

**SUBDIVISION
REGULATIONS
CITY OF CINCINNATI
ADOPTED BY THE CITY
PLANNING COMMISSION
EFFECTIVE (XX/XX/XXXX)**

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Chapter 1 – General Provisions.

Sec. 100-01. - Title.

These regulations shall be known, cited, and referred to as the Cincinnati Subdivision Regulations.

Sec. 100-03. – Purposes.

These regulations are adopted to:

- (a) Protect and provide for the public health, safety, convenience, comfort, prosperity, and general welfare of the city.
- (b) Guide the future growth and development of the city, in accordance with the city's adopted land use plans, including its zoning codes.
- (c) Provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger.
- (d) Protect the character and quality of the city's neighborhoods while permitting the orderly and beneficial development of the city.
- (e) Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (f) Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city and to provide for the proper location and width of streets and building setbacks.
- (g) Establish reasonable standards of design and procedures for subdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and documentation of subdivided land.
- (h) Prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city to preserve the aesthetic integrity, stability, and character of the city and the value of the land.
- (i) Preserve the natural beauty and topography of the city and to insure appropriate development in relation to those natural assets.

Sec. 100-05. – Applicability.

All subdivision of land within the city and the subsequent development of subdivided land shall be subject to, and comply with these regulations, including but not limited to the following:

- (a) The division of a parcel of land by use of a metes and bounds description for the purpose of sale, transfer, or lease for a period of time exceeding thirty years;
- (b) The division of a parcel of land into two or more vertical lots, e.g. air lots;
- (c) The division of a parcel of land comprised of one or more tax parcels used together as a single integrated unit, including a collection of tax parcels consolidated for tax valuation purposes;
- (d) The improvement of one or more parcels of land involving the division or allocation of land for the opening, widening or extension of any private or public street or streets or any service drive; and
- (e) The division or allocation of land for common use as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Sec. 100-07. – Inapplicability.

These subdivision regulations shall not apply to:

- (a) The conveyance of land owned by a public utility, which does not involve any new streets or easements of access;
- (b) The conveyance of land for roadway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land for a public use;
- (c) Conveyances made to correct descriptions in prior conveyances;
- (d) The sale or exchange of parcels between adjoining lot owners, if the sale or exchange does not result in the creation of an additional building site.
- (e) The division of a parcel of land into parcels of more than five acres not involving any new streets or easements of access.

Sec. 100-09. - Severability.

If any section, subsection, sentence, clause, word or words, or portion of these regulations is for any reason held invalid or unconstitutional, illegal, or otherwise invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent

provision; and such holding shall not affect the validity of the remaining portions of these rules.

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Chapter 2 – Definitions.

Sec. 200-01. – Definitions.

Unless otherwise expressly stated in these regulations the words and phrases defined in this chapter shall have the meanings ascribed to them for the purposes of these regulations.

Sec. 200-01-B1. – Building Setback Line.

The lines indicating the minimum horizontal distance between the street line and buildings or any projection thereof, other than steps and uncovered porches.

Sec. 200-01-I1. – Improvement.

Any man-made change to land.

Sec. 200-01-I2. – Improvement, Public.

Any of the following: roadway pavement, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers and other appurtenant construction as related to the Subdivision Improvement Plan.

Sec. 200-01-L1. – Lot.

Any parcel of land occupied or intended to be occupied by one structure and its accessory structures and uses, including the open spaces required by this chapter and other ordinances and laws.

Sec. 200-01-L3. – Lot Frontage.

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

Sec. 200-01-L4. – Lot Line, Front.

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

Sec. 200-01-L5. – Lot, Rear (Lot, Panhandle or Lot, Flag).

A lot that does not abut on a publicly-dedicated street or a private street for the full required width prescribed by the zoning code, also known as a “panhandle lot” or a “flag lot.”

Sec. 200-01-O. – Owner.

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this chapter.

Sec. 200-01-P. – Parcel.

A contiguous quantity of land in single ownership or under single control used as a single integrated unit, including a collection of parcels consolidated for tax valuation purposes.

Sec. 200-01-R. –Right-of-Way.

The entire strip of land lying between the property line of a street, alley, cross walkway or easement.

Sec. 200-01-S1. –Street.

The entire width between the boundary lines of every public or private way that measures 21 feet or more and set apart for travel.

Sec. 200-01-S2. –Structure, Principal.

Anything constructed or erected, the use of which is the main purpose for the lot.

Sec. 200-01-S3. –Subdivider (Developer).

Any person or corporation or duly authorized agent of a landowner who undertakes the subdivision of land as defined herein.

Sec. 200-01-S4. –Subdivision.

“Subdivision” means either of the following:

- (a) The division of any parcel of land shown as a unit or as contiguous units of the last preceding general tax list and duplicate of real and public utility property, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership.
- (b) The improvement of one or more parcels of land for residential structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or leaseholders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Sec. 200-01-S5. –Subdivision, Major.

Any subdivision of a parcel of land that does not meet the definition of a minor subdivision as defined by Sec. 200-01-S6.

Sec. 200-01-S6. –Subdivision, Minor.

A subdivision of a parcel of land that abuts an existing improved public or private street into no more than three lots, but excluding subdivisions that propose or require one or more of the following features:

- (a) The opening, widening, extension or improvement of a street;
- (b) The installation, extension, or modification of a public utility service line, excluding tap connections to existing utility service lines;
- (c) A request involving a parcel of land that the owner or applicant intends to further subdivide and the planned subdivision together will result in four or more lots;
- (d) A request that seeks a variance or other relief from the city's subdivision regulations or the Cincinnati Zoning Code;
- (e) A request that includes one or more rear lots, as described in Section 800-03(c);
- (f) A request that includes one or more air lots;
- (g) A request involving property subject to the provisions of Cincinnati Municipal Code Chapter 1433, "Hillside Overlay Districts;" or
- (h) A request involving property located in a special flood hazard area, as designated by the Federal Emergency Management Agency.

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Chapter 3 - General Procedures.

Sec. 300-01. – Applications Required.

- (a) All persons requesting the subdivision of land shall apply on forms and in the manner prescribed by the Department of City Planning. Written consent from the legal owner of the land shall be required for all applications submitted by a person other than the owner of the land. Written consent may be provided in the form of a lease, an option, a contract to purchase, or other document sufficient to demonstrate the land owner's consent.
- (b) The application shall include all information and materials specified on the forms provided by the Department of City Planning or any instructions provided by the department in connection with the application form.
- (c) The Department of City Planning shall determine the completeness of each subdivision application. The Department of City Planning shall notify an applicant in writing of an incomplete application within five business days of the submission of an application. For the purposes of this section completeness shall mean that all required documentation has been submitted; it shall not mean that the application conforms to the standards of all applicable sections of these regulations.
- (d) The Department of City Planning shall review all applications against the applicable provisions of these regulations and classify all subdivisions as either a major subdivision or a minor subdivision in accordance with the definitions thereof set forth in Chapter 2 of these regulations.
- (e) No application shall be deemed complete absent the payment of the applicable fee. The schedule of fees and charges relating to the subdivision process is established by the City Planning Commission from time to time upon recommendation by the Department of City Planning.

Sec. 300-03. – Consolidation and Waiver of Submission Requirements.

The Department of City Planning may issue a written waiver of one or more application submission requirements if the department, in its sole discretion, determines the requirements are not necessary to perform a thorough review of a proposed subdivision and the strict application of the requirement will not serve a public or governmental purpose.

Sec. 300-05. - Optional Pre-platting Conference.

Applicants are encouraged to request a pre-platting conference with the Department of City Planning before applying, and the Department of City Planning, in its own discretion, may require a pre-platting conference following application submission to review complex applications and

applications of great public interest.

Sec. 300-07. –Minor Subdivision Procedure.

Minor subdivision applications must conform to the provisions set forth in Sec. 400-01, “Minor Subdivision Plan Submission,” and shall be reviewed as set forth herein.

- (a) *Timeliness Requirement.* The Department of City Planning has the duty to review an application for a minor subdivision within 30 days of receipt of a complete application.
- (b) *Public Notice.* Within 24 hours of submitting a minor subdivision application, the applicant shall post signage on the subject property in the form and manner prescribed by the Department of City Planning, which signage shall be designed to provide notice to the public that the minor subdivision application is under review by the city. The applicant shall cause the signage to remain posted until final disposition of the application.
- (c) *Coordinated Site Review.* The Department of City Planning shall circulate the application through coordinated site review by city departments with jurisdiction over laws, rules, and regulations governing the subject matter of the application. Each city department shall review an application against the regulations set forth herein, and the standards, rules, and regulations within its jurisdiction and advise on the merits of the application.
- (d) *Decision.* The Department of City Planning shall approve a minor subdivision when it finds:
 - (1) *City Plans.* The subdivision is consistent with applicable city-adopted land use plans.
 - (2) *Planning Principles.* The subdivision is consistent with the general intent and purposes of these subdivision regulations.
 - (3) *City Administration Standards, Rules, and Regulations.* The subdivision is consistent with applicable laws, rules, and regulations governing the proposed subdivision, including, but not limited to, subdivision lot standards set forth in these subdivision regulations, the Cincinnati Zoning Code, and the Flood Damage Reduction Chapter of the Cincinnati Building Code.
 - (4) *Design.* The subdivision is designed to minimize disturbance to natural topography, tree cover, and natural drainage ways to avoid adverse impacts on area stormwater drainage.
 - (5) *Access and Public Services.* Existing or proposed streets, sidewalks, driveways, and utilities that will serve the subdivision are configured and designed to minimize adverse impacts related to traffic circulation and to

ensure the efficient provision of all public services, including emergency services.

- (e) *Referral to Public Hearing.* The Department of City Planning may refer minor subdivision applications to the City Planning Commission for review at a public hearing when it finds the subdivision exhibits a level of complexity or the potential for adverse impacts to surrounding property owners.
 - (1) *Referral Shall be in Writing.* The Department of City Planning shall notify the applicant in writing setting forth the reasons for its decision to refer the application to a public hearing.
 - (2) *Public Hearing Procedures.* The review of a minor subdivision application referred for a public hearing shall be conducted in the same manner as a development plan review for a major subdivision.
- (f) *Notice of Decision.* Unless the review of the application is referred pursuant to subsection (e), the Department of City Planning's decision on an application shall be reduced to writing and mailed to the applicant, the community organization representing the area in which the subject property is located, and all property owners within 100 feet of the boundaries of the parcel of land approved for subdivision.
- (g) *Appeal.* Any person adversely affected by the Department of City Planning's decision may appeal to the City Planning Commission within 30 days of the date of mailing of the decision. The review of the decision shall be conducted in the same manner as a development plan review for a major subdivision.

Sec. 300-09. –Major Subdivision Procedure.

Major subdivision applications shall be reviewed as set forth herein; provided, however, the Department of City Planning may permit an applicant to submit a combined application for development plan and subdivision improvement plan if the department, in its sole discretion, determines that a combined review will permit a thorough review of a proposed subdivision.

- (a) *Development Plan Review.* Plans accompanying development plan applications shall conform to Sec. 400-03, "Development Plan Submission."
 - (1) *Public Hearing Requirement.* The City Planning Commission has the duty to hold a public hearing on development plan applications within 30 days of receipt of a complete application by the Department of City Planning.
 - (2) *Posted Notice.* Within 24 hours of submitting an application for a development plan, the applicant shall post signage on the subject property in the form and manner as prescribed by the Department of City Planning, which signage shall be designed to provide notice to the public that the preliminary plan is under review by the city. The applicant shall cause the signage to remain posted until

final disposition of the application.

- (3) *Notice by Mail.* The Department of City Planning shall mail notice of a complete development plan application and a date scheduling a hearing on the application by regular mail to the applicant, the community organization representing the area in which the subject property is located, and all property owners within 200 feet of the boundaries of the parcel of land being considered for subdivision within ten calendar days of receipt of a complete application.
- (4) *Coordinated Site Review.* The Department of City Planning shall circulate the application through coordinated site review by city departments with jurisdiction over laws, rules, and regulations governing the subject matter of the application. Each city department shall review an application against the regulations set forth herein, and the standards, rules, and regulations within its jurisdiction and advise on the merits of the application.
- (5) *Advisory Report.* The Department of City Planning shall submit an advisory report evaluating the merits of the proposed subdivision to the City Planning Commission.
- (6) *Decision.* The City Planning Commission shall approve a development plan application when it finds:
 - (i) *City Plans.* The application is consistent with applicable city-adopted land use plans.
 - (ii) *Planning Principles.* The application is consistent with the general intent and purposes of these subdivision regulations.
 - (iii) *City Administration Standards, Rules, and Regulations.* The application is consistent with applicable laws, rules, and regulations governing the proposed subdivision, including, but not limited to, subdivision lot standards set forth in these subdivision regulations, the Cincinnati Zoning Code, and the Flood Damage Reduction Chapter of the Cincinnati Building Code.
 - (iv) *Design.* The subdivision is designed to minimize disturbance to natural topography, tree cover, and natural drainage ways to avoid adverse impacts on area stormwater drainage.
 - (v) *Access and Public Services.* Existing or proposed streets, sidewalks, driveways, and utilities that will serve the subdivision are configured and designed to minimize adverse impacts related to traffic circulation and to ensure the efficient provision of all public services, including emergency services.

- (vi) *Multiple Phases.* If applicable, the phasing plan will provide for an orderly and efficient development.
- (7) *Notice of Decision.* The City Planning Commission's decision on a development plan shall be reduced to writing and mailed to the applicant, the community organization representing the area in which the subject property is located, and all property owners within 200 feet of the boundaries of the parcel of land approved for subdivision.
- (8) *Duration of Approval.* A development plan approval shall be effective for 24 months from the mailing of the decision, unless extended by the City Planning Commission for one additional 24-month period prior to its expiration or otherwise subsequently approved pursuant to a phasing plan. In no event shall a development plan approval be effective for more than 48 months.
- (b) *Subdivision Improvement Plan Review.* If required in connection with a major subdivision proposal, a subdivision improvement plan must be reviewed and approved by the City Planning Commission within 24 months following approval of the development plan for the subdivision. The subdivision improvement plan must conform to Sec. 400-05, "Subdivision Improvement Plan Submission."
 - (1) *Coordinated Site Review.* The subdivision improvement plans shall be reviewed pursuant to a coordinated site review process conducted by city departments with jurisdiction over laws, rules, and regulations governing the subject matter of the application. Following review, the Department of City Planning shall transmit the coordinated site review process findings and a recommendation to the City Planning Commission on whether to approve, approve with conditions, or deny a subdivision improvement plan.
 - (2) *City Planning Commission Review.* The City Planning Commission shall review the subdivision improvement plan within 30 days of receiving the coordinated site review panel's recommendation. The commission shall approve the subdivision improvement plan if it finds the plan is substantially consistent with the development plan approval and the applicable laws, rules, and regulations governing the site and infrastructure improvements depicted on the plan.
 - (3) *Notice of Decision.* The City Planning Commission's decision on a subdivision improvement plan shall be reduced to writing and mailed to the applicant.
 - (4) *Effect of City Planning Commission Subdivision Improvement Plan Approval.* Approval of a subdivision improvement plan by the City Planning Commission shall not have the effect of authorizing site work. No person shall begin site work until all necessary city departments, utilities, or permitting authorities have executed the subdivision improvement plan and all necessary site development permits have been issued.

- (c) *Final Plat Review*. Final plats for a major subdivision must be submitted for review by the City Planning Commission within 12 months following (i) approval of the development plan for the subdivision if no subdivision improvement plan is required; (ii) the completion of site and infrastructure improvements if a subdivision improvement plan is required. The final plat must conform to Sec. 400-07, "Final Plat Submission."
- (1) *City Planning Commission Review*. The City Planning Commission shall review the final plat within 30 days following its submission. The commission shall approve the final plat if it finds the plat is substantially consistent with the development plan approval and, if applicable, all work required pursuant to the subdivision improvement plan has been completed and all related permits have been closed.
 - (2) *Notice of Decision*. The City Planning Commission's decision on a final plat shall be reduced to writing and mailed to the applicant.
 - (3) *No Acceptance*. The approval of a final plat shall not be deemed to constitute or effect an acceptance by the city of the dedication of any street or other proposed public way or space shown on the plat.

Sec. 300-11. – Other Provisions.

- (a) *Multiple Phases*. The City Planning Commission may require that an owner or developer of a project requiring significant infrastructure improvements to sequence into phases a development plan, a subdivision improvement plan, or a final plat in order to ensure that the development plan, a subdivision improvement plan, or a final plat conforms to the requirements of applicable laws, rules, and regulations.
- (1) The City Planning Commission shall require the submission of a schedule detailing deadlines within which applications for plan approval of each phase or section are intended to be filed.
 - (2) All phases shall be required to stand-alone. No proposed prior phase shall be dependent on the completion of subsequent phases to be consistent with any required approvals and/or conditions, including, but not limited to: the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation, recreation and/or public services impacts. Landscaping and parking improvement shall be provided within each phase as required.
 - (3) Phases shall be constructed in the manner approved in the phasing plan to ensure orderly and planned development. Phases shall be planned to ensure the efficient construction of adjacent future phases and to ensure that phased development does not allow for leapfrog development.

- (b) *Conditions.* The Department of City Planning or the City Planning Commission, as the case may be, may place one or more conditions upon the approval of a minor subdivision, a development plan, a subdivision improvement plan, or a final plat in order as necessary to secure substantially the objectives of the standards or requirements of these regulations.
- (c) *Amendments.* Once approved, a minor subdivision or development plan may only be amended in accordance with the same procedures governing the initial approval of a minor subdivision or development plan.
- (d) *Removal of Structures.* No minor subdivision approval or final plat approval for a major subdivision that requires the removal of an existing structure or structures shall be effective or otherwise authorize the recording of a final subdivision plat until the Department of City Planning certifies that the structure or structures have been removed from the parcel to be subdivided.
- (e) *Appeal.* Any person adversely affected by the City Planning Commission's approval of a minor subdivision pursuant to Sec. 300-07(f) or a development plan of a major subdivision may file appeal to the Hamilton County Court of Common Pleas in the manner provided under the Ohio Revised Code.

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Chapter 4 –Applications.

Sec. 400-01. –Minor Subdivision Plan Submission.

- (a) The purpose of a minor subdivision plan is to provide the Department of City Planning with sufficiently detailed information to evaluate a minor subdivision. The plan should show all information necessary to determine whether the proposed subdivision meets the standards and requirements of these regulations, the zoning code, and the utility service requirements of city departments with jurisdiction over laws, rules, and regulations governing the subject matter of the application.
- (b) Minor subdivision plans shall be clearly and legibly drawn and contain information as may be required from time to time by the Department of City Planning, but in all instances, shall include the following:
 - (1) *Ownership Information.* The name, address and telephone number of the legal owner, beneficial owner or owners and any persons enjoying options or rights to acquire the property and a statement of last instrument conveying title to, or beneficial ownership of, or options with respect to, each parcel or property involved in the proposed subdivision, giving grantor, grantee, date and land records involved.
 - (2) *Map.* A drawing or print of a City map, or a part thereof, showing the location of the proposed subdivision.
 - (3) *Property Boundary.* The boundary of the property, accurate in scale, shall be shown by bold lines. The bearing and distance of each course in the boundary outline and the acreage contained therein shall be provided.
 - (4) *Concept Plan.* A drawing or print showing by scale and dimensions the parcels proposed to result from the subdivision and all proposed uses, structures, and densities; general lot and roadway layout; and site improvements and structures to be removed.
 - (5) *Site and Abutting Property Inventory.* To the extent that they relate to the site, inventory and preliminary analysis of topography; trees, waterways, wetlands and drainage; historic features; adjacent land uses and zoning, including locations of existing structures on the subject parcel and existing structures within twenty-five feet of the boundaries; utilities and related easements; railroads, roadways and traffic circulation; public water and public sewer availability; and other information critical to an understanding of the capability of the site to accommodate the proposed development.
 - (6) *Existing Rights-of-Way and Structures.* The true relationship between the boundary of the property and the rights-of-way of existing roads upon which it

may border, together with the location of existing improvements in such rights-of-way shall also be provided.

- (7) *Topography*. Information on the topography and drainage of the concept subdivision and within fifty feet thereof. If any part of the proposed subdivision is subject to flooding, a line indicating the water surface elevation of the 100-year flood shall be shown on the drawing and, if applicable, the location of the regulatory floodway.
- (8) *Utilities*. Information on the location of existing utilities and easements.
- (c) A minor subdivision plan submission shall be reviewed by the Department of City Planning or the City Planning Commission in accordance with the procedures described in Chapter 3. - General Procedures.

Sec. 400-03. – Development Plan Submission.

- (a) The purpose of the development plan is to provide the city with sufficiently detailed information to evaluate a major subdivision.
- (b) Development plans shall contain such information as may be required from time to time by the City Planning Commission, but in all instances, shall include the following:
 - (1) *Basic Information*.
 - (i) *Identification*. The proposed name of the subdivision.
 - (ii) *Scale*. The development plan shall be drawn at a scale. The vertical scale of street and sewer profiles shall be drawn at a scale of 20 feet to the inch (20' = 1") except where it is appropriate to use some other scale to properly show conditions. The horizontal scale shall be drawn at a scale of 100 feet to the inch (100' = 1") except where it is appropriate to use some other scale to properly show conditions.
 - (iii) *North Point*.
 - (iv) *Map*. A key map showing the location of the property within the city.
 - (v) *Names*. The names and addresses of the owner or owners of record, the subdivider, the engineer and surveyor.
 - (vi) *Date of Submission*.
 - (vii) *Submission History*. If applicable, the date of concept plan review and a

diagram of subsequent significant changes to the proposed subdivision since concept review.

- (viii) *Signatures*. A signature block for the applicant, engineer, and surveyor.
- (ix) *Action/ Disposition Space*. Space for statement of approval or denial by the City Planning Commission with lines for signature and date.

(2) Existing Conditions.

- (i) *Boundary Lines*. The boundary lines, accurate to scale, of the parcel to be subdivided, including approximate total acreage and boundary lines of adjacent parcels within 100 feet of the subject parcel.
- (ii) *Adjacent Parcels*. The identification of adjacent subdivisions and parcels identified by auditor's record book, page and parcel number of recorded lots or parcels immediately adjoining the subject property, including the names of record owners of adjacent parcels.
- (iii) *Existing Structures*. Existing building setback lines, and dimensional standards established by the zoning code. Existing lots subject to Cincinnati Zoning Code Chapter 1433, "Hillside Overlay Districts," shall include a depiction of the existing building envelope.
- (iv) *Public and Private Ways and Easements*. The location, widths and names of all existing or platted streets, alleys, railroad and utility rights-of-way, parks and public open spaces, community ownership association, permanent buildings and structures, all section and corporation lines within or adjacent to the tract, and other important features such as existing sidewalks, water courses, pipelines, pole lines, high tension lines, access or drainage easements, etc.
- (v) *Underground Facilities*. The locations of existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto, indicating pipe size, elevations and grades, if known or available.
- (vi) *Zoning*. Zoning boundary lines, if any, including the boundary lines of hillside district or other overlay or special districts. Also, present uses of property and buffer areas, if applicable.
- (vii) *Contour Lines*. Existing contours and elevations with intervals of two feet referenced to the U.S.G.S. datum.
- (viii) *Physical Features*. Drainage channels, wooded areas, water courses and

other significant physical features located on, and within 100 feet of, the subject parcel.

- (ix) *Hazard Areas.* FEMA flood hazard areas, wetlands, floodplain management areas, detention basins, active landslide areas, and unstable soil areas.

(3) Proposed Conditions.

- (i) *Rights-of-Way and Easements.* Proposed street and alley layouts and right-of-way widths; the layout and widths of proposed easements, including utility, access, no-build, or drainage easements, as applicable.
- (ii) *Lots and Blocks.* Proposed layout and dimensions of proposed lots and blocks, including square-footage and acreage calculations of proposed lots. Lots and blocks shall be numbered sequentially for each plat from one. The square footage of proposed rear lots shall be calculated to exclude the proposed access strip.
- (iii) *Dedicated Areas.* All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitation of such reservation indicated.
- (iv) *Setbacks.* Proposed building setback lines, and dimensional standards established by the zoning code. Proposed lots subject to Cincinnati Zoning Code Chapter 1433, "Hillside Overlay Districts," shall include a depiction of permissible building envelopes and include a soil classification summary based upon the information contained in the soil survey published by the national cooperative soil survey, U.S. Department of Agriculture, Soil Conservation Service, in cooperation with the Ohio Department of Natural Resources, Division of Lands and Soils, and the Ohio Agricultural Research and Development Center, as well as erosion, sedimentation control and slope stability measures.
- (v) *Landscaping.* Proposed preliminary landscape plans, including a general depiction of existing natural features including tree growth and proposed designated ground cover.
- (vi) *Miscellaneous.* Other information that may be required by city departments, utilities, or permitting authorities, including but not limited to: slope analysis, sight distance analysis, reference points, circulation analysis, and proposed water main and service branch lines.

(c) A development plan submission shall be reviewed by the City Planning Commission

in accordance with the procedures described in Chapter 3. - General Procedures.

Sec. 400-05. – Subdivision Improvement Plan Submission.

- (a) The purpose of a subdivision improvement plan is to provide the city with final construction drawings and specifications for review and approval ensuring the proposed development meets applicable site and infrastructure requirements before site development permits are issued and necessary improvements are installed or modified.
- (b) Applications for subdivision improvement plan approval shall contain such information as may be required from time to time by the City Planning Commission, or other city departments or permitting authorities having jurisdiction over the subject matter of the required public or private improvements, but in all instances shall contain the following:
 - (1) *Title.* Title or cover sheet.
 - (2) *Plan and Profiles.* Plan and profile sheets showing proposed street grades with location and sizes of storm and sanitary sewers, water mains, and fire hydrants at an appropriate scale and in accordance with the standards established by the Metropolitan Sewer District, Greater Cincinnati Water Works, and Cincinnati Fire Department.
 - (i) *Land Disturbance.* A grading plan showing the limits of disturbed areas and their proximity to adjacent properties.
 - (ii) *Erosion Control.* An erosion and sediment control plan designed to conform to the standards established by the stormwater engineer and Director of Buildings and Inspections, with construction schedule.
 - (iii) *Cut and Fill.* Cross-sections showing proposed grades and locations shall be indicated where the developer proposes cut and fill.
 - (iv) *Rights-of-Way and Easements.* Cross-sections of rights-of-way showing location and widths of all existing and proposed easements.
 - (v) *Streets.* A street profile plan for each new street in the proposed subdivision.
 - (vi) *Stormwater Facilities.* Stormwater drainage facilities and drainage calculations shall be shown on plans, where necessary.
 - (vii) *Wastewater and Sanitary Sewers.* All proposed wastewater and sanitary sewer facilities shall be shown on plans, where necessary.

- (viii) *Water Facilities.* All proposed water facilities shall be shown on plans, where necessary.
 - (3) *Construction Quantities.* A summary of construction quantities shall be indicated.
 - (4) *Standard Details.* Standard construction details shall conform to the applicable city department or permitting authority standards, rules, or regulations for construction drawings, as noted in Chapter 8 of these regulations.
- (c) All subdivision improvement plans shall be prepared under the supervision of a registered professional engineer who must certify that the plans are true and accurate and that all proposed roads and utilities, and their location, size and material are correctly shown.
- (d) Applications for subdivision improvement plan review shall be submitted to the Department of City Planning and shall be subject to the coordinated site review process in accordance with the procedures described in Chapter 3. - General Procedures.

Sec. 400-07. – Final Plat Submission.

- (a) Applications for final plat approval shall contain such information as may be required from time to time by the City Planning Commission, but in all instances, shall contain the following:
- (1) If applicable, the date of development plan and/or subdivision improvement plan approval and identification of significant changes from such plat approvals.
 - (2) The final plat of subdivision shall be clearly and legibly drawn on one or more sheets with a maximum sheet size not to exceed 24 by 36 inches (24" x 36"). The plat shall be prepared in accordance with the minimum plat requirements as established by the Hamilton County Engineer's Office. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on the other sheet or sheets. The final plat of the subdivision shall show the following:
 - (i) The name of the subdivision, graphic scale of the plat, north point, the names and addresses of owner of record, the applicant, and the engineer or surveyor of record, and date of preparation, including the date of the latest revision.

- (ii) Plat boundary lines with accurate distances and bearings, and acreage of the subdivision, lots, streets, easements, and other areas for public or private use.
- (iii) Municipal, township, or section lines accurately tied to the subdivision lines by distances and angles.
- (iv) Legal description of the land embraced in the plat, showing the township and range in which such land is situated and the sections and parts of sections platted, and in the case of replatting or resubdividing, describe the part of, and the name of, the original plat which is replatted or resubdivided, containing the name of the city or addition platted and the signature of the owner and of the surveyor producing the plat.
- (v) If there is an excepted parcel within the plat boundary, it must be accurately described by metes, bounds, and courses.
- (vi) Radii, arcs and chords, points of curvature and tangency. Central angles for all curvilinear streets and radius for all rounded corners
- (vii) All street and alley lines within and adjoining the plat, indicating right-of-way widths and proposed street names.
- (viii) All lot numbers and lines with accurate dimensions in decimals of a foot and bearings in degrees, minutes and seconds
- (ix) An accurate outline of any portions of the property intended to be dedicated or granted for public use, with purposes indicated thereon, and of any areas to be reserved by deed covenant, for the common use of all property owners.
- (x) The names and deed book reference of adjoining subdivisions and the owners of all adjoining parcels including O.R. book and page, and Auditor's parcel reference.
- (xi) Minimum building setback lines, front, rear, and side.
- (xii) The location of all easements provided for public use, services or utilities, including limitations of such easements, with each easement labeled for its intended use.
- (xiii) Accurate outlines and delineation of all drainage easements, one hundred (100) year floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.

- (xiv) Accurate description of location, material and size of all monuments.
- (xv) The following notice shall appear on any plat of land within an area of special flood hazard, as identified by the Federal Emergency Management Agency:

“A portion of this subdivision is within an area of special flood hazard – consult the Cincinnati offices of the Department of Buildings and Inspections and the Stormwater Management Utility.”

- (3) The following notes and jurat’s pertaining to the plat may be required on a final plat:

- (i) Notation regarding protective covenants, if any, including their periods of existence. Should these restrictions or trusteeships be of such length so as to make their lettering on the plat impracticable and, thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- (ii) Certification by a registered surveyor to the effect that the plat represents a survey made and closed by him and that all the monuments shown thereon actually exist and that their location, size and material are correctly shown or will be set one foot below proposed grade prior to beginning of construction, and that all dimensional and geodetic details are correct.
- (iii) A signed and notarized certification by the owner or owners of adoption of the plat and dedication of streets, easements and any other public areas.
- (iv) Notation giving deed reference of last transfer of title to owner making dedication.
- (v) Space for signature lines for all applicable city officials, utilities, or permitting authorities.
- (vi) Space for statement of approval by the City Planning Commission with signature lines for the chairperson and Director of the Department of City Planning and approval date.

- (b) A final plat submission shall be reviewed by the City Planning Commission in accordance with the procedures described in Chapter 3. - General Procedures.

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Chapter 5 – Variances.

Sec. 500-01. - Purpose.

The variance procedures are intended to provide a means by which relief from the terms, provisions, standards, or improvement requirements of the subdivision regulations, or relief from dimensional, numerical, or location standards of the zoning code may be granted to avoid undue hardship or practical difficulties.

Sec. 500-03. – General Standards for Variances from Subdivision Regulations.

The City Planning Commission may grant a variance from these subdivision regulations if it finds that an applicant has demonstrated by a preponderance of evidence in each specific case that:

- (a) A variance is consistent with the general purposes of these regulations and shall not have the effect of nullifying the general intents and purposes of the zoning code;
- (b) The variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (c) The strict enforcement of these regulations will cause undue hardship or practical difficulty to the applicant due to particular physical surroundings, shape, or topographical condition of the specific property involved;
- (d) The conditions upon which the request for a variance is based are unusual to the property for which the variance is sought and are not applicable generally to other property;
- (e) The purpose of the variance is not based exclusively upon a desire to obtain additional income from the property;
- (f) The special circumstances or conditions are created by the provisions or requirements of these regulations and have not resulted from any act of the applicant or applicant's predecessor in interest; and,
- (g) The requested variance is the minimum adjustment necessary for the reasonable use of the land.

Sec. 500-05. – Special Standards for Variances to Promote Superior Urban Design.

- (a) The City Planning Commission may grant variances from the terms, provisions, standards, or improvement requirements set forth in these regulations to provide

greater flexibility in the design and layout of a major subdivision to encourage superior urban design.

- (b) The City Planning Commission may grant a variance under this section when it finds that an applicant has demonstrated by a preponderance of evidence that such relief from the literal implication of these regulations is consistent with the general purposes of these regulations and is necessary and appropriate to achieve one or more of the following conservation goals in the public interest:
- (1) The preservation of resources and energy demand through energy saving measures like the use of green and sustainable development practices, including, but not limited to, LEED certified construction, reusable energy systems, green roofs, or rain gardens;
 - (2) Dedication of outdoor recreation areas or other forms of enhanced open space;
 - (3) Enhanced streetscapes designed to promote a pedestrian friendly environment;
or
 - (4) The integration of historic architectural elements, materials, physical characteristics, and public art specific to the area to promote community identity and heritage.

Sec. 500-07. – Special Standards for Variances to Promote Conservation.

- (a) The City Planning Commission may grant variances from the terms, provisions, standards, or improvement requirements set forth in these regulations to provide greater flexibility in the design and layout of a major subdivision to encourage the preservation of topographical, historical, or environmentally sensitive features.
- (b) The City Planning Commission may grant a variance under this section when it finds that an applicant has demonstrated by a preponderance of evidence that such relief from the literal implication of these regulations is consistent with the general purposes of these regulations and is necessary and appropriate to achieve one or more of the following conservation goals in the public interest:
- (1) The enhancement, conservation, or protection of mature trees, water courses, soils, wetlands or scenic resources;
 - (2) The preservation of open greenspace or identifiable historic sites; or
 - (3) The preservation of unique natural land features.

Sec. 500-09. – Relief from the Zoning Code.

The City Planning Commission may grant zoning relief from regulations prescribed by the
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Cincinnati Zoning Code where it finds that undue hardship or practical difficulties may result from strict compliance with those regulations, provided, however, that such variance shall not have the effect of nullifying the intent and purpose of these rules or the zoning code. The City Planning Commission shall conduct the review in the same manner and based on the criteria as prescribed by the Cincinnati Zoning Code.

Sec. 500-11. – Conditions of Approval.

In approving a variance or relief from the zoning code, the City Planning Commission may impose conditions that are determined to be in the public interest and necessary to mitigate any harmful effects of the variance to secure substantially the objectives of the standards or requirements of these regulations.

Sec. 500-13. – Zoning Relief Procedure.

An application for a variance or other relief from the zoning code made in connection with an application for a minor subdivision or development plan must be filed with the Department of City Planning at the same time as the application for a minor subdivision or development plan.

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Chapter 6 – Vacation of Plats, Streets; Resubdivision of Land.

Sec. 600-01. – Vacation of Plats; Streets.

- (a) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (b) An instrument vacating any plat thereof shall be approved by the City Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- (c) An instrument vacating any plat or part thereof shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- (d) When lots have been sold, the plat may be vacated in the manner provided in this chapter by all the owners of lots in such plat joining in the execution of such instrument.

Sec. 600-03. –Resubdivision Procedure.

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the City Planning Commission by the same procedure, rules, and regulations as for a subdivision.

Sec. 600-05. – Procedure for Subdivisions Where Future Resubdivision is Indicated.

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

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Chapter 7 – Improvement Guarantees; Control of Construction; Acceptance of Public Improvements.

Sec. 700-01. –General.

In order to assure the orderly growth of the city and to provide for the installation of all required improvements, public or private, associated with new development, no final plat shall be recorded until the requirements of this chapter have been met.

Sec. 700-03. – Performance Guarantee for Subdivision Improvements.

Guarantees or performance bonds in the substance and form prescribed by and deemed satisfactory to all applicable city departments or permitting authorities, including, but not limited to, the Department of Transportation and Engineering, Greater Cincinnati Water Works, the Metropolitan Sewer District of Greater Cincinnati, and the Stormwater Management Utility shall be furnished to those applicable city department or permitting authority before recording of an approved final plat to ensure sufficient funding to complete satisfactory construction and performance of all necessary public improvements in the event an owner, developer, subdivider, contractor or subcontractor is unable to complete those improvements.

Sec. 700-05. –Performance Guarantee for Site Grading.

The City Planning Commission may require a performance bond in the substance and form prescribed by the Department of Buildings and Inspections, as a condition of issuing grading or cut and fill permits in preparation for future lot development. The performance bond shall be sufficient to ensure compliance with the conditions of the permit, these regulations, and to repair any damage that may result from site grading or cut and fill work.

Sec. 700-07. – Maintenance Warranty.

An owner, developer, subdivider, contractor or subcontractor shall remove, replace and/or repair faulty, defective or improper work, materials or equipment discovered during a warranty period prescribed by and deemed satisfactory by the applicable public utility or permitting authority before the acceptance of public improvements by the city.

Sec. 700-09. – Construction Control.

- (a) All proposed public and private improvements shall be installed after subdivision improvement plan approval. No work shall start before obtaining all necessary site development permits from the applicable city departments, utilities, or permitting authority.
- (b) No building permits shall be issued for the construction of a building or structure unless a final plat has been approved and recorded and unless all public improvements

are provided to serve the subdivision in the manner and in accordance with applicable city department or permitting authority development standards, rules, or regulations.

- (c) All necessary sediment control and erosion prevention measures shall be constructed and effective before any land disturbance may occur.

Sec. 700-11. – Inspection of Improvements.

- (a) Unless otherwise specifically provided, inspection of the construction of the improvements shall be by the city and paid for by the subdivider.
- (b) All work shall be subject to inspection by applicable city departments with jurisdiction over the permitting of the subject improvement.
- (c) Compliance of all improvements with the applicable city department or permitting authority standards rests with the subdivider irrespective of contracts, agreements or inspections performed.

Sec. 700-13. - Submission of "As Built" Drawings.

- (a) After completion of all public improvements and before final acceptance of said improvements, the developer shall make or cause to be made "as built" drawings showing the actual location of all improvements.
- (b) Presentation of the "as built" plans to the city shall be a condition of final acceptance of the subdivision improvements.

Sec. 700-15. - Acceptance of Public Improvements.

- (a) If any plat of subdivision contains public streets or easements which are dedicated thereon as such, whether located within the city or in part outside thereof, or contains existing streets located outside of the corporate limits, approval of the final plat by the City Planning Commission, approval of payouts under the terms of a guarantee of improvement, or subsequent annexation of the property to the city shall not constitute an acceptance by the city of such streets or easements, nor of the public improvements constructed or installed thereon or therein, irrespective of any act by any officer, agent or employee of the city with respect to such streets or improvements.
- (b) The acceptance of all public improvements shall be made only by the adoption of an ordinance by the City Council.

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Chapter 8 – Subdivision Standards.

Sec. 800-01. - General.

All subdivisions in the city shall comply with the minimum standards set forth in this chapter, the zoning code and all other applicable city regulations.

Sec. 800-03. - Lot Standards.

- (a) Lot dimensions, area, and setbacks shall comply with the requirements of the zoning code, as amended from time to time, for the zoning district in which the property is situated.
- (b) Lots shall not block any street extensions which have been set forth on the official map of the city.
- (c) Every lot of a subdivision shall abut on an improved, publicly-dedicated street or an improved private street for the full required width prescribed by the zoning code, provided, however, that the City Planning Commission may approve a subdivision that does not meet these standards (hereinafter referred to as "rear lots") if the City Planning Commission finds that the proposed rear lot is unlikely to impose adverse effects on the provision of public services and will not detract from the harmonious development of the area surrounding the proposed rear lot based on the criteria set forth below:
 - (1) The proposed rear lot does not substantially deviate from the predominant land development patterns of adjacent and abutting lots concerning lot density, structure orientation, and structure setbacks.
 - (2) The proposed rear lot contains the minimum square-foot area of the applicable zoning district, exclusive of the access strip, which access strip shall not contribute to the minimum lot area calculation.
 - (3) The proposed rear lot provides, at minimum, an access strip that abuts an improved public or private street for at least 21 feet in width for its entire length.
 - (4) The proposed access strip is designed and configured to present minimal impacts on existing traffic circulation patterns, identifiable natural physical features, and ensure adequate access for emergency response services; and
 - (5) The proposed rear lot is unlikely to have an adverse impact on neighboring property values.

- (d) The City Planning Commission shall not approve a rear lot if it determines:
 - (e) That its primary purpose is to avoid the construction of a public or private street;
 - (f) That the lot would create a public safety hazard; or,
 - (g) That the lot would be inconsistent with the city's adopted land use objectives and policies.
- (h) Double-frontage lots and reversed-frontage lots are not permitted, except in such instances where such a lot arrangement will avoid the construction of lots that face on secondary streets.
- (i) Side lot lines shall be approximately at right angles or radial to the right-of-way line of the street on which the lot faces unless unusual site conditions or topography justify an alternative alignment.
- (j) No remnants of property shall be left which do not conform to all lot requirements, unless such remnant parcels are dedicated to and accepted by the city for public purposes.

Sec. 800-05. – Streets.

All improvements for existing, proposed and future public and private streets shall be designed and constructed to conform with the applicable city standards, rules, and regulations administered by the director of the Department of Transportation and Engineering, which standards, rules, and regulations may be amended and modified from time to time.

- (a) All properties shall have access to either a dedicated public street or a private street.
- (b) Proposed streets which are in alignment with or constitute a continuation of existing streets shall bear the name of those existing streets. Public streets shall otherwise be named in accordance with the laws, rules, and regulations for the naming of public streets.

Sec. 800-07. -Storm Drainage.

The standards, rules, and regulations administered by the stormwater management engineer of the Stormwater Management Utility shall govern the development of all new or modified drainage systems. The development or modification of such drainage systems shall include the conveyance of surface water to an adequate outlet which can carry the flow.

Sec. 800-09. – Water Service.

All improvements for existing, proposed and future water main and service branch

extensions shall be designed and constructed to conform with the applicable city standards, rules, and regulations administered by the director of the Greater Cincinnati Water Works, which standards, rules, and regulations may be amended and modified from time to time.

Sec. 800-11. – Wastewater and Sanitary Sewer Systems.

All improvements for existing, proposed and future wastewater and sanitary sewer systems shall be designed and constructed to conform with the applicable standards, rules, and regulations adopted by the Metropolitan Sewer District, which standards, rules, and regulations may be amended and modified from time to time.

Sec. 800-13. – Public Utilities.

- (a) *Undergrounding of Public Utility Service Lines.* The City Planning Commission may require all telephone, electric, gas, water and cable service lines to be placed underground throughout the entire subdivision area. All conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground service. All such telephone, electric, gas, water and cable service lines shall be located and constructed to minimize or eliminate flood damage. Above-ground structures identified with said underground service facilities shall be located so as not to be unsightly or hazardous to the public and shall be landscaped.
- (b) *Easements.* All utility and drainage easements of not less than ten feet in width shall be dedicated where necessary to provide a proper continuity for such utilities from lot to lot and from block to block. No structures shall be constructed upon the easements. Additional easements shall be provided for utilities, drainage, and other public services and requirements in order to provide proper operation and maintenance of said facilities.

Sec. 800-15. - Monuments.

All monuments shall conform with the specifications established by Ohio Revised Code Section 711.03 and Ohio Administrative Code Chapter 4733:37, unless a local regulation exists which is more restrictive than those rules.

Sec. 800-17. – Site Grading.

- (a) *Contour Map.* When site grading other than roadway excavation is proposed within a subdivision, a contour map shall be prepared showing the confines of the area to be graded and the proposed and existing contours within the area.
- (b) *Regraded Areas.* The owner, developer, or subdivider shall reseed upon completion of regrading and topsoil shall be added as the city shall determine to be necessary. All material proposed for seeding, sodding, and fertilizing is subject to review and approval by the stormwater management engineer.

- (c) *Erosion Control Plan.* Before initiating any site or roadway grading operations, an owner, developer, subdivider, contractor, or subcontractor shall consult with the Stormwater Management Utility to establish an erosion control plan for the subject property on which grading operations will occur.

Sec. 800-19. -Natural Resource Conservation and Landscaping.

- (a) *General.* Subdivisions shall be designed to preserve existing natural features, such as vegetation, slopes, and natural drainage ways by minimizing the amount of land disturbance and vegetation stripping on site to the maximum extent possible without rendering the land nonproductive at permitted density levels.
- (b) *Landscaping Plans.* A preliminary and final landscape plan of all proposed landscaping shall be submitted pursuant to Sections 400-05 and 400-09.
 - (1) Landscape plans shall demonstrate environmentally sensitive features like floodplains, wetlands, trees and wooded areas, vegetation buffers, water courses, and drainage pathways.
 - (2) Landscape plans shall demonstrate existing and proposed conditions, including vegetative cover, structures, parking, access drives, walkways, loading areas, and proposed land disturbance areas, including likely or anticipated high-impact construction areas, such as construction equipment ingress and egress paths, staging areas, and material storage areas.
 - (3) Trees located in proposed high-impact construction areas, structure footprints, access drives, and utility trenches shall be removed and transplanted on site, if feasible. New and transplant trees should be sited to optimize energy efficiency and conservation.
 - (4) Proposed utility easements should avoid existing tree root systems to the maximum extent practicable.
 - (5) Proposed site grading and cut and fill should be designed to preserve or otherwise have minimal impacts on established trees and wooded areas.
 - (6) Parking areas, access drives, walkways, patios, and loading areas should be designed so that impervious surface areas are the minimum necessary to accomplish their intended purpose. All other surface areas shall be landscaped with grass, groundcover, trees, shrubs, or other plantings.
- (c) The City Planning Commission is authorized to require additional landscaping or impose a landscape easement on a subdivision plan where it finds that such landscaping

is in the public interest to create buffer area between non-compatible land uses or otherwise necessary to ensure that relief from the zoning code or these regulations shall not adversely impact identifiable natural resources or adversely impact adjacent or abutting properties.

- (d) *Landscaping in the Right-of-Way.* All existing, proposed and future landscaping in the right-of-way shall comply with the applicable city standards, rules, and regulations administered by the director of the Department of Transportation and Engineering and the Natural Resource Management Section within the Department of Parks.
- (e) *Landscaping Outside of the Right-of-Way.* In areas outside of the right-of-way where trees and ground cover has been destroyed during the development process, replacement trees and vegetation shall be planted to restore the natural atmosphere of the city.

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Chapter 9 – Administration and Enforcement.

Sec. 900-01. – Director of City Planning.

The Director of City Planning shall:

- (a) Enforce the provisions of this chapter;
- (b) Conduct pre-platting conferences;
- (c) Maintain permanent and current records of this chapter, including amendments thereto;
- (d) Receive, file and distribute all applications for minor and major subdivisions;
- (e) Review and approve, disapprove or approve with conditions, minor subdivision plans;
- (f) Receive, file and record final plats with the proper authority; and
- (g) Make all other determinations required by the regulations contained herein.

Sec. 900-03. – City Planning Commission.

The City Planning Commission shall:

- (a) Review applications and reports thereon by the Department of City Planning and approve, disapprove, or conditionally approve same;
- (b) Grant or deny requests for variances and zoning relief, when applicable; and
- (c) Make all other determinations required of it by the regulations contained in this chapter.

Sec. 900-05. - City Council.

The City Council, without limitation upon those powers and duties provided by law, shall have the following powers and responsibilities in regard to subdivision control:

- (a) Approve or disapprove intended dedications and, by ordinance, declare public reservations of land;
- (b) Approve the vacation of a street or other public place and fix compensation therefor; and

- (c) Make all other determinations required of the council by the regulations contained herein.

Sec. 900-07. - Enforcement.

It shall be the duty of the City Manager or his or her designee to enforce these regulations and to notify the City Solicitor of any violations or lack of compliance with these regulations. Upon such notification, the City Solicitor, in addition to the fines and penalties set forth herein, and in addition to the remedies otherwise provided by law, is hereby authorized to institute an appropriate action or proceeding in law or equity to prevent such violation, or to restrain, correct or abate such violation.

Sec. 900-09. – Amendments.

The City Planning Commission may, from time to time, initiate and conduct public hearings to consider such changes or additions to the provisions and regulations set forth in these regulations for subdivision control as it may deem necessary or advisable.

Sec. 900-11. - Penalties.

Any person who fails to comply with, violates, or interferes with another person's effort to comply with any provision of these regulations shall be guilty of a minor misdemeanor, and on conviction thereof shall be fined \$100 for each violation. Each day that any violation continues after notification by the City Manager or his or her designee that a violation exists shall be considered a separate offense for purposes of penalties and remedies specified in this section.