



Ordinance Review Commission

September 16, 2019
8:00 a.m.
City Council Chambers
345 High Street
Hamilton, OH 45011

Ordinance Review Commission Members

Carla Fiehrer
Chair

Pat Moeller
Mayor - Vice Chair

Kathleen Klink
Council Member

Chief Bucheit
Chief of Police

Kay Farrar
Health Commissioner

Jim Williams
Public Works Director

Vivian Crooks
Utilities Representative

Jeffrey Gambrell
Resident Representative

Peter Acuff
Resident Representative

- I. Call to Order
- II. Approval of Minutes
- III. New Business - Vacant Residential, Commercial, and Industrial Buildings Registration
 - a. An ordinance amending and supplementing the Codified Ordinances of the City of Hamilton, by adding thereto a new Chapter 1507, Registration of Vacant Residential, Commercial, and Industrial Buildings.
 - b. Public Comments regarding this topic.
- IV. New Business – New Subdivision Regulations
 - a. A special presentation pertaining to new Subdivision Regulations presented by Liz Hayden, Planning Director, of the Planning Department.
 - b. Public Comments regarding this topic.
- V. Audience of Citizens
Individuals who wish to speak regarding items not specifically scheduled may by do so at this time. All individuals who intend to address the Ordinance Review Commission are required to sign in at the table in the back of the room. Each speaker is allowed 5 minutes.
- VI. Audience of the Commission
- VII. Next Meeting
- VIII. Adjournment

All ordinances being discussed are on file in the Office of the City Clerk at 345 High Street Hamilton, OH 45011 and are available on request in advance of the meeting. Additionally, the discussed ordinances are available on the City's website. The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk's office at 513-785-7182 (24) hours before the scheduled meeting.



**CHAPTER 1507: REGISTRATION OF VACANT RESIDENTIAL, COMMERCIAL,
AND INDUSTRIAL BUILDINGS**

1507.01 PURPOSE.

This Chapter is adopted to establish a program for identifying and registering vacant residential, commercial, and industrial buildings within the City that may present a fire hazard, that may provide temporary occupancy by transients, that may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that may present a hazard to the health, safety and welfare of the public.

Through a registration, inspection, and monitoring process, vacant residential, commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings and will not otherwise present a public hazard, so that the health, safety and welfare of the public is served by these regulations.

1507.02 DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply to the following terms unless otherwise expressly stated:

AUTHORIZED AGENT. A person that resides within Butler County, Ohio or a contiguous county who shall be authorized in writing by the Owner or person in control of a vacant residential, commercial, or industrial building to be responsible for the security and maintenance of the building and property, who shall have access to the building and property and who shall be available at all times during business and non-business hours in the case that an emergency occurs requiring immediate response and/or to make immediate repairs.

CHIEF BUILDING OFFICIAL. The Chief Building Official for the City of Hamilton or his or her designee.

CODE OFFICIAL. The official who is charged with the administration and enforcement of the City of Hamilton Property Maintenance Code, or his/her duly authorized representative.

COMMERCIAL OR INDUSTRIAL BUILDING. The land and improvements to land which are owned or occupied for general commercial and income producing purposes and where production of income is a factor to be considered in arriving at true value. This definition includes, but is not limited to, the following uses, whether or not the property is legally zoned for such uses: apartment houses; hotels; motels; theaters; office buildings; retail and wholesale stores; bank buildings; commercial garages; commercial parking lots; shopping centers; private or public manufacturing businesses; warehouses; buildings used for other commercial and industrial purposes; buildings that contain both a commercial building and residential building use within the same facility, also known as a mixed-use building, and any other structure of any kind or nature on the lot.

EVIDENCE OF VACANCY. Any condition that on its own or combined with other existing conditions would lead a reasonable person to believe the building is vacant. Such conditions include, but are not limited to: no or significantly below standard utility usage; overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; accumulation of trash, junk or debris; broken or boarded up windows; abandoned or inoperable vehicles; the absence of furnishings or other personal items consistent with habitation or occupation; statement(s) by neighboring property owners, delivery persons, U.S. Postal service employees or government employee(s) that the building is vacant.

FIRE CHIEF. The Fire Chief of the City of Hamilton or his or her designee.

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FIRE CODE. Part 15 of the City of Hamilton's Codified Ordinances.

FIRE DEPARTMENT. The City of Hamilton Division of Fire.

KEY BOX. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

OWNER. Any person, partnership, corporation or other unincorporated association or entity who, alone or jointly and severally with others, holds legal or equitable title to a property. This definition includes executors, administrators, trustees or guardians of the estate of the Owner. Any individual owner, regardless of whether he or she shares operational responsibility with any other person, any general partner of a partnership and any officer of a corporation or unincorporated association, shall have the direct and personal responsibility and liability for compliance with the provisions of this Chapter.

PERSON. An individual, partnership, association, syndicate, company, firm, trust, corporation, Government Corporation, department, bureau, agency or other entity recognized by law.

PERSON IN CONTROL. The Owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the property, and/or its duly authorized agent(s), with the authority to bring the property into compliance with the provisions of this Chapter. This definition includes, but is not limited to, any mortgagee that has filed an action in foreclosure on the property based on breach of, or default under, a mortgage agreement, until title to the property is transferred to a third party.

RESIDENTIAL BUILDING. The structure and surrounding land consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

VACANT PROPERTY. Any residential, commercial, or industrial building that is not occupied by its Owner or other Person in Control; or at which substantially all lawful residential, manufacturing, industrial, ~~mixed-use residential~~ or commercial business operations and/or occupancy has ceased; or which is substantially devoid of content. This definition includes all principal residential, manufacturing, industrial, ~~mixed-use residential~~ or commercial buildings on the property; any other structure of any kind or nature on the property; and the entire parcel of land surrounding such buildings and structures, including, but not limited to, fences, walkways, walls and appurtenances.

A structure is deemed a Vacant Property if it is:

1. Unoccupied and unsecured;
2. Unoccupied and secured by other than normal means, as determined by the Fire Chief, Code Official or Chief Building Official;
3. An unoccupied commercial or industrial unit within a building, that if occupied would obtain its own certificate of occupancy permit; or
4. Unoccupied and determined to be unsafe as determined by the Fire Chief, Code Official or Chief Building Official;
5. Unoccupied and does not presently receive utilities;
6. Unoccupied and has outstanding property maintenance violations;
7. Illegally occupied due to loitering and vagrancy, and there is no legal occupation of the property;
8. Unoccupied for a period of time exceeding ninety (90) days and has an existing code violation issued by the Department of External Services;
9. Unoccupied, the Owner is known to be deceased and there is no current Owner or Person in Control of the property;
10. Unoccupied and abandoned by the Owner;

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11. Occupied and not used for a lawful residential, commercial, or industrial ~~or residential/commercial mixed~~ use for more than 180 days.

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1507.03 OBLIGATIONS OF OWNERS AND PERSONS IN CONTROL.

An Owner or Person in Control of a Vacant Property shall perform all of the following:

1. Register the Vacant Property with the Fire Department in accordance with the requirements of this Chapter.
2. Designate an Authorized Agent if the Owner or Person in Control of the Vacant Property does not reside within Butler County, or a contiguous county.
3. Submit a Vacant Property Plan which shall be approved by the Fire Chief in accordance with section 1507.09 of this Chapter.
4. At all times maintain the property in accordance with the Vacant Property Maintenance Standards set forth in section 1507.10 of this Chapter.
5. Acquire or otherwise maintain general liability insurance covering the Vacant Property in an amount not less than One Million Dollars (\$1,000,000.00). The insurance policy shall provide for written notice to the Fire Chief within thirty (30) days of any lapse, cancellation or change in coverage.

1507.04 REGISTRATION.

Every Vacant Property located within the City shall be registered by the Owner or Person in Control thereof with the Fire Department within sixty (60) days after the effective date of this Chapter. Following this initial registration, every Vacant Property shall be registered on a yearly basis on or before December 31st.

In the event the Fire Department notifies an Owner or Person in Control of property that such property must be registered pursuant to this Chapter based on evidence of vacancy, the Owner or Person in Control shall register the Vacant Property within thirty (30) days of receipt of the Fire Department's notice. Within thirty (30) days of receipt of the Fire Department's notice to register the Vacant Property, the Owner or Person in Control may provide evidence to the Fire Chief that the Vacant Property is entitled to exemption from registration pursuant to section 1507.07 herein. If no evidence is provided, the property shall be conclusively deemed to be Vacant Property and failure to register the Vacant Property in accordance with this Chapter shall subject the Owner and/or Person in Control to the penalties and remedies set forth in section 1507.19 herein.

Registration shall be made on forms provided by the Fire Chief and verified by the Owner or Person in Control of the Vacant Property and shall contain all of the following:

1. The name, address and telephone number of the Owner or Person in Control;
2. The name, address and telephone number of the Authorized Agent, if required;
3. The names, addresses and telephone numbers of all known lienholders on, and all other parties with any legal interest in, the Vacant Property;
4. If the Vacant Property is for sale, the name, address and telephone number of the company and the realtor or agent responsible for marketing the property;
5. The address of the Vacant Property and the permanent parcel tax identification number of the property;
6. The date on which the property became vacant or will become vacant;
7. The reason for the vacancy and the estimated length of time the property is expected to remain vacant;
8. A certificate of general liability insurance in the amount required by section 1507.03;
9. A Vacant Property Plan in accordance with section 1507.09.

No person shall furnish false information to the Fire Department in the Registration Form. Registration shall be valid for the registering Owner and/or Person in Charge of the Vacant Property until December 31st of the year of registration. No Owner or Person in Control of a Vacant Property shall fail to notify the Fire Department and file an amended Registration Form within seven (7) days of any change in the registration information required by this section.

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Any transfer of title to the Vacant Property shall require the new Owner and/or Person in Charge to file a new Registration Form together with a new registration fee. No person, including but not limited to, an Owner, Person in Control, purchaser, escrow agent, real estate agent or relator, shall participate in the transfer of title to, or disburse proceeds from a transfer of title to, a Vacant Property without having in escrow with the escrow agent handling the property transaction a copy of the Registration Form completed by the purchaser of the property, the appropriate registration fee pursuant to section 1507.05 herein and the deposit required by section 1507.12 of this Chapter, if applicable. The annual registration fee shall not be prorated. If the transfer of title occurs within ninety (90) days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year. The escrowed Registration Form and the annual registration fee shall be forwarded to the Fire Chief with seven (7) days of the transfer of title.

1507.05 REGISTRATION FEES.

The fees imposed by this Chapter may be reasonably related to: (i) the City's administrative costs related to registering and processing the Vacant Property Registration Form; (ii) the costs incurred by the City in monitoring the Vacant Property; (iii) the City's costs to secure the Vacant Property; and (iv) the demolition, hazard abatement and repair costs the City incurs with respect to the Vacant Property. The progressive fee structure, set forth in subsection A below, for properties that continue to be vacant year-to-year is reasonably related to the progressive increase in the aforementioned costs the City incurs for properties which are continuously vacant over consecutive years.

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- A. The Owner of a Vacant Commercial or Industrial Property shall pay an annual fee of Four Hundred Dollars (\$400.00) for the first year the property remains vacant. For every consecutive year that the property remains vacant, the annual registration fee shall be assessed at double the previous year's registration fee amount up to a maximum annual registration fee equaling the five (5) year registration fee of Six Thousand Four Hundred Dollars (\$6,400.00), which shall be the registration fee for the fifth and all subsequent years of vacancy. The registration fee is based on the duration of time the property has been vacant, regardless of a change in ownership.
- B. The Owner of a Vacant Residential Property shall pay an annual fee of Two Hundred Dollars (\$200) for the first year the property remains vacant. For every consecutive year that the property remains vacant, the annual registration fee shall be assessed at double the previous year's registration fee amount up to a maximum annual registration fee equaling the five (5) year registration fee of Three Thousand Two Hundred Dollars (\$3,200.00) which shall be the registration fee for the fifth and all subsequent years of vacancy. The registration fee is based on the duration of time the property has been vacant, regardless of a change in ownership
- B-C. The first annual fee shall be paid at the time the Vacant Property is registered. If the fee is not paid, the owner shall be subject to application penalties, as outlined in section 1507.99 of this Chapter.
- C-D. The fee shall be paid in full prior to the issuance of any building permits unless the Vacant Property is granted an exemption pursuant to section 1507.07 of this Chapter.
- D-E. The fee shall be prorated by day and a refund may be issued as set forth in 1507.06 of this chapter if the Vacant Property is no longer deemed vacant under the provisions of this Chapter.
- E-F. All delinquent fees shall be paid by the Owner prior to any transfer of ownership over the Vacant Property.
- F-G. All delinquent fees shall be paid in full prior to transfer or connection of any and all City utilities.

G.H. Late fees shall be paid in addition to the annual registration fee and will be equal to one-fourth of the applicable annual fee.

H.L. Fees incurred prior to the enactment of this Chapter will be assessed pursuant to the ordinance then in effect at the time the fees were incurred.

If an Owner or Person in Control of a Vacant Property fails, neglects or refuses to pay a registration fee within the time ordered pursuant to this section, the designated administrator of the registry shall notify the Finance Director. The Finance Director shall certify the registration fee to the County Auditor who shall place the costs as a charge upon the tax list and duplicate to be paid as a special assessment on the Vacant Property. In addition to the registration fee, an interest rate equal to the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the registration fee and collected as provided in this section.

1507.06 REFUNDING OF FEES.

The City shall refund the Vacant Property registration fee paid in a certain year if the subject property is brought into compliance with the applicable standards set forth in all State and City Housing Codes, Building Codes and Property Maintenance Codes, and is reoccupied within one (1) year of payment of the such annual registration fee, less a One Hundred Dollar (\$100.00) administrative fee and any late fees paid. The refund shall be prorated by day for the fee paid during the calendar year in which the Vacant Property was brought into compliance with the aforementioned codes and reoccupied. Registration fees paid in previous years shall not be refunded.

1507.07 PROPERTIES EXEMPT FROM REGISTRATION

- A. Property under active construction or renovation and having a valid building permit(s) shall be exempt from registration for a period of one (1) year from the date that the first building permit is issued unless a good cause exemption is granted by the Fire Chief.
- B. Property which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event, contingent on the Owner submitting a request for the exemption in writing to the Fire Chief. This request shall include the names and addresses of the Owner(s), and a statement of intent to repair and reoccupy the property in an expedient manner, or of intent to demolish the building or other structure on the property.
- C. Property that is for sale and listed with a licensed State of Ohio realtor shall be exempt for a period of twelve (12) months from the start of the vacancy, provided that the Owner or Owner's representative submits proof to the Fire Chief of such listing and "for sale" status.
- D. Property that has been granted an exemption pursuant to a written request by the Owner for an exemption from the provisions of this Chapter and good cause shown therefore. The Fire Chief shall timely consider the request. In determining whether good cause exists to grant a request for exemption, the Fire Chief shall consider the following:
 - a. The Owner's prior record of violations of State and City Housing Codes, Building Codes and Property Maintenance Codes;
 - b. The amount of Vacant Property the Owner currently owns within the City; and
 - c. The length of time that the Vacant Property for which the exemption is sought has been vacant.

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1507.08 INSPECTION.

At the time of registration, the Owner or Person in Control must arrange for an inspection of the Vacant Property by the Fire Chief, Code Official and Chief Building Official in the presence of the Owner, Person in Control or Authorized Agent of the Owner for the purpose of determining: (i) the structural integrity of any buildings and structures on the property; (ii) whether the property is safe for entry by firefighters and police officers in times of emergency; and (iii) whether the Vacant Property complies with the requirements of this Chapter.

If the Owner or Person in Control fails to arrange, or refuses to consent to, an inspection, the Fire Chief may obtain a search warrant from a court of competent jurisdiction to authorize inspection of the Vacant Property.

1507.09 VACANT PROPERTY PLAN.

The Owner or Person in Control of the Vacant Property shall submit to the Fire Chief for his or her approval. The Vacant Property Plan shall set forth the Owner or Person in Control's intention to carry out one, or a combination, of the following courses of action with respect to the property: (i) demolish any buildings or other structures on the property; (ii) secure any buildings or other structures on the property; and/or (iii) rehabilitate any buildings or other structures on the property. The following minimum requirements for each course of action must be included in the Vacant Property Plan:

1. Demolition. If any buildings or other structures on the property are to be demolished, the Vacant Property Plan shall include a proposed timeframe for demolition, which shall include a commencement date within thirty (30) days of approval of the proposed demolition timeframe. The demolition completion date shall be no more than one (1) year from the date demolition commences.
2. Secured Structure. If any buildings or other structures on the property are to remain unoccupied, the Vacant Property Plan shall contain all of the following, as applicable:
 - a. A plan for fire alarms and fire protection, as required by all applicable State and City regulations.
 - b. A plan of action to remedy any declared public nuisance or code violation existing on the Vacant Property.
 - c. A lighting plan for the exterior of any buildings and structures on the Vacant Property, walkways adjacent thereto, parking or loading areas; and nighttime illumination of areas and walkways of buildings, structures and any other areas of the Vacant Property which may be vulnerable to vandalism and vagrancy, as determined by the Chief of Police.
 - d. A regular maintenance plan for any and all exterior lighting and illumination fixtures.
 - e. A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of securing any buildings and structures on the Vacant Property by boarding up such structural openings. To avoid the appearance of vacancy, structural openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up.

f. A general maintenance plan to ensure the Vacant Property remains in compliance with the Vacant Property Maintenance Standards set forth in section 1507.10 of this Chapter.

3. Rehabilitation. If the Vacant Property is to be returned to lawful occupancy or use, the Vacant Property Plan shall include a rehabilitation timeframe for the property. The rehabilitation timeframe shall not exceed twelve (12) months. The Fire Chief or their designee may grant an extension of

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time upon receipt of a written statement from the Owner detailing the reasons for the extension and good cause shown therefore. The Vacant Property shall comply with all applicable laws and regulations, including the Vacant Property Maintenance Standards provided for in section 1507.10 of this Chapter, at all times during rehabilitation.

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1507.010 VACANT PROPERTY MAINTENANCE STANDARDS.

All Vacant Property within the City shall be maintained in accordance with the following Vacant Property Maintenance Standards:

1. Structural openings which cannot be secured through an existing locking mechanism shall be boarded, secured and protected from intrusion by birds, vermin and trespassers in accordance with the United States Fire Administration's National Arson Prevention Initiative Board Up Procedures, except to the extent prohibited by section 1507.09(2)(e) herein. A copy of the United States Fire Administration's National Arson Prevention Initiative Board Up Procedures shall be kept on file with the Fire Department and made available to any member of the public upon request.
2. Any and all buildings and structures on Vacant Property shall be protected from deterioration and maintained in accordance with the General and Specific property maintenance requirements outlined in sections 1779.05 and 1779.06 of the Non-Residential Property Maintenance Code set forth in Chapter 1779 of the City of Hamilton Codified Ordinances.
3. A vacant residential, commercial, or industrial building and the property on which it is located shall be kept clean, safe, sanitary and free from public nuisance in accordance with Chapter 1767 of the Codified Ordinances of the City of Hamilton.
4. A key box shall be installed on each residential, commercial or industrial building on Vacant Property in case immediate access to the interior of the building by the Fire Department is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief. The key box shall be installed in accordance with the applicable manufacturer's recommendations and in a location approved by the Fire Chief. The cost of purchase and installation of each key box shall be paid by the Owner or Person in Control. Each key box shall have a lock for which the Fire Department has the key or combination, as applicable, and contain keys to gain access to all areas of the building, including the roof and any basement area. The Owner or Person in Control of the building shall immediately notify the Fire Department in writing if the key box is removed, replaced, changed, rekeyed or otherwise modified, and provide the Fire Department with a new key or combination, if necessary.

1507.11 NOTICE OF VIOLATION.

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Whenever the Fire Chief determines that there is a violation of the provisions of this Chapter, he or she shall give written notice of such violation to the Owner, Authorized Agent or Person in Control of the offending Vacant Property. The notice shall contain the following:

1. A description of the Vacant Property sufficient for identification;
2. A statement of the violation(s) with reference to the sections of this Chapter violated;
3. A statement of necessary remedial action to bring the Vacant Property into compliance with the provisions of this Chapter within a reasonable timeframe;
4. A statement of the right of the Owner, Authorized Agent and/or Person in Charge to file an appeal of the notice and order with the City of Hamilton Nuisance Appeals Board in the manner and within the time limitations provided for in section 1705.26 of the City of Hamilton's Codified Ordinances; and

5. A statement that any abatement activities with respect to the Vacant Property performed by or at the direction of the City shall be certified to the County Auditor to be placed as a charge on the tax list and duplicate, and shall be made a lien upon the Vacant Property.

A notice of violation shall be deemed to be properly served if one (1) or more of the following methods are used:

1. Service by personal delivery to the Owner, Authorized Agent or Person in Charge of the Vacant Property; or
2. Service by certified mail, return receipt requested, to the Owner, Authorized Agent or Person in Charge of the Vacant Property at his or her last known address(es) as stated in the records of the County Auditor.
 - a. If the certified mail is returned unclaimed, then service shall be sent by ordinary mail to the last known address(es) of the Owner, Authorized Agent or Person in Charge and the mailing shall be evidenced by a certificate of mailing. Service shall be deemed complete on the date of mailing.
 - b. If the certified mail is returned undeliverable, a copy of the notice shall be posted in a conspicuous place in or on the Vacant Property.

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1507.12 ESCROW DEPOSIT REQUIRED PRIOR TO SALE

If any outstanding violations of this Chapter existing on a Vacant Property are not corrected prior to the scheduled date for transfer of title to such property, an escrow account shall be established by either party or both parties to the property transaction. The escrow amount shall contain an amount equal to 100 percent of the estimated cost to bring the Vacant Property into compliance with this Chapter, but in no case less than One Thousand Dollars (\$1,000.00), to pay for the cost to correct all remaining violations.

The amount to be held in escrow shall be calculated by procuring written estimates from at least two (2) qualified companies capable of performing the work, which are currently registered to do business in the City of Hamilton. The amount deposited into escrow shall be 100 percent of the higher of either: (i) the two estimates; or (ii) One Thousand Dollars (\$1,000.00).

No party to a transfer of Vacant Property shall authorize or accept such transfer without ensuring compliance with this section. Either party or both parties to the transaction shall provide the City with proof of compliance with this section, upon request by the City therefore. If the party or parties establishing the escrow account can demonstrate to the Fire Chief that, after a good faith effort, he or she is unable to obtain written estimates, the Fire Chief shall establish the amount to be placed into escrow.

The escrow account provided for in this section 1507.12 shall be held by an independent escrow agent. The account may only be closed after the Owner, Authorized Agent and/or Person in Charge receives written authorization from the Fire Chief to close the account.

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1507.13 CERTIFICATES OF OCCUPANCY

Any violations of this Chapter shall be corrected prior to the issuance of any certificate of occupancy for Vacant Property. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a certificate of occupancy, provided that issuance of such certificate shall be contingent upon written acknowledgment by the Owner, Authorized Agent and/or Person in Charge of all outstanding

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violations on the Vacant Property and agreement to correct such violations within six (6) months of the date the certificate of occupancy is issued.

The certificate of occupancy shall also be contingent upon the Owner, Authorized Agent and/or Person in Charge establishing an escrow account pursuant to section 1507.12. Written notice of compliance with section 1507.12 must be received by the Fire Chief prior to the issuance of a certificate of occupancy.

1507.14 DISPERSAL OF FUNDS BY ESCROW AGENTS

No person acting in the capacity of an escrow agent in any real estate transaction involving the sale or transfer of a Vacant Property shall disperse any funds held in escrow in compliance with sections 1507.12 unless there has been compliance with section 1507.13.

Funds shall be disbursed only upon written authorization from the Fire Chief. The Fire Chief or his or her designee may authorize the release of funds as payment in full to a contractor as each violation of this Chapter is corrected if the amount due does not exceed the written estimates obtained pursuant to section 1507.12. In the event the amount due exceeds the contractor's original written estimates, the Fire Chief or his or her designee may only authorize the release of funds to the contractor if the Fire Chief or his or her designee makes a written finding that sufficient funds will remain in the escrow account to correct all other remaining violations on the property.

1507.15 DEMOLITION ESCROW

The Owner of a residential, commercial, or industrial building on Vacant Property which is slated to be demolished pursuant to the Vacant Property Plan shall place in escrow with the City a deposit of Twenty Five Thousand Dollars (\$25,000.00) for a building under 5,000 square feet in size, or Seventy Five Thousand Dollars (\$75,000.00) for a building 5,000 square feet or more, unless a fire escrow is being administered by the City of Hamilton's Fire Division, in which case the Owner shall comply with all requirements and orders of that Division.

If the amount to be placed in escrow under this section cannot be paid in full, the City shall place a lien on the property for the amount specified. The City shall use escrowed funds to complete the plans submitted by the Owner in the event the Owner does not comply with the Vacant Property Plan. Escrowed funds may, by prior arrangement, be withdrawn during construction as follows: twenty percent (20%) upon commencement of work; twenty percent (20%) upon completion of half of all work; and the remaining sixty percent (60%) upon completion of all work, including debris disposal, backfill and seeding. Unused escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full. New owners must sign the Vacant Property Plan and accept responsibility in writing for completing the demolition.

1507.16 EFFECTING COMPLIANCE.

In the event the Owner, Authorized Agent or Person in Control fails to comply with a Notice of Violation issued in accordance with section 1507.11, within the period of time stipulated therein, the Fire Chief shall give notice to the Code Official or Chief Building Official or his or her designee that the Vacant Property is open and unsecure. The Code Official or Chief Building Official may proceed with any requirements of section 1507.10 to secure the property. If the City completes such abatement work, upon completion of the work, the City department performing the work shall determine all costs associated therewith, including

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registration fees, with costs of labor charged at a rate of One Hundred and Fifty Dollars (\$150.00) per hour; provided, however, there shall be a minimum fee of not less than One Hundred Dollars (\$100.00). In the event the City is required to employ outside services for the abatement work, the fee shall be the actual costs of the contract plus fifteen percent (15%) for administrative costs incurred by the City.

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The total abatement costs, inclusive of the registration fee, shall be forwarded by the Fire Chief to the Finance Director of the City, who shall certify the costs, together with the parcel number or another proper description of the lands on which the abatement activities occurred, the date the costs were incurred for each abatement activity and the name of the Owner of record at the time the costs were incurred to the County Auditor who shall place the costs as a charge upon the tax list and duplicate. The costs are a lien upon the Vacant Property from and after the date the costs were incurred. The costs shall be collected as other taxes and returned to the City.

1507.17 APPEALS.

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Any person aggrieved by an order of the Fire Chief or the decision of the Division of Fire denying approval to a Vacant Property Plan may file an appeal with the Nuisance Appeals Board in the manner and within the time limitations provided for in Chapter 1709.26 of the City of Hamilton Codified Ordinances.

1507.18 INTERPRETATION OF CHAPTER.

This Chapter is solely applicable to vacant residential, commercial, and industrial properties. Should any other provisions of the City of the Hamilton Codified Ordinances conflict or overlap with the provisions of this Chapter, the provisions of this Chapter shall control with respect to the abatement of nuisances on and registration of vacant residential, commercial, and industrial properties, as well as nuisance abatement activities related to securing, remedying, repairing and removing such properties and/or hazardous conditions thereon. This Chapter shall not, in any manner, abrogate any of the other provisions of the Codified Ordinances of the City of Hamilton pertaining to the abatement of public nuisances or unsafe buildings on any other type of property. Sections 1779.05 and 1779.06 of the Non-Residential Property Maintenance Code set forth in Chapter 1779 of the City of Hamilton Codified Ordinances are expressly deemed not to conflict with the provisions of this Chapter 1507 and shall continue to be applicable to vacant commercial and industrial properties; provided, however, that a Vacant Property shall not be required to comply with any Non-Residential Property Maintenance Code ordinances from which the property is declared to be exempt in a Vacant Property Plan approved pursuant to Section 1507.09 herein.

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1507.99 PENALTY; EQUITABLE REMEDY.

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- A. Whoever violates or fails to comply with any of the provisions of this Chapter is guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance continues.

- B. The application of the penalty provided in subsection A herein shall not preclude the City from enforcing its rights to remove, repair and/or remedy the prohibited conditions, or enforce any other rights it may have, or seek any other remedies it may be entitled to, in law or in equity.

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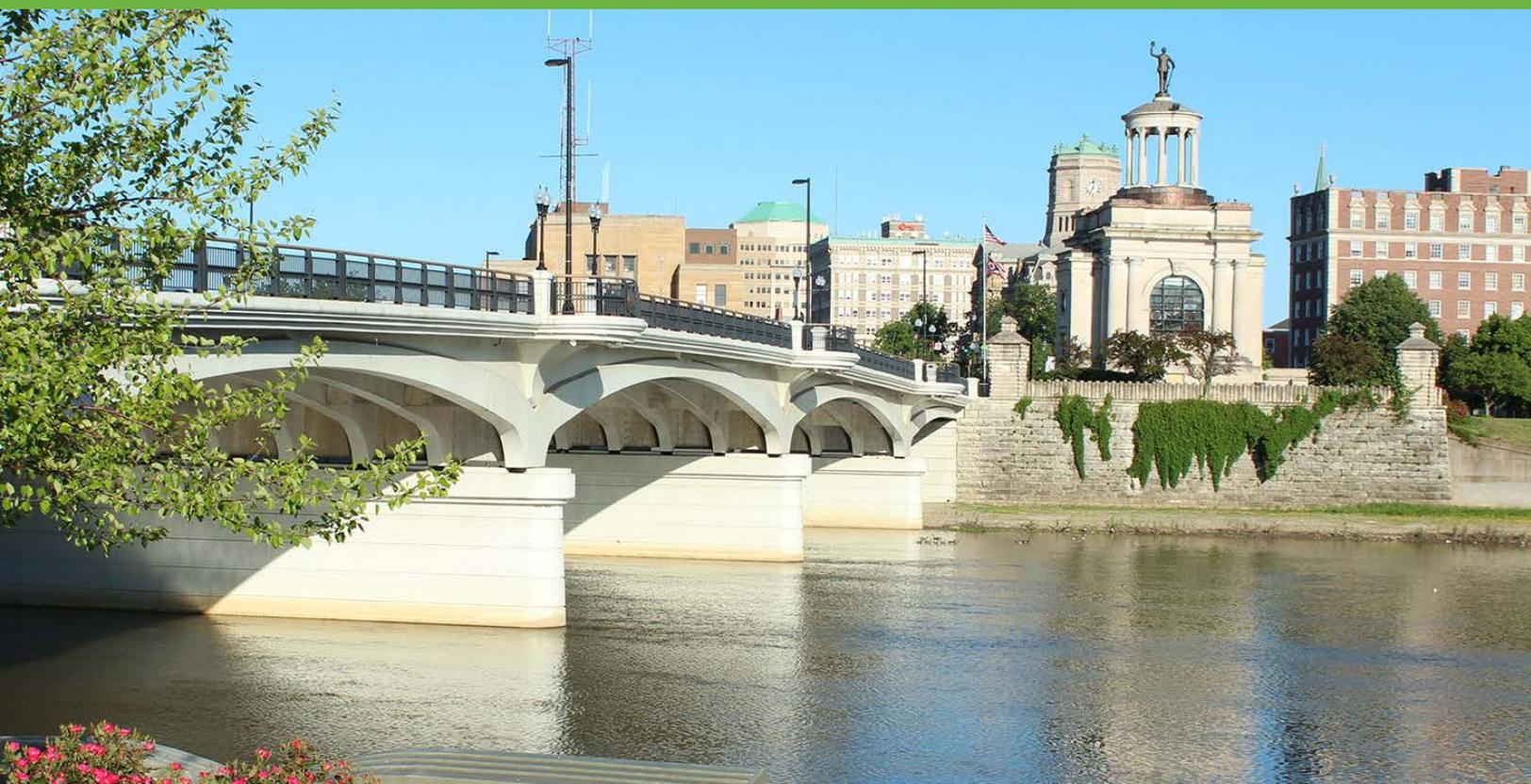
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SUBDIVISION REGULATIONS

Adopted XXX

Part 11, Title 3 of the City of Hamilton Codified Ordinance
Ordinance XXX



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1189. GENERAL PROVISIONS

1189.1 Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Hamilton, Ohio.

1189.2 Purpose and Scope

These Subdivision Regulations for the City of Hamilton, Ohio, Butler County, Ohio, as provided for in Chapter 711 of the Ohio Revised Code, are intended to govern the control of the subdivision of land within the jurisdiction of the City of Hamilton Planning Commission, the preparation of plats of such subdivisions and the splitting of lots; improvement requirements; and standards of design. They are designed to provide and promote adequate and convenient traffic flow, coordination of layout, proper arrangement of streets, adequate provision of potable water and sewage treatment, adequate space for light and air, access for fire, police, and other emergency vehicles, and ensure an integrated development of the City in an efficient and orderly manner in conformity with the City of Hamilton Comprehensive Plan, and to promote the health, safety, and general welfare of the citizens of the City and surrounding areas.

1189.3 Territorial Limits of Regulations

The rules and regulations governing plats and subdivisions of land contained herein shall apply within the corporate limits of the City of Hamilton.

1189.4 Authority

The City of Hamilton Planning Commission is hereby designated as the land use authority for the City and is charged with the duty of approving regulations and making investigations and reports on the design and improvement of proposed subdivisions; and is hereby authorized to approve or disapprove plats of subdivisions, prepared and filed in accordance with the provisions of these regulations.

1189.5 Interpretation of Standards

In their interpretation and application, the provisions of these regulations shall be held as minimum requirements. Wherever these regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or ordinances, the provisions of these regulations shall apply.

1189.6 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1189.7 Zoning Restrictions

No plat of land within the City shall be approved unless all lots shown thereon comply in all respects with the Zoning Ordinance.

1189.8 Definitions

For the purpose of these subdivision regulations, certain terms are defined as follows:

- A. **Alley or Service Drive.** A passage or way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- B. **As-Built Plan.** A drawing which represents a true location of what is being measured or has already been built in the field.
- C. **Block.** A piece of land entirely surrounded by public street or railroad rights-of-way, parks, etc., or a combination thereof. Block length refers to the long side of the block upon which the majority of the lots ordinarily front; block width or depth refers to the short side of the block abutting the side street.
- D. **Director of Engineering.** The Director of Engineering for the City of Hamilton, Ohio, or their designee.
- E. **Easement.** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.
- F. **Final Plat.** A plat of a subdivision containing all necessary information as required in section 1193.3 of these regulations, signed by the appropriate authorities, and recorded in the office of the Butler County Recorder.
- G. **Homeowners Association.** An organization of property owners established for the care and maintenance of common areas within a subdivision including, but not limited to, storm water detention and/or retention facilities.
- H. **Improvements.** Street pavement, curbs, gutters, sidewalks, waterlines, gas lines, sewer lines, storm drains, streetlights, electric facilities, flood control and drainage facilities, utility lines, landscaping, and other related matters, whether public or private, normally associated with the development of raw land into building sites.
- I. **Local Street or Collector Street.** A street intended to serve and to provide access to neighborhoods or sub-neighborhoods.
- J. **Minor Street.** Any street, not a highway, primary, or secondary thoroughfare, parkway, or local or collector street, and intended to serve and to provide access exclusively to the properties abutting thereon.
- K. **Minor Subdivision (Lot Split).** A division of a parcel of land that does not require a record plat to be approved by the Planning Commission as specified in section 711.131 of the Ohio Revised Code.

- L. **Monuments.** Permanent concrete or iron markers used to establish boundary lines of a subdivision plat and points of change in street alignment.
- M. **Planning Commission.** The City Planning Commission of the City of Hamilton, Ohio.
- N. **Preliminary Plat.** The drawing depicting a proposed subdivision which is intended to provide the Planning Commission with pertinent information regarding the development of a subdivision.
- O. **Roadway Functional Classification Map.** A map of the City of Hamilton illustrating the grouping of roads, streets, and highways in a hierarchy based on the type of highway service they provide.
- P. **Subdivision.** Means:
1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership. Provided, however, the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any 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, gas, electric, storm drainage, or other public facilities.
- Q. **Subdivision Regulations.** As used in Title Three of Part Eleven – Planning and Zoning Code means **Ordinance XXX, passed XXX.**
- R. **Thoroughfare, Street, or Road.** The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
1. **Interstates and Freeways.** A divided highway intended to serve the uninterrupted flow of traffic for both interstate and intrastate traffic through an area. Such highways are generally limited or controlled access in nature.

2. **Principal Arterials.** Principal Arterials are generally State and U.S. highways and heavily traveled County and City roads which carry both local and cross-county traffic. They link various urban and rural communities and are intended to move traffic to and from interstates and major traffic generators.
3. **Minor Arterials.** Similar in function to Principal Arterials, though usually carrying less traffic. These thoroughfares consist of State and U.S. Highways, County, and City roads which distribute traffic from Principal Arterials to a lower system.
4. **Major Collectors.** Major Collectors consist of City roads which are intended to carry local traffic and distribute traffic to Principal and Minor Arterials and/or to local streets.
5. **Minor Collectors.** Minor Collectors are lesser City roads which are intended to serve commercial and industrial properties that abut them. Additionally, they provide links for short distance trips.
6. **Local Streets.** These streets provide access to individual properties which abut them. In addition, they provide access to the Collector and Arterial Systems on a local level. Local streets serve residential, commercial, and industrial land uses.
7. **Alley.** A public or private way not more than 30 feet wide affording only secondary means of access to abutting property.
8. **Cul-de-sac.** A local street, generally not longer than 600 feet, with one end open to traffic and the other end terminating in a vehicular turn-around.
9. **Dead-end/Stubbed Street.** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
10. **Private Street.** A street which has not been duly accepted by the City for public use.
11. **Public Street.** A street which has been dedicated and accepted by the City for public use.

1191. PROCEDURES

1191.1 Approval Required

No person, firm, or corporation, proposing to make or have made a subdivision within the territorial limits of these regulations shall enter into any contract for the sale of, or shall offer to sell said subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including tree clearing and grading, until they have obtained from the Planning Commission the approval of the Preliminary Plat of the proposed subdivision.

1191.2 Compliance with Design Standards

In planning and developing a subdivision, the applicant shall comply with the general principles of design and the minimum requirements for the layout of a subdivision as set forth in section 1195: Design Standards, and with the rules and regulations concerning required improvements set forth in section 1199: Improvements.

1191.3 Submission Fees

All applications for development shall be charged according to the associated fee schedule and shall be paid to the City prior to any advancement to the next phase of the approval process.

1191.4 Early Consultation

Before preparing and submitting the Preliminary Plat to the Planning Commission, the Subdivider or their engineer shall consult with the Director of Engineering while the plat is in sketch form, to ascertain the location of proposed highways, roads, utilities, drainage improvements, parks, playgrounds, and other planned developments.

1191.5 Preliminary Plat

In planning and developing a subdivision the Subdivider or their agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in these rules and regulations, and in every case shall pursue the following procedure:

- A. **Prepare and Submit.** The Subdivider shall prepare a Preliminary Plat of the proposed subdivision which shall conform to the requirements set forth in Section 1193.1. The Preliminary Plat, in conjunction with any associated documentation, an application, and fee, shall be filed with the Planning Department for processing and scheduling.
- B. **Staff and Planning Commission Review.** The Preliminary Plat will be checked by the Planning Commission as to its conformity with the Roadway Functional Classification Map, Zoning Ordinance, and Subdivision Regulations. Copies of said Preliminary Plat will be referred by the Planning Commission for recommendation or other action to the applicable administrative officials governing zoning, building, engineering, public works, and/or fire, for the review of all items within their jurisdiction including construction plans of the proposed improvements.
- C. **Approval**
 1. Upon receipt of the recommendations and advice of action concerning matters covered in the preceding paragraph, the Planning Commission will tentatively approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required.

2. Upon approval by the Planning Commission, the Preliminary Plat shall be forwarded to City Council, City Council shall review the recommendation of staff and Planning Commission and approve or disapprove the Preliminary Plat, or approve it with modifications, noting thereon any changes that will be required.
3. Small-scale subdivisions that include the platting of five or less lots are not subject to approval by City Council. The approval of such subdivisions by Planning Commission shall be deemed the final approval of the Preliminary Plat.
4. One copy of Preliminary Plat will be returned to the Subdivider with the date of said tentative approval or disapproval endorsed thereon. Similar copies will be transmitted to the Director of Engineering. The approval of the Preliminary Plat by the Planning Commission and City Council is to be considered only as an approval of the layout, with the understanding the Director of Engineering, and other applicable City Officials, may modify any engineering or construction details proposed by the Subdivider, whenever required for the protection of the public interest.

1191.6 Construction

Following approval of the Preliminary Plat, the Subdivider may proceed to install streets, sanitary sewers, and other public improvements as required in section 1199. The Subdivider shall submit the required construction plans and drainage plans, per section 1193.2, to be approved by Director of Engineering and attend a pre-construction meeting with staff prior to construction commencing. Access for City representatives must be provided at all times during installation of underground utilities in order to accurately locate valves, bends, fittings, services connections, fusion welds, etc. using GPS technology.

- A. **Pre-Construction Meeting.** Prior to starting any of the work covered by the approved construction and drainage plans, the Subdivider shall attend a pre-construction meeting with the Subdivider, the Subdivider's engineer and contractor, and appropriate representatives from City Departments including Planning, Engineering, and Public Works. At the meeting, the Subdivider and their contractor shall submit the following:
 1. Explicit information on the work to be done
 2. Names of contractors and sub-contractors
 3. A schedule of the work to be completed
 4. Starting and completion dates
 5. A payment and arrangement, agreed upon by the City and the Subdivider, to provide inspection of the work sufficient in the opinion of the Director of Engineering, to ensure compliance with the approved plans and specifications.

B. Completion of Public Improvements

1. The construction of all public improvements required herein shall be completed within one year from the date of approval of the Preliminary Plat by the Planning Commission. If the required public improvements are not completed within one year from the approval of the Preliminary Plat, the Subdivider may request an extension of the approval from Planning Commission. Such extension request shall be submitted to the Planning Commission for its consideration prior to the expiration of the Preliminary Plat. The Preliminary Plat shall expire if the improvements are not completed within the required timeframe and an extension was not requested by the Developer. When a Preliminary Plat expires, the Developer will be required to submit a new Preliminary Plat to the City for review and approval before proceeding with the development.
2. All storm sewers and all major ditches and swales draining the proposed subdivision area and any area beyond adjacent lots and erosion control shall be installed prior to the start of lot grading work and the occupancy of any structure. Grading of swales, ditches, etc. shall be completed as the initial grading operation.
3. The Subdivider shall be responsible for the installation of all drainage facilities shown on the Official Drainage Plan, except for minor lot swales that are the responsibility of the lot owner. Lot owners shall be responsible for construction of minor swales draining just their lot or the adjacent lot and such work shall be shown on the plot plan or site plan submitted with the application for a building permit. Such plans shall be in accordance with the Official Drainage Plan.
4. No Final Plat for any subdivision shall be approved unless all the required public improvements, as required in section 1199, have been completed and certified. In the event that site circumstances result in the inability to complete certain public improvements (i.e., sidewalks, street trees, and streetlights) prior to the Final Plat being issued, the Subdivider may submit a request to the Director of Planning for an alternate construction timeline. If approved by the Director of Planning, the Subdivider can file with the Planning Department a good and sufficient surety to cover the full cost of completing any unfinished improvements.

C. Surety

1. If the Developer requests to file a surety and such request was approved by the Director of Planning as stated in Section 1191.6.B. herein, the Developer must submit a surety in the form of:
 - a. An irrevocable letter of credit, performance bond, or a cash deposit to the City in the amount of 100% of the unfinished improvements; and
 - b. A maintenance bond in the amount of 10% of the total cost of all installed, inspected, and approved improvements.
2. **Letter of Credit.** If the Developer submits a surety in the form of an irrevocable letter of credit from a lending institution it shall have an expiration date of not less than one year from the date of issue and shall include the following language:
 - a. The irrevocable letter of credit must include the following language for automatic renewal and notice to the City of Hamilton, Ohio in case of non-renewal: “It is a condition of this letter of credit that it shall be deemed automatically extended without amendment for successive one year periods from its present or any future expiration date unless at least 60 days before any such expiration date we (*Name of Financial Institution*) notify the City Manager of the City of Hamilton, Ohio, 345 High Street, Hamilton, Ohio 45011, in writing by certified or registered mail, that we (*Name of Financial Institution*) elect not to consider this letter of credit renewed for any such additional period, at such time the City of Hamilton, Ohio may declare the Developer to be in default and demand immediate payment of all sums under this letter of credit”.
 - b. If the letter of credit contains a draft presentment deadline, it is mandatory that the letter of credit includes the following language: “The draft presentment deadline set forth in this letter of credit shall automatically be extended for one year periods unless at least 60 days prior to any draft presentment deadline, or any prior extension thereof, the (*Name of Financial Institution*) notifies the City Manager of the City of Hamilton, Ohio, 345 High Street, Hamilton, Ohio 45011, that the draft presentment deadline shall not be extended for a successive one year period, at such time the City of Hamilton, Ohio may declare the Developer to be in default and demand immediate payment of all sums under the letter of credit”.

2. After all improvements have been completed, inspected, and approved, the Subdivider shall file with the Planning Department a maintenance bond in the amount of 10% of the total cost of the improvements, which bond shall be secured by a deposit of cash with the City, an irrevocable letter of credit from a lending institution, a pledge of cash in an escrow amount at a financial institution, or a corporate surety. The maintenance bond shall remain in effect for a period of one year after completion and acceptance of improvements.

F. Surety Release.

1. The irrevocable letter of credit, performance bond, or cash deposit to the City shall not be fully released until the required maintenance bond, as provided in Section 1191.6.E herein is filed with the Planning Department. In addition, three copies of final “As-Built” detailed construction drawings and a video of storm and sanitary facilities, as required in Section 1191.6.D, shall be submitted, reviewed, and approved prior to the release of any portion of the surety. The estimated costs to be used for the bonding estimate purposes for “As-Built” drawings shall be 1.5% of the total cost of all public improvements.
2. Such surety may be partially released upon the following schedule:

TABLE 1190.1: Surety Release Schedule	
Percentage of Completion	Percentage of Release
35%	20%
65%	50%
90%	75%
100%	90%

1191.7 Final Plat

- A. **Prepare and Submit.** The subdivider shall prepare and file the Final Plat or Record Plat which shall conform to the requirements set forth in Section 1193.3. The Final Plat, in conjunction with any associated documentation, an application, and fee, shall be filed with the Planning Department for processing and scheduling.
- B. **Staff Review.** A copy of the Final Plat and Official Drainage Plat thus filed will be transmitted to the Director of Engineering for review. If found satisfactory, he will return said plat to the Planning Department showing that:
 1. The technical details of the plat itself have been checked and found satisfactory; and
 2. All required improvements have been satisfactorily completed.

- C. Planning Commission Review and Recommendation.** After a copy of the Final Plat and Official Drainage Plat has been received by the Planning Department from the Director of Engineering and provided that the Final Plat is found to substantially conform to the Preliminary Plat as approved, the Planning Commission will approve the Final Plat. The approval of the Final Plat by Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.
- D. City Council Review and Approval.** The Planning Commission will transmit two original mylars of the Final Plat, provided by the Subdivider, along with the Certificate of Title to the City Council, for such action as may be necessary on any proposed dedication. Thereupon the City Council will return the approved copies thereof to the City Planning Department. The Planning Department will provide the two originals to the Subdivider for recording purposes. Upon recording of the Final Plat with the County Recorder of Butler County, by the Subdivider, the Planning Department shall be provided with one original mylar and one electronic copy of the recorded Final Plat. The Planning Department will then provide copies of the recorded Final Plat to the appropriate departments and agencies.
- E. Final Plat Expiration.** The Final Plat will expire if less than 50 percent of the total number of lots within the subdivision have not been developed within ten years of the date of the Final Plat approval. The Subdivider may request that the Final Plat be re-instated following expiration by requesting approval of such re-instatement from the Planning Commission.
- F. Acceptance of Streets.** The approval of a Final Plat by the Planning Commission shall not be deemed to be an acceptance of the dedication of any public street, road, or highway dedicated in such plat. The Director of Engineering shall upon written request by the owner of the land upon which the street has been constructed, check the construction and if the Director of Engineering finds that such street is in good repair, then such finding, endorsed on the approved plat, shall constitute an acceptance of the street for public use.

1191.8 Minor Subdivisions and Exceptions

A proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, nor private easement of access, may be submitted to the Planning Commission for approval without platting, provided that it has the approval of the Director of Planning or their designee as conforming to all Zoning Ordinance regulations. The request shall be accompanied by a sketch, prepared by a registered engineer or surveyor, and such information as is pertinent. Such sketch shall show the original tract being divided, the tract to be conveyed and adjacent owners. Such sketch shall be recorded as part of the deed conveyance. If the Planning Commission, acting through the Director of Planning, is satisfied that such proposed division is not contrary to applicable platting,

subdivision, and zoning regulations, they shall, within seven working days after the submission, approve such proposed division.

1193. DRAWING SPECIFICATIONS

1193.1 Preliminary Plat Specifications

- A. **Application.** A Preliminary Plat application, submission fee, and associated documentation shall be submitted. The Preliminary Plat shall be prepared by a registered professional engineer or surveyor, authorized to practice under the laws of the State of Ohio.
- B. **Drawing Specifications.** The horizontal scale of the Preliminary Plat shall be drawn at a scale of 100 or less to the inch and the vertical scale of the street and sewer profiles shall be drawn at a scale of 20 feet or less to the inch, if required. The Preliminary Plat drawings shall include the following features and information:
 - 1. A vicinity map at a scale of 400 feet or more to the inch shall be drawn on or shall accompany the Preliminary Plat. This shall show all existing subdivisions and the street and tract lines or acreage of parcels of land, together with names of record owners of such parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways and thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or unplatted property to produce the most advantageous development of the entire neighborhood.
 - 2. The proposed name of the subdivision shall not duplicate or closely approximate the name of any other subdivision in Butler County.
 - 3. The tract designation according to real estate records of the Recorder of Butler County.
 - 4. The names and addresses of the owner of record, the Subdivider, and the engineer and/or surveyor.
 - 5. The names of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.
 - 6. The boundary lines, accurate in scale, of the tract to be subdivided.
 - 7. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, water courses, railroads, corporation lines, township lines, pipelines, high tension lines, section lines, etc.

8. Existing sewers, gas mains, water mains, culverts, telecommunication facilities, and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
9. Benchmark and contours, normally with intervals of two feet referenced to U.S.G.S. Datum, or as required by the Director of Planning.
10. The layout, proposed names, and widths of proposed streets, alleys, and easements; and the layout, numbers and approximate dimensions of proposed lots (proposed street names shall not duplicate or closely approximate any existing street names in the City of Hamilton and its near vicinity except extensions of existing streets. A street may be named avenue, way, boulevard, parkway, place, circle, street, lane, drive, or court – but not road).
11. Zoning boundary lines, proposed uses of property, and proposed front yard setback lines.
12. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition, or limitation of such reservation indicated.
13. A development summary chart should provide the following information:
 - a. The total acreage of the subdivision
 - b. Typical lot size
 - c. Number of lots
 - d. Number of housing units
 - e. Total acreage of open space or commonly owned areas
 - f. Total acreage dedicated for public rights-of-way
14. North point, scale, and date.
15. A preliminary storm drainage plan on a separate sheet that provides the following:
 - a. An adequate, complete, and satisfactory preliminary drainage plan for the entire area being platted for all projected land uses.
 - b. A storm drainage study and plan information that includes all watershed and floodplain areas, overall design calculations and boundaries, contours at two foot intervals or less, and the location and size of all existing and proposed storm sewers, underdrains, inlets, culverts, bridges, creeks, open ditches, swales, existing watercourses to be relocated or abandoned,

CHAPTER 1193: DRAWING SPECIFICATIONS

1193.1 Preliminary Plat Specifications

drainage outlets and their adequacy, and other pertinent drainage facilities.

- c. If the subdivision is traversed by a water course, channel, stream, or creek, the prior or present location of such water course, channel, stream, or creek shall be shown on the preliminary storm drainage plan. The information submitted shall include adjacent areas, when deemed necessary for design and review purposes.
 - d. All normal title and identifying information shall be shown on the plan along with a statement by the engineer or surveyor certifying that the plan submitted provides adequate and complete storm drainage services for the parts of the entire area being platted and comments on the impact, if any, that the proposed development will have on drainage of adjacent areas.
 - e. Arrows shall be used to indicate the direction of flow of all drainage.
16. A general statement describing proposed improvements and drainage systems.

1193.2 Construction Plans

- A. Construction plans, including the following, for improvements to be installed shall be furnished to the City in accordance with the specifications of the official having jurisdiction and shall receive approval of those officials before improvements are installed.
- B. **Drawing Specifications**
 - 1. The centerline profile of each proposed street at the scale of 50 feet or less to the inch, with tentative grades indicated.
 - 2. The typical section of each proposed street, showing the width of pavement, the location and width of sidewalks, and the location and size of utility mains.
 - 3. The plans and profiles of proposed sanitary sewers, with grades and sizes indicated, or method of sewage disposal in lieu of sewers.
 - 4. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.
 - 5. A plan of the proposed gas distribution system, showing pipe sizes, location of valves and other facilities.
 - 6. A plan of the proposed electric distribution system, showing conduit sizes, and the location of junction boxes, transformers, and streetlights.
 - 7. A detailed storm drainage plan on a separate sheet that provides the following:

- a. An adequate, complete, and satisfactory detailed drainage plan for the entire area being platted and for all project land uses that is in conformance with the City's stormwater regulations.
- b. The plan shall include all the information required for the preliminary storm drainage plan and any additional data as may be required by the Director of Engineering. The plan shall detail the design needed to completely drain the area, including design calculations.
- c. The drainage plan shall clearly show the method to be used for the adequate disposal of all storm water, including drainage outlets and the impact that the proposed development will have on drainage of adjacent areas.
- d. Construction plans that are sufficiently complete and detailed in order to construct all facilities shown on the drainage plan.
- e. A certification of the Subdivider and his engineer.

The detailed storm drainage plan shall be known as the *Official Drainage Plan* following its approval by the Director of Engineering.

1193.3 Final Plat Specifications

- A. **Application.** A Final Plat application, submission fee, and associated documentation shall be submitted. The Final Plat shall be prepared by a registered professional engineer or surveyor, authorized to practice under the laws of the State of Ohio.
- B. **Drawing Specifications.** The horizontal scale of the Final Plat shall be drawn at a scale of 100 or less to the and shall include the following features and information:
 - 1. All plat boundary lines with lengths of courses to hundreds of a foot and bearings to seconds. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed 1 to 10,000.
 - 2. Name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
 - 3. Names and locations of adjoining subdivisions and location and ownership of adjoining un-subdivided property.
 - 4. Names and addresses of the owner of record, the Subdivider, and the engineer or surveyor.
 - 5. Northpoint, scale, and date.

6. The exact location and width along the property line of all existing recorded streets intersection or paralleling the boundaries of the tract.
7. True bearing and distances to the nearest street bounds, patent, or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or established survey of corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
8. The accurate location and material of all permanent reference monuments.
9. A Development Summary Chart should provide the following information:
 - a. The total acreage of the subdivision
 - b. Typical lot size
 - c. Number of lots
 - d. Number of housing units
 - e. Total acreage of open space or commonly owned areas
 - f. Total acreage dedicated for public right-of-way
10. The exact layout including:
 - a. Street and alley lines – their names, bearing, length (along center line), angles of intersection and widths (including widths along the line of any obliquely-intersecting street)
 - b. The length of all arcs – radii, points of curvature and tangent bearings
 - c. All easements of rights-of-way, when provided for or onward by public services (with the limitation of the easement rights definitely stated on the plat)
 - d. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
11. Lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order. In case there is a re-subdivision of lots in any block, such re-subdivided lots shall be designated by their original number prefixed with the term most accurately describing such division, such as: W 1/2 of 3, N 40' of 5, etc., or they shall be designated numerically beginning with the number following the highest lot number in the block.

- 12.** The accurate outline of all property which is offered for dedication for public use, and of all property that may be reserved by Covenant in the deeds for the common use of the property owners in the Subdivision, with the purpose indicated thereon. The Planning Commission may authorize the designation of certain parcels for future street purposes; provided, that the Subdivider is the legal owner of all lands, adjacent to or abutting the said future street and, provided the Subdivider is the legal owner of all lands adjacent to or abutting the said future street and, provided further, the Subdivider agrees in writing to dedicate and improve the same in the manner herein prescribed if and when required by the Planning Commission at any time after approval of the Final Plat.
- 13.** Front yard setback building lines as fixed by the Zoning Ordinance and any other set back lines or street lines established by public authority, and those stipulated in the deed restrictions. Side yard and rear yard building setback lines shall be shown as a note on the Final Plat.
- 14.** Private restrictions if any:

 - a.** Boundaries of each type of use restrictions.
 - b.** Other private restrictions for each definitely restricted sections of the subdivisions.
- 15.** Statement that any lot transferred will have a minimum width and area substantially the same as those shown on the plat, and that only one principal building will be permitted on any such lot, provided that no such statement shall be required while the land is controlled by City or County zoning.
- 16.** The Subdivider shall acknowledge on the Final Plat the various improvement requirements as set forth in this Ordinance and as may be specified by the Director of Engineering by notation on the Final Plat. The Subdivider shall contact the City for the standard language that is to be included on the Final Plat.
- 17.** Certification by a registered professional engineer or surveyor to the effect that:

 - a.** The plat represents a survey made by him and that all monuments indicated thereon actually exist and their location, size, and material are correctly shown.
 - b.** All requirements of these subdivision regulations have been fully complied with.
- 18.** Acknowledgement of the owners and witnesses before an officer authorized to take the acknowledgment of deeds, which officer shall certify their official act on the plat.

19. Homeowners Association Declaration, Articles of Incorporation, Covenants and Restrictions, or Supplemental Declaration if required, to be filed with the Plat.
20. Copies of any private restrictions to be included in the deeds should be included with the Final Plat.

1195. DESIGN STANDARDS

1195.1 Flood Prone Land

In order to protect the safety, health, and general welfare of the people of Hamilton, subdivisions shall minimize any impact of development on flood prone lands, both within the subject subdivision and on adjacent properties. When a subdivision is located in an area having poor drainage or other adverse physical conditions, the Planning Commission may approve the plat of the proposed subdivision; provided the Subdivider agrees to perform such improvements as will, in the judgment of the Planning Commission, render the subdivision substantially safe and otherwise acceptable for use, and furnishes the Planning Commission with an irrevocable letter of credit, performance bond, or cash deposit to the City, running to the City of Hamilton, sufficient to cover the cost of such improvements as estimated the Director of Engineering and the officials have jurisdiction.

In laying out a subdivision, the Subdivider shall comply with the following general principles and requirements that follow in this Chapter.

1195.2 Reserving Streets, Public Grounds, and Open Spaces

- A. The subdivision layout shall conform to the Roadway Functional Classification Map, the Comprehensive Plan, and any other officially adopted long-range plans of the City of Hamilton and of Butler County.
 1. Whenever a tract to be subdivided includes any part of a freeway, expressway, arterial, or collector road as designated on said plan, such part of such public way shall be platted by the Subdivider in the location and at the width indicated on the plan.
 2. Where a proposed park or other recreational area, school site, or other public ground shown in any adopted long-range plan for the City of Hamilton is located in a subdivision or platted area, or if the City or Board of Education has indicated its intention to acquire an area in such subdivision or platted area, if such area is not dedicated to the City, Board of Education, Park Board, or other public body, it shall be reserved for acquisition by the City, Board of Education, Park Board, or other public body within a period of two years after the effective date of the ordinance accepting the Final Plat of the subdivision. Such area shall be acquired by purchase or other means.

- B. Where held appropriate by the Planning Commission, open spaces constituting a reasonable proportion of the gross acreage of the subdivision – suitably located and of adequate size for parks, playgrounds, or other recreational purposes for local or neighborhood use – shall be provided for in the proposed subdivision; and if not dedicated to the City, shall be reserved for the common use of all property owners in the proposed subdivision by covenant in the deeds.

1195.3 Street and Block Layout

- A. The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood.
 - 1. Where appropriate to the design, proposed streets shall be continuous and in alignment with the existing, planned, or platted streets with which they are to connect.
 - 2. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
 - 3. Dead-end streets of reasonable length (normally not over 600 feet) will be approved where necessitated by topography or where, in the judgment of the Planning Commission, they are appropriate for the type of development contemplated.
 - 4. Proposed streets shall intersect with one another as nearly at right angles as topography and other limiting factors of good design permit.
 - 5. Wherever there exists, adjacent to the tract to be subdivided, a dedicated or platted and recorded half-width street or alley, the other half width of such street or alley shall be platted, if required by Planning Commission.
 - 6. Alleys or service drives may be platted in all commercial and industrial areas if no other provisions are made for adequate access to parking and loading spaces. To provide safe access to residential lots located on freeways, expressways, and arterials, alleys may be platted in the rear of such lots or service drives provided in front of such lots as suggested in Section 1195.3.A.7.b and c below. Alleys may also be appropriate in traditionally designed neighborhoods that provide private drives to serve rear-loaded garages.

7. Lands abutting freeways, expressways, and arterials shall be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such thoroughfares and minimizing the interference of traffic. This may be accomplished in several ways, as set forth in this Section. In each specific case, though, the Subdivider shall take into consideration topography, existing physical conditions, the character of the existing and contemplated development, and other pertinent factors that may apply.
 - a. Plat the lots abutting such traffic ways at very generous depths and provide vehicular access to them by means of either alleys or service drives in the rear or a frontage access road next to the highway.
 - b. Front the lots on a minor street that parallels the freeway, expressway, or arterial road at a distance of a generous lot depth, rather than on the major thoroughfare. Private driveways in this case would connect with the minor street.
 - c. Plat a collector street more or less parallel with the highway, 600 to 1,000 feet distance therefrom, from which loop streets or dead-end streets would extend toward the highway, the ends of which giving access to the lots abutting the highway to the rear.
 - d. Use landscaping or other appropriate buffers of sufficient depth to mitigate the impacts of abutting thoroughfares.
 8. Private streets will not be approved, nor will public improvements be approved on or in any private street, unless approved by Planning Commission due to the existence of a unique circumstance, such as challenging site constraints, and only when less than 10 parcels are being created.
 9. Temporary dead-end streets, due to a phased development schedule, future planned connection, or other similar reason, shall be permitted where necessitated by the design of the subdivision; provided that a temporary turn-around shall be constructed when lots are fronting on such temporary dead-end streets. The extra width, therefore, shall be the same as required for permanent turn-arounds, provided that such extra width in excess of the street right-of-way shall be vacated upon the extension of the street.
- B. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

1. The lengths of blocks shall be appropriate for the locality and the type of development contemplated, in the opinion of the Planning Commission. Blocks shall not exceed 1,800 feet where the average size of lots does not exceed two acres in area, and shall not be less than 500 feet.
2. Planning Commission may require a mid-block crosswalk or pedestrian way, a minimum of 10 feet wide, to be constructed across any block that is over 900 feet in length.
3. The number of intersecting streets along freeways, expressways, and arterials shall be held to a minimum. Wherever practicable, blocks along such traffic ways shall be not less than 1,000 feet in length, unless otherwise approved by the Planning Commission.

1195.4 Minimum Right-of-Way Widths of Thoroughfares

- A. Streets and thoroughfares as specified on the Roadway Functional Classification Map shall have the minimum rights-of-way as follows, unless approved otherwise by the Planning Commission:
 1. Other Freeway and Expressway – 120 feet
 2. Principal Arterial – 120 feet
 3. Minor Arterial – 100 feet
 4. Major Collector – 100 feet
 5. Minor Collector – 80 feet
 6. Local – 60 feet
 7. Alleys – 20 feet
- B. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of 80', unless the Planning Commission approves a "T" or "Y" shaped paved space in place of the required turning circle.
- C. Where easements are required for utilities, their width shall be at least 10 feet along rear or side lot lines and at least eight feet behind and adjacent to the street right-of-way line. Wider easement widths may be required by Planning Commission in unique situations.

1195.5 Minimum Paving Widths

- A. Minimum pavement widths (required to be installed at the Subdivider's expense), shall be as follows:
 1. Freeways, expressways, principal arterials, minor arterials, and major collectors – 32 feet.
 2. Minor collector and local streets over 600' in length – 28 feet.

3. Minor collector, local streets, and dead-end streets less than 600 feet in length – 20 feet.
4. Alleys and service drives – 12 feet.
5. The pavement of a turning circle at the end of a dead-end street shall have a minimum outside diameter of 60 feet. A “T” or “Y” shaped paved space, when approved by Planning Commission in place of a turning circle, shall extend entirely across the width of the street right-of-way and shall be at least 10 feet wide with the flared portion rounded by a minimum radius of 20 feet.

1195.6 Street Grades, Curves, and Sight Distances

- A. The grades of streets shall not be less than 0.5% and shall not exceed the following, unless approved by the Director of Engineering:
 1. Freeways, expressways, principal arterials, minor arterials, and major collectors – 4%.
 2. Minor collector, local streets, service drives, and alleys – 7%.
 3. Pedestrian ways or crosswalks – Per Federal ADA standards.
- B. All changes in street grades shall be connected by vertical curves having a minimum length of 50 feet or equal to 15 times the algebraic difference in the change of grade, whichever is larger.
- C. The radii of curvature on the centerline shall not be less than the following:
 1. Freeways, expressways, principal arterials, minor arterials, and major collectors – 400 feet.
 2. Minor collector, local streets, service drives, and alleys – 100 feet.

1195.7 Intersections

The following intersection specifications apply to residential subdivisions. Commercial or industrial subdivisions may require larger radii to accommodate truck traffic and circulation.

- A. At street and alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be 15 feet. In business districts, a chord (a line segment connecting two points on a curve) may be substituted for such arc.
- B. Street curb intersections shall be rounded by a radius of at least 20 feet.
- C. The above minimum radii shall be increased when the smallest angle of an intersection is less than 60 degrees.

CHAPTER 1197: MODIFICATIONS

1195.8 Lots

1195.8 Lots

- A. The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.
- B. Excessive depth in relation to width shall be avoided (a proportion of 2 to 1 shall normally be considered appropriate).
- C. Every lot shall abut on a publicly dedicated street, unless otherwise approved by Planning Commission due to a unique circumstance.
- D. Requirements for minimum lot width shall be as specified in the City of Hamilton Zoning Ordinance.
- E. Double-frontage lots shall be avoided.
- F. Side lot lines shall be approximately at right angles to the right-of-way line on the street on which the lot faces.
- G. Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the front yard setback requirements on the side street as required by the City of Hamilton Zoning Ordinance.
- H. Residential lots fronting or abutting on freeways, expressways, or arterials shall have extra depth to permit deep setbacks for the buildings from such traffic ways.

1197. MODIFICATIONS

1197.1 Modifications of Subdivision Design Standards

- A. The subdivision design standards, as stipulated in Chapter 1195 of these Subdivision Regulations, may be modified by the Planning Commission in the case of a Planned Development District, and in the case of a subdivision large enough to constitute a more or less self-contained neighborhood, in the judgment of the Planning Commission, which is to be developed in accordance with the City of Hamilton's Comprehensive Plan and safeguarded by appropriate restrictions which, in the judgment of the Planning Commission, adequately provide for all essential community requirements. The Planning Commission shall not grant a modification which would conflict with the proposals of the Roadway Functional Classification Map, with other features of the City of Hamilton Comprehensive Plan, or with the intent and purpose of the design requirements contained herein.

- B.** Where it can be shown in the case of a particular proposed subdivision that strict compliance with the requirements of these regulations would result in extraordinary or undue hardship to the applicant or developer, or that these conditions would result in delaying the achievement of the objectives of these regulations, the Planning Commission may waive, vary, or modify the requirements so that the subdivision is in conformance with all applicable regulations and standards, and the public interest is secured. Any such determination shall be based fundamentally on a finding that:
1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health or welfare, and is not injurious to other property.
 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
 4. The relief sought will not, in any manner, vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Zoning Map, except that those documents may be amended in the manner prescribed by law.

1197.2 Application for Modification

An applicant may apply for a variance, modification, or waiver of the regulations contained herein in writing to the Planning Department simultaneously with the Preliminary Plat. The application shall explain in detail the reasons for, and any facts supporting, the request. Any modifications granted shall be recorded in the minutes of the Planning Commission meeting. In granting variances, modifications, or waivers, the Planning Commission may impose conditions which, in the Planning Commission's judgment, are necessary to substantially secure the intent and objectives of the Subdivision Regulations.

1199. IMPROVEMENTS

The following rules and regulations establish the minimum requirements for the installation of improvements in subdivisions within the jurisdiction of the City Planning Commission of the City of Hamilton, Ohio.

1199.1 Construction Prior to Filing Final Plat

All of the improvements required under these regulations shall be constructed prior to filing the Final Plat with the Planning Commission for approval, in accordance with the specifications herein.

1199.2 Streets

Streets shall be graded to full width and fully constructed, including all weather pavements, in accordance with the standards provided in the current Ohio Department of Transportation Location and Design Manual, and curbs and gutters, bridges, and other structures shall be subject to approval by the Director of Engineering.

1199.3 Sidewalks

- A. Sidewalks shall be five feet in width, unless otherwise approved, and shall be constructed of a material approved by the Director of Engineering. Sidewalks shall be constructed on both sides of every road or street where lots are of a width of 120 feet or less. Sidewalks shall be constructed on one or both sides of streets irrespective of the width of lots, where, in the judgment of Planning Commission, sidewalks are necessary to protect the safety of pedestrians. Where plats are designed with interior walkways, walks shall be constructed to adequately serve the area being platted.
- B. Sidewalks, where required, shall be completed within two years of the approval of the Final Plat.

1199.4 Water

Where a public water supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. Where public water supply is not available within a reasonable distance of the subdivision, the average size of the lots shall not be less than 20,000 square feet and the Subdivider shall provide for individual wells. The entire water supply and distribution system shall be designed to meet the approval of the governmental officials having jurisdiction over the same.

1199.5 Gas

Where a public gas supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete gas distribution system adequate to serve the area being platted, including a connection for each lot.

1199.6 Electric

Where a public electric supply main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete electric supply distribution system adequate to serve the area being platted, including a connection for each lot.

1199.7 Storm Drainage System

- A. Every development shall be provided with a storm system that provides adequate, complete, and satisfactory drainage service for the entire area being platted for all projected land uses and otherwise meeting the approval of the governmental officials having jurisdiction over the same. The system shall provide for drainage of the entire area of each and every lot. The drawing plans and specifications for such system, when approved by the Director of Engineering, shall be known as the *Official Drainage Plan* for the development.
- B. The Official Drainage Plan shall not be revised or altered without the approval and endorsement of the Director of Engineering. The Subdivider shall certify that all grading and drainage facilities will be completed in conformance with the Official Drainage Plan and the Subdivider's engineer shall certify that the drainage system has been designed to provide complete and adequate storm drainage service for the entire area being platted.
- C. The Official Drainage Plan may be altered or revised, as long as adequate and satisfactory facilities are provided. Any person requesting an alteration or revision must file a written request with the Director of Engineering and all owners affected by the change. The request shall include an explanation and plan in sufficient detail to adequately review the requested alteration or revision. Any change must be approved by the Director of Engineering and be endorsed by him on the Official Drainage Plan, after consideration of the views of all affected parties. Any owner that takes any action not in conformance with the Official Drainage Plan shall be liable for any resulting damage and responsible for any corrective work necessary to conform to the Official Drainage Plan, including approved revisions.
- D. Continuous or intermittent drainage flow (from springs, ground water, seepage, foundation drains, yard drains, etc.) shall be disposed of by piping to a storm sewer or stream with continuous or intermittent flow and shall not be disposed of by draining to the sanitary sewer system, street gutter, or to an open ditch or swale that is without flow during dry periods. Where gravity flow is possible for foundation drains, such flow can outlet to any stream or swale, except minor lot swales. The Director of Engineering shall evaluate the possibility or occurrence of such situations in the design of the drainage plan and provide whatever drainage facilities are needed.

- E. The Subdivider and the Subdivider's engineer shall take all necessary and proper design and construction measures and precautions to control and prevent the slippage of hillsides, slope instability, obstruction of sewers and drainage, stagnation, erosion and sedimentation. The City, in accordance with its Building Code provisions, shall supervise and control work by builders and lot owners to ensure that these provisions are complied with. The Subdivider shall include the requirement for minor lot swale work in applicable conveyances to each buyer and shall cooperate with and assist the City in having this work completed in conformance with the Official Drainage Plan.
- F. The Official Drainage Plan reference in Section 1199.7.A shall be attached to, incorporated by reference, and filed with the Final Plat of the subdivision or development in the Office of the Recorder of Butler County, Ohio when such Final Plat is so recorded. The Subdivider of the subdivision or other development shall thereafter include in each deed for the conveyance of such subdivision or development, or any portion thereof, a covenant making such conveyance subject to the terms and conditions of the aforementioned Official Drainage Plan. The covenant shall contain language that will cause the same to run with the land and inure to the benefit of the City of Hamilton and the owner(s) of any parcel of land within such subdivision or development. Alternatively, the covenant may be recorded in a separate instrument setting forth the covenant in such a manner that all subsequent conveyances shall be subject to the covenant.
- G. For the purposes of Maintenance of Detention and Retention Facilities, the Subdivider shall submit to the City for review at the time of submission of the Final Plat a copy of the Homeowners Association Declaration, Bylaws, Covenants and Restrictions that outlines the responsibilities of the Homeowners Associations with respect to the continued maintenance of detention and retention facilities and their control structures, and other communal open space. NO FINAL PLAT SHALL BE APPROVED BY THE PLANNING COMMISSION WITHOUT THIS SUBMISSION AND ITS APPROVAL BY THE APPROPRIATE CITY DEPARTMENTS.
- H. **Sump Pump Connector Main.** A Sump Pump Connector Main is required to be installed one foot behind the back of curb and connect to a downstream catch basin or storm sewer manhole. Cleanouts shall be installed at the terminus ends of the Sump Pump Connector Main and shall not exceed 400-foot spacing. The Sump Pump Connector Main shall be a minimum of eight inches in diameter and have a minimum slope of 0.5%. The pipe shall be constructed of SDR35 or an equivalent material. Standard "Ys" or "Ts" shall be installed 10 feet from the downhill property line of each. All sump pumps shall be connected to a catch basin or to a Sump Pump Connector Main, unless written approval for an alternative method of discharge is granted by the Director of Engineering or his designee.

1199.8 Sewerage

Where a public sanitary sewer main is reasonably accessible, in the judgment of the Planning Commission, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Where a public sanitary main is not reasonably accessible, in the opinion of the Planning Commission, proper provisions shall be made for the disposal of sanitary wastes by one or the other of the following methods, as is appropriate in the judgment of the Planning Commission:

- A. Unless specifically approved by the Planning Commission, all subdivisions shall be provided with a complete sewage system, including a lateral connection for each lot, and a community sewage treatment plant of a type meeting the approval of the officials having jurisdiction over the same.
- B. Where a subdivision provides a complete sewage system or a common effluent sewer line, the following note shall be entered on the Final Plat: "The tile that is laid for the purpose of serving as an effluent line for an individual or community septic tank is a private sewer line and the responsibility of maintenance shall rest with the abutting property owners using said line." Alternatively, the right of the City of Hamilton to charge the actual cost of operating and maintaining such common effluent sewer line and/or treatment plant shall be entered on the Final Plat and incorporated into each deed.
- C. In the event the Planning Commission approves the use of septic tanks in lieu of a complete sewage system for a particular subdivision, private restrictions shall be filed with the Final Plat and incorporated into each deed calling for the installation of an individual sewage disposal system on each lot meeting fully the requirements of the officials having jurisdiction over the same.

1199.9 Utility and Service Facilities

- A. Pursuant to the City of Hamilton Zoning Ordinance, primary electric distribution facilities for all new subdivisions constructed within the corporate limits of the City shall be installed underground and in accordance with the provisions set forth therein.
- B. Telephone, data, cable, and telecommunication service facilities for all new subdivisions constructed within the corporate limits of the City shall also be installed underground.
- C. Notwithstanding the provisions set forth in Sections 1199.9.A and B above, the City may determine that overhead electric distribution facilities or telephone, data, cable, and telecommunication services are appropriate for a particular subdivision due to unique design features, large capacity improvements, the requirements of existing facilities, or other reasons affecting and/or impacting the City's electric distribution system or telephone, data, cable, and telecommunication systems.

CHAPTER 0:

1199.10 Guard Rails

- D. Permanent easements shall be granted and/or dedicated to the City for the installation of the aforesaid electric distribution facilities and the telephone, data, cable, telecommunication, and other utility service facilities for all new subdivisions within the corporate limits of the City of Hamilton.

1199.10 Guard Rails

Guard rails shall be erected in accordance with ODOT specifications.

1199.11 Street Name Signs

Street name signs of a type meeting the standard specification of the Director of Engineering shall be provided by the Subdivider and erected at each highway, road, and street intersection.

1199.12 Monuments

Permanent and other monuments shall be placed in accordance with the requirements of the Director of Engineering. The permanent reference monuments shall be of stone or concrete at least 36 inches in length and six inches square with suitable center point.