions to existing public water systems, or the installation of dry lines, or use of wells and other water sources, shall be approved by the local water authority having jurisdiction.

12.7 SANITARY SEWERS.

12.7.1 CONNECTION TO PUBLIC SYSTEM; WAIVER.

Developments shall provide adequate justification if not connected to the existing public sanitary sewer system. If a public system is not in place or cannot be extended, the developer shall provide sewage treatement and dispersal systems pursuant to Section 12.8, where appropriate, given site density, soil, slope, and other conditions, and subject to state and county regulations.

12.7.2 DESIGN OF CAPPED SYSTEM.

If a public system is not currently in place, or the current system cannot be extended, the Planning Commission will require design but not actual construction of a capped system ("dry lines") with appropriate easements (permanent and construction) dedicated to the Board of County Commissioners when recommended by the Health District and appropriate wastewater authority and in the location where recommended by both the County Engineer and the wastewater authority. Additionally, all houses constructed by the developer within the proposed subdivision shall be designed ultimately to be served by public sanitary sewer systems. The terms and conditions set forth in Section 12.8.2 are incorporated herein by this reference.

12.7.3 PLAN REVIEW.

All proposals for new public sanitary sewer systems, or extensions to existing public sewer systems or the design of "dry lines", or the use of sewage treatment and dispersal systems, shall be approved by the office or agency having jurisdiction.

12.8 PRIVATE SEWAGE TREATMENT AND DISPERSAL SYSTEMS.

12.8.1 WHERE PROHIBITED.

The Planning Commission may, when the Hamilton County Board of Health deems it necessary for the health, comfort, safety and general welfare of the present or future population of the area and necessary to the conservation of water supplies and drainage sources, prohibit the subdivision of land requiring the use of sewage treatment and dispersal systems for sanitary waste.

12.8.2 PRIVATE CENTRAL SEWAGE SYSTEM.

Any subdivider who proposes to create a subdivision consisting of ten (10) lots or more which utilizes private household sewage disposal systems shall first provide evidence in writing to the Subdivision Administrator that the Ohio Environmental Protection Agency considers it to be impracticable or unadvisable to install a central sewage system pursuant to the applicable sections of the Ohio Revised Code and the Ohio Sanitary Code. Such subdivision must then comply with Section 12.8.3.

12.8.3 PRIVATE INDIVIDUAL SEWAGE SYSTEMS.

Any subdivider who proposes to create a subdivision which utilizes individual private sewage treatement and dispersal systems shall provide evidence in writing to the Subdivision Administrator from the Hamilton County Board of Health that the lot size, soil, waterway, or other conditions applicable to the proposed individual private systems are acceptable.

12.8.4 SUBMISSION OF PLAN.

Upon submission of the information required pursuant to Section 12.8.2, the subdivider shall submit to the Hamilton County Board of Health for its review and approval a plan clearly showing that the installation of sewage treatment and dispersal systems will comply with the applicable provisions of the Ohio Sanitary Code and requirements of the Hamilton County Board of Health.

12.9 SITE GRADING.

A grading plan as required by the County Earthwork Regulations shall be approved by the Hamilton County Soil and Water Conservation District.

12.10 UTILITY, ACCESS AND DRAINAGE EASEMENTS.

Easements shall be provided, as necessary for utility lines, access, and drainage. Such easements shall be sized as required by the appropriate rules of the agencies which require such easements. Easements shall be dedicated where necessary to provide proper continuity for such utilities and access from lot to lot and from block to block. Structures are not permitted in any

easement(s) unless approved by the agency requiring the easement. All easements shall be fully depicted on the Final Record Plat. After completion of subdivision improvements, approved revisions of easements, with appropriate locating dimensions, shall be submitted to all affected agencies and for inclusion on the Final Record Plat where required by offices and agencies having jurisdiction.

12.11 MONUMENTS.

Monuments shall be placed in accordance with the specifications and provisions for boundary surveys in the State of Ohio, O.R.C., Section 711.03 or as amended, and the Rules and Regulations of the office of the County Engineer.

12.12 (*RESERVED FOR FUTURE USE*)

12.13 WALL AND FENCES.

(a) Walls and fences erected where desired for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions, must comply with applicable zoning regulations.

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

12.14 COVENANTS AND DEED RESTRICTIONS.

12.14.1 OPEN SPACE.

Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions ensuring that:

(a) The open space area will not be further subdivided in the future;

(b) The use of the open space will continue in perpetuity for the purpose specified;

(c) Appropriate provisions will be made for the maintenance of the open space; and

(d) Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

12.14.2 NOTIFICATION OF REQUIREMENTS.

The Planning Commission may require deed restrictions and/or covenants on all or individual lots within a subdivision in order to assure that conditions imposed to assure compliance with these regulations are made known to all owners and future owners of the subject lots. Such restrictions or covenants shall include statements indicating that said covenants or deed restrictions may be enforced by the County as well as the affected lot owners.

12.14.3 AMENDMENT OF DEED RESTRICTIONS.

The Amendment procedures in the restrictions shall indicate that the portion(s) of the restrictions or covenants enforceable by the County may not be amended without prior approval of the Regional Planning Commission.

12.15 OPEN SPACE OWNERSHIP.

The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:

(a) The County, subject to acceptance by the Board of County Commissioners;

(b) Other public jurisdictions or agencies, subject to their acceptance;

(c) Quasi-public organizations, subject to their acceptance;

(d) Homeowner, condominium, or cooperative associations or organizations; or

(e) Shared, undivided interest by all property owners in the subdivisions.

12.16 *(RESERVED FOR FUTURE USE)*

12.17 MAINTENANCE OF OPEN SPACE AREAS.

The person or entity identified in Section 12.15 as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

12.18 COMMERCIAL AND INDUSTRIAL SUBDIVISION DESIGN.

Commercial and industrial subdivisions shall be subject to all applicable provisions of this Section 12 and shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

13 SITE PROTECTION AND BUFFERING

13.1 SITE PROTECTION.

13.1.1 TOPSOIL PRESERVATION.

Topsoil should be added (or redistributed if stockpiled during the course of construction) on all regraded surfaces after completion of all excavation and grading so as to provide at least four inches (4") of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

13.1.2 REMOVAL OF DEBRIS.

All debris shall be disposed of in accordance with legal requirements. No debris, regardless of compliance with other local, state, or federal requirements, shall be buried in the development except in debris pits specifically designed and approved as part of an improvement plan in locations outside the buildable area, drainage ways or drainage easements. Debris pits shall be prohibited in all other locations. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.

13.1.3 PROTECTION OF EXISTING PLANTINGS.

Maximum effort should be made to save fine specimens. No material or temporary deposits should be placed within four feet (4') of shrubs or within the dripline and at least ten feet (10') of trees designated by the developer or the Planning Commission to be retained. Protective barriers or tree wells should be installed around each plant and/or group of plants that are to remain on the site. Barriers should not be supported by the plants they are protecting, but shall be self-supporting. They should be a minimum of four feet (4') high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

13.1.4 VEGETATIVE ENHANCEMENT.

Landscaping of all cuts and fills and/or terraces shall be in accordance with the Earthwork Regulations as implemented by the Hamilton Count Soil and Water Conservation District.

13.2 BUFFERING.

13.2.1 FUNCTION AND MATERIALS.

Buffering shall provide visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

13.2.2 WHEN REQUIRED.

Buffering may be required when the Planning Commission determines that there is a need (i) to shield neighboring properties from any adverse external effects of a development; (ii) to shield the development from negative impacts of adjacent uses such as streets or railroads; or (iii) to screen public views of rear yards and rear facades within double frontage or reverse frontage lots.

13.2.3 PLANTING SPECIFICATIONS.

Size of evergreens and deciduous trees shall be allowed to vary depending on setting and type of shrub. All trees, shrubs, and ground covers shall be planted according to accepted horticultural standards.

13.2.4 PLANT SPECIES.

The plant species selected should be hardy for the particular climatic zone in which the development is located and appropriate in terms of function and size.

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14 ENFORCEMENT; VIOLATIONS AND PENALTIES; APPEALS

14.1 ENFORCEMENT.

Upon notification of any violations or lack of compliance with these Rules and Regulations, the County Prosecutor, in addition to the penalties set forth in Section 14.2, may institute an appropriate action or proceeding in law or equity to prevent such violation, or to restrain, correct or abate such violation.

As a means of resolving any alleged violation of these Rules and Regulations, the County Prosecutor may require professional certifications of compliance by an alleged violator prior to or after approval of any Record Plat or minor subdivision.

14.2 VIOLATIONS AND PENALTIES.

Any person who willfully violates any provision of these Rules and Regulations, or fails to comply with any order issued pursuant to these Rules and Regulations, shall be subject to a penalty of no less than ten dollars ($10.00) up to a maximum of one thousand dollars ($1,000.00) pursuant to Section 711.102 of the Ohio Revised Code.

14.3 APPEALS.

Any person who believes he has been aggrieved by the regulations, as enforced by the Subdivision Administrator or the action of the Planning Commission, has all the rights of appeal as set forth in Chapter 711 of the Ohio Revised Code or any other applicable section of the Ohio Revised Code.

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A LIST OF OFFICES, AGENCIES AND GOVERNMENTAL BODIES WITH JURISDICTION OVER ASPECTS OF SUBDIVISION APPROVAL PROCESS

The following is a list of regulations, which, in addition to the Rules and Regulations of the Regional Planning Commission which are applicable in Hamilton County, by office, agency or governmental body responsible for their enforcement:

1. **Hamilton County Engineer (C.E.)**
   700 County Administration Building
   - Driveway Regulations and Pavement and/or Right-of-Way opening Regulations Provisions
   - Rules and Regulations Governing the Surface Physical Improvements for Private Developments

2. **Hamilton County Stormwater and Infrastructure Division (H.C.S.W.I.)**
   801 County Administration Building
   - Rules and Regulations Governing the Construction, Operation and Maintenance of the Storm Drainage System
   - Rules and Regulations of Hamilton County Storm Water District Article I & V Flood Plain Regulations (F.E.M.A. & C.T.)

3. **Metropolitan Sewer District (M.S.D.)**
   1600 Gest Street
   - Rules and Regulations Governing the Design, Construction, Maintenance, Operation and Use of Sanitary and Combined Sewers

4. **Greater Cincinnati Water Works (G.C.W.W.)**
   4747 Spring Grove Avenue
   - Cincinnati Water Works - Laws, Ordinances, Rules and Regulations, Governing the Supply of Water to All Customers

5. **Hamilton County Rural Zoning Commission (R.Z.C.), Zoning Administrator (Z.A.)**
   807 County Administration Building
   - Hamilton County Zoning Resolution

6. **Hamilton County Regional Planning Commission (R.P.C.)**
   801 County Administration Building
   - Motorway Plan

7. **Hamilton County Board of Health (Hamilton County Public Health)**
   250 William Howard Taft Rd., 2nd Floor
   - Ohio Administrative Code 3701-29 and HCPH Policies and Standards

8. **Hamilton County Soil and Water Conservation District (H.C.S.W.)**
   29 Triangle Park Drive
   - Earthwork Regulations

9. **Townships, Township Trustees (T.T.)**
   - Township Zoning Resolution for all or part of the Township
   - Township Fire Code as adopted by the individual Township
   - Township Lighting District Resolutions as adopted by the individual Township

10. **Hamilton County Chief Building Official**
    801 County Administration Building
    - Building Code

Documents submitted for subdivision review must show compliance with the applicable regulations and codes for the project.

Except for purposes of certification, the Regional Planning Commission does not review plans for matters which are the subject of another office's or agency's rules and regulations. The application for subdivision approval is processed, coordinated and expedited in a manner whereby all approvals of the various regulatory offices and agencies are recorded before the Final Plat as approved. The individual agencies shall review the documents submitted, enforce their regulations and, upon satisfactory completion of the review, they shall promptly provide written approval to the Subdivision Administrator. In connection with Final Plat approval this means that the Subdivision Administrator has received written approval from the various regulatory agencies in question and will so certify to the Regional Planning Commission.

B EXCERPT FROM HAMILTON COUNTY BUILDING CODE SITE REQUIREMENTS (APPLICABLE TO ALL TYPES OF PROJECTS)

SITE RESTRICTIONS

A. As a general rule, the Building Code provides for a single, primary building on an individual lot. Any and all other structures on the lot shall be considered accessory structures.

Exception:

Complexes where several primary buildings are located on one parcel of land; such situations shall be controlled by the Ohio Basic Building Code and the Hamilton County Zoning Resolutions.

B. Buildings shall be located within the buildable area of the lot, fully providing for the requirements of the Hamilton County Zoning Resolution or other applicable zoning resolution.

SITE ACCESS

A. Each building site shall be planned so the building can be used and maintained from an abutting street without trespass upon adjoining properties.

1. A means of entrance shall be provided from the pubic right-of-way to the building. The means of entrance shall be a legal, permanent, uninterruptable, unobstructed system of private access roads, driveways and walks.

2. The use of easements to cross other properties is permitted where land configuration dictates, but such easements must be submitted on the site plan for evaluation of the access systems and shall be recorded in all applicable deeds. Where access easements are used/required, the following statements shall be placed on the site plan:

"The County of Hamilton does not accept any private easement shown on this plat and is not obligated to maintain or repair any installations in said easement. The application agrees, as a condition of approval of this plat, that there will be included in the deed of conveyance of every lot in this subdivision subservient to an access easement a condition requiring the grantee, his heirs and assigns, to continuously maintain the easement area for the purpose designed and a condition that within such easement no structure, planting or other material shall be placed or permitted to remain which may obstruct, retard or change the use of the easement, such conditions being for the mutual benefit of the owners of all lots on which similar easements are reserved."

3. Bridges, culverts, and culvert pipe installations required to provide access to a building site are considered "structures" and require documentation, review, approval, and a permit. Where the same are existing, documentation is required to show required hydraulic capacity, and such structural capacity as to accommodate truck traffic which is normal to the facility, as well as the full range of servicing emergency vehicles.

B. The required means of entrance from the public street to the building shall be a system of a sidewalk or hard-surfaced path, a driveway (if a vehicle is to be kept on the premises) and any necessary private access roads.

1. Slope of a non-vehicular entrance means or any service means shall be limited to a maximum gradient of one (1) inch per foot (8 percent).

2. Minimum width of the main entrance walk means shall be 3 feet; the minimum width of any other walk or path shall be 2 feet. Where the distance from the right-of-way to the building is more than 50 feet, a main walk shall be required

only for the 50 feet closest to the building. Walks may be combined with the driveway; see (4) below.

3. Slopes on driveways and private access roads shall be limited to a maximum gradient of 1-3/4 inches per foot (14 percent). Driveways which are dead-level (no slope in any direction), approach dead-level, or which hold or "pocket" water are not permitted. A positive slope of minimum size shall be provided to drain the driveway into the formal storm drainage system or to approved natural drainage features. No slope may start anywhere in the public right-of-way, other than as required by the County Engineer.

4. Minimum width of driveway, 8 feet. When main walk is incorporated with the driveway, the combined width shall be no less than 10 feet.

5. All driveways and private access roads shall be surfaced, or paved, no matter what gradient is installed. However, where gradient is 7% or steeper, only paving is acceptable.

6. Paving is required on all driveways and private access roads for the first fifty (50) feet on the private property side of the apron which is located between the public roadway and the right-of-way line.

C. All construction in the public right-of-way shall meet the following provisions, as required by the Hamilton County Engineer:

1. Any alteration of the berm and/or ditch area relative to the driveway or access road construction shall conform with the standards of the County Engineer's Office, and shall be done under a permit from such office. Inspection required.

2. Any driveway or access road connecting to a road having no curb shall, at the property line, be constructed no higher than 6 inches above the existing center line of the road pavement for a thirty foot half section of sixty foot right-of-way; and no higher than 9 inches above the existing center line of the road pavement for a forty foot half section of eighty foot right-of-way, measured at a point opposite the driveway location, and no lower than an elevation level with the existing center line of the road pavement except at the discretion of the County Engineer.

3. All driveways or private access roads constructed across ditches, shall have 1 12 inch minimum diameter reinforced concrete pipe or equal installed in the ditch under the driveway.

4. Any driveway or access road connecting to a road with a curb section shall, at the property line, be constructed to any elevation based on 1/4 to 3/4 inch per foot, ascending from the top of the curb, for the distance from the back of the curb to the property line.

5. No driveway or access road shall be constructed within the limits of any road pavement radius return, at any road intersection.

6. No part of any driveway, driveway approach within the right-of-way shall be installed closer than two (2) feet to any inlet, utility pole, guy wire or closer than five (5) feet to any fire hydrant.

7. Curb cuts shall conform to County Engineer's standard Plate, permit and inspection procedures.

EXTERIOR CONSTRUCTION REQUIREMENTS

The following requirements apply to all work installed on private property. Construction standards of the County Engineer apply to similar construction on private property.

No items listed herein, unless specifically approved by the proper agency, are permitted within the public road right-of-way. Property lines shall be identified to ensure no encroachment on public property, or adjacent private property. Construction including decorative features,

landscaping, signs, etc. which are found to encroach on adjacent property will be ordered removed.

A. Exterior concrete construction

1. Exposed concrete on the exterior shall comply with Section 302.2 of this Code, and Section 302.3 in this Supplement.

2. Walks and driveways (not including the driveway apron in the road right-of-way) shall be a minimum of 3-1/2 inches thick (actual), and shall be placed on an earth surface which has been properly excavated, filled, rolled, tamped, and graded.

3. Walks, steps and drives shall receive a wood float, or other approve finish.

C HAMILTON COUNTY REGIONAL PLANNING COMMISSION FEE SCHEDULE

FOR FILING, REVIEW AND PROCESSING OF SUBDIVISION APPLICATIONS IN UNINCORPORATED TERRITORY OF HAMILTON COUNTY, OHIO

TYPE OF SUBDIVISION	TYPE OF SUBMISSION	FEE TBD
Minor Subdivision (Lot Split)		
	Final	$200.00 Per Lot
Major Subdivision (more than 5 lots) (and resubmittals)		
	Preliminary Plan	$1700 base fee (for 6 to 20 lots) $85 per lot (if more than 20 lots) ($12,750 Maximum)
	Improvement Plan	Exempt if paid at Preliminary Plan, otherwise $1000
	Record Plat	Exempt if paid at Preliminary Plan, otherwise $1000
	Variance	$350

Notes:

1. Make check payable to Hamilton County Treasurer.
2. Application fees are nonrefundable.

Approved By Board of County Commissioners on…….. August 26, 2015
Effective Date ……October 1, 2015

D RECITATIONS FOR EXEMPTED SUBDIVISIONS AND CONSOLIDATION PLATS

RECITATION TO BE INCLUDED IN DEEDS
WHERE TRANSFERS BETWEEN ADJACENT OWNERS ARE CLAIMED TO BE EXEMPT
AND DEEDS ARE NOT APPROVED BY AGENT OR PLANNING COMMISSION

This conveyance is a transfer between adjoining lot owners made in compliance with Section 711.001, Subsection (B) (1) Ohio Revised Code, and does not create an additional building site nor violate any zoning regulation or other public regulation in the parcel hereby conveyed or the balance of the parcel retained by the grantor herein. The parcel hereby conveyed may not hereafter be conveyed separately from the grantee's adjoining parcel nor any structure erected thereon without the prior approval of the authority having approving jurisdiction of plats.

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RECITATION TO BE INCLUDED IN DEEDS
FOR PARCELS OVER FIVE ACRES CLAIMED TO BE EXEMPT
AND HAVING AN EXISTING EASEMENT OF ACCESS

This conveyance is a transfer of more than five acres made in compliance with Section 711.001, Subsection (B) (1) Ohio Revised Code and does not involve any new streets or easements of access. Means of ingress and egress is provided in easement from _____ to _____, dated _____, recorded in D.B. _____, P. _____, Hamilton County, Ohio, Records.

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RECITATION TO BE INCLUDED ON A PLAT OF
CONSOLIDATION OF PARCELS

"I, or we, the owners of the tract of land shown on this plat of survey, depose that this tract is entered as two or more items or parcels on the Hamilton County Auditor's Tax List and the Hamilton County Auditor's Tax Maps. I, or we, hereby request the Hamilton County Auditor to combine said items or parcels into one entry on the Hamilton County Auditor's Tax Maps the lines which divide said parcels on said tax maps and show the courses and distances of this survey as the boundary of the combined tracts of land. If this request is granted we agree to describe any part or all of the tract of land shown hereon for future conveyancing purposes by metes and bounds so that such description shall be agreeable with the survey shown herein. We also agree to record this survey in the Hamilton County Recorder's Office.

We also certify that there are no delinquent taxes against the above described property and it is all in one taxing district."

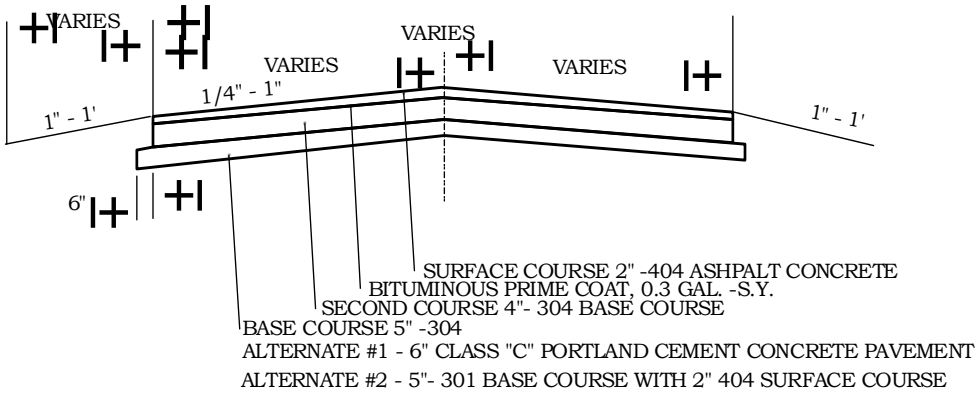
NOTE:

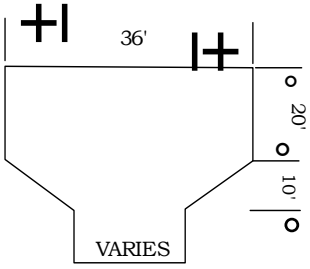
1. The Plat requires no approval from the Planning Commission and is submitted to the Auditor for recording.
2. Consolidation Plat is the method used to combine two or more contiguous parcels for the purpose of creating a single tax parcel. The parcels must be located in the same taxing district and under the same ownership.

   The Plat consists of a perimeter survey of all parcels involved with the interior parcel lines eliminated. The survey must be done by a registered surveyor and include his seal. All monumentation, as required by Sec. 711.03 ORC, along with the total acreage, space for owner's signature, witnessed by notary, and the above recitation shall be included.

E PERMANENT ACCESS DRIVE, UTILITY EASEMENT AND MAINTENANCE AGREEMENT

LOTS: (List all involved lots and subdivision name) shall each enjoy the benefits of and be subject to a permanent easement as shown on this Plat of Subdivision for drainage, water, electric, and all utility services, together with the use of the private drive constructed thereon to provide ingress and egress to all of said lots to and from abutting existing right of way. The owners and successors in title to each of said lots, shall from time to time, elect one of their number to act as Agent for the group to provide for proper maintenance and repair of said private drive and embankment when necessary, restore drive and embankment to original condition as constructed, and including snow removal, weed and grass cutting. Said Agent shall assess all of said costs equally against said lot owners, who shall pay such charges to the Agent within thirty (30) days after billing. Any unpaid assessments shall become lien against any such names of the owner, and the amount of the delinquent assessment. Said lien shall remain valid for a period of five (5) years and may be foreclosed by the Agent on behalf of the lot owners.





SUGGESTED ACCESS DRIVE TURNAROUND

F SUBDIVISION APPROVAL STEPS FOR MAJOR SUBDIVISIONS REQUIRING NEW PUBLIC IMPROVEMENTS (ALTERNATIVE I)

Alternative I is recommended for all subdivisions where public improvements will be constructed after submittal of application. See Alternative II for frontage subdivisions and other major subdivisions where all public improvements are completely built or assured.

PRE-APPLICATION CONFERENCE

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Request Pre-Application Conference	Applicant	Subdivision Administrator	
2. Pre-Application Conference	Subdivision Administrator		
3. Identify any Concept Approvals that will be required	Subdivision Administrator	Applicant	Within 5 business days after Conference

PRELIMINARY SUBDIVISION PLAN PROCEDURE

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Submit Preliminary Subdivision Plan and Fee	Applicant	Subdivision Administrator	At least 14 calendar days before the RPC meeting at which action is desired
2. Notify Applicant if Application is Incomplete	Subdivision Administrator	Applicant	Within 5 business days after submittal of the application
3. Notify Agencies of Application (and transmit plan); request concept approvals as needed)	Subdivision Administrator	Agencies	Within 5 business days after submittal of the application
4. Agencies certify concept approvals or reports (if requested)	Agencies	Subdivision Administrator	Within 8 business days from the date of request from the Subdivision Administrator
5. Transmit Notice of Placement on RPC Agenda	Subdivision Administrator	Township Clerk and Applicant	Within 5 calendar days after receipt of a complete application and at least 7 calendar days prior to RPC Meeting
6. RPC Public Hearing	Subdivision Administrator		Within 35 business days of submission of the complete application (RPC considers applications subject to conformity with all applicable laws and rules of all offices and agencies having jurisdiction)
7. Transmit Notice of Decision and Copy of Plan	Subdivision Administrator	Township and applicant	

IMPROVEMENT (CONSTRUCTION) PLANS PROCEDURE

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Submit Improvement (Construction) Plans	Applicant	Subdivision Administrator	
2. Transmit Improvement Plan Completeness Report	Subdivision Administrator	Applicant	Within 5 business days after submittal of the plan
3. Distribute for Agency Reviews	Subdivision Administrator	C.E., Water & Wastewater Authority, H.C.S.W.I., T.T., Z.A. & other agencies	Within 5 business days after submittal of the plan
4. Transmit Agency Approvals	Each Agency	Subdivision Administrator	
5. Transmit Requests for Cross-Acceptance of Revisions (Phase II routing of 4 sets of plans)	Subdivision Administrator	WastewaterAuthorit y, C.E., H.C.S.W.I.	
6. Transmit Agency Cross-Acceptance	M.S.D., C.E., D.P.W.	Subdivision Administrator	
7. Transmit 15 sets of plans	Applicant	Subdivision Administrator	
8. Transmit Approved Improvement Plans	Subdivision Administrator	All Reviewing Agencies	

RECORD PLAT PROCEDURE

(If the Final Plat was approved conditionally by RPC
at the time of the approval of the Preliminary Subdivision Plan)

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Submit Final Record Plat	Applicant	Subdivision Administrator	
2. Transmit Record Plat Completeness Report	Subdivision Administrator	Applicant	Within 5 business days after submittal of Plat
3. Transmit Requests for Agency Approval & Surety Signatures (certifications of completion or posting of guarantees for required improvements)	Subdivision Administrator (or applicant)	Applicable agencies	Within 5 business days after submittal of Plat
4. File Certificate of Conformance with Improvement Plans	Subdivision Administrator (signature of RPC Executive Director)	File and Applicant	Within 30 calendar days after submittal of Plan
5. Obtain County Acceptance of Easements and ROW and Release Mylar Record Plat	Subdivision Administrator (signature of County Administrator)	Applicant	After bond is posted
6. Submit 6 Copies of Approved Plat	Applicant	Subdivision Administrator	
7. Record the Final Record Plat	Applicant	Auditor and Recorder	Within 6 months after the date of Planning Commission endorsement
8. Distribute Copies of Recorded Plat	Subdivision Administrator	C.E., Water & WastewaterAuthority, Twp. Trustees, H.C.S.W.I., T.T., Z.A. & other agencies, RPC File	

G APPROVAL STEPS FOR MAJOR SUBDIVISIONS WITH PUBLIC IMPROVEMENTS ALREADY BUILT OR ASSURED (ALTERNATIVE II)

Alternative II is recommended only for frontage subdivisions and other major subdivisions where all public improvements are completely built or assured prior to submittal of application. See Alternative I for subdivisions where public improvements will be constructed after submittal of application.

PRE-APPLICATION CONFERENCE

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Request Pre-Application Conference	Applicant	Subdivision Administrator	
2. Pre-Application Conference	Subdivision Administrator		
3. Identify conclusions	Subdivision Administrator	Applicant	Within 5 business days after Conference

RECORD PLAT PROCEDURE

(If the Final Plat was not approved conditionally by RPC
at the time of the approval of a Preliminary Subdivision Plan)

STEP	RESPONSIBILITY	DELIVER TO	SCHEDULE
1. Submit Final Record Plat & Fee and Certifications of Completion or posting of guarantees for Required Private Improvements	Applicant	Subdivision Administrator	
2. Transmit Record Plat Completeness Report	Subdivision Administrator	Applicant (if incomplete)	Within 5 business days after submittal of plat and fee
3. Transmit Notice of Placement on RPC Agenda	Subdivision Administrator	Township Fiscal Officer, Board of Health, and Applicant	Within 5 calendar days after Notice of Placement on RPC Agenda; and at least 7 calendar days prior to next RPC meeting
4. Transmit Requests for Review	Subdivision Administrator	C.E., Water & WastewaterAuthority, & other agencies	Within 5 business days after Notice of Placement on RPC Agenda
5. RPC Public Meeting and Motion to Consider Approval of Final Plat	Regional Planning Commission		Within 30 calendar days after submittal of plat and fee
6. Transmit Mylar for Agency Approval (& Surety Signatures)	Applicant,	WastewaterAuthority, H.C.S.W.I., Subdivision Administrator	
7. Obtain Signature of RPC Executive Director	Subdivision Administrator		
8. Obtain County Acceptance of Easements and ROW and Release Mylar Record Plat	Subdivision Administrator (signature of County Administrator)	Applicant	
9. Submit 8 Copies of Plat to be Recorded	Applicant	Subdivision Administrator	
10. Record Final Plat	Applicant	Auditor & Recorder of Deeds	Within 6 months after the date of Planning Commission endorsement
11. 11Distribute Copies of Recorded Plat	Subdivision Administrator	C.E., Water & WastewaterAuthority, Twp. Trustees, H.C.S.W.I., T.T., Z.A. & other agencies, RPC File	

H APPROVAL STEPS FOR MINOR SUBDIVISIONS (LOT-SPLITS OR CUT-UPS)

PROCEDURE

STEP		RESPONSIBILITY	DELIVER TO	TIME LIMIT
1	Notify of Intent to Subdivide	Applicant	Subdivision Administrator	
2	Request Pre-Application Conference	Applicant	Subdivision Administrator	
3	Submit Application (Lot Survey, Fee, Deed, Zoning Compliance, Sewerage System Concept Compliance, Assurance of Driveway & Maintenance (if shared access)	Applicant	Subdivision Administrator	
4	Certify Subdivision Compliance and Approval (Deed Stamped) or Denial	Subdivision Administrator	Township Trustees (upon request) and Applicant	Within 7 working days after submittal
5	Record Deed	Applicant	Auditor & Recorder of Deeds	Within 6 months (8 months if extended by Subdivision Administrator)

I APPROVAL STEPS FOR EXEMPT SUBDIVISIONS

GENERAL PROCEDURE

STEP		RESPONSIBILITY	DELIVER TO	TIME LIMIT
1	Notify of Intent to Subdivide as Exempt	Applicant	Auditor	

EXEMPT SUBDIVISION PROCEDURE

STEP		RESPONSIBILITY	DELIVER TO	TIME LIMIT
1	Submit Exempted Subdivision Plan	Applicant	Auditor	
2	Update Official File/Map	Auditor	CAGIS	
3	Submit Exemption Certification and Record Deed	Applicant	Auditor & Recorder of Deeds	