

ARTICLE 1

TITLE, SCOPE AND JURISDICTION

Section 100 Authority

By authority of the Revised Code of the State of Ohio, Chapter 711, Section 711.01 et seq. and Chapter 713, Section 713.22 et seq. the Miami County Planning Commission is authorized to adopt rules and regulations governing plats and subdivisions, both multiple and single units of land falling within its jurisdiction, to recommend the nature and the extent of improvements required to be installed in a subdivision, and to approve, conditionally approve or disapprove subdivision plats.

Section 110 Title

These regulations shall be known and may be cited and referred to as the “Planning Commission Regulations of Miami County, Ohio” and shall herein after be referred to as “these regulations”.

Section 120 Administration

These regulations shall be administered by the Miami County Planning Commission.

Section 130 Definition of Subdivision

Subdivision means:

- A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, anyone of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five 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
- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; or

C. As may be otherwise defined in the Revised Code of the State of Ohio.

Section 140 Filing

All final plats required by Section 320 shall be filed in the office of the Miami County Recorder except as otherwise provided in Section 330, which plat shall be filed in the Miami County Engineer Record of Land Surveys.

Section 150 Objectives

In the enactment of these regulations the Commission seeks to accomplish the following objectives which will promote the safety, morals, welfare, and health of the present and future population of Miami County, Ohio:

- A. To establish standards for logical, sound and economical development of Miami County, Ohio.
- B. To coordinate streets and highways in a manner which may eliminate traffic hazards.
- C. To prevent subdivision involving lack of water supply, drainage, sewer facilities and other public services which may impose excessive expenditure of funds.
- D. To plan adequate provisions for schools, recreation, light, air, and to avoid congestion of populations.

Section 160 Jurisdiction

- A. These Regulations shall be applicable to all subdivision of land located within the unincorporated areas of Miami County.
- B. A city that has adopted a major thoroughfare, parks and public open space plan for the territory within the city limits and of the territory within three miles of the city, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to three miles of its corporate limits if county or township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code. The city planning commission may receive advice from the county or regional planning commission upon all subdivision plats located within three miles of the corporate limits.
- C. A village located in any county that contains no city that has adopted a major thoroughfare, parks, and public open space plan for territory within the village limits and for territory within one and one-half mile of the village or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to one and one-half miles from its corporate limits if county or township zoning is not in effect within the area and no county subdivision regulations are in effect as provided in Section

711.09 of the Ohio Revised Code. The village planning commission, platting commissioner or village council may receive advice from the regional or county planning commission upon all subdivision plats located within one and one-half miles of the corporate limits.

- D. The regional or county planning commission and the city with subdivision regulation jurisdiction over unincorporated territory within Miami County may agree, in writing, that the approval of the plat by the city, as provided in Section 711.09 of the Ohio Revised Code, shall be conditioned upon receiving advice from or approval by the regional or county planning commission.
- E. The regional or county planning commission may cooperate with any city or village located in Miami County in the review of subdivision plats occurring on lands adjoining the corporation line of said city or village or within a reasonable distance of the same. The regional or county planning commission may, as a condition for such cooperation, and in order to carry out these Regulations more effectively, seek an agreement with any city or village. The terms of the agreement may permit joint review by the regional or county planning commission and any city or village, of subdivisions occurring next to or within its corporate limits.
- F. County, regional and municipal planning commissions and other agencies with subdivision approval authority will have to reach agreement on review of lands, proposed for subdivision, with line partially within and partially outside of the three or one and one-half mile limit area.

Section 170 Relation to other Laws

The provisions of these regulations shall supplement any and all laws of the State of Ohio, resolutions of the County, or any and all rules and regulations promulgated by authority of such law or resolution relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern except as provided in Section 180 of these regulations.

Section 180 Planned Unit Development Encouraged; Regulations May Be Modified

The planned unit development approach to development is greatly encouraged. These regulations may be modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial, or industrial subdivisions, or a mixture thereof, in accordance with Article 17 of the Zoning Resolution of Miami County, Ohio. Nothing within this section, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Article 3 of these regulations.

Section 190 Amendments

The Commission may, on its own motion and after public hearings, amend, supplement or change these regulations as specified in the appropriate sections of the Ohio Revised Code. Notice shall be given of the time and place of such public hearings by publication in at least one newspaper of general circulation published in Miami County, Ohio, 30 days prior to holding of the said hearing. The amendment or amendments shall be on file in the office of the Commission for public examination during said 30 days.

The Commission may issue periodic recommendations for the administration of these regulations in order that the public may be kept informed and so as to expedite approval of subdivisions more efficiently.

Section 191 Separability

If, for any reason, any clause, sentence, paragraph, section or part of these regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so held to be invalid.

ARTICLE 2
DEFINITIONS

Section 200 Definitions

Interpretation of Terms or Words - For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
 - b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 - d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
 - e. The word “lot” includes the words “plot”, “parcel”, or “site”.
1. Alley - (See Thoroughfare)
 2. Block - A parcel of land bounded on all sides by a street or streets.
 3. Block Length - The longest dimension measured at the street right-of-way line of any given block.
 4. Block Width - The shortest dimension measured at the street right-of-way line of any given block.
 5. Building Line - (See Setback Line)
 6. Commission - The Miami County Planning Commission
 7. Comprehensive Development Plan - A plan, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the County of Miami showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, school, and other community facilities. This plan establishes the goals, objectives, and policies of the Community.

8. Corner Lot - (See Lot Types)
9. Covenant - A written promise or pledge.
10. Crosswalk - A 5 foot minimum right-of-way, publicly owned, cutting across a block in order to provide pedestrian access to adjacent street or property.
11. Cul-De-Sac (See Thoroughfare)
12. Culvert - A transverse drain that channels under a road, street, or driveway.
13. Dead-End Street - (See Thoroughfare)
14. Density - A unit of measurement; the number of dwelling units per acre of land.
15. Gross Density - The number of dwelling units per acre of the total land to be developed.
16. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential or commercial uses.
17. Developer - Any individual, subdivision firm association, syndicate, partnership, corporation, trust, or any other legal entity entering proceedings under these regulations to effect a subdivision of land hereunder for himself or for another including any agent of the subdivision.
18. Drainage System - A system by which storm water is collected and drained including but not limited to storm sewers, drainage swales, detention and retention facilities, open streams and/or ditches, field tile, catch basins, manholes, and inlet and outlet structures. (Amended 12-30-87 Res. #1336)
19. Dwelling Unit - Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.
20. Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
21. Engineer - Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14 Ohio Revised Code.
22. Frontage - (See Lot Frontage)
23. Highway Director - The Director of Ohio Department of Transportation .

24. Improvements - Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood related matters normally associated with the development of raw land into building sites.
25. Letter of Credit - (See Performance Bond)
26. Location Map - (See Vicinity Map)
27. Lot - For purpose of these regulations a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on any improved public street or on an approved private street and may consist of:
 - a. A single lot of record.
 - b. A portion of a lot of record.
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.
28. Lot Frontage - The width of a lot at the building setback line. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under yards in this section.
29. Lot Line, Exterior - The line which constitutes the boundary line of a subdivided lot excluding any line considered an exterior lot line as defined.
30. Lot Line, Interior - Any line which constitutes the boundary line of a subdivided lot excluding any line considered an exterior lot line as defined.
31. Lot, Minimum Area - The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
32. Lot Measurements, Depth – The depth of a lot shall be considered to be the distance between the mid-point of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
33. Lot Measurements, Width – The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback lines, provided, however, that the width between side lot lines at the foremost points (where they intersect with the street line) shall not be less than fifty (50) percent of the required lot width.

34. Lot of Record - A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
35. Lot Types - Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:
- a. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on
 - b. a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot line to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
 - c. An interior lot is a lot other than a corner lot with only frontage on a street.
 - d. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
 - e. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
36. Major Thoroughfare Plan - The Comprehensive Plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the unincorporated areas and establishing the official right-of-way widths of the existing roads and/or streets which will prevail on subdivision frontages.
37. Minor Subdivisions - A division of a parcel of land that does not require a record plat to be approved by a planning authority according to Section 711.131 Ohio Revised Code. Also known as lot splits.
38. Monuments - Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.
39. Multiple Unit Plats - A multiple unit plat is considered to be two or more lots.
40. Open Space - An area open to the sky which may be on the same lot with a building. The area may include any other recreational facilities that the Planning Commission deems permissible. Streets, structures for habitation, parking lots, and the like shall not be included.
41. Out Lot- Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development

of the subdivision.

42. Pad - A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.
43. Parking Space, Off Street - For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
44. Performance Bond, Surety Bond, or a Letter of Credit - An agreement by a subdivider or developer with the County for - the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.
45. Planned Unit Development - An area of land in which a variety of housing types and/or related commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and the landscaping plans.
46. Plat - The map or drawing on which the developer's plan of subdivision is presented to the County Planning Commission for approval and, after such approval, to the County Recorder for recording.
47. Preliminary Plan - The map on which are shown all facts needed to enable the Planning Commission to determine whether the proposed layout of the land to be subdivided is satisfactory from the standpoint of public interest.
48. Public Way - An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
49. Right-Of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
50. Setback Line - A line indicating the minimum horizontal distance between the street right-of-way line and building, or any projection thereof other than steps

and/or roof overhang not exceeding three (3) feet established by the subdivision regulations and/or Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located.

51. Sewer, Central or Group - An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.
52. Sewers, On-Site - A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Health and sanitation officials having jurisdiction.
53. Sidewalk - That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic. See "Walkway"
54. Single Unit Plat - A single unit plat is considered to be one single lot.
55. Storm Sewer - The conduit and accessories by which storm water is collected and drained.
56. Subdivider - (See Developer)
57. Subdivision – A subdivision is defined as follows:
 - a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots anyone of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
 - b. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street, or streets except private streets serving industrial structures; the division or allocation of land as open space for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision.)
58. Surveyor- A registered surveyor, as defined by the Registration Act of the State of

Ohio.

59. Terrain Classification - Terrain within the entire area of the preliminary plan is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:
 - a. Level is that land which has a cross slope range of two (2) percent or less.
 - b. Rolling is that land which has a cross slope range of more than two (2) percent but not more than six (6) percent.
 - c. Hilly is that land which has a cross slope range of more than six (6) percent but not more than twelve (12) percent.
 - d. Hillside is that land which has a cross slope range of more than twelve (12) percent.
60. 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:
61. Alley - A minor street used primarily for vehicular service access to the back side of properties abutting on another street, having a right-of-way of not less than 20 feet.
62. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
63. Collector Street (Feeder) - A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
64. Cul-de-Sac - A local street not exceeding eight hundred (800) feet in length with one (1) end open to traffic and the other end terminating in a vehicular turnaround having a right-of-way radius of sixty (60) feet.
65. Dead-end Street - A street temporarily having only one (1) outlet for vehicular turnaround.
66. Local Street - A street primarily for providing access to residential, commercial, or other abutting property.
67. Loop Street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street.

68. Marginal Access Street - A local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets, (also called Frontage Street).
69. Through Lot - (See Lot Type)
70. Variance - A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
71. Vicinity Map - A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Miami County in order to better locate and orient the area in question.
72. Walkway - A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.
73. Watershed and/or Waterways - The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision or effects the subdivision.
74. Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure, other than steps and/or roof overhang not exceeding three (3) feet from three (3) feet above the general ground level of the graded lot- upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
75. Yard, Front - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
76. Yard, Rear - A yard extending between side lot lines across the rear of a lot and from the rear lot line to rear of the principal building.
77. Yard, Side - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
78. Zoning Resolution - The official Zoning Resolution for the jurisdiction in which the proposed subdivision is located.

ARTICLE 3

PROCEDURE FOR SUBDIVISION APPROVAL

Section 300 Preapplication Meeting Required

The subdivider shall meet with the County Planning Commission or its designated representative prior to submitting the preliminary plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the Major Thoroughfare Plan, the Parks and Public Open Space Plan, the Zoning Resolution, and the drainage, sewer, and water systems for the County of Miami, Ohio.

Section 301 Preapplication Sketch Content

The subdivider shall submit to the County Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:

- A. The proposed subdivision in relation to existing community facilities, thoroughfares, other transportation modes, shopping centers, manufacturing establishments, residential developments, and existing natural and man-made features such as vegetation, drainage, and utilities within three hundred (300) feet of the proposed subdivision.
- B. The layout of streets, lots and any non-residential sites such as commercial, manufacturing, school or recreational uses within the proposed subdivision.
- C. The location of utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- D. The scale and title of the subdivision, a north arrow, and the date.
- E. Name, address, and phone number of owners and developers.

Section 310 Preliminary Plan Required

After the pre-application stage, the subdivider shall submit a Preliminary Plan of the proposed subdivision which shall conform with the requirements set forth in Section 311 to 319, inclusive. The purpose of the Preliminary Plan is to show, on a map, all facts needed to enable the Commission to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest. The Preliminary Plan shall be prepared by a qualified registered engineer and a qualified registered surveyor.

Section 311 Submission to State Highway Director

Before any plat is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway for which changes are proposed as described in the certification to local officials by the State Highway Director of any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Highway Director. The Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the Highway Director. If the Highway Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Highway Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these regulations, approve the plat.

Section 312 Application for Tentative Approval

An application form for tentative approval of a Preliminary Plan shall be filed, together with one mylar or sepia original and eight (8) copies of the Preliminary Plan and the supplementary information specified in Section 313 to 316, inclusive, shall be submitted to the Secretary of the Planning Commission thirty (30) days prior to the next regularly scheduled Planning Commission meeting.
(Amended November 19, 1991)

Section 313 Preliminary Plan Form

The Preliminary Plan shall be drawn at a scale not less than one hundred (100) feet to the inch and shall be on one or more sheets 24 x 36 inches in size unless waived by the Commission.

Section 314 Preliminary Plan Contents

The Preliminary Plan shall contain the following information:

- A. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the County.
- B. Location by section, range, and township or other surveys.
- C. Names, addresses, and phone numbers of the owner, subdivider, and professional engineer and registered surveyor who prepared the plan, and appropriate registration numbers and seals.

- D. Date of survey.
- E. Scale of the plan, and north arrow.
- F. Boundaries of the subdivision and its acreage.
- G. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of their boundary lines.
- H. Locations, widths, and names of existing streets, railroad right-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 plat for a minimum distance of two hundred (200) feet.
- I. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
- J. Existing contours at one foot (1') contour intervals for areas of zero percent (0%) to ten percent (10%) slope, in two foot (2') intervals for areas of ten percent (10%) to twenty percent (20%) slope and five foot (5') intervals for areas over twenty percent (20%) slope. (Amended 12-30-87 Res. #1336)
- K. Existing sewers, water lines, gas and oil transmission lines, drainage systems, underground electric and/or telephone cables, culverts, and other underground structures, and power transmission poles, and lines within and adjacent to the tract.
- L. Location, names, and widths of proposed streets and easements
- M. Specify proposed building setback lines.
- N. Certification that all proposed lots meet or exceed the minimum zoning requirements.
- O. Proposed layout of the drainage system showing general location of storm sewers, open waterways, outfalls, and other data pertinent to the system, including all information deemed necessary by the County Engineer to determine compliance with the purpose, standards and criteria of the Miami County Storm water Management Control Regulations effective February 28, 1987, and as amended. Approximate drainage areas of all waterways entering the proposed plat shall be indicated thereon. (Amended 12-30-88 Res. #1336)
- P. Proposed layout of water and sanitary sewer lines showing their connections with the existing system, location of proposed wells and/or treatment plants.

- Q. Layouts, numbers, and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety (90) degree angles, the width at the property line shall be shown.
- R. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
- S. A vicinity map at a scale of not less than two thousand (2000) feet to the inch shall be shown on, or accompany, the preliminary plan. This map shall show all existing subdivision thorough- fares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.

Section 315 Supplementary Information

The following information shall be supplied in addition to the requirements in Section 314:

- A. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
- B. Location and approximate dimensions of all existing buildings.
- C. For commercial and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development.
- D. In the request for approval of the Preliminary Plan, the subdivider shall state the type of sewage disposal he proposes to use. If other than a treatment plant, it shall be accompanied by a letter from the County Health Department stating what type of sewage disposal will be approved for the soil conditions encountered in the area of the proposed subdivision. A central sewage treatment plan and a central water system shall be constructed by the subdivider when deemed necessary by the County Planning Commission or the appropriate Health Officer. If a central plant is to be used, a proposal shall be included discussing the method for the incorporation of said system into the general county or municipal system, and shall also include a letter of site approval from the Ohio Environmental Protection Agency.
- E. The developer shall provide a statement indicating timing or sequence of development for the Preliminary Plat and shall indicate if the plat is to be developed in sections. The developer shall indicate the sequence of development for all sections of the Preliminary Plan. (Adopted 11/19/91)

Section 316 Filing

The Preliminary Plan shall be considered officially filed on the day it is received and accepted for review by the Planning Commission. The Planning Director shall respond within five (5) days after it is received as to whether or not it shall be accepted for filing with the Planning Commission. A filing fee shall be charged as indicated in Section 805. (Amended November 19, 1991)

Section 317 Public Hearings

The County Planning Commission on its own initiative, or upon petition by a citizen or neighboring property owner may, prior to acting on a Preliminary Plan of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate.

Section 318 Approval of Preliminary Plan

The County Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. These shall include at least the County Engineer, County Sanitary Engineer, County Health Department, Township Trustees, and all utility companies directly affected. After receipt of reports from such officials and agencies, the County Planning Commission shall determine whether the Preliminary Plan shall be approved, approved with modifications or disapproved. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. The County Planning Commission shall act on the Preliminary Plan within thirty (30) days after filing unless such time is extended by agreement with the subdivider. When a Preliminary Plan has been approved by the County Planning Commission, the Chairman shall sign and date all copies and return one (1) to the subdivider for compliance with final approval requirements. Approval of the Preliminary Plan shall be conditional upon compliance with all other applicable statutes, resolutions and regulations of the County, including subsequent changes in the Planning Commission Regulations except as such changes as may affect the approved street and lot layout. Approval of the Preliminary Plan shall be revocable and shall not authorize the subdivider to record the said plan in the Office of the Recorder of Miami County, Ohio, nor to proceed with the construction of improvements, unless approval is granted by the Commission for a specific phase of the improvements. In addition, the subdivider shall comply with any changes in applicable statutes, County Engineer's Subdivision Design and Construction Standards, County Sanitary Engineer's Requirements and Specifications, and Resolutions and Regulations of the County, except as such changes as may affect the approved street and lot layout.

Section 319 Approval Period

The approval of the Preliminary Plan shall be effective for a maximum period of twelve (12) months except as provided in Section 326 and shall guarantee that the Preliminary Plan approval as granted will not be affected by changes to these regulations.

Section 320 Final Plat Required

The subdivider, having received approval of the Preliminary Plan of the proposed subdivision, shall submit a Final plat of the subdivision and drawings and specifications of the improvements required therein. The Final plat shall have incorporated all changes in the Preliminary Plan required by the County Planning Commission. Otherwise it shall conform to the Preliminary Plan and it may constitute only that portion of the approved Preliminary Plan which the subdivider proposes to record and develop at the time. The Final plat shall be certified by a professional surveyor. Construction plans, drawings, and specifications shall be certified by a professional engineer.

Section 320A Drainage Plan and Notification of Downstream Property Owners

Prior to application for approval of the Final plat, the developer and/or his engineer shall be responsible for providing the County Engineer with a detailed drawing of the drainage system for the proposed sub-division as well as all supplementary information, calculations, and/or work sheets deemed necessary by the County Engineer to review and approve, the proposed improvements and be in compliance with the purpose, standards and criteria of the Miami County Storm water Management Control Regulations effective February 28, 1987, and as amended. A determination of compliance by the County Engineer shall be required at least one (1) working day prior to the next regularly scheduled meeting of the County Planning Commission. (Amended 12-30-87 Res. #1336)

Section 321 Application for Approval of Final Plat

A written application for approval for the Final plat shall be submitted on forms provided by the County Planning Commission together with eight (8) copies of the plat and the supplementary information specified, to the County Planning Commission.

Section 322 Regulations Governing Improvements

Included with the Final Plat shall be a set of construction and utility plans for all improvements prepared by a registered professional engineer. The plans shall consist of all improvements required by Article 5, including specifications, typical sections, plans and profile views, construction details and estimates of quantities.

All typical sections and major engineering details to be used on any particular street shall be approved by the County Engineer at least one (1) working day prior to the next regularly scheduled meeting of the County Planning Commission.

All plans dealing with sanitary sewer, sewage disposal systems, and/or water supply systems shall be approved by the County Sanitary Engineer at least one (1) working day prior to the next regularly scheduled meeting of the County Planning Commission.

Prior to the granting of approval of the Final Plat by the Board of County Commissioners, the subdivider shall have installed the minimum required improvements or shall have furnished a surety or certified check for the amount of the estimated construction cost of the ultimate installations and the initial maintenance of the improvements. Before the surety is accepted, it shall be approved by the proper administrative officials. To assist the County, the developer's engineer shall prepare an itemized estimate of quantities for all proposed improvements including estimates of cost. The term of the surety shall extend twelve (12) months beyond the completion date of the project. (Amended 12-30-87 Res. #1336)

If a surety, certified check or approved letter of credit is furnished for the installation and maintenance of improvements, no occupancy permit shall be issued by the Building Inspector for any building located on any lot within, abutting or adjacent to a subdivision street unless all underground utilities, all base courses, all curb and gutter and all catch basins have been completed within the right-of-way limits of said subdivision street. All improvements must extend the full length of the lot's frontage width. For streets with cul-de-sacs, these requirements extend to the entire circular portion of the street. For subdivisions not involving new streets, all utility connections must be made prior to the issuance of occupancy permits. (Amended 8-5-88 Res. #791)

Section 323 Final Plat Form

The Final plat shall be legibly drawn in water-proof tracing cloth or material of approved permanent equal performance. It shall be drawn at a scale not less than one hundred (100) feet to the inch, and shall be one (1) or more sheets 18 x 24 inches in size. If more than one (1) sheet is needed, each sheet shall be numbered, the relation of one sheet to another, clearly shown, identified as to plat designation, and contain the necessary recording data. The Final construction drawings shall be legibly drawn in waterproof ink on tracing cloth in accordance with the current subdivision design and construction standards prepared and on file in offices of the Miami County Engineer and Miami County Sanitary Engineer.

Section 324 Final Plat Contents

The Final plat shall contain the following information:

- A. Name of the subdivision, located by section, range, and township, or by other survey number; date, north arrow, scale and acreage.
- B. Name of the subdivider, and the professional surveyor who prepared the plat and appropriate registration number and seal.
- C. Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one (1) in ten thousand (10,000).
- D. Bearings and distance to nearest established street lines or other recognized permanent monuments.
- E. Exact locations, right-of-way, and names of all -streets within and adjoining the plat, and building setback lines.
- F. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings, lengths of chords of all applicable " streets, within the plat area.
- G. All easements, and right-of-way provided for public services, utilities, or waterways.
- H. All lot numbers and lines with accurate dimensions in feet and hundredths.
- I. Acreage of each lot.
- J. Total acreage of dedicated streets.
- K. Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved to the common use of all property owners. The use and accurate boundary locations shall be as shown for each parcel of land dedicated.
- L. A copy of any restrictions and covenants the subdivider intends to include in the deed to the lots in the subdivision.
- M. Certifications by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.
- N. Notarized certification by the owner, owners, and lien holders of the adoption of the plat and the dedication of streets and other public areas.
- O. The location of and a description of all monuments and pins as specified in Section 502.

- P. Complete construction and utility plans prepared and certified by a professional engineer showing improvements including estimates of quantities, and cost shall be filed with the Final plat.

Section 325 Supplementary Information

- A. If a zoning change is involved, certification from the County Zoning Inspector shall be required indicating that the change has been approved and is in effect.
- B. Certification shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety will be furnished assuring installation and initial maintenance of the required improvements.
- C. When the width of the lot at the building setback line differs from the width of the lot at the property line, the scaled lot width at the building setback line shall be shown on a print of the final plat.
- D. All supplementary information, calculations, and/ or work sheets deemed necessary by the County Engineer and/or County Sanitary Engineer to adequately review the proposed improvements must be submitted upon request.

Section 326 Filing

The Final plat of the proposed subdivision or the Final plat of a section of the proposed subdivision shall be filed with the County Planning Commission and so noted in the minutes not later than twelve (12) months after the date of approval of the Preliminary Plan. If the proposed subdivision is to be developed by sections, the Final plat for each consecutive section shall be filed with the County Planning Commission and so noted in the minutes no later than twelve (12) months after completion of the previously approved section. Completion shall be deemed as that point in time when all required improvements have been constructed and/or installed.

If the above requirements are not met, the approval of the Preliminary Plan shall be considered void unless an extension is requested by the developer and granted by the County Planning Commission. Said extension shall be for a period of twelve (12) months from the time an extension is granted by the County Planning Commission and so noted in the minutes, unless otherwise specified. (Amend. 12-30-87 Res. #1336)

Section 327 Referral

The Recorder's Plat, complete construction plans and the sediment control plan shall be submitted at least thirty-five (35) calendar days prior to the next regularly scheduled meeting of the County Planning Commission.

The Recorder's Plat shall be transmitted by the Commission to the County Engineer, Township Trustees concerned, Sanitary Engineer or County Board of Health and the utility companies involved for their review and comment. Within fourteen (14) calendar days after receipt of the Recorder's Plat, the aforementioned shall report in writing to the Commission. The Commission shall notify the subdivider of any recommended changes or suggestions so the subdivider may correct the record plat and submit it for final approval.

The final Recorder's Plat shall be submitted at least fourteen (14) calendar days prior to the next regularly scheduled meeting of the County Planning Commission.

If changes were made on the initial Recorder's Plat, the Commission shall transmit copies of the final Recorder's Plat to the County Engineer, Township Trustees concerned, Sanitary Engineer or County Board of Health and the utility companies involved for their approval. The developer and/or his engineer shall be responsible for submitting written approval to the Commission from all the aforementioned, at least one (1) working day prior to the next regularly scheduled meeting of the County Planning Commission.

All construction plans shall be transmitted by the Commission to the County Engineer, County Sanitary Engineer, or County Board of Health for their review and approval. The sediment control plan shall be transmitted by the Commission to the County Engineer for review and approval. The final approval of said construction and sediment control plans shall be at least one (1) working day prior to the next regularly scheduled meeting of the County Planning Commission.
(Amended 12-30-87 Res. #1336)

Section 328 Approval of Final Plat

The County Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been properly filed with the County Planning Commission and so noted in the minutes, unless such time is extended by agreement with the subdivider. A filing fee shall be charged as indicated in Section .805. Failure of the Commission to act upon the Final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the subdivider. The Commission shall not disapprove the final plat if the developer has done everything that he was required to do, has proceeded in accordance with the conditions specified in the approved preliminary plan, and has complied with all other applicable statutes and resolutions and regulations of the County. If disapproved, the subdivider shall

make the necessary corrections and resubmit the final plat within thirty (30) days to the Commission for its final approval, unless an extension is requested by the developer and granted in writing by the County Planning Commission. If a plat is refused by the Commission, the person submitting the plat which the Commission refused to approve may file a petition within sixty (60) days after such refusal in the Court of Common Pleas of the County in which the land described in said plat is situated to reconsider the action of the Commission.

Section 329 Transmittal of Copies

When the final plat has been approved by the County Planning Commission, the original tracing shall be returned to the subdivider for transfer by the County Auditor, and filing with the County Recorder after all necessary certifications are received.

Section 330 Approval Without Record Plat

Approval without a record plat of a minor subdivision may be granted by the authorized representative of the County Planning Commission if the proposed division of a parcel of land meets all the following conditions:

- A. The proposed subdivision is located along an existing" public road and involved no opening, widening, or extension of any street or road;
- B. No more than five (5) lots are involved after the original parcel has been completely subdivided;
- C. The proposed subdivision is not contrary to applicable platting, subdivision or zoning regulations;
- D. The property has been surveyed. The survey containing the signed approval by authorized representatives of the County Board of Health or Sanitary Department when appropriate, the County Engineer and the County Planning Commission shall be submitted for review and filing in the Miami County Engineer Record of Land Surveys. Said survey shall be legibly drawn waterproof ink on tracing cloth on a sheet size of 17 x 21 inches;
- E. A written application accompanied by the survey described in paragraph 4 above shall be submitted on a form provided by the County Planning Commission.

If the County Planning Commission, acting through a properly designated representative thereof, finds that the proposed division meets the specifications set forth in the above paragraphs, it shall, within seven (7) days after submission, approve such proposed division. Upon presentation of a survey of said parcel, the

authorized representative of the Planning Commission shall stamp the same “approved by the Miami County Planning Commission, no record plat required.”

Section 340 Large Lot Development Rules

The purpose of this Section 340 is to establish the procedure for review and approval of land divisions as authorized under Section 711.133 of the Ohio Revised Code.

Section 341 General

The Large Lot Development Rules are used to request a proposed division of a parcel of land that meets all of the following conditions:

- A. Is along an existing public street
- B. Does not involve the opening, widening or extension of any street or road
- C. Involves the establishment of any lot with an area equal to or greater than five (5) acres but not more than ten (10) acres after excluding any public rights-of way

A proposed division of land under and in compliance with this Section 340 is not considered a subdivision for purposes of division (B)(1) of Section 711.001 of the Ohio Revised Code and may be approved under the provisions of this Section 340.

A Large Lot Development (LLD) application must be filed by the landowner or designated representative at the Miami County Planning and Zoning office.

In addition to the submittal requirements set forth below, the applicant must submit:

- A. One copy of the survey drawing, on 11 x 17 inch paper
- B. One copy of the legal description on 8 ½ x 11 inch paper
- C. The signed and completed application form
- D. The required fee, as listed on the most current department fee schedule.

Section 342 Pre-Application Conference and Sketch Plan

Prior to filing a formal LLD application, an applicant is encouraged to request an informal discussion with the Planning staff to discuss the procedure for approval

and to familiarize the applicant with the procedural requirements.

A request for a pre-application conference requires the submission of a sketch plan. The sketch plan must be drawn to a convenient scale and must show the following information:

- A. Location or vicinity map.
- B. Ownership of property.
- C. Existing and proposed public roads and easements.
- D. Existing structures.
- E. North arrow.
- F. Outline of areas to be divided.
- G. Approximation of proposed lot lines and dimensions.
- H. Important natural features and drainage ways.
- I. Areas located within the FEMA-designated floodway and 100-year floodplain.
- J. Information concerning any existing or proposed locations of storm drainage, maintenance ditches and tiles, sewage treatment, water supply, and other facilities that impact on the development.

Within a reasonable period of time following submittal of the sketch plan, the Planning staff will meet with the applicant to discuss the proposed division. Staff may request a site visit prior to such discussion, in which case, the applicant will accompany staff on the site visit.

Section 343 Survey Requirement

Each division of land involving a metes and bounds description will be approved or exempted only if it meets the following conditions:

- A. It is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio.
- B. The survey must meet the County Conveyance Standards, Ohio Administrative Code 4733-37, and the Miami County Engineer or designee approves the survey and description.

Section 344 Lot Frontage Requirement

Unless the applicable zoning regulations specifically provide otherwise, all lots created under this Section 340 must meet the following requirements:

- A. All lots must have a minimum length of continuous road frontage of one hundred twenty five (125) feet
- B. The road frontage under this Section 340.04 must be measured horizontally on an existing and improved public/private road measured at the right-of-way line.

Section 345 Lot Depth to Width Ratio

Unless the applicable zoning regulations specifically provide otherwise, the maximum depth of a lot must not exceed three (3) times the width of the lot, measured horizontally.

Section 346 Application Submittal Requirements

A LLD application must include the following information and materials:

- A. Location of existing or proposed buildings, household sewage treatment system and well locations, as well as design and system replacement area.
- B. New or additional roadway easements and/or utility easements. Roadway easements must be conveyed and recorded by a separate instrument prior to the recording of the LLD deed.
- C. Appropriate floodplain status information showing areas within the floodway and 100- year floodplain.
- D. Access points in accordance with the approval authority responsible for the maintenance of the right-of-way for driveway approval.
- E. Approval of the Miami County Engineer concerning survey and legal description in conformance with the conveyance standards
- F. Approval of the LLD from Miami County Health District.
- G. Approval of the LLD from the Miami County Sanitary Engineer if the LLD is proposed to be serviced by public water and/or sewer.
- H. Approval of the appropriate Zoning Authorities.
- I. Approval of the Miami Soil & Water Conservation District regarding

existing surface or subsurface drainage, if applicable.

- J. Drainage improvements in compliance with applicable County standards.
- K. A proposed land division vicinity map.
- L. An approved survey and legal description prepared by a professional surveyor registered in the State of Ohio.
- M. All applicable fees.
- N. Any other material or information planning staff finds necessary for the review of the large lot development.

Section 347 Review and Approval

If the Planning Department, acting through the Director or the Director's designee finds that the proposed division is not contrary to any applicable zoning, health, sanitary, flood or access management regulations, existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section 340; it will be approved in accordance Ohio Revised Code Section 711.133.

The applicant must demonstrate compliance with regulations governing LLD. Only COMPLETE applications will be approved in accordance with Ohio Revised Code Section 711.133. The applicant will be notified in writing of an incomplete application or other shortcomings.

Upon presentation of an approved application for a LLD parcel, the conveyance will be stamped "Approved by Miami County Planning Department; No Plat Required," and signed and dated by the Director or the Director's designee.

Applicants must record LLD deeds within 12 months of the stamped approval date, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract must be filed and processed as a new application under Section 340.

Section 348 Agricultural and Personal Recreational Purposes Exemption

A proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and which meets the acreage requirements set forth in Section 340.01 which is to be used only for agricultural or personal recreational purposes (as defined below) is exempt from the LLD approval requirements.

Upon presentation of a conveyance of such a parcel, the conveyance will be

stamped "Approved by Miami County Planning Department; No Plat Required. FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY," and signed and dated by the Director or the Director's designee.

Nothing in this Section 340.08 may be construed as excluding parcels that are currently being used only for agricultural or personal recreational purposes and therefore exempt from procedures under Section 340 from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Section 340.08 are subsequently to be used for reasons other than agricultural or personal recreational, the Director or Director's designee will first determine that such a parcel complies with the regulations set forth in Section 340.

An exemption under this Section 340.08 requires a notarized statement signed by the grantor and grantee certifying the following:

- A. The proposed parcel will only be used for agricultural or personal recreational purposes
- B. Any subsequent change in use will require that the Director or his/her designee to first determine that the parcel complies with the then-current regulations governing Large Lot Development as currently defined in Section 340.

For the purposes of Section 340.08 the terms "agricultural purposes" and "personal recreational purposes" are defined as follows:

- A. Agricultural Purposes - the same as defined in Ohio Revised Code, Section 303.
- B. Personal Recreational Purposes - a parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether for free or profit.

ARTICLE 4

SUBDIVISION DESIGN STANDARDS

Section 400 General Statement

The regulations in Section 401 to 450 inclusive shall control the manner in which the streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, and provision of space for public utilities and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The County Planning Commission has the responsibility for reviewing the design of each future subdivision early in its design development. The Commission shall insure that all of the requirements of Section 401 to 450, inclusive, are met.

Section 401 Conformity to Development Plans and Zoning

The arrangements, character, width, and location of all arterial and collector thoroughfares or extensions thereof shall conform with the adopted County and/or Municipal Major Thoroughfare Plans. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the County Planning Commission, based upon the design standards set forth in Section 402 to 419, inclusive. In addition, no final plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with such resolution.

Section 402 Suitability of Land

If the County Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities, and other such condition which may endanger health, life, or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

Section 410 Street Design

The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the adopted Major Thoroughfare Plans of the County of Miami, and/or Municipalities or subsequent amendments thereto, and shall be

considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The subdivider shall provide within the boundaries of the subdivision plat the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan.

Section 411 Intersection Design Standards

- A. Streets shall intersect one another at angle as near to a right angle as possible. Street intersections shall be rounded with a minimum radius of 15.5 feet measured at the street right- of-way lines when the said intersection occurs at right angles. If an intersection occurs at an angle other than right angle, it shall be rounded with a curve of a radius acceptable to the Commission.
- B. Multiple intersections involving junctions of more than two (2) streets shall be avoided.
- C. Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.
- D. Four-way intersections should be encouraged whenever involving a collector and/or arterial street.

Section 412 Width

The minimum right-of-way width of a street shall be 50 feet. When subdivision is intended for a single family residential development, the pavement shall have a minimum width of 31 feet, measured back to back of curbs. In cases where the street in question in the opinion of the Planning Commission will become a collector highway or street, the right-of-way width of said street shall be 60 feet, the pavement shall have a minimum width of 37 feet, measured back to back of curbs. Arterial streets shall have a minimum right-of-way width of eighty (80) feet and shall have a pavement width of fifty-seven (57) feet back to back of curbs. All existing thoroughfares, streets or roads not designated local street shall have a minimum designation of collector street and right-of- way and street width provided accordingly.

Section 413 Street Name Signs and Street Naming

- A. Street name signs, of a type in use throughout the County, shall be erected by the County at all intersections.
- B. Names of new streets shall not duplicate existing street names unless a new street is a continuation of, or in alignment with, the existing or platted street. In addition, names of streets shall not duplicate names of a Municipal street located within the same Post Office.

- C. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.
- D. To avoid duplication and confusion, the proposed names of all streets shall be approved by the County Engineer prior to such names being assigned or used.

Section 414 Vacation

The Commission shall not recommend the vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

Section 415 Private Streets

Private streets shall not be approved unless deemed necessary by the Planning Commission, nor shall public improvements be approved for any private street.

Section 416 Special Street Types

- A. Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround satisfactory to the Commission in design, is provided, and provisions for maintenance and removal are advanced. Temporary dead-end streets longer than two hundred fifty (250) feet shall not be permitted unless otherwise permitted by the Planning Commission.
- B. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being sub-divided, the other half shall be platted.
- C. Where a subdivision adjoins an arterial street, a marginal access street shall be designed, if the subdivision design is such that residential lots would require direct vehicular access onto the arterial highway. Points of access to the arterial street shall be spaced at a minimum of "thirteen hundred twenty (1320) feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the arterial street and the pavement of the marginal 5:1; access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet.
- D. Alleys should not be approved in residential subdivisions, except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum width for alleys shall be twenty (20) feet for the right-of-way and twenty (20) feet for the pavement width.

Section 417 Streets for Commercial Subdivisions

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

Section 418 Streets for Industrial Subdivisions

Collector streets for industrial subdivisions shall not be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential street. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

Section 420 Easements

Easements shall have a minimum width of 5 feet on each side *of* the lot line or such additional width as may be required, for necessary access to the utility involved or to accommodate surface drainage. Easements shall have a minimum width of 10 feet along the exterior rear line or such additional width as may be required for necessary access to the utility involved or to accommodate surface drainage. Easements shall be located along rear or side lot lines or along alleys where necessary for sanitary sewer, gas mains, water lines, and electric lines. Easements shall also be provided along every water course, storm sewer, drainage channel, or stream within a subdivision, as provided for in Section 440 of these regulations.

Section 430 Public Sites, Open Space and Natural Features

Where a park, playground, school, or public access to water frontage, which is shown in the Comprehensive Development Plan is located in whole or in part, in the proposed subdivision, the Commission shall request the dedication of such area within the subdivision. The subdivider shall pay for only that portion of the cost of the public site that benefits his subdivision as determined by the Commission. Any such provisions should be indicated on the Preliminary Plan in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the proper agency. Every subdivider of land for

subdivisions not containing public sites shall be requested to provide land or payment in lieu thereof for that portion of benefits from public sites accruing to his land as determined by the Commission. The Commission shall, wherever possible, establish the preservation of all natural features which add value to residential development and to the community, such as large wooded areas, water courses, beaches, areas of historical significance, and similar irreplaceable assets.

Section 440 Flood Areas and Storm Drain Ditches

In order to protect the health, safety, and general welfare of the people, the County Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the subdivider shall furnish a surety or certified check covering the cost of the required improvements.

Flood control or storm drainage facilities shall be provided as follows:

- A. Access to flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than thirty (30) feet in width, exclusive of the width of the ditch, or channel, and an easement of this type shall be provided on one (1) side of a flood control or storm drainage ditch, channel, or; similar type facility;
- B. Flood control or storm drainage easements containing underground facilities shall have a minimum of ten (10) feet;
- C. Whenever a flood control or storm drainage ditch or channel has a bank slope steeper than three (3) feet horizontal to one (1) foot vertical, a five (5) foot high masonry wall or chain link fence may be required.

Section 450 Reserve Strips

Reserve strips set up by the subdivider which may prevent access through a subdivision to an adjacent tract shall be prohibited.

Section 460 Sidewalks

- A. Sidewalks shall be required on both sides of the street in all residential subdivisions where the predominate lot width is less than ninety (90) feet. The Commission may require that sidewalks be constructed where lot frontage is greater than ninety (90) feet where they may be essential to better circulation or to access to schools, playgrounds, shopping centers, transportation depots or other facilities. In Any case, on major thoroughfares or residential streets

serving as collectors of traffic from minor streets, four (4) feet sidewalks shall be required on at least one side.

- B. Public sidewalks may be required for all commercial lots.
- C. Public sidewalks may be required for industrial lots, subject to the approval of the County Planning Commission.

Section 470 Blocks

The following regulations shall govern the design and layout of blocks:

- A. The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section 410 and 420, inclusive, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these subdivision regulations or the Zoning Resolution and to provide for the required community facilities.
- B. When a subdivision adjoins a major thoroughfare, the block length, or the greater dimension, shall front along such major thoroughfare to avoid unnecessary ingresses and egresses.
- C. Commission may require that the characteristics of blocks bear close relation to the use of the land.
- D. Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- E. The block length shall be no longer than fourteen hundred (1400) feet nor less than five hundred (500) feet. The block width shall normally accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
- F. Where blocks over nine hundred (900) feet in length, a crosswalk required, if necessary, to provide proper access to schools, recreational areas, shopping centers, transportation depots, and other facilities. The Commission has the authority to require an easement of ten (10) feet, five (5) feet from each lot through the tier of two lots for pedestrian access to schools, playgrounds, shopping centers or other facilities. The pavement width for said walk shall be four (4) feet.
- G. All block corners shall be rounded with a radius of not less than 15.5 feet measured at the street right-of-way lines. Where a radius has been previously established at an intersection, such radius shall be used as a standard for other corners of the said intersection.

- H. For slope area where the average topographic slope is twelve (12) percent or greater, refer to Hillside Regulations, Section 600 to 612, inclusive.

Section 480 Lots

The following regulations shall govern the design and layout of lots:

- A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
- B. All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- C. All lots shall abut by their full frontage on a publicly dedicated street or a street that has received the legal status of such. Lots abutting on private streets or easements shall not be approved.
- D. The minimum lot size, widths, and setbacks shall be as specified in the appropriate Zoning Resolution, when applicable. For slope areas where the average topographic slope is twelve (12) percent or greater, refer to Hillside regulations, Section 600 to 612, inclusive.
- E. Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from arterial streets.
- F. Corner Lots - All corner lots shall have minimum frontage of seventy five (75) feet, measured at the building line, in order to permit adequate building setback. Where, according to the provisions of these regulations the lot width *is* increased due to the type of development or the protection of the health of the Community, the lot width of any corner lot shall comply with the higher requirements.
- G. No lot shall normally have an average depth which is more than three (3) times its average width unless otherwise permitted by the Planning Commission, nor shall it have a depth of less than one hundred fourteen (114) feet except that when ever a lot fronts upon an exterior curved portion of a street the centerline radius of which is one hundred (100) feet or less, then the required minimum lot depth may be reduced to not less than one hundred (100) feet.
- H. Setback Lines- A minimum forty (40) foot setback line, measured from the front property line, shall be required for all buildings unless other setbacks are specified by a zoning resolution.

- I. Commercial - Any lot upon which it is intended that commercial uses will be permitted, shall have a minimum frontage as may be set forth in the Zoning Resolution. However, where an overall design for a business section is submitted for an area of five (5) acres or more, the Commission may not require the platting of individual lots. In such case, the development plans for the aforementioned business development shall be submitted to the Commission for consideration and approval prior to the filing of the application for building permits.
- J. Vacation of Lots - In the case of vacation of lots, or parts of lots, in a subdivision previously in the office of the Recorder of Miami County, Ohio, the same procedure, rules and regulations shall apply for a new plat. The title of the vacations shall indicate just what is being vacated and the final map shall include enough of the surrounding plat or plats to show its relations to adjoining areas.
- K. Re-plat of Lots - Whenever a subdivider or developer proposes a re-subdivision of a plat previously recorded in the office of the Recorder of Miami County, Ohio, he shall follow the same procedure as for a new plat, except that a preliminary map may not be required if changes in street alignment or similar changes are not included in the proposal. The lots in the re-subdivision shall conform as to size and arrangement with the requirements of these regulations.

Section 490 Deed Restrictions

All restrictions shall be designated on the plat and shall run with the land and be enforceable by the owner of any of the property lying within the subdivision. Restrictions shall be so written that they may be amended to meet changing conditions. All restrictions shall indicate the proposed use of the land.

ARTICLE 5

REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS

Section 500 Guarantee for Installation of Improvements

All improvements required herein shall be constructed prior to the granting of the final plat approval by the County Planning Commission. In lieu of the completion of the improvements, a bond executed by a surety company or Letter of Credit, shall be furnished by the subdivider equal to the cost of construction of such improvements as shown by the plans based on an estimate furnished by the County Engineer and approved by the County Engineer, and when applicable, the County Sanitary Engineer. The surety will be subject to the condition that the improvements will be completed within twelve (12) months after approval and in the event they are not completed, Miami County shall proceed with the work and hold the owner and the bonding company jointly responsible for the costs thereof. The bond shall be subject to the approval of the County Commission. As an alternative, the subdivider may deposit a certified check with, and payable to the County Treasurer, in place of the surety bond, or Letter of Credit.

Section 501 The Minimum Improvements

The minimum improvements which the subdivider will be required to make or enter into agreement to make in a subdivision prior to the approval of the final plat by the Commission shall be as prescribed by the foregoing provisions. All of these improvements shall be carried out in full compliance with the specifications, supervision and inspection for each of the various units of work as required by the County Engineer, County Sanitary Engineer or County Board of Health, according to the nature of the improvements, and shall be completed within the time fixed or agreed upon by the County Engineer. All inspection costs shall be paid for by the subdivider. Nothing in these regulations shall be construed to prohibit the subdivider from constructing higher type of improvements than required by the County.

Section 502 Monuments, Markers and Pins

- A. A complete survey shall be made by a registered surveyor.
- B. The traverse of the exterior boundaries of the tract and of each block when computed from filed measurements of the ground, shall close within a limit of error of one (1) foot to 10,000 of the perimeter before balancing. The survey computation sheets shall be submitted when requested.
- C. Iron Pin or Pipe monuments 5/8 inch in diameter and 30 inches long, shall be placed by the Surveyor at all change of directions about the perimeter, change of directions on boundary lines, all lot corners, all points of curvature, and

points of tangency, and at all right-of-ways when property line extends to the center of an existing road.

Section 510 Streets

The subdivider shall improve all streets or highways, which are a part of the subdivision including that portion of the subdivision located on existing streets or highways. The required improvements shall be such as may be necessary for the general use of the residents and shall include grading and surfacing *of* streets and highways and the drainage thereof. The grades and all items *of* work shall be in accordance with the current standards and specifications on file in the office of the County Engineer of Miami County, Ohio, a copy of which is on file in the Office of the Planning Commission of Miami County.

Section 511 Street Improvements

All streets shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these regulations.

Section 512 Street Width

Minimum street pavement widths shall conform to Section 412.

Section 513 Street Subgrade

The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials. The subgrade shall be properly rolled shaped and compacted, and shall be subject to the approval of the County Engineer.

Section 514 Street Base Course

The street base course used by the developer shall conform with the current standards and specifications on file in the office of the County Engineer.

Section 515 Street Surface Course

The surface course shall be constructed in accordance with the current standards and specifications on file in the 'Office of the County Engineer. (Amended 1-30-88).

Section 520 Street Curbs and Gutters

The requirements for curbs and gutters shall conform to that stipulated in Section 412, including construction on existing highways. Curbs, combined curbs and gutters shall be constructed in accordance with the current standards and specifications of file in the office of the County Engineer of Miami County, Ohio.

Section 521 Sidewalks

All sidewalks shall be constructed in accordance with the current standards and specifications on file in the office of the County Engineer.

Section 522 Driveways

Driveways shall have a maximum grade of ten (10) percent. Driveways and curbs shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway pavement on each side.

Section 523 Street and Walkway Lighting

The Planning Commission may require the subdivider to install street lights in a residential subdivision. If required, said street lights shall be installed in accordance with standards and specifications of the County Engineer. Such lights shall be located at each entrance (street and walkways) to the subdivision and in each street intersection within the subdivision. In addition, whenever the distance between two (2) adjacent street (walkway) lights would exceed three hundred (300) feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained. New subdivision street (walkway) lighting shall be installed with all associated wiring underground.

Section 524 Street Trees

Trees may be provided by the subdivider, at his discretion in all subdivisions where curbs, gutters and sidewalks are required. The trees should be species which are resistant to damage and disease and which do not cause interference with underground utilities, street lighting, or visibility at street intersections. Existing trees should be retained in new subdivisions wherever possible. No trees or shrubbery shall be located within street or road right-of-way.

Section 530 Water Supply Improvements

- A. Where a public water supply is reasonably accessible or required because of pollution problems, or insufficient ground water supply in area, in the determination of the County Planning Commission, the subdivision shall be provided with a complete water distribution system," including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet" the requirements of the Ohio EPA as cited in Sections 3701.18 to 3701.21, inclusive of the Ohio Revised Code.
- B. Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs which are

obtained shall include the name and address of the well driller and shall be submitted with the plat to the County Planning Commission.

- C. Individual private wells shall be located and constructed in conformance with the requirements and specifications of the County Board of Health. Minimum lot sizes shall be in accordance with the requirements of the zoning district in which the subdivision is located. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

Section 531 Fire Protection

The location, size, and construction of fire hydrants and water lines shall be in conformance with the requirements and specifications of the County Sanitary Engineer.

Section 540 Sanitary Sewer Improvements

The following requirements shall govern sanitary sewer improvements:

- A. Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the County Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and County standards. Combinations of sanitary sewers and storm sewers shall be prohibited.

Where a public sanitary sewer system is not reasonably accessible, the sub-divider may provide:

- A. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State EPA requirements; or
- B. Lots may be served by individual disposal systems if the provisions of Section 540 (3) are met.

Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with current standards and specifications on file in the office of the Board of Health of Miami County, a copy of which is on file in the office of the Planning Commission of Miami County.

Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the

proposed building(s). Such lot size and shape shall conform to the requirements of the zoning district in which they are located.

At least one (1) soil test may be required by the County Board of Health for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plan. All percolation tests shall be performed in accordance with the requirements of the County Planning Commission and the County Board of Health.

Where the installation of individual disposal units is considered and where the average natural ground slope exceeds ten (10) percent, the installation of a step-up disposal system may be required subject to specifications by the County Board of Health.

Section 550 Drainage Improvements

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins detention and retention facilities, or open drainage ditches, as determined by the County Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. Design shall be in accordance with the current Subdivision Design Standards prepared by and on file with the County Engineer. Adequate provisions shall be included in design and construction to accommodate all upstream drainage to reasonable potential developed standards and where necessary, extend all drainage improvements to plat limits. The velocity of flow in an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocity of flow is greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility. Sedimentation and erosion control shall be in accordance with the Miami County Storm water Management Control Regulations effective February 28, 1987 and as amended.

Section 551 Storm Sewers and Storm Water Drainage

Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible natural drainage channels with easements of adequate width shall be provided, as determined by the County Engineer and approved by the County Planning Commission, so that all drainage improvements may be extended to an adequate outlet. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 550 of these regulations or cause destructive erosion. Storm drainage including drain tile around basements shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

Section 552 Culverts and Bridges

Where natural drainage channels intersect any street or right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- A. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the County Engineer. The minimum diameter of a culvert pipe shall be twelve (12) inches. Depending on existing drainage conditions, head walls may be required.
- B. Driveway culverts shall be as specified by the Miami County Engineer. The driveway culvert shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.
- C. All structures shall be designed to standard highway loading or H.S. 20 loading.

Section 560 Electric, Gas and Telephone Improvements

Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric and street lighting wires, conduits and cables shall be constructed underground except in cases where the County Engineer determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider.

Overhead utility lines, where permitted, shall be located at the rear of all lots unless otherwise approved by the Planning Commission. The width of the easement per interior lot line shall be not less than five (5) feet and the total easement width shall not be less than ten (10) feet. The width of the easement per exterior lot line shall be not less than ten (10) feet.

Whenever two or more utility lines are each placed underground in the same utility easement, the following provisions shall be applicable:

- A. The total easement width shall be not less than twenty (20) feet, and
- B. The placement of each utility line as it relates to the sides of the easement and/or to the other utility line or lines located within the same easement shall be approved by the County Planning Commission.

Section 570 Over-Size and Off-Site Improvements

The utilities, pavements, and other land improvements required for the proposed subdivision shall be over- sized and/or designed with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the County engineer.

Section 571 Extensions to Boundaries

The subdivider shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the County Planning Commission.

Section 572 Off-Site Extensions

If streets or utilities are not available at the boundary of a proposed subdivision, and if the County Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a County expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easements or right-of-ways and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

Section 580 Final Inspection

Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the County Engineer as required under Section 711.091 of the Ohio Revised Code, and Miami County Sanitary Engineer when applicable.

ARTICLE 6

REQUIREMENTS FOR PLANNED DEVELOPMENT

Section 600 General

These regulations apply to all hillside areas. A hillside area as referred to herein is defined as one with an average slope of more than twelve (12) percent. The subdivider shall submit sufficient detailed information as to geologic conditions, soil types, and underground water level in order that a determination can be made by the County Engineer as to the safety of development of the particular location.

Section 601 Determination of Average Slope

The average slope for a hillside development shall be determined by the County Planning Commission during the time of preliminary subdivision design. Determination will be on an area by area basis with each lot sized according to the average topographic change falling within each area.

Section 602 Minimum Lot Requirements for Single Family Homes

The minimum lot requirements (see chart on following page) shall be used to determine the minimum lot area for a single family home. The average percent of slope is determined by the County Planning Commission. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest five (5) foot frontage interval. Deviations from these requirements may be allowed subject to determination by the Planning Commission where exceptional circumstances warrant.

Section 603 Grading Plan and Controls

The grading plan shall show contour lines at one (1) foot intervals for areas of zero (0) percent to ten (10) percent slope, in two (2) foot intervals for areas of ten (10) percent to twenty (20) percent slope and five (5) foot intervals for areas of twenty (20) percent slope. Elevations are to be based on the sea level datum (USGS). The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, and finished grade of streets prior to consideration of the final plat.

Section 604 Grading and Excavation

No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is

provided to retain the graded bank. Major cuts, excavation, grading and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading, and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

Section 605 Compaction of Fill

All fill shall be compacted to a density of ninety (90) percent modified proctor density or greater. Inspection of fill shall be conducted by a qualified testing lab, subject to approval of the County Engineer.

Section 606 Retaining Wall

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way, such improvements shall require the approval of the County Engineer.

Section 607 Minimum Hillside Regulations

The following regulations shall govern the front yard side yard, street right-of-way and pavement requirements in hillside subdivision.

| Group | % of slope | Yard Front (ft.) | Side yard in % of lot width | Right-of-way | Pavement |
|-------|------------|------------------|-----------------------------|--------------|----------|
| 1 | 12 +/- 25% | 25' | 10% | 50' | 24' |
| 2 | 26-30% | 23' | 10% | 45' | 22' |
| 3 | 31% + | 20' | 10% | 40' | 20' |

Section 608 Street Alignment

The following regulations shall govern street alignment:

- A. Vertical profile grades shall be connected by vertical curves up to twenty (20) percent, but only for short, straight stretches.
- B. Waiver of visibility requirements may be given subject to the approval of the County Planning Commission

C. Waiver of vertical curve requirements may be given subject to the approval of the County Planning Commission.

Section 609 Driveways

The maximum grade on driveways shall not exceed ten (10) percent. Each drive shall provide sufficient space and distance to turn around prior to entering the street.

Section 610 Sidewalks

Concrete sidewalks having a minimum width of four (4) feet and having a minimum thickness of four (4) inches shall be installed along the uphill side of Group 1 (12+-25 percent) subdivisions.

Section 611 Sewage Disposal

Where public sewers are not available or reasonably accessible, a central treatment plant shall be installed by the subdivider in accordance with State EPA and County Board of Health requirements. The use of individual systems shall be prohibited.

Section 612 Undeveloped Land

Land subject to flooding, land with excessive slope and land deemed by the County Planning Commission to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life, or property or to aggravate erosion or flood hazard. Such land shall be set aside for compatible uses.

ARTICLE 7

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

SECTION 700 REQUIRED STATEMENTS

The following statements shall be affixed on the subdivision plat:

Subdivision Description
(Under Title)

Being a subdivision situated in Section _____; Town _____; Range _____; in _____
_____, Township, Miami County, Ohio. Containing _____ acres of a total of _____
acres as conveyed to _____ by deed recorded in the Miami County Recorder's Record
of Deeds Book _____; Page _____.

WE, THE UNDERSIGNED, BEING ALL OF THE OWNERS AND LIEN HOLDERS OF THE
LANDS HEREIN PLATTED, DO HEREBY ACCEPT AND APPROVE THIS PLAT AND
THE PROTECTIVE COVENANTS AND RESTRICTIONS AND DO HEREBY
VOLUNTARILY CONSENT, TO THE EXECUTION OF SAID PLAT, AND TO THE
DEDICATION OF ALL PARTS OF THE ROADS, STREETS, BOULEVARDS, CUL- DE-
SACS, PARKS, PLANTING STRIPS, PUBLIC GROUNDS, ETC. ..., SHOWN HEREON AND
NOT HERETOFORE DEDICATED, TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN OR NOTED ON THIS PLAT ARE FOR THE CONSTRUCTION,
MAINTENANCE, REPAIR, REPLACEMENT OR REMOVAL OF OPEN DITCH SURFACE
DRAINAGE OR OPEN WATERWAYS OR OPERATION OF GAS, SEWER, WATER,
ELECTRIC, TELEPHONE OR OTHER UTILITY LINES OR SERVICES, AND FOR THE
EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER
OBSTRUCTIONS TO THE FREE USE OF SAID PURPOSES AND ARE TO BE
MAINTAINED AS -SUCH FOREVER.

WE, THE UNDERSIGNED, FURTHER AGREE THAT ANY USE OF IMPROVEMENTS
MADE ON THIS LAND SHALL BE IN CONFORMITY WITH ALL EXISTING VALID
ZONING, PLATTING, HEALTH, OR OTHER LAWFUL RULES AND REGULATIONS
INCLUDING THE APPLICATION OF OFF-STREET PARKING AND LOADING
REQUIREMENTS OF MIAMI COUNTY, OHIO FOR THE BENEFIT OF HIMSELF AND
ALL OTHER SUBSEQUENT OWNERS OR ASSIGNS TAKING TITLE FROM, UNDER, OR
THROUGH THE UNDERSIGNED.

Individual Dedication

IN WITNESS THEREOF THIS DAY OF, _____.

WITNESS SIGNED _____

I HEREBY CERTIFY THAT THIS MAP IS A TRUE AND COMPLETE SURVEY MADE (UNDER MY SUPERVISION) (BY ME), ON _____ THAT ALL MONUMENTS ARE SET AS SHOWN.

Surveyor

STATE OF OHIO, COUNTY OF MIAMI S.S.

BEFORE ME, A NOTARY PUBLIC IN AND FOR _____, OHIO, PERSONALLY APPEARED _____ AND _____ WHO ACKNOWLEDGE THAT THEY DID SIGN SUCH INSTRUMENT AND THAT SUCH INSTRUMENT IS THEIR FREE ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL AT _____ ; OHIO THIS _____ DAY OF _____, 20_____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

CORPORATE DEDICATION

OWNERS: _____ LIEN HOLDERS _____

PRESIDENT WITNESS PRESIDENT WITNESS

V. PRESIDENT WITNESS V. PRESIDENT WITNESS

STATE OF OHIO, COUNTY OF MIAMI S.S.

BEFORE ME, A NOTARY PUBLIC IN AND FOR _____, OHIO,
PERSONALLY APPEARED _____, PRESIDENT AND _____
VICE PRESIDENT OF _____ CORPORATION WHO EXECUTED THE
FOREGOING PLAT, WHO ACKNOWLEDGED THAT THEY DID SIGN SUCH
INSTRUMENT AS SUCH PRESIDENT AND VICE PRESIDENT IN BEHALF OF SAID
CORPORATION AND BY AUTHORITY OF THE CORPORATION'S BOARD OF
DIRECTORS AND THAT SUCH INSTRUMENT IS THEIR FREE ACT AND DEED
INDIVIDUALLY AND AS SUCH PRESIDENT AND VICE PRESIDENT AND THE FREE
ACT OF DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND
AFFIXED MY OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF _____
20_____.

_____ (NOTARY PUBLIC)

MY COMMISSION EXPIRES _____

I HEREBY CERTIFY THAT THIS MAP IS A TRUE AND COMPLETE SURVEY MADE
(UNDER MY SUPERVISION) (BY ME) ON _____; THAT ALL
MONUMENTS ARE SET AS SHOWN

SURVEYOR

STATE OF OHIO: COUNTY OF MIAMI S.S.

BEFORE ME, A NOTARY PUBLIC IN AND FOR _____, OHIO,
PERSONALLY APPEARED _____ PRESIDENT AND _____
_____, VICE PRESIDENT OF _____
CORPORATION WHO EXECUTED THE FOREGOING PLAT, WHO ACKNOWLEDGED
THAT THEY DID SIGN SUCH INSTRUMENT AS SUCH PRESIDENT AND VICE
PRESIDENT IN BEHALF OF SAID CORPORATION AND BY AUTHORITY OF THE
CORPORATION'S BOARD OF DIRECTORS AND THAT SUCH INSTRUMENT IS THEIR
FREE ACT AND DEED INDIVIDUALLY AND AS SUCH PRESIDENT AND VICE
PRESIDENT AND THE FREE ACT AND DEED OF SAID _____
OF _____, OHIO.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND
AFFIXED MY OFFICIAL SEAL AT _____, OHIO THIS _____ DAY OF
_____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

SECTION 701

PLATS OUTSIDE THE THREE-MILE LIMIT OF A CITY

RECORDERS INFORMATION

PLAT BOOK _____ PAGE _____ MIAMI COUNTY RECORDER'S PLAT RECORDS
RECEIVED FOR RECORD THIS _____ DAY OF _____, 20__ AT
_____ AM / PM. FILE NUMBER _____ FEE \$ _____

MIAMI COUNTY RECORDER

THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF
_____ 20__.

MIAMI COUNTY ENGINEER

THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF
_____ 20__, FOR SANITARY SEWAGE DISPOSAL REQUIREMENTS BY
MIAMI COUNTY BOARD OF HEALTH.

MIAMI COUNTY BOARD OF HEALTH
REPRESENTATIVE

THIS PLAT REVIEWED AND APPROVED BY THE MIAMI COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 20__.

CHAIRMAN

SECRETARY

THIS PLAT APPROVED BY THE MIAMI COUNTY COMMISSIONERS THIS _____ DAY OF _____, 20___. (APPROVAL OF THIS PLAT FOR RECORDING PURPOSES DOES NOT CONSTITUTE AN ACCEPTANCE OF THE DEDICATION OF ANY PUBLIC STREET, ROAD, OR HIGHWAY DEDICATED ON SUCH PLAT, SECTION 711.041, OHIO REVISED CODE.)

TRANSFERRED THIS _____ DAY OF _____, 20__.

MIAMI COUNTY AUDITOR

BY:

DEPUTY AUDITOR

Note: if public sewer and water are available, the plat need not be signed by the County Board of Health,

SECTION 702

PLATS WITHIN THE THREE-MILE LIMIT OF A CITY

RECORDER'S INFORMATION

PLAT BOOK _____ PAGE _____ MIAMI COUNTY RECORDER'S PLAT RECORDS
RECEIVED FOR THIS _____ DAY OF _____ 20____ AT _____ M. FILE
NUMBER _____ FEE \$ _____.

MIAMI COUNTY RECORDER

FOR THE CITY OF PIQUA:

APPROVED BY THE CITY OF PIQUA, OHIO PLANNING COMMISSION THIS _____ DAY
OF _____ 20____.

CHAIRMAN

SECRETARY

FOR ALL OTHER CITIES:

APPROVED BY THE CITY OF _____, OHIO THIS _____ DAY
OF _____, 20____.

CHAIRMAN

SECRETARY

THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____
20____.

MIAMI COUNTY ENGINEER

THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____
20____, FOR SANITARY SEWAGE DISPOSAL REQUIREMENTS BY MIAMI COUNTY
BOARD OF HEALTH.

MIAMI COUNTY BOARD OF HEALTH
REPRESENTATIVE

THIS PLAT REVIEWED AND APPROVED BY THE MIAMI COUNTY PLANNING
COMMISSION THIS _____ DAY OF _____, 20____.

CHAIRMAN

SECRETARY

THIS PLAT APPROVED BY THE MIAMI COUNTY COMMISSIONERS THIS _____ DAY
OF _____, 20____. (APPROVAL OF THIS PLAT FOR RECORDING DOES NOT
CONSTITUTE AN ACCEPTANCE OF THE DEDICATION OF ANY PUBLIC STREET,
ROAD, OR HIGHWAY DEDICATED ON SUCH PLAT, SECTION 711.041, OHIO REVISED
CODE.

TRANSFERRED THIS _____ DAY OF _____, 20____.

MIAMI COUNTY AUDITOR

BY: _____

DEPUTY AUDITOR

Note: If public sewer and water are available, the plat need not be signed by the County Board of Health.

ARTICLE 8

TITLE, REVISIONS, ENFORCEMENT

Section 800 Transfer and Recording of Plat

No plat of any subdivision shall be transferred by the County Auditor or recorded by the County Recorder of Miami County or have any validity until said plat has received final approval in the manner prescribed in these regulations.

Section 801 Revision of Plat After Approval

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Commission, and endorsed in writing on the plat, unless the said plat is first resubmitted to the Commission. In the event that any such plat is recorded without complying with the aforementioned requirements, the Commission shall institute proceedings to have the plat stricken from the records of Miami County, Ohio.

Section 802 Approval of Installation of Improvements

Periodic inspections during the installation of improvements shall be made by the County to insure conformity with the approved plans and specifications. The subdivider or owner shall notify the proper administrative officers when each phase of the installation is completed and ready for inspection. Upon completion of installation of the required improvements, the administrative officers charged with the responsibility for each of the various types of improvement shall issue a letter of approval to the developer or surety bond or letter of credit, which shall have been furnished as a guarantee of satisfactory installation.

Section 803 Proper Installation of Improvement

If the administrative officer charged with the responsibility of inspection determines that the various types of required improvements have not been constructed in accordance with the plans and specifications filed in their respective offices by the sub-divider, the responsibility of Miami County shall cease. The subdivider and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications. No plat which may be an extension, part or section of a previously recorded plat, or no new plat, regardless of location, shall be approved by the Commission, if the subdivider has not fully complied with the construction of all the required improvements in a previously recorded plat, submitted by him for approval. As a condition for the approval of such plat, the Commission shall require that the conditions of the former agreement be met by the sub-divider, before the Commission shall take action on the Plat.

Section 804 Sale of Land Within Subdivision

No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or by a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.

Section 805 Schedule of Fees, Charges and Expenses

The Board of County Commissioners shall establish a schedule of fees, charges and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the County Commissioners, and may be altered, or amended only by the Board of County Commissioners. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 806 The Following Penalties Shall Apply To The Violations of These Regulations:

Whoever violates any rule or regulation adopted by the Board of County Commissioners for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the County or any citizen thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot parcel, or tract of land so sold. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

Any person who disposes of, offers for sale or lease for a time exceeding five (5) years any lot or any part of a lot in a subdivision before provisions of these regulations are complied with shall forfeit and pay the sum of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot or part of a lot so sold, offered for sale or leased, to be recovered with costs in a civil action by the County Prosecutor, in the name of the County Treasurer for the use of the County.

Section 808 Variances

The following regulations shall govern the granting of variances:

- A. Where the County Planning Commission finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it

may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the zoning resolution. Application for any such ex-emption shall be submitted in writing by the subdivider at the time when the preliminary plan is submitted for consideration to the Commission. The petition shall state fully the grounds of the application and all the facts relied upon by the petitioner.

- B. In granting variances or modifications, the County Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 809 Appeal

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