VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2020-27

REPEALING CHAPTER 1226 "SUBDIVISION REGULATIONS" OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW CHAPTER 1226 "SUBDIVISION REGULATIONS"

Whereas, Chapter 1226 of the Codified Ordinances of the Village of Yellow Springs, Ohio provides regulations for major and minor subdivisions, and replats in the Village; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Chapter 1226 entitled "Subdivision Regulations" of the Codified Ordinances of the Village of Yellow Springs, Ohio in order to update and improve the Code, and

Whereas, the new Subdivision Regulations address stormwater mitigation due to Council's goal of infill development, and

Whereas, the design standards within the Subdivision Regulations address the increase in rainfall events due to climate change,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. Existing Chapter 1226 "Subdivision Regulations" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed.

Section 2. A new Chapter 1226 "Subdivision Regulations" of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with new language <u>underlined</u> and **bolded** and deleted language in ~~strikethrough~~.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

_____
Brian Housh, President of Council

Passed: 10-19-2020

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes__Y___

Lisa Kreeger__Y___ Laura Curliss __Y__

EXHIBIT A

CHAPTER 1226

Subdivision Regulations

1226.01 Definitions.
1226.02 Submission of and action on preliminary plats.
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1226.10 Variations.
1226.11 Minor subdivisions.
1226.12 Replats.
1226.13 Subdivision fees.
1226.99 Penalty.

CROSS REFERENCES

Planning Commission powers and duties concerning platting - see CHTR. § ~~67~~ **64**
Plat and subdivision defined - see Ohio R.C. 711.001
Plats and platting - see Ohio R.C. 711.01 et seq.
Plat acknowledgment and recording - see Ohio R.C. 711.06
Village subdivision regulations - see Ohio R.C. 711.09, 711.101
Violations - see Ohio R.C. 711.102

1226.01 DEFINITIONS.

As used in this chapter:

(a) "Easement" means a grant by the property owner of a use of real property by the public or by a public utility for public purposes.

(b) "Improvements" means street pavements, with or without curb and gutter, sidewalks, water mains, sanitary and storm sewers, electric lines and transformers, street trees and other appropriate items.

(c) "Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development.

(d) "Official Land Use Plan" means the system of thoroughfares, open spaces and land use development patterns adopted by Council, on recommendation of the Planning Commission, on November 7, 1977, as Resolution 77-42, and subsequent amendments thereto. A summary of planning elements may be had in the form of a map titled "Land Use Plan," which is on display in the Village Council Chambers.

(e) "Plat" means a map and description showing the location, boundaries and ownership of individual properties in conformance with minimum size regulations in place at the time.

(f) "Professional engineer" means a person who has been registered as provided for by Ohio R.C. 4733.01 to 4733.23.

(g) “Replat” means the recombining of land parcels or lots that results in the same or fewer number of total parcels or lots that conform with current minimum size requirements.

(h) “Right-of-way” means the width between property lines of a street or alley, or the area contained within an easement.

(i) “Street” means a thoroughfare as defined by the Official Thoroughfare Plan.

(j) “Subdivision” means a division of a plot, tract or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership or development.

(k) “Surveyor” means a person who is registered by the State of Ohio to perform land surveying functions.

(l) “The practice of engineering” includes any professional service, such as consultation, investigation, evaluation, planning, design or inspection of construction or operation, for the purpose of assuring compliance with drawings or specifications in connection with any public or privately owned utilities, structures, buildings, machines, equipment, processes, works or other projects.

(m) “Uncommon lot” means an irregular shaped lot, typically characterized, but not limited to, a flag or panhandle lot, but may have other uneven lot line features, with a minimum frontage of twenty feet.

The definitions of other terms, not included above, may be sought from Chapter 1284 of the Village of Yellow Springs Zoning Code or other sources deemed appropriate by the Planning Commission. The Commission will be strongly guided by definitional statements in the Subdivision Regulations of Greene County, Ohio, as amended.

(Ord. 91-12. Passed 12-2-91.)

1226.02 SUBMISSION OF AND ACTION ON PRELIMINARY PLATS.

(a) The owner of land who desires to subdivide it shall submit ten copies of a preliminary plat to the Village Manager or a designee.

(b) A preliminary plat shall be the result of as many prior consultations with the Village Manager or his or her designee, or the Planning Commission, as the owner or developer of a subdivision needs. When a preliminary plat has been determined by the Village Manager or a designee to comply with the requirements set forth in Section 1226.03, it shall be accepted on behalf of the Village and scheduled for Planning Commission review. To be scheduled for Planning Commission review, preliminary plats must be submitted at least twenty-five days before, and accepted at least twenty-one days before, the regularly scheduled monthly meeting of the Commission, and shall be accompanied by payment for review services in an amount specified in Section 1226.13. The Commission shall thereupon examine said plat at the regular monthly meeting for which it has been scheduled and take action within thirty days to approve, approve with modifications, or disapprove the plat, except that the Commission may also, at its discretion, move to continue its deliberations on a given plat beyond the thirty days if so petitioned by those submitting the plat. At least one copy of all submitted plats shall be open to the public for inspection, in the office of the Clerk of Council, during the period said plats are under review by either the Planning Commission or Village Council.

(c) No plat will be accepted for the Village of Yellow Springs review until necessary reviews have taken place by the Ohio Department of Transportation (ODOT) pursuant to State laws relating to State rights-of-way.

(d) Approval of the preliminary plat shall be effective for a maximum period of twelve months unless the first section has been filed for final approval.

(Ord. 91-12. Passed 12-2-91.)

1226.03 CONTENTS OF PRELIMINARY PLATS.

(a) A preliminary plat shall contain:

(1) The proposed name of the subdivision;

(2) Its location within the Village, giving section, town, range, township, county and state;

(3) Names and addresses of owners, developers, surveyors and engineers who made the plat and appropriate professional seals;

(4) The dates of the surveys that form the basis for the preliminary plat;

(5) The north point.

The scale of the plat shall not be less than one inch equals 100 feet and shall be indicated.

(b) The preliminary plat shall show:

(1) Boundary lines and total acreage of the plat based on an accurate traverse with angular and linear dimensions;

(2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility easements, parks and open spaces, permanent buildings and structures, and section and corporation lines within or adjacent to the tract (lots shall not be divided by township or corporate boundary lines);

(3) Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any;

(4) Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact locations;

(5) Existing electric poles and transformers within the tract;

(6) Boundary lines of adjacent tracts of unsubdivided and subdivided land;

(7) Existing contours with intervals of not more than two feet (elevations shall be based upon sea level datum);

(8) Drainages, important trees, wooded areas, watercourses and other significant physical features.

(c) The preliminary plat shall also show:

(1) The layout of proposed streets, including their names and widths;

(2) The layout and dimensions of lots and blocks (lots shall not be divided by township or corporate boundary lines);

(3) Parcels of land intended to be dedicated or temporarily reserved by deed covenant, and the conditions proposed for such covenants and for the dedication;

(4) Profiles of each street with tentative grades, on a vertical scale of one inch equals five feet;

(5) Typical street cross-sections on a scale of one inch equals five feet;

(6) Plans and profiles of proposed sanitary or storm sewers with grades and pipe sizes;

(7) Plans of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants;

(8) Plans of the proposed electric distribution system showing the location of transformers and lines;

(9) The street tree planting plan;

(10) The building setback line, shown graphically with dimensions at and to such line;

(11) Indications of any lot on which a use other than residential is proposed by the owner.

(d) Proposals attendant to the subdivision of land and related to the practice of engineering or the installation or modification of utilities shall bear the seal of a professional engineer. Proposals related to the subdivision of land shall bear the seal of a registered surveyor.

(Ord. 91-12. Passed 12-2-91.)

1226.04 SUBMISSION OF AND ACTION ON FINAL PLATS.

(a) After official approval of the preliminary plat, the final plat of the subdivision shall be drawn in waterproof black ink and shall be submitted on one or more tracing cloth or mylar sheets, each fourteen by twenty inches in size, to the Village Manager **or his or her designee** for final action by the Planning Commission and Council. Each sheet of multiple sheet submissions shall be numbered and the relation of one sheet to another clearly shown.

(b) An application for approval of the final plat shall be submitted on forms provided by the Village Manager **or his or her designee**, along with required tracings and prints. Final plats shall be submitted ~~fourteen~~ **20** days before the regularly scheduled monthly meeting of the Planning Commission. In addition to the original tracings specified in subsection (a) hereof, the following copies will also be required:

(1) Ten copies of the final plat. One reproducible copy of all original tracings shall be included in this requirement for retention by the Village of Yellow Springs.

(2) Ten copies of construction drawings, including profiles of streets, sanitary sewers, storm sewers, water lines, electric transformers and lines, and curbs and gutters. Ten copies of a cross- section of the above shall be submitted when required.

(c) The final plat will be accepted for review only after payment of a fee for review services specified in Section 1226.13.

(d) A recommendation to approve, approve with conditions or disapprove will be provided to the Village Council by the Planning Commission within thirty days of the final public hearing of the Commission. The Village Council will hold a public hearing within thirty days of receiving that recommendation and will take action to approve, approve with conditions or disapprove. If the plat is approved, the owner shall file it with the County Recorder within sixty days. If not recorded within this time, approval of the Village Council shall become null and void.

(Ord. 91-12. Passed 12-2-91.)

1226.05 CONTENTS OF FINAL PLATS.

(a) The final plat shall contain all the information required by Section 1226.03(a) and (b)(1) and (2).

(b) The final plat shall also show:

(1) The layout and dimensions of lots and blocks;

(2) Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant, and the conditions proposed for such covenants and for the dedication;

(3) Building setback lines, shown graphically with dimensions at and to such lines;

(4) True angles and distances to the nearest established street lines and official monuments;

(5) Radii, internal angles, points of curvature, tangent bearings and lengths on centerlines of streets;

(6) All lot numbers and lines with accurate dimensions in feet and hundredths with bearings and angles to streets;

(7) The accurate location of all monuments, which shall be concrete six inches by six inches by thirty inches, with iron pipe cast in the center. One such monument shall be placed at each corner of such plat, and elsewhere as judged necessary by the Village Manager. In addition, a solid iron pin monument, three-quarters of an inch in diameter and thirty inches long, shall be placed by the surveyor at all points on boundary lines where there is a change of direction and at all lot corners. Prior to bond release, a surveyor's certified statement shall be filed with the Village Manager attesting that all required monuments and iron pins are in place. Iron pins and monuments shall be flagged.

(8) That the traverse of the exterior boundaries of the plat and of each block, when computed from field measurements of the ground, shall close within a limit or error of one foot to 10,000 feet of a perimeter before balancing the survey;

(9) A notarized certification by the owner or owners of the adoption of the plat and the dedication by them to public use of the street, utility easements and other public areas shown on the plat;

(10) A proper form for the approval by signature of the Planning Commission and Council, with space for signatures.

(c) Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes- and-bounds descriptions of the lands of the dedicators from which such plat is drawn.

(Ord. 91-12. Passed 12-2-91.)

1226.06 DESIGN STANDARDS.

(a) Undeveloped Land.

(1) Streets. Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets ~~and construction of curbs, gutters, associated storm sewers, driveway aprons~~ and **construction of** water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. **Construction of curbs, gutters, driveway aprons and associated storm sewers shall be according to the Village's storm water management design standards in Section 1226.06(a)(7), the driveway standards in the Zoning Code Section 1260.03(a) and standard plans on file with**

the Village. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in ~~the "Run-off Control/Sediment Abatement Resolution, Greene County, Ohio."~~ **Section 1226.06(a)(7) Storm Water Management Systems. Development of individual lots within an approved subdivision shall be required to follow the *Stormwater Guidelines for Low Impact Development* contained in the appendix following the text of these subdivision regulations.**

Low Impact Development (LID) will be considered by the Planning Commission in lieu of a conventional stormwater system design. Stormwater management plans that use natural and engineered infiltrations and storage techniques in order to control stormwater where it is generated to control runoff may be presented. The LID shall include such designs as engineered systems that filter stormwater from impervious surfaces, that retain stormwater for slow infiltration, water collection systems, vegetated areas, and modifications to infrastructure. Low Impact Development designs may be presented if stormwater calculations prove its capabilities for controlling runoff and if the LID does not burden the Village with long-term maintenance issues. Sidewalks/pedestrian walkways must be included in the design of any new subdivision in the Village following ADA standards. LID designs for sidewalks will be considered by the Planning Commission in lieu of conventional designs. The LID plan shall be prepared by a licensed engineer at the expense of the developer. The LID plan shall be reviewed and formally approved by a Village designated engineer at the expense of the developer.

~~Estate streets, as designed according to Appendix A following the text of these Subdivision Regulations and by the applicable specifications contained in the Subdivision Regulations of Greene County, Ohio, as amended, may be authorized by the Planning Commission as a variation, in accordance with Section 1226.10, for the construction of local streets, when the following conditions can be met:~~

~~A. All lots fronting on the proposed estate street must collectively average 100 feet of frontage.~~

~~B. A stormwater plan for the entire subdivision, prepared by a licensed engineer at the expense of the subdivider, shall be formally approved by a Village-designated engineer;~~

~~C. Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. These crossings are to be an integral part of the stormwater management plan as to location, grade and size.~~

(2) Alleys. Alleys shall be twenty feet in width. Alleys shall be ~~paved and~~ constructed according to ~~Greene County~~ **Village of Yellow Springs** specifications. Dead-end alleys are prohibited.

(3) Sidewalks. ADA compliant sidewalks shall be required along all public streets. ~~unless the estate street design is being utilized~~. ~~The Planning Commission may require ADA compliant sidewalks along estate streets if they are deemed necessary.~~

ADA compliant sidewalks along ~~local~~ streets shall be provided as required by the Commission and may include use of "black top" in lieu of concrete and of one-side-of-the-street installation. Such sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

(4) Electric. An underground electric distribution plan for the entire subdivision, prepared by a licensed engineer ~~at the expense of the subdivider~~, shall be formally approved by a Village-designated engineer **at the expense of the subdivider.**

(5) Easements. Easements with right-of-way widths up to ten feet, as required, shall be provided on rear **yard** lot lines and along **the** side **yard** lot lines in addition to those required by the developer.

(6) Lots. Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the **Village of Yellow Springs** Zoning Code ~~and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G)~~. Uncommon lot configurations may be incorporated into a development where such division poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:

A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.

B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.

C. A minimum frontage of twenty feet shall be required for all such lots.

D. Uncommon lot configurations ~~are permitted access on local streets only.~~ **must be approved by the Planning Commission.**

(7) Stormwater Management Systems

A. General Requirements

All storm sewer designs shall be in accordance with the following standards. All designs shall protect from flood damage and inundation by stormwater to any dwelling. Drainage water entering the watershed shall be collected and routed from the area in approximately the same location and manner that existed prior to the construction of the improvements. Design of the drainage facilities within the drainage area shall be such that they will not divert drainage area from one watershed to another.

B. Design of Drainage Facilities

1) For any proposed development resulting in one acre or less of impervious area:

A stormwater management plan as stated in the *Stormwater Guidelines for Low Impact Development* is required. The *Stormwater Guidelines for Low Impact Development* is contained in the appendix following the text of these subdivision regulations. The storm water management plan must be maintained by the property owner into perpetuity. The stricter criteria outlined in 1226.06(a)(7)B(2) will be required for any Planned Unit (PUD) or Pocket Neighborhood Development

(PND). If more than one lot is proposed for development, the combined acreage of the lots impervious area will determine the stormwater management requirements.

2) For proposed developments resulting in more than one acre of impervious area:

A. Hydrologic Design

All drainage ways shall be designed in accordance with the following criteria. Exceptions to this criteria may be considered if green infrastructure designs are implemented:

1. **Major Waterways: Major waterways are defined as those with a tributary area in excess of 4 square miles. Major waterways shall be designed for an average recurrence interval of 100 years.**
2. **Secondary Waterways: Secondary waterways are defined as those with a tributary area of between 1 and 4 square miles. Secondary waterways shall be designed for an average recurrence interval of 50 years.**
3. **Minor Waterways: Minor waterways are defined as those with 1 square mile or less of tributary area. Minor waterways shall be designed for an average recurrence interval of 25 years for open channels and culverts.**
4. **Roadway Storm Sewer Networks: All roadway storm sewer shall be designed for an average recurrence interval of 10 years.**

B. Hydraulic Design

1. **The design hydraulic grade line for any closed or open waterway, bridges or culverts shall be designed to contain the 25-year rainfall frequency within the proposed system. Storm sewers designed as part of a road system with curb shall be designed so that the hydraulic grade line shall be no higher than the inlet grates for a design discharge of the 25-year design discharge (Q).**
2. **For all roadway design improvements or developments, catch basins shall be so placed along the streets that the width of flow does not impede traffic. For acceptable spread requirements along a roadway, reference Ohio Department of Transportation *Location and Design Volume* 2, the most current edition.**
3. **The depth of flow or ponding for a 100-year average recurrence interval storm shall not exceed a level which would cause inundation or damage to any dwelling constructed within the project area.**
4. **Site grading within the development shall be such that all lots will readily drain. Lots shall have a 1.0% minimum slope in grass areas. Overland flow on lots shall be limited to a maximum distance of three hundred (300) feet unless approved by the Village of Yellow Springs.**
5. **Bridges spanning open waterways shall have minimum freeboard above water surface of 2 feet.**
6. **The minimum velocity for any closed or open conduit shall be**

2.5 feet per second under gravity flow conditions.

C. Structural Design

Catch basins, manholes, inlet structures, etc. placed within an improvement or development shall conform to standard plans on file with the Village. Structural design of all drainage facilities shall be subject to the approval of the Village of Yellow Springs.

1. Channels/Swales:

a. Minimum bottom width of constructed channels shall be 2 feet.

b. Each channel constructed shall have side slopes of 3:1 or flatter.

c. All permanent drainage swales shall be shown on the construction plans with easements on the final plat.

d. Maintenance of all drainage swales through a development shall be the responsibility of the developer/owner.

e. Bank stabilization and stream bed stabilization, along constructed or natural channels, will be required if the channel velocities are sufficient to cause bank or invert erosion. The top of bank shall be so graded that side drainage will enter channels only at points where structures are provided to prevent bank erosion. Side drainage flow shall enter the channel as nearly parallel with stream flow as possible. Earth channels shall be seeded or sodded depending on the velocity of flow within the channel.

2. Closed Conduits:

a. Storm drainage within the development, which is capable of being transmitted in a pipe 48" or less in diameter, shall be carried in a closed conduit. At the request of the applicant and their design engineer, this requirement may be waived. The reason for this waiver shall be to meet the requirements of the Ohio Environmental Protection Agency Construction Permit. The minimum conduit size shall be 12” pipe.

b. Minimum clearance between top of pipe and top of surface shall be 2 feet. All pipes with clearance less than 2 feet shall be reinforced concrete pipe. The alignment of closed conduits shall be as nearly straight as practical without bends and angle points; manholes shall be provided at all angle points and at intervals not to exceed 300 feet along the conduit unless submitted for approval with proper documentation. Inverted siphons shall not be permitted except for temporary structures.

c. All pipe, bedding and backfill shall be designed in accordance with the Ohio Department of Transportation Design Manual. Field tile/single wall storm tile is NOT allowed. Ditch protection shall be required if the 10-year flow velocities in a channel or waterway exceed 4 feet per second for soil ditches or 6 feet per second in sodded ditches. If the exit velocity from a storm sewer exceeds the allowable velocities, an energy dissipating device (i.e. stilling basing, dumped rock) may be necessary.

D. Stormwater Runoff Control Criteria for Retention/Detention Basins
Any development which increases the runoff rate and volume shall be required to control the discharge rate of runoff prior to its release to its off-site outlet.

1. Any increase in the volume of site surface drainage water resulting from accelerated runoff caused by site development shall be controlled so that the post development peak discharge rate does not exceed that of the pre-development peak discharge rate, for all 24-hour storms between a one-year frequency and the critical storm frequency as determined below. The method by which an applicant shall determine changes in rates and volumes of runoff is presented in the U.S. Department of Agriculture, Engineering Division of the Soil Conservation Service, Urban Hydrology for Small Watersheds, Technical Release No. 55, June 1986 or most current edition.

To find the critical storm frequency for which additional control will be needed, the applicant shall:

a. Determine the percent increase in runoff volume for a one-year frequency, 24-hour storm occurring on the development area.

b. Determine the critical storm frequency for which additional control is needed by using the percent increase in runoff volume, derived in (a), in Table 1.

c. Control the post development storms of a frequency between one year and the critical storm determined in (b), so as to be equal to or less than the pre-development peak runoff rate for a 24-hour one-year frequency storm.

d. Storms of less frequent occurrence (longer return periods) than the critical storm up to the one-hundred-year storm have peak runoff rates no greater than the five-year frequency peak runoff rates. Consideration of the one, two, five, ten, twenty-five, fifty and one hundred-year storms shall be considered adequate in designing and developing to meet this standard.

e. In no instance, shall the post developed peak runoff rate exceed half of the capacity of the immediate downstream receiving drainage system.

E. Critical Year Storm Calculation: (1-year Post – 1-Year Pre) x 100% (1 Year Pre)

1. Table 1:

DETERMINING STORM FREQUENCY FOR WHICH CONTROL IS NEEDED		
Percent Increase in Runoff Volume From a 1 Year Frequency, 24 Hour Storm		
equal or greater than (percent)	*less than (percent)*	*Storm Frequency (years)*
-	10	1
10	20	2
20	50	5

50	100	10
100	250	25
250	500	50
500	-	100

F. Post Construction Runoff Control

The drainage design shall incorporate the following post-construction storm water management requirements. These requirements are necessary in order to reduce increases in non-point pollution caused by stormwater runoff, minimize the total runoff volume which flows from a site following increases in impervious area by development, and minimize changes in the watershed hydrology inherent with development.

1. The post construction requirements should meet or exceed the most current Ohio Environmental Protection Agency Construction general permit.
2. The site-specific characteristics shall be considered in the design.
   a. Minimum orifice sizes should be considered in areas of soils with low permeability rates.
   b. Infiltration systems in sites over Well Field areas shall require the approval of the Health Department.

G. Drainage Plan

The development drainage map shall include sufficient data for the Village to check the feasibility of the drainage system as proposed by the developer. The following data shall be provided:

H. Hydrologic Calculation

At all critical points within the development including catch basins:

1. Tributary drainage areas delineated on the map.
2. Times of concentration.
3. Intensity.
4. Runoff coefficients.
5. Design flow.

I. Hydraulic Calculations

1. Sufficient documentation to indicate the results of the investigation into the adequacy of the downstream drainage system to handle the runoff from the proposed development.
2. This will determine the maximum allowable release rate for the proposed development and, in turn, the amount of stormwater storage that will be required.
3. The plan and profile of all drainage ways shall be provided, imposed upon which shall be the design energy and hydraulic grade lines.
4. Sizes and types of drainage improvements, including special structures, typical sections, right-of-way width and fencing.

5. Supporting calculations for upstream and downstream channel capacities as they affect overflow, erosion or backwater within the development. Such calculations shall be substantiated by such additional information as is required to determine profile and cross section of the upstream and downstream channel reaches under consideration.

6. Sufficient contours and grading details to indicate proposed street grades and elevations throughout the development.

J. Construction Plans

The final construction plans for drainage within the development shall conform to the above provisions and to any special conditions as required by the Village of Yellow Springs in approving the tentative plans. Such construction plans for drainage shall be approved by the Village of Yellow Springs prior to construction of any drainage facilities within the development. The final construction drawings shall contain the locations, widths, names of existing streets, railroad rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the development property for a minimum distance of two hundred (200) feet.

1. Type of Surface	C Factor
Roof surface	0.95
Bituminous or concrete pavement	0.90
Gravel pavements	0.70
Impervious soils	0.65
Impervious soils with turf	0.50
Slightly pervious soils	0.40
Slightly pervious soils with turf	0.30

2. The designer should investigate the capacity of the downstream drainage facilities to determine if they will be adequate to handle the design flow from this particular development. If the downstream facilities are inadequate, it may be necessary to provide on-site detention or retention basins to limit the flow to an amount which the downstream system can accept.

3. A site grading plan with minimum finish grade shall be required by the design engineer as a part of the construction plans. At a minimum, first floor elevations should be shown. If minimum basement elevations are stated in the plans, developer/owners must follow the plans or assume all risk. The grading plan shall show all intended direction of surface water flow.

4. All plans, calculations and design work need to be signed and stamped by a professional engineer, and formally approved by a Village designated engineer at the expense of the developer.

K. Stormwater Runoff Policy

The design standards are based on the policy that land uses and developments which increase the runoff rate or volume shall be required to control the discharge rate of runoff prior to its release to off-site land. The purposes of this policy are:

1. Permit development without increasing the flooding of other lands.

2. Reduce damage to receiving streams and impairment of their capacity that may be caused by increases in the quantity and rate of water discharged.

3. Establish a basis for design of a storm drainage system on lands below undeveloped areas which will preserve the rights of property owners and assure the long-term adequacy of storm drainage systems.

4. This runoff control policy applies to all land developments not specifically exempted below. Exemptions are appropriate for certain land use activities which clearly do not generate significant increases in stormwater runoff. The following land uses and developments are within this exemption category:

a. Land preparation for agricultural crops, orchards, woodlots, sod farms, and nursery operations.

b. Land grading or leveling for erosion control under direction of the local soil conservation district.

L. Planning Guidelines for Detention Basins

1. Detention basins serve to capture and temporarily store the surface water runoffs that result from urban development. This temporary storage allows for the release of the storm runoff at discharge rates which are acceptable to the receiving waterway. On-site provision for detention storage shall follow these approaches:

a. The release rate and volume of detention storage shall be based on the Village of Yellow Springs design requirements and standards.

b. Recreational or aesthetic uses should be maximized where possible and feasible.

c. Any development in which the drainage exits the corporation limits of the Village and enters onto County, Township or State jurisdiction shall be reviewed by the appropriate government official. A statement of comments must be submitted by that official in writing.

d. Stormwater runoff of the pre-developed "sheet flow" characteristics versus post-developed "point source" release of the stormwater exiting the site shall be taken into design consideration. Runoff from a proposed development shall provide downstream energy dissipation.

e. Stormwater design shall take into consideration and provide adequate drainage for neighboring upstream property surface or

subsurface water entering onto the proposed development or site. Offsite water may flow through the property and is not subject to storm control.

f. All storm tiles found entering a proposed development or found while excavating need to be investigated. If the storm tile is found to be in non-working condition, the storm tile must be replaced.

g. If a storm tile is going to be abandoned, it must be totally excavated and destroyed within the development.

M. Detention Basins

1. The bottom of the basin shall have a minimum slope of 1.0 percent.

N. Retention Basins

1. In order to provide for better management of the water, retention basins shall have a permanent water area of at least one-half acre. The permanent water area shall have an average water depth of 4 feet and no extensive shallow areas.

2. In excavated lakes, the underwater side slopes shall be stable.

3. A safety ledge of 2-foot-deep, 5-feet-wide is required around the perimeter of the basin.

O. Detention and Retention Basins

1. All developments/site improvements requiring detention/retentions shall have a homeowners association established as a part of the plat restrictions. The association shall be responsible for all pond and drainage swale maintenance.

2. There shall be a minimum three-foot-wide berm at a two percent slope between the right-of-way and the top of the basin slope.

3. Slopes on the sides of the basin shall have a maximum slope of 3 to 1. This includes both sides of any constructed levy.

4. The minimum diameter of any outlet conduit shall be 1 foot.

5. Safety measures shall be provided for any pipe or opening to prevent children or large animals from crawling into structures.

6. Retention pond design and maintenance shall include algae control with pond additives. Fountains shall also be considered but are optional.

7. Managed natural landscapes shall be maintained as outlined in Section 674.02(a)(4) of the Weed ordinance. If turf grass is planted, it shall be cut regularly, no less than five times a year by the Homeowners Association or by an approved agreement with the Village of Yellow Springs Public Works Department.

8. Debris, trash removal and other necessary maintenance shall be performed after each storm to assure continued operation in conformance with the design.

9. There shall be a minimum of 1-foot freeboard between the 100-year storm elevations and the top of the levy or embankment containing the basin.

10. All basins shall have an emergency overflow.

11. The Village shall be notified prior to any adjustments to the approved outlet structure to any detention or retention basin. No adjustment shall be made until approved by the Village.

12. The surface area opening for catch basin inlets shall be equal to or greater than the design overland flow contributing water to that basin.

13. Detention/Retention basin shall be located within an easement and have a means of access available to the Village.

14. The site developer may pass on maintenance responsibilities to the respective owner/homeowners association via a maintenance agreement. The maintenance agreement must be approved by the Village and recorded on the final plat at the Greene County Recorder's Office.

P. For specific stormwater design solutions, please refer to the Appendix: *Stormwater Guidelines for Low Impact Development* following the text of these subdivision regulations.

Q. "As-Built" Drawings

1. These drawings are required for all basins to assure compliance with all applicable requirements. This requirement shall include calculations to confirm that the basin and outlet were constructed to function as designed.

2. Drawings are also required for other types of designs to mitigate stormwater. This shall include calculations to confirm that the construction will function as designed.

R. PLAN APPROVAL

These drawings and calculations shall be certified by a registered professional engineer. The construction of stormwater drainage improvements shall be subject to the approval of the Village of Yellow Springs Public Works Department, and a Village designated engineer at the expense of the developer.

(~~7~~ 8) Street trees. All subdivisions shall contain plans for tree planting along public streets of the new development **and shall be approved by the Village of Yellow Springs Public Works Department and/or the Planning Commission**. The following guidelines shall be followed:

A. Tree selection shall be taken from the Village of Yellow Springs Recommended Trees list, contained in Appendix B following the text of these Subdivision Regulations.

B. Existing trees over two inches in caliper may be used to satisfy these requirements.

C. The minimum size (trunk caliper) for new trees shall be no less than one and one-half inches.

D. The developer shall be required to maintain the trees for ~~one year~~ **three years** after the trees are planted and to replace any tree that dies within such ~~one year~~ **three-**

year period. At the end of ~~one year~~ **three years**, the trees become the responsibility of the Village of Yellow Springs.

E. The spacing between large trees (a mature height of fifty feet) shall be forty-five to fifty feet; the spacing between medium trees (a mature height of thirty feet to fifty feet) shall be thirty-five to forty feet, and the spacing between small trees (a mature height of ten to thirty feet) shall be twenty-five to thirty feet.

F. Tree location shall be at least twenty feet from street intersections, twenty-five feet from utility poles and ten feet from fire hydrants.

G. Tree lawns shall be a minimum of six feet **wide between the sidewalk and curb or street edge**.

(~~8~~ **9**) Interior landscaping. All subdivisions shall include an interior landscaping plan that shall consist primarily of new tree planting or the preservation of existing trees and/or hedges within the development site**, and following the managed natural landscaping requirements outlined in 674.02(a)(4) Weeds ordinance**.

A. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved unless such trees are exempted as follows:

1. Trees within public rights-of-way or utility easements, or a temporary construction easement as approved by the Planning Commission;
2. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structures;
3. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home;
4. Trees that, in the judgment of the Village Tree Committee or some other agent with similar expertise, are damaged, diseased or ~~overmature~~ **over mature**, interfere with utility lines or are an inappropriate or undesirable species for the specific location.

B. Preservation of exempted trees. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting whenever possible.

C. Tree planting requirements for all new developments. The following landscape requirements shall apply:

Use	Requirements
All residential, residential PUD ~~and PND~~, and residential site plan review districts.	Tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lines of each structure.
Educational Institution, Office/ Research and General Business Districts.	In addition to the requirements of Ch. 1264, landscaped areas equal to 100 square feet for 1,000 square feet of building ground coverage or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located complementary to the structures.
Light Industrial,	In addition to the requirements of Chs. 1254 and 1264, there

commercial and industrial PUD.	shall be plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

D. New tree plantings. If new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant shall plant such trees within one year or at the next planting season after issuance of a building permit.

(b) Land Abutting Existing Streets. Where lots are platted along an existing street, the developer may be required to improve the street and storm sewer, water and sanitary sewer systems and facilities and to provide ADA compliant sidewalks and street trees as specified in subsection (a) hereof insofar as such improvements are applicable.

(Ord. 91-12. Passed 12-2-91; Ord. 94-9. Passed 6-6-94; Ord. 2017-18. Passed 9-18-17; Ord. 2017-40. Passed 11-7-17.)

1226.07 PARK LAND DEDICATION.

(a) In each **new** residential subdivision **with five units or more** ~~of fifty acres or more~~, there shall be dedicated for **active** public use, ~~for~~ parks, playgrounds ~~and~~ **or other** recreational uses, a **standard of five acres of land per 1,000 persons** ~~exclusive of street rights-of-way and alleys~~**. Land dedicated for stormwater management shall not count unless it serves a dual purpose as a recreational or aesthetic feature. If there is a dedicated for public use area within one half mile walking distance by way of existing public rights of way from the proposed subdivision (streets or sidewalks), the developer may pay a fee in lieu of dedication. Residential subdivisions of less than five units may pay a park and recreation fee established by Council in lieu of dedication.**

With five acres of park land per 1,000 persons, the dedication formula for required park land or fee in lieu shall be calculated by the following:

- **Determine the number of proposed dwelling units.**
- **Multiply the number of dwelling units x 3 persons to determine the total number of persons**
- **Multiply the total number of persons by 0.005 to determine the total acreage of land to be dedicated**
- **If it is a fee-in-lieu, the fee will be calculated based on the appraised value of the land at the time the developer submits an application. The Planning Commission with input from Village administration may allow for a combination of part land/part fee in lieu.**

(b) Dedicated park land must form a single parcel of land except in the event the Planning Commission determines that two or more parcels would be in the best public interest.

(c) The shape and topography of the dedicated parcel of land must be sufficiently geometric to be usable for recreational activities such as a playground, or for other active dry ground recreational pursuits.

(d) Dedicated park land for active recreational use in a subdivision or development must be located so that it is reasonably accessible from all dwelling units within the subdivision. Public access and maintenance access to the dedicated park land shall be provided by adjoining street frontage, allowing access to the dedicated parcel or parcels.

~~(b) Proposed large scale neighborhood unit developments and similar unusual developments may require the reservation or dedication of such additional areas or sites of a character, extent and location suitable for needs of community facilities created by such particular development where it is deemed necessary by the Planning Commission.~~

(~~c~~ e) It is encouraged that efforts be made to preserve natural vegetation areas, and it is further encouraged that, whenever possible, heavily wooded areas be designated as park reserves. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens.

(Ord. 91-12. Passed 12-2-91.)

1226.08 CONSTRUCTION OF PUBLIC IMPROVEMENTS.

(a) Public improvements relating to streets, sanitary sewerage, storm sewerage, water distribution, electric distribution, fire protection, etc., shall be in accordance with **Village regulations and** applicable Greene County regulations, **whichever is more stringent as determined by the Village,** especially those found in Articles 5 and 8 of the Subdivision Regulations of Greene County, Ohio, as amended.

(b) The subdivider shall design and construct improvements according to not less than the standards outlined in this chapter and other pertinent regulations. The work shall be done under Village supervision, and inspection shall be completed within the time fixed as agreed upon by the Village Manager or his or her designee.

(c) Minimum requirements for materials and installation procedures for storm sewers ~~and roads~~ shall be in compliance with the current construction and material specifications in ~~Articles 5 and 8 of the Subdivision Regulations of Greene County, Ohio as amended.~~ **Section 1226.06(a)(7), Village standards on file, and applicable Greene County regulations. Minimum requirements for materials and installation procedures for roads shall be in compliance with the current construction and material specifications in Articles 5 and 8 of the Subdivision Regulations of Greene County, Ohio, as amended.**

(d) Minimum requirements for materials and installation procedures for sanitary sewers and water lines shall be in compliance with the Rules and Regulations and Construction Specifications of the Greene County Sanitary Engineering Department, unless otherwise superseded in these Subdivision Regulations.

(e) Minimum requirements for materials and installation procedures for electric transformers and electric lines shall be in compliance with the Village of Yellow Springs Public Works Department.

(Ord. 91-12. Passed 12-2-91.)

1226.09 BOND FOR IMPROVEMENTS AND MAINTENANCE.

(a) In order for the Village to be assured that the construction and installation of improvements, such as street surfacing, curbs, gutters, sidewalks, sanitary sewers, storm sewers, water supply, electric supply, street signs, street trees and interior landscaping, will be installed according to the required standards, the subdivider shall agree:

(1) To construct all improvements directly affecting the subdivision, as required by the Village pursuant to the construction plan, approvals and the posting of inspection fees, prior to final approval of the plat; or

(2) In lieu of completion of the improvements, to furnish a bond executed by a reputable surety company or a certified check or irrevocable letter of credit, equal to the cost of construction of such improvements as shown on plans and based on an itemized estimate of the construction costs prepared by the engineer for the developer, submitted in triplicate, and subject to the final approval of the Village Manager or his or her designee.

Before a subdivision plan is given final approval by the Village Council, the developer shall either have installed public improvements or have executed a performance bond, certified check or irrevocable letter of credit with the Village of Yellow Springs covering the estimated cost of required improvements. Bonds shall be kept in the office of the Village Manager. A performance bond or cash deposit shall run to Yellow Springs and shall provide that the subdivider, his or her heirs, successors and assigns, or agent or servant, will comply with all applicable terms, conditions, provisions and requirements of this chapter and other pertinent regulations, and will faithfully perform and complete the work of constructing such facilities or improvements in accordance with such laws and regulations.

(b) If the construction or installation of any improvement or facility, for which a guarantee has been made by bond, is not completed within two years from the date of final approval of the record plan, the developer may request that the Village Council grant an extension of six months, provided that such developer can show reasonable cause for inability to complete said improvements within the required two years. The extension shall not exceed six months. The request for an extension of time shall be accompanied by revised cost estimates of construction to be completed. The Village Council, at such time, may require the posting of a revised bond to cover increased costs. At the expiration of the six month-extension, the Village will use as much of the bond or cash deposit as is necessary to complete the construction of the improvements.

(c) As required improvements are completed, approved and accepted, the Village Manager may, with concurrence of the appropriate inspection officials(s), reduce the amount of the performance bond or cash deposit. Twenty-five percent of the cash deposit or performance bond shall not be released until all construction, installation and improvements required by the subdivider's contract have been completed and accepted by the Village Council. The developer must provide “as-built” construction drawings to the Village prior to the release of any remaining bond and/or cash deposit. Performance bonds or cash deposits for roads and storm drainage, electric improvements and water and sanitary sewer improvements shall not be released independently.

(d) Periodic inspections during the installation of improvements shall be made by the Village Manager or his or her designee to ~~insure~~ **ensure** conformity with the approved plans and specifications as required by this chapter and other regulations. The

subdivider shall notify proper administrative officials at least forty-eight hours before each phase of the improvements is ready for inspection. Normally these inspections for street and storm drainage shall be as follows:

(1) Street coring operations;
(2) Storm sewer and culvert installation;
(3) Construction of manholes and catch basins;
(4) Inspection of curb and gutter forms prior to placing of concrete and sidewalks;
(5) Placing of concrete for curb and gutter and sidewalks;
(6) Sub-base for street construction;
(7) Placing of each lift of base;
(8) During each phase of road surfacing operation; and
(9) Erecting road name signs.

Inspections for sanitary sewers and/or water shall be as prescribed by specifications approved by the Village Manager.

The absence of an inspector from a plat during construction shall not relieve the subdivider from full responsibility under this section.

(e) When the required improvements have been completed, the developer shall notify the Village Manager, in writing, of his or her desire for final inspection. Upon certification of acceptable completion of the installation of the required improvements by the Village Manager, the Village Manager shall issue a letter to the subdivider, or to his or her agent, and such letter shall be sufficient evidence for the release by the Village of Yellow Springs of the performance bond.

(f) When the Village Manager, following inspection of a subdivision, certifies to the Village Council that all improvements have been constructed in accordance with Village specifications, the Village Council may proceed to accept the public improvements. Improvements will be accepted only after a bond or other sufficient surety has been posted guaranteeing maintenance of the required subdivision improvements, for one year, according to installation specifications. Such maintenance bond shall be in an amount equal to ten percent of estimated construction cost and shall run from the date of acceptance of improvements by Village Council to one year thereafter. Maintenance bonds may be released by Council after receiving certification from the Village Manager that improvements continue to meet specifications after one year beyond their acceptance.

(g) Whenever public improvements have not been constructed in accordance with specifications as established, the Village Council may exercise its right of foreclosure under the bond. If, in the opinion of the Village's authorized inspector, installations are improper or inadequate, a stop order shall be issued. The developer may appeal the inspector's findings to the Village Manager within forty-eight hours. Failure to comply will be deemed a violation of these Subdivision Regulations.

(Ord. 91-12. Passed 12-2-91; Ord. 93-12. Passed 12-6-93.)

1226.10 VARIATIONS.

(a) The Planning Commission may grant variations from these Subdivision Regulations by the affirmative vote of three members, subject to limitations as follows:

(1) That specific conditions and circumstances exist which are particular to the land and which are not generally applicable to other lands within the Village;

(2) That a literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other property owners;

(3) That special conditions and circumstances do not result from the actions of the applicant;

(4) That granting of the variation requested would provide the minimum variation necessary to grant relief from the special circumstances;

(5) That granting of the variation will be in harmony with the general purpose and intent of these Regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(b) In granting variations or modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

(Ord. 91-12. Passed 12-2-91.)

1226.11 MINOR SUBDIVISIONS.

(a) Approval of a minor subdivision by the Zoning Administrator, without formal action by the Planning Commission, shall be granted if a record plan meets all of the following conditions:

(1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road or public utilities.

(2) The proposed subdivision is not contrary to applicable subdivision or zoning regulations.

(3) No more than five lots will be created following division of the original parcel.

(4) A tract of land proposed for minor subdivision has not been involved previously in minor subdivision approval during the last two years and appears unlikely to be further subdivided subsequently.

(5) The Village is provided sufficient guarantee of necessary easements and the property owner has specifically dedicated the same.

(6) The recording instrument has a notation stating that each buildable lot will be provided with separate and adequate water and sewerage connection laterals, and electric transformers and **underground** electric lines.

(7) An appropriate recording instrument has been prepared by a registered surveyor showing the minor subdivision, a vicinity sketch of the location of the subdivision, bearings and distances along each lot line and a certification that proper iron pins have been driven at each lot corner to delineate property boundaries.

(8) A copy of the recording instrument has been submitted to the Planning Commission by the Zoning Administrator at least 20 days prior to a regularly scheduled Planning Commission meeting, and, if the Planning Commission takes no action at that meeting, the minor subdivision is deemed approved.

(b) Approval of a minor subdivision by the Zoning Administrator, with formal action by the Planning Commission shall be required in the following circumstances, along with additional conditions:

(1) The proposed subdivision is located along a private street or access

easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in Section 1260.02(e) and 1260.03(a).

(2) The proposed subdivision creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a minor subdivision if such division poses no apparent nuisance and the Planning Commission deems it appropriate. Approval may be granted upon review of additional criteria specified in Section 1226.06(a)**(**~~5~~ **6)**.

(3) For any proposed development resulting in one acre or less of impervious area, a stormwater management plan as stated in the *Stormwater Guidelines for Low Impact Development* is required. The *Stormwater Guidelines for Low Impact Development* is contained in the appendix following the text of these subdivision regulations. The stormwater management plan must be maintained by the property owner into perpetuity. The stricter criteria in 1226.06(a)(7)B(2) will be required for a Planned Unit Development (PUD) or Pocket Neighborhood Development (PND).

(~~3~~ **4**) Approval of the minor subdivision shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, and such other material the Planning Commission determines is necessary.

(~~4~~ **5**) Public notice. When an application has been filed in proper form with the required data, the Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the minor subdivision application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

(c) If approval is given under terms of the above provisions, the Zoning Administrator shall, within 14 working days after submission, approve such proposed division of land and, upon presentation of a conveyance for said parcel and a properly prepared survey sheet of the property, shall sign the conveyance.

(d) The applicant and/or property owner will be held responsible for any negative impact on surrounding lots.

(Ord. 2018-44. Passed 11-5-18.)

1226.12 REPLATS.

(a) Approval of a replat by the Zoning Administrator, without formal action by the Planning Commission, may be granted if a submitted record plan meets all of the following conditions:

(1) The proposed replat is not contrary to applicable subdivision and zoning regulations~~, including, but not limited to, the runoff control/sediment abatement regulations.~~

(2) The same number of lots as in the original plat, or less, are created.

(3) The recording instrument has a notation stating that any buildable lots created through this replat will be provided with separate and adequate water and sewerage connection laterals, and electric transformers and underground electric lines.

(4) For any proposed development resulting in one acre or less of impervious area, a stormwater management plan as stated in the *Stormwater Guidelines for Low Impact Development* is required. The *Stormwater Guidelines for Low Impact Development* is contained in the appendix following the text of these subdivision regulations. The stormwater management plan must be maintained by the property owner into perpetuity. The stricter criteria in 1226.06(a)(7)B(2) will be required for a Planned Unit Development (PUD) or Pocket Neighborhood Development (PND).

(b) Approval of a replat by the Zoning Administrator with formal action by the Planning Commission shall be required in the following circumstances, along with additional conditions:

(1) The proposed replat is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in Section 1260.02(e) and 1260.03(a).

(2) The proposed replat has a minimum frontage of 20 feet available to access an existing land-locked lot. Approval by the Planning Commission may be granted upon review of additional criteria specified in Section 1226.06(a)(~~5~~ **6**).

(3) The proposed replat creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a replat if it poses no apparent nuisance and the Planning Commission deems it appropriate. Approval by the Planning Commission may be granted upon review of additional criteria specified in Section 1226.06(a)(~~5~~ **6**).

(4) Approval of the replat shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, and such other material the Planning Commission determines is necessary.

(5) Public notice. When an application has been filed in proper form with the required data, the Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the replat application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

(c) Upon approval, the replat shall be submitted by the applicant to the Greene County Recorder for incorporation into the Official Tax Map records within 90 days.

(d) The applicant **and/or property owner** will be held responsible for any negative impact on surrounding lots. ~~which becomes apparent within one year from the date of recordation of the plat.~~

(Ord. 2018-45. Passed 11-5-18.)

1226.13 SUBDIVISION FEES.

(a) Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars ($200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein.

(b) Final Plats.

(1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars ($100.00) and, in addition, shall pay for review services of twenty dollars ($20.00) for each developable lot.

Such fees are nonrefundable and are applicable to each final plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved final plat shall require another payment of the fees provided for herein.

(2) Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally he equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.

(c) Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars ($50.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars ($100.00) shall additionally be required. **Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.**

(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of twenty-five dollars ($25.00). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars ($100.00) shall additionally be required. **Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.**

(e) Park Land Dedication – For any new subdivisions of less than five units, the developers or property owners shall pay a fee in lieu of $500 per unit to be transferred to a Park & Recreation Fund for the ongoing maintenance or equipment upgrades to the nearest dedicated park from this property.
(Ord. 2018-46. Passed 11-5-18.)

1226.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both.