

CODIFIED ORDINANCES OF LANCASTER

PART ELEVEN -PLANNING AND ZONING CODE

TITLE ONE -Subdivision Regulations

Chap. 1101. Planning Commission.

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CHAPTER 1101
City Planning Commission

- 1101.01 City Planning Commission established.**
- 1101.02 Organization; term; no compensation.**
- 1101.03 Powers and duties.**

CROSS REFERENCES

- Planning Commissions -see Ohio R.C. Ch. 713
 - Powers and duties -see Ohio R.C. 713.02, 713.06
 - Planning Commission to be Platting Commission -see Ohio R. C. 713.03
 - Approval of plat required -see P. & Z. 1105.02
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1101.01 CITY PLANNING COMMISSION ESTABLISHED.

There shall be established a City Planning Commission in accordance with Ohio R.C.
713.01
(1939 R.O., 9:04)

1101.02 ORGANIZATION; TERM; NO COMPENSATION.

The City Planning Commission shall consist of seven members as follows: the Mayor, the Safety-Service Director, the president of the Board of Park Commissioners of the City and four citizens of the Municipality who shall serve without compensation and who shall be appointed by the Mayor for terms of six years, except that the term of two members of the first Commission shall be for three years.

(1939 R.O., 9:04)

1101.03 POWERS AND DUTIES.

Whenever such Commission is appointed it shall have all the powers conferred in Ohio R.C. 735.15 and all the powers and duties conferred upon it by Ohio R. C. 713.02 to 713.14 and 713.21 to 713.27, inclusive, and all other Ohio R.C. sections appertaining thereto. (1939 R.O., 9:04)

**CHAPTER 1105
Subdivision Procedures**

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| 1105.01 Pre-application meeting. | 1105.08 Review by City Engineer. |
| 1105.02 Application for preliminary plat. | 1105.09 Construction of improvements or performance guarantees. |
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1105.01 PRE-APPLICATION MEETING.

Prior to preparation of a preliminary plan, an Owner/Developer is encouraged to meet with the City Engineer and Planning Commission to familiarize himself/herself with the provisions of this Code and other applicable requirements. The submittal of a concept or sketch plan for the proposed development, using plans for adjacent areas, existing aerial photographs and topographic information, is strongly recommended. (Ord. 5-01. Passed 2-26-01.)

1105.02 APPLICATION FOR PRELIMINARY PLAT.

(a) Upon determining to proceed with a preliminary plat, the Owner/Developer shall submit twenty (20) copies of the application for preliminary plat to the City Engineer, and one (1) copy of reduced size no larger than eleven inches (11") by seventeen inches (17"), along with applicable fees as established by City Council in separate Ordinance.

(b) With ten (10) working days from receipt, the City Engineer shall review the submitted materials to determine completeness. If the application meets the submittal requirements as specified in Chapter 1113, the City Engineer shall certify such application to the Planning Commission, and proceed with review. If the application is found to be incomplete, the Owner/Developer shall be notified, and the submitted materials shall be so marked along with a citation of deficiencies. Fees as paid by the Owner/Developer shall be returned, however, a service fee to cover the costs of initial review may be charged. (Ord.5-01. Passed 2-26-01.)

1105.03 SUBMITTAL OF MINOR SUBDIVISIONS ("LOT SPLITS").

(a) If, upon receipt of an application referenced in Section 1105.02 above, the City Engineer determines that the proposed subdivision of land meets the following criteria, and then it shall be classified as a minor subdivision:

- (1) Adjoins an existing public street and does not involve opening, widening, extension or improvements of any roadway or the installation of any public utilities, or new easements deemed necessary by the City Engineer to provide future public utility service, and
- (2) Creates no more than five (5) lots including the remainder, and
- (3) Does not adversely affect adjoining land, and
- (4) Complies with the requirements of Chapter 711 of the Ohio Revised Code and applicable zoning regulations of the City or other area within which it is located.

(b) No minor subdivision shall be approved that utilizes the width of a street at the terminus of such street as the required frontage for the minor subdivision.

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

(d) After determination that such action meets the criteria for a minor subdivision, the City Engineer shall, within ten (10) working days after submittal, approve or disapprove said minor subdivision by indicating upon the preliminary plan "Approved (Disapproved) Lancaster Planning Commission", or he/she may refer such submittal to the Planning Commission. In cases of approval or disapproval, one (1) copy of the preliminary plan, with such notation thereon, shall be retained for the files of the Planning Commission, and one (1) copy shall be retained by the Code Administrator. The decision of the City Engineer may be appealed in writing to the full Planning Commission with thirty (30) days from the date of the approval or disapproval.

(e) After approval of a minor subdivision, the Owner/Developer may submit a deed or deeds describing lots by metes and bounds, which shall conform to the approved preliminary plan. The City Engineer shall review such documents of conveyance to determine conformance with the preliminary plan as submitted. If such documents are in conformance, the City Engineer shall mark such deed or deeds "Approved, Lancaster Planning Commission, No Plat Required". Upon approval, the Owner/Developer shall pay all applicable fees to the city as established under separate Ordinance by City Council.

(f) If no action on a proposed minor subdivision is taken within thirty (30) days from submittal, then the minor subdivision shall be considered as approved by the Planning Commission. (Ord.5-01. Passed 2-26-01.)

1105.04 SUBMITTAL OF PRELIMINARY PLAT TO PLANNING COMMISSION.

Upon certification to the Planning Commission pursuant to Section 1105.02 above, the City Engineer shall review the preliminary plat application and submit said application to other City departments and/or other entities as deemed appropriate for input. In addition, the City Engineer may seek the input of special consultants hired for the express purpose of providing input on particular issues. After review, the City Engineer shall submit the preliminary plat to the Planning Commission, along with a compilation of comments and inputs received from other sources and his/her recommendations for action. (Ord. 5-01. Passed 2-26-01.)

1105.05 ACTION ON PRELIMINARY PLAT BY PLANNING COMMISSION.

(a) The Planning Commission shall review and take action on the preliminary plat not later than thirty (30) days from submission of the preliminary plat to the Commission by the City Engineer, or within such further time as is agreed upon by the Owner Developer. In reviewing the preliminary plat, the Planning Commission shall consider the recommendations of the City Engineer as provided pursuant to Section 1105.04 above.

- (b) A preliminary plat shall not be approved unless the Planning Commission finds that:
- (1) The provisions of the Ohio Revised Code, these regulations and other Codes of the City are complied with, and
 - (2) The subdivision can be adequately served with public facilities and services suitable under the specific circumstances, and

- (3) Land intended for building sites appears suitable for development and is not likely to be subject to peril from floods, erosion, continuously high water table, poor soil conditions or other factors that have been objectively determined or can be reasonably expected to result in severe adverse developmental impacts; however, preliminary approval shall not be construed to imply or infer any warranty or assurance by the City that such hazards do not exist, or any liability thereof.

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

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

(e) Approval of the preliminary plat shall confer upon the applicant the right for a two (2) year period from the date of approval that the general terms and conditions under which approval was granted will not be changed, and that within the two (2) year period, the whole, part, or parts of the preliminary plat may be submitted for final approval. Upon request by the Owner/Developer, the Planning Commission may consider an extension of such approval time, but in no case should such time period be longer than four (4) years.

(Ord.5-01. Passed 2-26-01.)

1105.06 APPLICATION FOR FINAL PLAT.

Upon approval of the preliminary plat, an application for a final plat of land being subdivided shall be submitted by the Owner/Developer to the City Engineer. It shall incorporate all modifications required by the Planning Commission during approval of the preliminary plat, and otherwise conform to the preliminary plat as approved. The Owner/Developer may apply for a final plat covering that portion of an approved preliminary plat which he/she proposes to develop and record at that time, provided that such portion conforms to all provisions of these regulation~;. Nonetheless, all portions of the tract covered by the preliminary plat shall be developed within a two (2) year period, unless an extension of time is granted by the Planning Commission. (Ord. 5-01.. Passed 2-26-01.)

1105.07 PLANS AND SPECIFICATIONS FOR SITE IMPROVEMENTS.

(a) Prior to action on a final plat by the Planning Commission, the applicant shall have Construction and Grading Plans, specifications and cost estimates of the required site improvements prepared by a Professional Engineer. The estimates shall be grouped according to the following:

- (1) Street and parking area improvements, including curb, pavement, sidewalks, street lighting;
- (2) Water mains, including lines, valves and hydrants:

- (3) Sanitary sewers, including manholes, "Y's", "Tees", and cleanouts.
- (4) Storm water drainage improvements, including conduits, structures, and grading and earthwork for ponds and open channels.
- (5) Site improvements, including seeding and sodding and erosion control.
- (6) Other site improvements as required by the Planning Commission in Section 1105.05 above.

(b) The applicant shall submit a minimum of eight (8) copies to the City Engineer, who shall distribute copies to local utilities, and other parties of interest, as applicable. The applicant shall provide copies of all engineering calculations performed during the process of preparing plans and plats.

(Ord. 5-01. Passed 2-26-01.)

1105.08 REVIEW BY CITY ENGINEER.

The City Engineer shall review plans submitted pursuant to Section 1105.07 above, and, subject to his review, they shall be approved or returned with comments. The City Engineer may submit the plans for review by special consultants hired by the City for that purpose, if it is determined by the City Engineer that such review is warranted. The costs associated with such reviews shall be paid for by the Owner/Developer. (Ord. 5-01. Passed 2-26-01.)

1105.09 CONSTRUCTION OF IMPROVEMENTS OR PERFORMANCE GUARANTEES.

(a) The Owner/Developer may install, construct, have inspected and approved by the City Engineer specific site improvements as authorized by the City Engineer prior to submitting the application for approval of a final plat; however, actual public improvements to be dedicated to the City shall not be installed prior to approval of the final plat and construction plans. The Owner/Developer shall furnish satisfactory performance guarantees, pursuant to Chapter 1107, for the construction of such improvements.

(b) No lot, parcel or tract shall be transferred from the proposed development nor shall any construction work on such development, including grading, be started that may affect the arrangements of public streets or other public improvements until the owner has obtained the necessary approvals of the Construction and Grading Plans from the City Engineer. (Ord.5-01. Passed 2-26-01.)

1105.10 APPLICATION FOR APPROVAL OF FINAL PLAT.

Application for approval of final plat shall be submitted in writing to the City Engineer, together with the tracing and ten (10) prints of the final plat, one (1) reduced copy no larger than 11" x 17", and such other maps or data as required. The applicant shall submit all fees as applicable for a final plat, as established by City Council. The application shall be submitted within two (2) years after approval of the preliminary plat; otherwise, approval of the preliminary plat shall become null and void unless an extension is granted by the Planning Commission. Within ten (10) working days, the City Engineer shall review the application, and determine if such application is complete and if all applicable requirements of the Subdivision Regulations have been met. If he/she determines that all applicable requirements have been met, the City Engineer shall transmit the application to the Planning Commission at its next regularly scheduled meeting, which shall be deemed the date of submission of the final plat.

(Ord.5-01. Passed 2-26-01.)

1105.11 ACTION BY PLANNING COMMISSION.

(a) If the final plat as submitted to the Commission pursuant to Section 1105.10 above conforms to the provisions of the Ohio Revised Code and this Ordinance, and its consistent with the preliminary plat with such changes as required by the Planning Commission, and if satisfactory provisions is made regarding site improvements, and costs pursuant to Chapter 1107, the Commission shall take action on the final plat within forty-five (45) days from the date that the final plat is submitted, or within such further time as the Owner/Developer may agree to. The approval of the final plat shall be indicated in writing on the original tracing by the signature of the Chairman. Reasons for disapproval of a final plat shall be stated in the records of the Commission, including citations or references to the requirements or provisions of the applicable Ordinance(s) that are inconsistent with the final plat.

(b) If the Commission fails to act upon the final plat within the time allotted, the plat shall be considered as approved, and the certificate of the Planning Commission as to the date of the submission of the plat for approval, and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval. (Ord. 5-01. Passed 2-26-01.)

1105.12 APPEAL OF PLAT REFUSAL.

Within sixty (60) days after final plat denial, the Owner/Developer may file a petition in the Court of Common Pleas, in which he/she shall be named Plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of the facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the Recorder of Fairfield County to record such plat. Such petition may include a statement of facts to support the claim that the rules and regulations of the Planning Commission are unreasonable and/or unlawful. The Planning Commission of the City of Lancaster and the Fairfield County Recorder shall be joined as Defendants, and summons shall be issued upon such Defendants as in civil action. This appeal shall proceed in accordance with the terms and conditions set forth in ORC Section 711.09. (Ord. 5-01. Passed 2-26-01.)

1105.13 ACCEPTANCE OF PUBLIC LANDS AND IMPROVEMENTS.

Within thirty (30) days after approval of the final plat by the Planning Commission, the City Engineer shall forward the plat to City Council for acceptance of the public rights-of-way and easements dedicated or granted thereon. Action of the City Council shall be by separate Ordinance, containing a statement authorizing the Clerk of Council to sign the plat and instructing him/her when such signing shall occur. (Ord. 5-01. Passed 2-26-01.)

1105.14 RECORDING OF PLAT.

(a) The final plat shall be filed and recorded by the Owner/Developer in the Office of the Fairfield County Recorder within sixty (60) days following signing of the final plat by the Clerk of Council of the City. If the Owner/Developer fails to file the plat within such period. The approval by the City Council shall be null and void. If any change is made in the final plat after approval of the Commission, the approval shall be null and void. After recording the final plat, transfer of ownership may take place.

(b) The Owner/Developer shall furnish the City with the original tracings and three (3) prints of the signed final plat, and the Construction and Grading Plans, containing indication of approval by all pertinent parties and the recording of the plat. The Owner/Developer shall also furnish to the City as-built plans and tracings of the approved construction and grading plans in a format acceptable to the City Engineer. (Ord. 5-01. Passed 2-26-01.)

1105.15 DEFINITIONS.

For the purpose of these regulations, which shall be known as and may be cited as "City of Lancaster, Ohio Subdivision Regulations," certain words used herein are defined as follows:

The word "person" includes a firm, associations, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular number.

The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

The word "lot" includes the words "plot" and "parcel"

* Abutting shall mean contiguous or separated there from only by a non-arterial street, alley or railroad right-of-way. In other instances, abutting shall mean contiguous.

* Alleys are minor ways, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

* Anticipated Development is the full potential urbanization of the contributing watershed, considering the Future Land Use Plan and the reasonable assumption that in considering the effects of a proposed development in a floodplain area that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream or watercourse.

* Arterial Streets and Highways are those, which are used primarily for fast or heavy through traffic and may include parkway or special traffic way.

* Board of Park Commissioners is the Board of Park Commissioners for the City of Lancaster.

* Board of Zoning Appeals (BZA) is the Board of Zoning Appeals of the City of Lancaster.

- * Block is a piece or parcel of land entirely surrounded by public highways, streets, streams, railroads, parks, other physical features, exterior boundaries or the subdivision or combinations thereof.
- * Building is a structure, which is permanently affixed to the land, and has one or more floors and a roof and is bounded by either another building with a common party wall, open air, or the lot lines of a lot.
- * Building setback is the minimum distance between the property line and the outside wall of a structure or any enclosed projection thereof.
- * Building Sewer is the portion of the sanitary sewer between the sanitary wye and the structure.
- * Caliper is the diameter of a tree trunk measured at six (6) inches above ground level for a tree trunk having a diameter of four (4) inches or less and the diameter of the tree trunk measured at twelve (12) inches above ground level for a tree trunk having a diameter exceeding four (4) inches.
- * City Council is the City Council of the City of Lancaster.
- * City Engineer is the City Engineer of the City of Lancaster.
- * Code is the Codified Ordinances of the City of Lancaster.
- * Code Administrator is the person designated by the City of Lancaster to administer the zoning code.
- * Commission is the City Planning Commission, of the City of Lancaster.
- * Comprehensive Development Plan is a plan, or any portion thereof, adopted by the Planning Commission and approved by the Legislative Authority of the City of Lancaster, showing the general location and extent of present or proposed physical facilities including housing, industrial, and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- * Comprehensive Master Plan is the Comprehensive Development Plan.
- * Construction and Materials Standards are the Construction and Materials Standards for the City of Lancaster as issued by the City Engineer. Where no City Standard exists, the Construction and Materials shall refer to the current State of Ohio Department of Transportation Construction and Material Specifications.
- * Covenant is a written promise or pledge.

- * Cul-de-Sac is a street with one end open to traffic and being permanently terminated at the other end by a vehicle turn-around; usually of relatively short length.
- * Curb Level is the mean level of established curb at the frontage of a lot. Where no curb has been established, the City Engineer shall establish such curb level or it's equivalent.
- * Dead End Street is a street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- * Designated Residential Development Area is the area specifically designated for residential development by conditions imposed in a Planned Unit Development (PUD).
- * Developer is any individual, sub divider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- * Development of any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- * Development Agreement is a written agreement between the Developer and the City of Lancaster specifying the terms and conditions of the construction of the development.
- * Double Frontage is frontage on two different streets except for corner lots.
- * Drip line is the periphery of the area underneath a tree, which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.
- * Easement is a specific piece or parcel of land granted by the owner for a specific purpose to the general public, corporation or person, within which the owner shall not erect any permanent structures but shall have the right to use the land subject to such easement. Easements usually are provided for sanitary sewer, storm sewer, ditches, water mains, electricity, natural gas, telephone, walks and drives, etc.
- * Engineer is a registered engineer authorized to practice Engineering in the State of Ohio.
- * Fill is the placement of materials, either natural or manmade in order to raise the surface elevation.
- * Final Plat is a plan or drawing of the subdivision and accompanying required data or information submitted by the Sub divider to the Planning Commission for final approval.
- * Freeway is a street designated as a freeway on the Major Street Plan,

- * Land Area is the area of the lot.
- * Land Coverage is the land area of a lot covered by building or buildings, except structural parking.
- * Land Use Plan is the Comprehensive Development Plan.
- * Landscaping is the unpaved area within a lot which contains grass, shrubs, flowers, ground cover, trees or native plant materials and which may include decorative fixtures such as rock, pools and planters.
- * Loading Berth, Off-Street is a space of at least 10 feet in width and 30 feet in length and having a vertical clearance of at least 14 feet, designed and located on a lot for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- * Lot is a portion of a subdivision or other parcel of land intended for the purpose whether immediate or future, of transfer of ownership or for building development.
- * Lot Frontage is the front of a lot and shall be constructed to be the portion nearest the street. For the purpose of determining set back requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.
- * Lot Line is any boundary of a lot.
- * Lot Measurement shall be as follows:
Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot line in the rear.

Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot measured at the building setback line, provided, however, that the width between the side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.
- * Lot of Record is a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has so been recorded.
- * Maintenance Bond is a guarantee by the Owner/Developer for the workmanship and materials of all public improvements installed as part of the development for a one-year period equal to 10% of the construction costs.

- * Major Collector Streets are those which carry traffic from minor streets to the major systems of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- * Major Street Plan is the Major Thoroughfare Plan.
- * Major Thoroughfare Plan is the Comprehensive Plan adopted by the City Planning Commission and approved by the Legislative Authority indicating the general location recommended for the arterial, collector, and local thoroughfares within the corporate limits of the City of Lancaster and/or areas that may annex to the City of Lancaster.
- * Marginal Access Streets are minor streets that are parallel or adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- * Minor Streets are those that are used primarily for access to the abutting properties.
- * Minor Subdivision is a division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code.
- * Monument is a permanent concrete or iron pin marker used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines, corners and points of change in street alignment.
- * Municipal Arborist is the Municipal Arborist of the City of Lancaster
- * Owner is any individual, sub divider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect :a subdivision or land hereunder for himself or for another.
- * Parking Space, Off-Street is a space on a lot intended and reserved for the parking of a motorized vehicle.
- * Performance Assurance is an agreement by a sub divider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the Developer's agreement. In lieu of completion for all or part of the improvements as specified prior to the approval of the final plat, the developer shall provide a bond, executed by a surety or sureties, or a letter of credit, or an Escrow Agreement for all or part as agreed upon, satisfactory to the Planning Commission, or a certified check guaranteeing completion of the improvements within two (2) years or agreed upon by the Planning Commission. This bond or check shall be in an amount equal to the estimated cost of completing the improvements.

- * Permit to Install is the Permit to Install issued by the Ohio Environmental Protection Agency to the developer or the City for any of the subdivision improvements including but not limited to water systems, wastewater systems, storm systems, air pollution control systems or solid and hazardous waste systems.
- * Planned Unit Development is a discretionary type of development for a tract of land under single ownership or control, based upon an approved development plan permitting flexibility of principal land uses, lot sizes, and accessory uses not otherwise available under conventional development standards.
- * Planning Commission is the Lancaster City Planning Commission (LCPC).
- * Plat is the map, drawing, or chart on which the Developer's final plans or subdivision is presented to the City Planning Commission and City Council for approval, and after such approval, to the County Recorder for recording.
- * Preliminary Plat is a map, drawing, or plan of the layout and design of a proposed subdivision submitted by the Sub divider to the Planning Commission for consideration and tentative approval.
- * Public Improvement is the installation, rehabilitation or repair of streets, water lines, and appurtenances, sewer lines, appurtenances, drainage structures, ponds, and channels or any other facility to be used and maintained by the City of Lancaster for the benefit of the citizens.
- * Public Street is an alley, avenue, boulevard, circle, court, drive, expressway, freeway', highway, lane, parkway, place, road, street, or way on which the general public or public entity have a right, or which are dedicated whether improved or not.
- * Public Way is an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways which the general public or public entity have a right, or which are dedicated whether improved or not.
- * Reserve Strips are parcels of land situated so as to control access to streets.
- * Reverse Frontage is the second frontage on a minor street of a lot that also has frontage on an arterial or major collector street.
- * Right-of-Way is a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

- * Setback is a horizontal distance determining the location of a building with respect to a street, use district boundary line, or another use. Where the term "setback" is used in conjunction with a modifying work or words such as "parking area", the setback shall in its application, include but not be limited to, buildings.
- * Sketch Plan is a preliminary drawing of a subdivision showing the number of lots and the proposed street layout.
- * Standard Plans are the Standard Construction Drawings of the City of Lancaster as issued by the City Engineer, along with any general notes or design standards.
- * Standard Specifications are the Construction and Material Specifications of the City of Lancaster as issued by the City Engineer.
- * Street yard is the minimum required yard abutting a public street or the area of a lot contained between the minimum required building setback line and an abutting public street1:.
- * Sidewalk is that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See "Walkway".
- * Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land place, or however otherwise designated.
- * Structure is anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and includes buildings, walks, fences, and signs.
- * Sub divider is a person, firm, partnership, association, or corporation undertaking the subdividing or re-subdividing of a lot, tract, or parcel of land.
- * Subdivision means: The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, anyone of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

The improvement of one or more parcels or land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except a private street serving an industrial structure; the division or allocation of land as open spaces for common use by owner!;, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

* Surveyor is a registered land surveyor authorized to practice surveying in the State of Ohio.

* Thoroughfare Plan is the Comprehensive Thoroughfare Plan.

* Tree is a woody plant having one or more defined stems or trunks and as set forth within a list of trees certified by the Urban Forester of the City and adopted by resolution of the Planning Commission.

* USGS is the United States Geological Survey.

* Variance is a relaxation of a restriction of the Code, granted by the Planning Commission where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the Code restriction would result in unnecessary hardship. .

* Vicinity Map is a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the Fairfield County in order to better locate and orient the area in question.

* Watershed is the drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

* Walkway is a dedicated public way for pedestrian use only.

* Water Service is the portion of the water system between the corporation stop and the structure. The portion of the service between the corporation stop and the curb box shall be maintained by the City.

* Yard is an open unoccupied space on a lot between a building and a lot line.

* Wellhead Protection Zone is an area designated as within the one-year or five-year time of travel area for the public water supply for the City of Lancaster.

* Zoning is the Zoning Code of the City of Lancaster. (Ord. 5-01. Passed 2-26-01.)

CHAPTER 1107
Obligations of Developer and City

1107.01 Required improvements.
1107.02 Obligations of owner/
developer.

1107.03 Costs to be shared by the
City.

1107.01 REQUIRED IMPROVEMENTS.

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

- (a) Streets and parking areas, graded full width and paved, including drainage structure!;, bridges, sidewalks, curbing and other improvements as shown on the City Standard Plans and Specifications;
- (b) Sanitary sewers, including manholes, services and all appurtenances;
- (c) Water distribution system including mains, services, valves, fire hydrants and all appurtenances;
- (d) Storm drainage improvements, including both enclosed and non-enclosed systems, as well as all appurtenances to such systems;
- (e) Monuments, stakes and property pins;
- (f) Street signs designating the name of each street at each intersection within the development and other traffic control signage as determined necessary by the City Engineer.
- (g) Street lighting including poles, underground conduits and appurtenances;
- (h) Utilities including natural gas, electric, telephone and cable television services;
- (i) All other improvements shown on the plans as approved by the City.

The Owner/Developer shall provide for the future extension of streets and water, sanitary sewer and storm drainage lines from his/her site to adjacent property as deemed necessary by the Planning Commission, upon recommendation of the City Engineer.
(Ord.5-01. Passed 2-26-01.)

1107.02 OBLIGATIONS OF OWNER/DEVELOPER.

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

- (a) All construction work and materials used in connection with improvements shall conform to the requirements of the City and be installed under the general supervision of the City Engineer. The Owner/Developer shall be responsible for the payment of all fees incurred by the City pertaining to inspection of the improvements.
- (b) The Owner/Developer, or his agent, shall give three (3) working days notice to the City Engineer for any inspection to be conducted. The Owner/Developer shall also insure that no work shall be covered or obscured prior to inspection by the City Engineer or his/her agent.
- (c) The Owner/Developer shall hold the City free and harmless from any and all claims for damage of every nature arising or growing out of the construction of improvements or resulting from improvements and shall defend, at his own cost and expense, any suit or action brought against the City by reason thereof;
- (d) All improvements and utilities will be satisfactorily installed within one (1) year from the date of approval of the Construction Plans or within such other time schedule as specifically approved by the Planning Commission.
- (e) As an alternative to the construction and approval of the required public improvements prior to recording the final plat, an acceptable performance assurance equal to one hundred percent (100%) of the estimated cost of all required improvements, as approved by the City Engineer, shall be deposited with the City. Such performance assurance shall consist of one of the following:
 - (1) A performance or construction bond equal to the estimated construction cost as approved by the City Engineer for the public improvements. Such bond shall be without time limit;
 - (2) A certified check equal to one hundred percent (100%) of the estimated construction cost as approved by the City Engineer for the public improvement; or
 - (3) Subject to the approval of the chief fiscal officer of the City, a certification to the City by the institution, person or corporation financing the construction of the public improvements. Such certification shall consist of a subdivision bond, irrevocable letter of credit, or escrow account in favor of the City, stipulating that the funds in the amount of the estimated construction cost are available and set aside from all other funds.
 - A. That these funds will not be released to the Owner/Developer, or their agent, unless said release is signed by the City;
 - B. That such release by the City only certifies that as best as the City can determine, the construction was completed to the City's satisfaction and does not relieve the Owner/ Developer of the City's maintenance guarantee requirement;
 - C. That ten (10%) of all monies released will be placed in an escrow account for use by the City should there be cause for the City to have to finish any work through the default, neglect or negligence of the Owner/Developer, or their agents;
 - D. That only the City shall have the right to release the funds in the escrow account; and

- E. That acceptance of the public improvements by the City and the posting of the one (1) year maintenance guarantee shall constitute release of the funds in the escrow account lacking any formal release by the City.
- (f) All permits and approvals shall be obtained and all fees and deposits paid prior to beginning any construction of any improvements;
 - (g) During construction and prior to acceptance of any public improvements, the Owner/Developer shall remove or cause to be removed such dirt and debris and foreign matter from all public rights of way, improvements and/or easements as were deposited, left or resulted from the construction of improvements of any nature within the development. Such removal shall take place within twenty-four (24) hours after being notified by the City that such work is required, and shall be completed to the satisfaction of the City Engineer.
 - (h) All public improvements shall be guaranteed by the Owner/Developer for a period of one (1) year from the date such improvement is accepted, in writing, by the City Engineer. Such guarantee shall consist of a maintenance bond, certified check or other acceptable instrument, for ten percent (10%) of the total cost of the improvements. Such guarantee shall include any and all defects and deficiencies in workmanship and materials. The cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear, but including filling trenches, restoring lawns, sidewalks, yards, streets, sewers, pipe lines, restoring hydraulic capacity in drainage channels and basins, etc. during the one (1) year guarantee period shall be assumed by such Owner/Developer. In the event the Owner/Developer fails to make such maintenance, repairs or replacements within a reasonable time after notice in writing by the City, or in the event of an emergency which may endanger life or property, the City may make or cause to be made, such repairs or replacements from the above guarantee.
 - (i) The Owner/Developer shall execute a development agreement with the City specifying the terms and conditions required under this Section of this Ordinance. The City Engineer and Law Director shall approve such development agreement,
 - (j) The Owner/Developer shall furnish to the City final plats and as-built tracings of the construction drawings, pursuant to Section 1105.14.
 - (k) No person or owner shall violate any of the regulations established in this Section and, upon violation, the City shall have the authority to:
 - (1) Stop all work on the development site forthwith;
 - (2) Hold the bonding company responsible for the completion of the public improvement according to the approved construction drawings and the agreement. (Ord.5-01. Passed 2-26-01.)

1107.03 COSTS TO BE SHARED BY THE CITY.

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

- (a) A utility or street shall be considered excessive to needs of the land being developed when any of the following conditions exist:
- (1) The City specifically requires a greater width, size or configuration of the street for the purpose of meeting the future needs of the City, unrelated to the need of the land being developed as provided for a comprehensive or thoroughfare plan, or similar study, as adopted by City Council;
 - (2) There is additional pavement width and depth and/or additional length of storm sewers and other improvements required for all thoroughfares;
 - (3) The City requests that a water line be more than eight (8) inches in diameter, when such size is not required to meet the needs of the land being developed;
 - (4) A sanitary sewer line is more than ten (10) inches in diameter, unless this size is required for the land being developed by reason of grade or trench loading requirements of the land being developed, or because of anticipated sewerage flows from the land being developed;
 - (5) Other conditions warrant cost sharing and such conditions are approved by City Council.
- (b) The City shall share in the cost of improvements by:
- (1) Paying for all the material costs only for the size difference of the waterline, sanitary sewer pipe and the appurtenances thereto between what is required for the land being developed and what is excessive to the needs of the land being developed;
 - (2) Paying for all materials F.O.B. the plant, factory, supply depot or warehouse for such other improvements that are excessive to the land being developed;
- (c) Nothing in this section shall be interpreted, read or construed to obligate the City for expenses incurred by the owner, developer, contractor, subcontractor or other persons because of:
- (1) Equipment or labor cost due to the over sizing or increased depth of waterlines or sewers;
 - (2) Equipment, labor or material cost due to improperly and/or unacceptable installed improvements including the removal and replacement therefore; or
 - (3) Any improvements installed prior to the approval of the cost sharing by the City.
- (d) Upon approval by Planning Commission of the preliminary plat for the land being developed, the following procedure shall be followed:
- (1) The City Engineer shall identify all improvement eligible for cost sharing, and shall estimate the cost of the City's portion of such improvements;
 - (2) If applicable, an ordinance shall be submitted to Council for approval, appropriating funds to cover the City's portion;
 - (3) Upon completion and acceptance of the work and quantities thereof the City Engineer shall certify the costs to the chief fiscal officer of the City.
- (e) Failure of the Owner/Developer of the land to provide the City Engineer with copies of billings, invoices, contracts, agreements or such other evidence of construction costs, as the Engineer deems necessary within six (6) months of completion and acceptance of the improvements by the City, shall constitute just cause to declare the City's agreement to cost share as provided herein null and void and 1110 reimbursement shall be made or monies paid without re-approval by Council. (Ord. 5-01. Passed 2-26-01.)

CHAPTER 1109
Minimum Design Standards and Requirements

1109.01	Conformity with requirements.	1109.06	Streets.
1109.02	General subdivision design.	1109.07	Lots.
1109.03	Land not suited for	1109.08	Sanitary sewers.
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1109.04	Erosion and sedimentation	1109.10	Underground utilities and
	control.		street lighting.
1109.05	Surface runoff and storm	1109.11	Street trees.
	drainage.	1109.12	Public sites and open space.
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1109.01 CONFORMITY WITH REQUIREMENTS.

The design standards and requirements of this chapter shall apply to all subdivisions of land as defined in Chapter 1105.

- (a) Conformity with City Standards. All public improvements undertaken in any subdivision shall conform to the standards of this Chapter and the City Standard Plans and Specifications.
- (b) Conformity with Zoning and Plans. No final plat of land within the area in which an existing zoning code or resolution is in effect shall be approved unless it conforms with such code or resolution. The design of a proposed subdivision shall be in general conformity with adopted land use and/or comprehensive master plan(~;) prepared by the City for the area.
(Ord.5-01. Passed 2-26-01.)

1109.02 GENERAL SUBDIVISION DESIGN.

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

- (a) Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972, subject to field verification by the U.S. Army Corps of Engineers, or other agency authorized to make such determinations;
- (b) Significant trees or wooded areas, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest trees or species or groups of trees that are rare to the area or of particular horticultural or landscape value;
- (c) Lands subject to flooding, pursuant to Section 1104.03 below;
- (d) Slopes in excess of fifteen percent (15%) unless appropriate engineering methods are employed to address erosion, stability and resident safety;
- (e) Historically significant structures and/or sites, as listed on, or eligible inclusion, on the National Register of Historic Places; (Ord.5-01. Passed 2-26-01.)

1109.03 LAND NOT SUITED FOR DEVELOPMENT.

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

- (a) Land Subject to Flooding. The subdivision of land or lands within areas subject to flooding, as specified in Chapter 1331 of the Codified Ordinances, shall be subject to the standards and regulations of those Ordinances, and shall in addition, be subject to the following requirements:
 - (1) No subdivision or part thereof shall be approved if the proposed subdivision development will, individually or collectively, significantly increase flood flows, heights or damages.
 - (2) No subdivision, or part thereof, shall be approved unless it complies with the Flood Hazard Regulations found in Chapter 1311.
 - (3) When the Planning Commission determines that the only part of a proposed plat can be developed in compliance with these requirements, it shall limit development to only that portion, and shall require that the method of development is consistent with its determination.
 - (4) The Planning Commission may attach other reasonable conditions as is appropriate to the approval of plats within areas subject to flooding. Such conditions may include, but are not limited to, requirement for the construction of dikes, levees or other similar measures, or flood proofing of structures, as recommended by the City Engineer. (Ord.5-01. Passed 2-26-01.)

1109.04 EROSION AND SEDIMENTATION CONTROL.

(a) Measures shall be taken by the Owner/Developer to minimize erosion and its impacts during subdivision construction activity. The City Engineer may require detailed erosion and sedimentation plans to be submitted if it is determined that the size and/or scale of the proposed subdivision warrants such action. Generally, such a plan shall be required for major subdivisions comprising more than five (5) lots or more than one (1) acre. Such plans shall be prepared by a Professional Engineer, and indicate the techniques to be used to control erosion both during construction and permanently, and include a schedule for installing same. Erosion control plans shall be based on the control of erosion on-site, with the objective of eliminating or minimizing erosion and sedimentation impacts off-site. Techniques, devices and/or measures used shall be reviewed and approved by the City Engineer.

(b) All erosion and sedimentation control devices shall be in place at the start of construction activity and to be maintained during construction until such time as a permanent grading and seeding is established. (Ord.5-01. Passed 2-26-01.)

1109.05 SURFACE RUNOFF AND STORM DRAINAGE.

(a) Outlets. The Planning Commission shall not approve any subdivision unless there is an adequate outlet for storm water as determined by the City Engineer. Generally it will be necessary to pipe storm water to an adequate watercourse, stream or existing storm system, which has the capacity to accommodate the flow, or to utilize acceptable on-site water retention methods adequate to minimize excessive off-site storm water flows.

(b) Preservation of Natural Drainage Courses. No natural drainage course shall be altered and no fill, building or structures shall be located within such drainage course unless provision is made for the flow of surface water, in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of the existing surface drainage course adequate for the purpose of future widening, deepening, enclosing or otherwise improving said drainage course. If such drainage course crosses private property, easements must be obtained by the Owner/Developer for construction and future maintenance. These easements must be shown on the Construction Plans, including the volume and page number of recorded easement.

(c) Surface Routing Paths. Generally, it is not economically feasible to size a storm drainage system to collect and convey more than frequent storm runoff. The complete drainage system of a proposed subdivision shall contain two (2) separate drainage elements. Storm sewers comprise the initial system. Surface routing paths shall be provided to carry the storm water runoff, which exceeds the capacity of the initial system. The system of surface routing paths shall have the capacity to carry runoff from a storm with a return period of not less than one hundred (100) years, without causing significant threat to property or public safety.

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

- (1) Grass areas shall have a minimum slope or grade of eight tenths of one percent (0.8%)

- (2) Grass areas next to buildings shall slope away from the building at not less than five percent (5%) for a minimum of ten (10) feet.
- (3) Ditches or swales in grassed areas with a design velocity between three and five feet per second (3-5 fps) shall be sodded. Ditches or swales with a design velocity greater than five feet per second (5 fps) shall have a paved or stone gutter. Under drains shall be required in ditches or swales with bottom grades of less than two percent (2%).

(e) **Submittal of Drainage Data.** Information and data pertaining to water volumes and velocities for all water sheds entering and on the property, along with calculations to show that proposed drainage improvements will adequately address such flows, shall be submitted to the City Engineer along with required Construction and Grading Plans. A Professional Engineer shall approve such drainage data. Storm drainage systems shall generally be designed so that the peak rate of storm water runoff from the site after development does not exceed the peak rate of runoff before development; however, the City Engineer may grant administrative exceptions to this requirement when specific conditions warrant such action. The methods and techniques proposed to address surface runoff shall be designed to accommodate the design frequency storm and shall be consistent with storm water design criteria established in the City's Storm water Design Manual.

(f) **Culverts.** All culverts shall be constructed of concrete, and shall have the appropriate headwalls and other structures and improvements to protect the facility, as determined by the City Engineer. The design of the culverts shall be as stipulated in the City's Storm water Design Manual. (Ord.5-01. Passed 2-26-01.)

1109.06 STREETS.

(a) **General.** The arrangement of streets shall generally conform to the Thoroughfare Plan for the City. For streets not indicated on the Thoroughfare Plan, the arrangements shall provide for appropriate extensions of existing streets.

(b) **Classification, Street Widths and Street Grades.** The arrangement and classification of all streets in newly developed areas shall conform to the Thoroughfare Plan. The City Engineer shall make the final determination as to the classification of any new street, based on the potential development of the site, and its potential traffic volume, expressed in ADT (Average Daily Traffic), the character of the surrounding area, and the Thoroughfare Plan. Rights-of-way, pavement widths and street grades shall be as specified by the Thoroughfare Plan and the City's Design Standards.

(c) **Alignment.**

- (1) The street pattern shall make provision for the continuance of streets into adjoining areas and for the connection to existing rights-of-way in adjacent areas.
- (2) If a subdivision adjoins or contains an existing or proposed arterial or major collector street, direct access points to such street shall be minimized. The Planning Commission may require marginal access streets or reverse frontage lots with a reserve strip of a minimum width of twenty feet (20') on the rear of those lots abutting the street, and no vehicular access across the strip.

- (3) If a subdivision adjoins an existing or proposed arterial or major collector street, the Planning Commission may require the construction of separate turn lanes on such streets into the proposed subdivision.
- (4) Local streets shall be laid out so as to discourage use by through traffic.
- (5) Streets shall intersect one another at ninety (90) degrees, or as near to ninety (90) degrees as possible, but in no case less than seventy-five (75) degrees. The intersecting street must remain within these degree parameters for a distance of not less than one hundred feet (100') from the intersection.
- (6) Street jogs shall be discouraged. Where such jogs are unavoidable, in no case shall the centerlines be offset by less than 125 feet.
- (7) The maximum length of a cul-de-sac shall be 600 feet, measured from the centerline of the intersecting street to the middle of the turn around.
- (8) Half width streets shall be prohibited.
- (9) Reserve strips controlling access to streets shall be prohibited except where the control of the access strip is place solely with the City under conditions approved by the Planning Commission.
- (10) Subdivisions should provide a minimum of two (2) access points to existing streets. Where it is not possible to provide a second access, a boulevard style entrance or emergency access shall be provided.

(d) Dedication. The necessary rights-of-way for widening or extensions of all thoroughfares, as delineated in the City Street Design Standards as issued by the City Engineer, shall be dedicated to public use. When a subdivision fronts on an existing City street, or County or Township road, dedication shall be made to the proper authority.

(e) Blocks. Blocks shall not exceed 1,200 feet in length except where specific topographic conditions require a greater length.

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

DIRECTION	* SHORT STREETS	LONG STREETS
North/South	Place	Street
East/West	Court	Avenue
Diagonal	Way	Road
Curving	Lane or Circle	Drive

* Less than 1,000 feet

(g) Curbs, Gutters and Sidewalks. Curbs, gutters, sidewalks, and wheelchair ramps shall be required in all subdivisions except those within the Residential Estate District (RE). In no case shall a certificate of occupancy be granted for a building within a new subdivision where sidewalks are required, until such sidewalks on the lot are constructed and approved. All sidewalks within the subdivision shall be constructed not later than six (6) months after such time when eighty percent (80%) of the lots in the subdivision have been developed.

(h) Driveways.

- (1) All driveways shall be at least three feet (3') from the side lot line.
- (2) No driveway shall be approved providing direct access from a single or two family residential lot to a street designated on the Thoroughfare Plan as an arterial or major collector street, except where no alternative access is available. (Ord. 5-01. Passed 2-26-01.)

1109.07 LOTS.

(a) All lots shall have the required frontage on an improved public street or an approved private street.

(b) Lots in subdivisions located within the City of Lancaster shall meet the dimension and area requirements of the zoning district in which such subdivision is located. Residential lots that are located outside the zoning authority of the City of Lancaster but within the subdivision jurisdiction of this Ordinance shall conform to the zoning requirements of the jurisdiction in which they are located. All lots shall also meet the following requirements:

- (1) All residential lots shall be approximately rectangular in shape, and should not have a depth in excess of three (3) times their width, except where extra depth is necessary due to topography and/or natural conditions, or to meet other requirements of the Subdivision Regulations.
- (2) Double frontage and reverse frontage lots should be avoided, except where required to provide separation from arterial streets, or to overcome specific conditions of topography and/or orientation. In such cases, an easement air reserve strip shall be provided along the rear lot line across which there shall be no vehicular access.
- (3) Whenever possible, residential subdivisions shall be designed so that corner lots have a larger area than interior lots.
- (4) Whenever possible, side lot lines should be at right angles or radial to street lines.
- (5) Necessary easements shall be provided along side and rear lot lines for utility lines and storm water drainage.
- (6) Easements shall be provided on both sides of any open drainage course, for the purpose of widening, deepening or general maintenance. Such easements shall be a minimum of ten feet (10') on both sides, or the total width required to maintain surface routing paths pursuant to Chapter 1109.05 above, whichever are greater. In no case shall a fence or any other obstruction be constructed on this easement. (Ord.5-01. Passed 2-26-01.)

1109.08 SANITARY SEWERS.

(a) Sanitary sewers should be designed to maintain a minimum velocity of two feet (2') per second. The design of the overall system shall be in conformance with the requirements of the City Standard Specifications, City Ordinance, City Design Standards, the Ohio Environmental Protection Agency (OEP A), the Ohio Department of Health and Recommended Standards for Wastewater Facilities (Great Lakes -Upper Mississippi River Board of State Public Health and Environmental Managers: 1990) as may be subsequently updated or amended.

(b) Sanitary sewer lines should be located in the street right-of-way, except under special conditions, when this requirement may be waived by the Planning Commission, upon recommendation by the City Engineer. In such cases, an easement of a width determined by the City Engineer shall be provided for perpetual maintenance.

(c) Only under circumstances of extreme hardship shall sewage lift stations, sewage grinder pumps or individual household sewage disposal systems be permitted in subdivisions established after the effective date of the Subdivision Regulations. Such systems shall only be permitted with the approval of the Planning Commission, upon recommendation of the City Engineer. The Owner/Developer shall be responsible for all costs associated with the pump or lift station until such time that fifty percent (50%) of the lots in the subdivision are developed. Pump or lift stations shall meet the requirements of the City's Design Standards.

(d) Minimum line size shall be eight inches (8"). Downstream sewer pipe sizes shall be greater than or equal to the upstream size unless otherwise approved by the City Engineer. If larger pipe sizes are required to accommodate future growth, the City may participate in the costs associated with the larger sizes, in accordance with Section 1107.03. (Ord.5-01. Passed 2-26-01.)

1109.09 WATER LINES.

(a) Water lines shall be designed, sized and constructed so as to be in conformance with the City Standard Specifications and City Design Standards. Fire hydrants shall be located, so that adequate fire flow to each structure, based on the current guidelines of the Insurance Services Office (ISO) can be met, but, no case shall be more than three hundred and fifty (350) feet, or as required by the City Fire Department.

(b) Water lines should be located within the street right-of-way, except under special circumstances, when this requirement may be waived by the Planning Commission.

(c) The standard minimum size of the water main shall be eight inches (8"). If larger line sizes are required to accommodate future growth, or to provide for fire flows in excess of those required for the proposed development, the City may participate in costs for the size increase, in accordance with the procedures of Section 1107.03.

(d) Minimum cover for water lines shall be forty-two inches (42"). Water mains shall be laid so that at least ten feet (10') of horizontal distance and eighteen inches (18") vertical distance is maintained between the water main and sewer line. In cases where ten feet (10') of horizontal distance cannot be maintained, such as a crossing, the vertical distance shall be maintained and such sewer lines shall be constructed of water line material. At crossings, one full length of water pipe should be used so both joints will be as far away from the sewer line as possible. (Ord.5-01. Passed 2-26-01.)

1109.10 UNDERGROUND UTILITIES AND STREET LIGHTING.

(a) Underground utilities shall be required for subdivisions within the subdivision jurisdiction of the City of Lancaster unless a variance is received from Planning Commission.

(b) Street lights shall be required for all subdivisions within corporate boundaries of the City of Lancaster, and for all subdivisions where the total number of residential lots exceeds ten (10), or where the lots average one hundred feet (100') or less of frontage, as shown on the preliminary plat.

(c) Street lights and all appurtenances shall be installed by the Owner/Developer, and shall be of a type acceptable for cost effective service by the electric utility currently providing service to the City.

(d) Illumination for streetlights shall be uniform and shall follow the recommendations of the current Illuminating Engineering Society (IES) Handbook. Generally, streetlights shall be located no less than two hundred (200') feet nor more than three hundred and fifty (350') feet apart. Lights shall be placed within two hundred (200') feet from the closed end of each cul-de-sac, and at each intersection. (Ord.5-01. Passed 2-26-01.)

1109.11 STREET TREES.

(a) Street trees shall not be planted in the right-of-way of any public street, unless the Planning Commission grants specific approval. Such approval by the Planning Commission shall be based on a master landscaping plan as reviewed and recommended by the Municipal Arborist.

(b) Trees planted in the right-of-way of any other street shall not be planted in any location where the City Engineer determines that such placement would create a safety hazard. In no case shall a street tree be planted within fifty feet (50') from an intersection, within thirty feet (30') from any alley approach, or ten feet (10') from any driveway approach.

(c) The following species of trees shall not be used for street trees in new subdivision~;

- | | | |
|----|----------------|---------------------------------|
| 1. | Silver Maple | Acer saccharinum |
| 2. | Box-Elder | Acer negundo |
| 3. | Horse Chestnut | Aesculus hippocastanum |
| 4. | Tree of Heaven | Ailanthus altissima |
| 5. | Birches | Betula sp. (except River Birch) |
| 6. | Evergreen | Conifer |
| 7. | Catalpa | Catalpa bignonioides |

- 8. Mulberry Morus sp.
- 9. American Sycamore Plantanus occidentalis
- 10. Poplar, Aspen, Cottonwood Populus sp.
- 11. Bradford Pear Pyrus calleryana "Bradford"
- 12. Black Locust Robina pseudoacacia
- 13. Willows Salix sp.
- 14. European Mountain Ash Ulmus pumila

(d) Any portion of any tree that extends over the curb line shall be maintained to ,a minimum of fifteen feet (15') from the top of limb to lowest point on portion extending over the curb, and a minimum of eight feet (8') from the sidewalk to the lowest portion of the tree extending over such sidewalk. (Ord.5-01. Passed 2-26-01.)

1109.12 PUBLIC SITES AND OPEN SPACE.

- (a) Required Dedication or Reservation. Where a proposed park or school site, as shown on a land use adopted by City Council, is located in whole or in part within a proposed subdivision, the Planning Commission may require the following:
 - (1) The dedication to the public of part or all of the proposed site and/or
 - (2) Reservation of the site for a period of up to three (3) years to enable acquisition by the appropriate agency or entity.

- (b) Minimum Dedication Requirements. In all subdivisions or developments which result in additional dwelling units within the City, the Owner/Developer shall be required to dedicate land to public sites and open space without compensation or to pay an amount equal to the value defined herein, of such land to the Board of Park Commissioners for the purpose of developing public sites and open space. The amount of land to be dedicated by the Owner/Developer shall be determined according to the following formula:

$$\text{Acres of Land for Dedication} = \text{Total Population} \times .005$$

The total population of any subdivision will be determined by:

- (1) Determination of a population factor for each dwelling unit in the subdivision
- (2) Summation of all population factors for each dwelling unit in the subdivision.

The population for each dwelling unit shall be as follows:

Single-Family Dwelling	3.0
One Bedroom Multi-Family Dwelling	1.5
Two Bedroom Multiple Family	2.0
Three Bedroom Multiple Family	3.0

- (c) Modifications to Requirements. The Planning Commission, in conjunction with the Board of Park Commissioners may modify the requirements as specified above when the Owner/Developer has shown that at least one of the following conditions exist:
- (1) The development will house a population substantially lower than that established above.
 - (2) The development will have a low need for parks and recreation services.
 - (3) The unique or special characteristics of the project that justify modification of these requirements can be reasonably expected to continue for the life of the project.
- (d) Fee in Lieu of Dedication.
- (1) The Planning Commission, in conjunction with the Board of Park Commissioners, shall determine if land proposed for public sites and/or open space is suitable and desirable for such purpose. If it is determined that the land is not suitable for such purposes, the Owner/Developer shall pay a fee-in-lieu of land dedication to the Board of Parks Commissioners, for the purpose of developing other sites or open spaces.
 - (2) The amount of such fee shall be determined by the following formula:
Fee = Amount of Land to be Dedicated (Acres) x Fair Market Value/Acre
 - (3) The Board of Park Commissioners shall determine the fair market value:, based on the average of sales of raw acreage during the past twelve (12) months within the City of Lancaster. All fees paid under the provisions of this Section shall be deposited with the Lancaster City Treasurer's Department in a fund titled City of Lancaster Public Sites and Open Spaces. Such funds shall be designated for the acquisition and/or development of open space or park for the citizens of Lancaster. Such fees shall be paid prior to recording of the final plat or, in the case of subdivisions and developments not requiring a final plat, fees shall be paid prior to issuance of a Certificate of Zoning Compliance.
- (e) Private Recreational Acres. In lieu of requirements of Section 1109 .12(b) and (d) above, the Owner/Developer may devote not less than the acreage required in 1109 .12(b) to a private recreation area for the use of the occupants of the subdivision. The recreational area must be of suitable size for recreational purposes, as Determined by the Board of Park Commissioners and the Planning Commission. The Owner/Developer must present a plan for development and perpetual maintenance of the site proposed, and such plan must be reviewed and approved by the Board of Park Commissioners and the Planning Commission. The Owner/Developer shall also provide security to ensure development and maintenance of the site in the form of a bond, deposit of funds or other form satisfactory to the Planning Commission. Retention and detention areas may be included as part of the open space requirements if approved by the Board of Park Commissioners. (Ord.5-01. Passed 2-26-01.)

1109.13 MONUMENTS.

(a) General Requirements. All research, investigation, monumentation, measurement specifications, plats of survey, descriptions, and subdivision plats shall conform to the **Minimum Standards for Boundary Surveys in the State of Ohio, Section 4733-37 (Administrative Code) Ohio Revised Code**. These standards are intended as a minimum requirement, and where the surveying profession requires or recommends a higher level of standards, the higher or most restrictive of such standards shall apply.

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

(c) When Set. Monuments in the street centerlines shall be placed upon the completion of paving of the streets. All other monuments are to be set upon completion of the street, water, sanitary sewer improvements, and over lot grading and before acceptance of improvements by the City of Lancaster.

(d) Materials. Monuments shall be constructed of concrete four inches (4") in diameter and thirty inches (30") long with a one-inch (1 ") diameter iron pin cast in the center. Iron pins shall be as per the standards cited above in Section 1109.13(a).

(e) Submittal. When required by the City Engineer, the Professional Surveyor shall submit a stamped drawing indicating the monument location along with such USGS or State Plane coordinates required for the County GIS System. Submittals shall be in the format determined by the City Engineer. (Ord.5-01. Passed 2-26-01.)

**CHAPTER 1111
Site Improvements**

1111.01	General.	1111.04	Water Systems.
1111.02	Streets.	1111.05	Certification of Improvements.
1111.03	Sanitary Sewers.	1111.06	Responsibility and liability during construction.

1111.01 GENERAL.

The improvements required by these subdivision regulations shall conform to the City General Regulations, Standard Construction Drawings and Construction and Material Specifications, and other applicable portions of the Codified Ordinances of the City, and shall be designed, furnished and installed by the Owner/Developer of the subdivision. The Owner/Developer shall be responsible for the costs of all tests required by the City Engineer to establish that the materials and methods utilized in construction of the improvements meets the specifications. Subdivisions shall be provided with the same improvements whether the streets are public or private, except in special situations as approved by the Planning Commission. (Ord.5-01. Passed 2-26-01.)

1111.02 STREETS.

(a) Street Grading. No street grading shall be permitted until the final construction plans have been approved by the City Engineer and inspection fees have been paid. No street grading shall be commenced without a forty-eight (48) working hour notice to the City Engineer.

(b) Street Sub grade. All streets shall be graded to their full width, including side slopes. No obstructions shall be placed or allowed to remain in the street right-of-way. The sub grade shall be free of sod and/or vegetative or organic matter. Soft clay and other unsuitable material shall be cleared to a depth as determined by the City Engineer. The sub grade shall be shaped and compacted subject to the requirements of the City Engineer, and no fill shall be placed until said sub grade has been inspected and approved.

(c) Pavement Application. No pavement shall be placed until the prepared sub grade has been inspected and approved. The finish pavement course shall not be placed over the base course for a period of nine (9) months. Under special conditions, this waiting period may be shortened, but in no case will the waiting period be less than seven (7) months. All failures in the base course must be repaired prior to installation of the finish course.

(d) Street Signs. The Owner/Developer shall provide and install all traffic control, street name and parking signs at intersections and other locations as designated by the City Engineer. Installation shall be under the supervision of the Superintendent, Division of Streets. All signage shall comply with the City Standards and the Ohio Manual of Uniform Traffic Devices. Signage shall be installed prior to the opening of the street to traffic. (Ord.5-01. Passed 2-26-01.)

1111.03 SANITARY SEWERS.

(a) Concrete Encasement. Concrete encasement shall be used when required for the sanitary sewer to withstand trench loadings, when rock is encountered in the trench bottom, when the cover is less than two-and-one-half feet (2 Y2 '), or when such sewer line crosses a stream with year-round flow and where it crosses another utility line with less than eighteen inches (18") separation.

(b) Testing. Testing shall be in accordance with the City Construction and Material Specifications.

(c) Building Sewers. Building sewers shall be constructed at no expense to the City. Before any building sewer is constructed, a tap permit must be obtained from the City. Installation of building sewers shall conform to applicable regulations of the City Division of Water Pollution Control. An "s" shall be stamped into the face of the curb at the location of any building sewer tap'. (Ord.5-01. Passed 2-26-01.)

1111.04 WATER SYSTEMS.

(a) Water Service Lines. All water service lines shall be installed not less than forty-two inches (42") below the ground or pavement surface. No water service line shall be installed in the same trench with a sewer line. Services shall be constructed after the street is rough graded and prior to the installation of paved surfaces and curbs.

(b) Curb Boxes. Curb boxes shall be located behind the back of the curb as directed by the Superintendent, Division of Water. All curb boxes shall be adjusted to the finished ground surface. (Ord.5-01. Passed 2-26-01.)

1111.05 CERTIFICATION OF IMPROVEMENTS.

Upon the completion of construction, and prior to acceptance by the City, the Owner/Developer shall provide the City with an affidavit, which certifies that the construction is in conformance with the approved Construction Plans, the City Standard Construction Drawings, the Construction and Material Specifications, and the Permit to Install. (Ord.5-01. Passed 2-26-01.)

1111.06 RESPONSIBILITY AND LIABILITY DURING CONSTRUCTION.

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

(Ord. 5-01. Passed 2-26-01.)

**CHAPTER 1113
Application Requirements**

1113.01	Preliminary sub division plat.	1113.05	Reserved.
1113.02	Final sub division plat.	1113.06	Application for Preliminary Development Plan (PUD).
1113.03	Sub division improvement construction plans.	1113.07	Application for Final Development Plan (PUD).
1113.04	Application for variance.		

1113.01 PRELIMINARY SUBDIVISION PLAT.

A preliminary plat shall be drawn to scale and submitted on a sheet or sheets of eighteen inches (18") by twenty-four inches (24") inches or twenty-four inches (24") by thirty-six inches (36"), or other size as determined appropriate by the City Engineer. The preliminary plat shall include the following items:

- (a) Proposed name of the subdivision and its situate.
- (b) Location map showing the proposed subdivision and street map for a two (2) mile radius.
- (c) Names and addresses of Owners and Developers.
- (d) Name, address and registration number of the Engineer or Surveyor preparing the plat.
- (e) Date, north arrow and plan scale. Scale shall be one inch (1 ") equals 1 00 square feet or larger scale.
- (f) Boundary lines of the proposed development and the total acreage encompassed therein, including tax parcel I.D. numbers.
- (g) Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent buildings and structures; section, corporation lines, wellhead protection, or historic district adjacent to the tract.

- (h) Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used in developing the tract, indicating pipe sizes, grades and locations.
- (i) The adjoining lines of adjacent tracts, parcels or lots, and names of property owners, and, in the case of a replat of an existing subdivision, the existing lot lines.
- (j) Existing zoning.
- (k) Existing drainage channels, wooded areas, watercourses and other significant physical features, including topography with contour lines based on USGS data at not more than a two-foot (2') difference in elevation.
- (l) Layout of proposed streets, including their names and rights of way, easement sewers, waterlines, culvert and other major improvements.
- (m) Layout, numbering and dimensions of lots, including side yard, rear yard, and building setbacks.
- (n) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the conditions proposed for such covenant, and for the dedications.
- (o) Tentative street grades and sewer size and slope.
- (p) Proposed phasing.
- (q) Any required buffer or screening areas.
- (r) Development type and density for each zoning use.
- (s) List of all proposed variances. (Ord.5-01. Passed 2-26-01.)

1113.02 FINAL SUBDIVISION PLAT.

A final plat shall be drawn to a scale of one inch (1 ") to one hundred feet (100'), or larger on a sheet or sheets a size acceptable to the Fairfield County Recorder, or other size and scale as determined appropriate by the City Engineer. The final plat shall contain the following items:

- (a) Name of the subdivision and the section number, if it is a portion of the total subdivision.
- (b) A description giving the situate, number of acres, city, township, county, property owner's name, owner's deed volume and page number.
- (c) All required certifications and approvals.
- (d) Requested covenants.
- (e) Sheet and total number for each sheet, including covenant sheet.
- (f) Scale, north indicator, and location map.
- (g) The bearings and distances of the boundary lines of the subdivision including basis of bearings.
- (h) The bearings and distances of all lot lines, areas, or easements dedicated to public uses within the subdivision. In case of curved sides of lots, the tangent deflection angle, the length of the tangent, the length of the radius, the length of arc and the length and bearing of the chord shall be given.
- (i) Lot numbers and lot areas.
- (j) The bearing and distances of all straight sections of street center lines. Curved sections of street centerlines shall show the same information as curved lot lines.

- (k) Street names.
- (l) Street, alley and easement widths. Any easement not parallel to property lines shall show the bearings and distances of the lines.
- (m) In the case of plats not located wholly within the City, the corporation line shall be accurately shown and measurements given to the nearest corners of the boundary lines.
- (n) The location of all permanent markers or monuments.
- (o) Building setback lines with their distance from the right-of-way lines.
- (p) Name and registration number of the surveyor preparing the plat.
- (q) Names and lot numbers of adjacent subdivisions, owners of adjoining parcels of un-subdivided land and the location of applicable boundary lines.
- (r) True angles and distances to the nearest established street centerline; section, township and/or corporation line; and/or official monument, where practical, shall be accurately tied to the plat.
- (s) Other additional information as may be required by the Fairfield County Auditor. (Ord.5-01. Passed 2-26-01.)

1113.03 SUBDIVISION IMPROVEMENT CONSTRUCTION PLANS.

Construction Plans shall be prepared for all sanitary sewers, water mains, pavements, and curbing, sidewalks, storm sewers, and drainage ways, and ponds, which are proposed for construction. All plans shall be made on Mylar or other suitable permanent medium, size twenty-four inches (24") by thirty-six inches (36") in a format acceptable to the City Engineer. The proposed work shall be shown in both plan and profile, and in sufficient detail to clearly show all work to be done. In general, the scale shall be one inch (1 ") equals fifty feet (50') horizontal and one inch (1 ") equals five feet (5') vertical, except where additional detail is necessary to clearly show all work to be done. Supplemental specifications may be submitted as separate documents on eight and one-half inch (8 1/2") by eleven-inch (11 ") paper, or may be added onto the tracings. Plans shall contain general notes and a summary of estimated quantities. All drawings shall be made in ink and approved and signed by a Professional Engineer. A title block shall be included in the lower right hand corner of the first sheet for the approval signatures of the City Engineer.

The construction plans shall show the following items:

- (a) Name and section number of the subdivision as shown on the plat map. This shall be located in the lower right corner.
- (b) Sheet and total sheet number.
- (c) The plan and profile of all street centerlines, showing the existing and proposed profile with the proposed center line grades given every fifty feet (50') on straight sections and every twenty-five feet (25') on vertical curves.
- (d) The plan view of the streets showing curb, sidewalk, utility lines and appurtenances, lot corners and foot frontages.
- (e) A typical cross-section or half-section for the various street widths.
- (f) The station and elevation shall be shown for P .C. and P. T. of all curved sections of curb.
- (g) The station shall be shown where a street center line intersects a boundary line or other street centerline, and at each P .C. and P. T. on the centerline.

- (h) All utility lines, including sanitary sewer, storm sewer, water mains, and any existing underground utilities shall be shown on the plan section, with their distance from an established line indicated.
- (i) Station distances shall be given for the center of all manholes, catch basins, valve boxes, and fire hydrants within the street right-of-way. Stationing for storm and sanitary systems shall be from the downstream discharge. Stationing for water systems shall be based on street centerlines.
- (j) The profile for all sanitary and storm sewers shall show the invert and top of casting elevations at each manhole or catch basin and the grade in percent between each manhole and catch basin.
- (k) The depth of water and gas mains below the finished grade shall be shown. In cases where mains cross over or under sewers or other mains, the clearance shall be given. The station for each crossing and/or deflection shall be shown.
- (l) Site distance at each intersection with an existing street.
- (m) Such other information may be required by the City Engineer for his/her review.
(Ord.5-01. Passed 2-26-01.)

1113.04 APPLICATION FOR VARIANCE.

A variance to any portion of these regulations may be granted under extraordinary conditions. These will generally be due to naturally occurring site conditions. A request for variance shall be submitted with the preliminary plat, construction plans, or final plat. The variance request shall include:

- (a) Name, address, and telephone number of the applicant.
- (b) Legal description of property as recorded in the Fairfield County Recorder's office.
- (c) The names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Fairfield County Auditor's current tax list.
- (d) Each application for a variance shall refer to the specific provisions of this chapter which applies.
- (e) A narrative statement explaining the following:
 - (1) The use for which variance or appeal is sought.
 - (2) Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
 - (3) The specific reasons why the variance or appeal is justified.
(Ord.5-01. Passed 2-26-01.)

1113.05 RESERVED.

EDITOR' S NOTE: This section is reserved for future legislation.

1113.06 APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN (PUD).

- (a) Name, address, and phone number of applicant.
- (b) Legal description of property, including tax parcel I.D. number.

- (c) Description of existing use.
- (d) Present and proposed zoning districts.
- (e) A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site along with any wellhead protection or historic district boundaries.
- (f) A list of all property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and their address as appearing on the Fairfield County Auditor's current tax list.
- (g) Proposed schedule for the development of the site, including any phasing.
- (h) Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- (i) A Preliminary Development Plan drawn to scale, prepared by a registered architect¹, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum.
 - (1) Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - (2) General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts, drive aisles, loading spaces, and handicap ramps.
 - (3) Open spaces and the intended use therein and acreage provided.
 - (4) Residential land uses summarized by lot size, dwelling type and density.
 - (5) Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
 - (6) Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
 - (7) Surface drainage and areas subject to flooding.
 - (8) Preliminary plan for water, sewer, storm drainage and other utility systems.
 - (9) Sidewalks including handicap ramps.
 - (10) All building setbacks and required buffer and screening areas.
 - (11) All dumpster locations.
 - (12) Sign locations and sizes.
 - (13) Other information required for evaluation of proposal.(Ord.5-01. Passed 2-26-01.)

1113.07 APPLICATION FOR FINAL DEVELOPMENT PLAN (PUD).

- (a) A survey of the proposed development site, showing the dimensions and bearing of the property lines, basis of bearings, areas in acres, topography, existing features of that development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

(b) All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.

(c) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.

(d) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waster disposal facilities; street improvements, and, nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.

(e) Site plan, showing building(s), various functional use areas, circulation and their relationship.

(f) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.

(g) Plans for landscaping.

(h) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas, which are commonly owned and maintained. (Ord.5-01. Passed 2-26-01.)

**CHAPTER 1115
Variances**

1115.01 Variances

1115.02 Appeal

1115.01 VARIANCES.

Whenever the tract proposed is to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of such requirements contained in these regulations would result in substantial hardship or injuries, the Planning Commission may vary or modify such requirements so that the Sub divider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

(Ord. 5-01. Passed 2-26-01.)

1115.02 APPEAL.

Any person, who believes he has been aggrieved by these regulations 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.

(Ord.5-01. Passed 2-26-01.)

**CHAPTER 1117
Enforcement**

1117.01	Recording of Plat.	1117.03	Penalties
1117.02	Revision of plat after approval.		

1117.01 RECORDING OF PLAT.

No plat or any subdivision shall be recorded by the County Recorder of Fairfield County or have any validity until said plat has received final approval in the manner prescribed in these regulations. (Ord. 5-01. Passed 2-26-01.)

1117.02 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission unless said plat is first resubmitted to the Planning Commission. (Ord.5-01. Passed 2-26-01.)

1117.03 PENAL TIES.

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

- (a) Whoever violates these regulations or fails to comply with any order pursuant thereto, shall be guilty of a misdemeanor of the first degree.
- (b) Any owner or agent of the owner of any land within or without a municipal corporation who transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before the plat has been recorded in the office of the County Recorder, shall be guilty of a misdemeanor of the third degree for each lot, parcel, or tract of land sold. The description of the lot, parcel, or tract by metes and bounds in the deed of transfer shall not exempt the seller from the forfeiture provided in this section.
- (c) Any person who disposes of, offers for sale, or leases for a time exceeding five (5) years, any lot, or any part of a lot, in a subdivision before provisions of these regulations shall be complied with shall be guilty of a misdemeanor of the third degree for each lot or part of a lot sold, offered for sale or leased. (Ord. 5-01. Passed 2-26-01.)

CHAPTER 1118
Validity

1118.01 Validity.

1118.02 Amendments.

1118.01 VALIDITY.

If any chapter, section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations. (Ord.5-01. Passed 2-26-01.)

1118.02 AMENDMENTS.

These regulations may be amended, after public hearing and other requirements as specified in the appropriate sections of the Ohio Revised Code. (Ord. 5-01. Passed 2-26-01.)

