

CODIFIED ORDINANCES OF GAHANNA
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Platting and Subdivisions

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CHAPTER 1101
Title and Definitions

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CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Zoning Ordinance definitions - see P. & Z. Ch. 1123

1101.01 SUBDIVISION ORDINANCE.

"Subdivision Ordinance" means Ordinance 50-61, passed November 20, 1961, as amended, which is codified as Chapters 1101 through 1109 of this Part Eleven Planning and Zoning Code. (Ord. 74-89. Passed 6-20-89.)

1101.02 DEFINITIONS.

(a) Certain words and phrases when used in this Subdivision Ordinance shall have the meanings described in this chapter. Words not particularly defined herein, shall be defined as found in the latest Illustrated Book of Development Definitions, 2004, by Harvey S. Moskowitz and Carl G. Lindbloom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the Dictionary of Architecture and Construction, 2006, edited by Cyril M. Harris, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.

(b) Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "lot" means the word "plot" the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". (Ord. 0122-2007. Passed 6-18-07.)

1101.03 COMMUNITY PARK.

"Community park" means major community park providing recreational areas that are regional in scope, including a variety of active and passive recreational facilities, such as a community center, tennis courts and pool. (Ord. 74-89. Passed 6-20-89.)

1101.04 EASEMENT.

~~"Easement" means a grant by the property owner of the use of a strip of land by the public or by a private or public utility for access in constructing and maintaining utility services.~~ **A GRANT OF ONE OR MORE OF THE PROPERTY RIGHTS BY THE PROPERTY OWNER TO AND/OR FOR USE BY THE PUBLIC, A CORPORATION, OR ANOTHER PERSON OR ENTITY.**

1101.05 IMPROVEMENTS.

"Improvements" means street pavements, with or without curb and gutter, sidewalks, water mains, sanitary and storm sewers. (Ord. 74-89. Passed 6-20-89.)

1101.06 IN-LIEU FEES.

"In-lieu fees" means fees paid by a private individual or party to the City to compensate for the mandatory land dedication provisions of the Subdivision Regulations when such land dedication is determined to be inappropriate or unacceptable as per the requirements of the City Subdivision Regulations. (Ord. 74-89. Passed 6-20-89.)

1101.07 LANDLOCKED.

"Landlocked" means any parcel of land which is not abutting to a dedicated public right of way **OR EASEMENT ABUTTING A DEDICATED PUBLIC RIGHT-OF-WAY.** ~~for a minimum continuous dimension of twenty feet for a single unsubdivided parcel or for a minimum continuous dimension of sixty feet for a parcel to be subdivided.~~

1101.08 LOT.

"Lot" means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership. (Ord. 74-89. Passed 6-20-89.)

1101.09 MANDATORY LAND DEDICATION.

"Mandatory land dedication" means a municipal requirement that privately owned land is dedicated to the City for the purpose of providing space for park, recreational and open space facilities and activities. (Ord. 74-89. Passed 6-20-89.)

1101.10 NEIGHBORHOOD PARK.

"Neighborhood park" means a medium-sized park providing facilities for adjacent residential areas, such as picnic facilities, limited playfields for sports and children's play areas. (Ord. 74-89. Passed 6-20-89.)

1101.11 OPEN SPACE.

"Open space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

(Ord. 74-89. Passed 6-20-89.)

1101.12 PARK.

"Park" means a publicly owned tract of land designated and used by the public for active and passive recreation. (Ord. 74-89. Passed 6-20-89.)

1101.13 PLAT.

"Plat" means a map of a tract or parcel of land. (Ord. 74-89. Passed 6-20-89.)

1101.14 PLAYFIELDS.

"Playfields" means parks dedicated for active recreational activity, such as soccer, baseball, softball and football. (Ord. 74-89. Passed 6-20-89.)

1101.15 PLAYGROUND.

"Playground" means a small park oriented to the immediate residential area and providing facilities such as children's play areas and small fields. (Ord. 74-89. Passed 6-20-89.)

1101.16 RECREATION FACILITY.

"Recreation facility" means a place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities. (Ord. 74-89. Passed 6-20-89.)

1101.17 RIGHT OF WAY.

"Right of way" means ~~the width between property lines of a street, parkway, alley or easement.~~ **(1) A STRIP OF LAND ACQUIRED BY RESERVATION, DEDICATION, PRESCRIPTION, OR CONDEMNATION AND INTENDED TO BE OCCUPIED BY A STREET, CROSSWALK, RAILROAD, ELECTRIC TRANSMISSION LINES, OIL OR GAS PIPELINE, WATER LINE, SANITARY STORM SEWER, OR OTHER SIMILAR USES; (2) GENERALLY, THE RIGHT OF ONE TO PASS OVER THE PROPERTY OF ANOTHER (EASEMENT.)**

1101.18 SUBDIVISION.

"Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purposes, whether immediate or future, of the transfer of ownership, provided, however, that the 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 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. (Ord. 74-89. Passed 6-20-89.)

CHAPTER 1103
Application, Fees and Permits, and Variances

- 1103.01 Application to city or charter government.**
1103.02 Fees and permits.
1103.03 Variances from dimensional standards and improvement requirements.

CROSS REFERENCES

Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Improvements - see P. & Z. Ch. 1107
Standards - see P. & Z. Ch. 1109
Zoning variances - see P. & Z. Ch. 1131, Ch. 1191

1103.01 APPLICATION TO CITY OR CHARTER GOVERNMENT.

All references in this Subdivision Ordinance to officers or departments existing under Municipal government shall also refer to those officials or departments succeeding to the same or similar function under city or charter government. (Ord. 50-61. Passed 11-20-61.)

1103.02 FEES AND PERMITS.

(a) Any person desiring to do or to cause to be done any work for any platting or subdivision item for which a fee is required by the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances, shall obtain a permit with the Division of Building and Zoning Regulation prior to commencement of such work, exempting any waivers of permits contained in this chapter.

(b) Any person desiring to do or to cause to be done any work for which a permit is required by the Subdivision Ordinance shall, at the time the permit is issued, pay all required fees as established in the Development Fee Schedule and comply with all requirements set forth in Section 148.12 in Part One of These Codified Ordinances. (Ord. 0122-2007. Passed 6-18-07.)

**1103.03 VARIANCES FROM DIMENSIONAL STANDARDS AND
IMPROVEMENT REQUIREMENTS.**

In cases where it is deemed that hardships, topography or other factual deterrent conditions prevail, variations and exceptions from the dimensional standards and improvement requirements as set forth in this Subdivision Ordinance may be recommended by the Planning Commission, but must be approved by Council. (Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1105 Preliminary and Final Plats

- 1105.01 Preapplication sketch.
- 1105.02 Preliminary plat filing.
- 1105.03 Preliminary plat approval.
- 1105.04 Final plat filing.
- 1105.05 Final plat approval.
- 1105.06 Action by Council.
- 1105.07 Acceptance of Dedicated Improvements.
- 1105.08 Landlocked parcels prohibited.
- 1105.09 Action by land owner.
- 1105.10 Development of land within plat.
- 1105.11 Sale of land within plat.
- 1105.12 Revision of plat after approval.

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.
Plat acknowledgment and recording - see Ohio R.C. 711.06
Violations of rules and regulations; penalty - see Ohio R.C. 711.102
Approval without plat - see Ohio R.C. 711.131

1105.01 PREAPPLICATION SKETCH CONFERENCE.

(a) ~~An owner of land desiring to subdivide or develop that land, should submit a sketch plan of the proposed development to the Planning Commission for review and discussion, prior to the filing of a preliminary plat and formal review by the Commission. All sketch plans shall be considered confidential between the developer and the Commission and City officials.~~ **SCHEDULE A PRE-APPLICATION CONFERENCE TO DISCUSS THE CONCEPT OF A PROPOSED DEVELOPMENT WITH THE PLANNING AND ZONING ADMINISTRATOR. THE DEVELOPER SHOULD BRING A SKETCH OF THE SITE PLAN TO THE CONFERENCE FOR REVIEW AND DISCUSSION. THE CONFERENCE SHALL BE CONSIDERED CONFIDENTIAL BETWEEN THE DEVELOPER AND CITY OFFICIALS.**

(b) The sketch plan need not be drawn to scale, but shall include those requirements as provided in Section 1105.02, and shall be presented to the Planning staff before a preliminary plat is filed. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with the development standards in the Planning and Zoning Code.
(Ord. 0122-2007. Passed 6-18-07.)

1105.02 PRELIMINARY PLAT FILING.

The owner of land who desires to subdivide it shall submit ~~twenty-five~~ **10** copies of the preliminary plat with a completed application form as prescribed by the Planning and Zoning Administrator. ~~to the Planning and Zoning Administrator for the Planning Commission ten working days prior to a regular meeting of the Commission. A copy of the filed plat shall be in the possession of each member of the Commission for a minimum period of five working days before consideration for approval.~~

Upon the filing of a plat with the Planning and Zoning Administrator, ~~he shall examine it~~ **IT SHALL BE EXAMINED** to determine whether or not it complies with the requirements listed in this section and shall then **BE REFERRED TO THE CITY ENGINEER** for the examination of the plat. ~~to the City Engineer. If the plat does not meet such requirements~~ **OF the Planning and Zoning Administrator OR THE CITY**

ENGINEER, THE PLANNING AND ZONING ADMINISTRATOR shall return it to the owner **WITH INSTRUCTIONS**, who shall revise and refile it.

The owner shall pay a fee as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances.

- (a) The preliminary plat shall contain the following:
 - (1) Scale: Minimum - one inch equals 100 feet.
 - (2) The proposed name of the subdivision.
 - (3) Key map showing location within the Municipality.
 - (4) Names and addresses of owners, developers and the surveyor who made the plat.
 - (5) Date.
 - (6) North point.
- (b) The following existing conditions shall be shown:
 - (1) Boundary lines and approximate acreage included.
 - (2) Locations, widths and names of all existing or prior platted streets or alleys, railroad and utility rights of way, parks and public open spaces, permanent buildings and structures, all section and corporation lines within or adjacent to the tract.
 - (3) Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, elevations, grades and locations.
 - (4) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land with deed book and page number.
 - (5) Boundary lines of adjacent tracts of unsubdivided and subdivided land.
 - (6) Existing zoning restrictions.
 - (7) Existing contours, with intervals of five feet where the slope is greater than ten percent, and not more than two feet where the slope is less than ten percent. Elevations to be based on sea level datum.
 - (8) Drainage channels, wooded areas, watercourses and other significant physical features.
 - (9) All easements.
- (c) The following proposed conditions shall be shown:
 - (1) Layout of streets and right-of-way widths.
 - (2) All public easements.
 - (3) Layout, numbers, dimensions and square footage of lots.
 - (4) Parcels of land intended to be dedicated or temporarily reserved for public use, and proposed method of maintenance and control of same.
 - (5) Building setback lines shown graphically, with dimensions.
 - (6) Indication of any lot on which a use other than residential is proposed by the owner.
 - (7) Names of new streets shall not duplicate names of any existing dedicated street within Franklin County and/or its incorporated areas.
 - (8) New streets which are extensions of or in alignment with existing streets shall bear the names of the existing streets of which they are extensions or with which they are in alignment.
 - (9) All new streets shall be subject to the approval of the Planning Commission and shall be named in the following manner:

<u>General Direction</u>	<u>Over 1,000 Feet in Length</u>	<u>Under 1,000 Feet in Length</u>
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Circles

- (d) In addition to the aforementioned requirements, the developer shall submit a written statement that shall include:
 - (1) The impact, if any, of the proposed development on area drainage and other lands at lower elevations in the vicinity.
 - (2) Postulated impact of his development on area traffic loads and fire protection capability.
 - (3) Copies of any and all proposed deed covenants, deeds of right of way and deeds of easement.
 - (4) All soil and water management measures necessary to prevent excessive soil erosion and sedimentation during and after development shall be presented. Such measures shall be presented in accordance with a detailed plan for control of erosion and sedimentation unless there has been a prior determination by the City Engineer that such measures are not necessary.
- (e) An environmental plan as prescribed in Section 1109.12 is required with the application. (Ord. 0122-2007. Passed 6-18-07.)

1105.03 PRELIMINARY PLAT APPROVAL.

(a) When a preliminary plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.02 and is accepted by the Planning and Zoning Administrator, the application for preliminary plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action. Upon forwarding the application to the Commission, the preliminary plat and supplemental materials pertaining thereto shall be considered a matter of public record.

(b) An application for preliminary plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. **NOTHING IN THIS SECTION SHALL PRECLUDE A VARIANCE APPLICATION FROM BEING FILED AND CONSIDERED IN CONJUNCTION WITH A PRELIMINARY PLAT**

(c) The Commission shall ~~consider~~ **HOLD A PUBLIC HEARING ON** an application for preliminary plat approval within thirty days of the receipt of the application, staff comments, and Council informal comments relative to park land dedication and administration recommendations from the Planning and Zoning Administrator.

(d) Before approving or denying an application for preliminary plat approval, the Commission shall hold at least one public hearing at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made public; and the Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City first at least fourteen days and second at least seven days in advance of the public hearing and shall state the place, time, date and purpose of such hearing. Further, the Clerk shall send notification by ordinary mail of the public hearing to the contiguous property owners of the area described in the preliminary plat. The failure of delivery of such notice shall not invalidate any such preliminary plat filing. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator and the Clerk of the Commission **COUNCIL** prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.

(f) After action by the Commission on an application for preliminary plat approval as provided for in this chapter, the Clerk shall record the action taken as follows:

- (1) If the application was approved, three copies of the approved preliminary plat shall be stamped "Approved by Planning Commission in an Official Meeting Held (date) with the Following Additional Provisions: (List or attach any provisions or contingencies. If none, so note)" and shall sign same attesting to action taken.
- (2) If the application was denied, three copies of the disapproved preliminary plat shall be stamped "Disapproved by Planning Commission in an Official Meeting Held (date) for the Following Reasons: (List or attach the specific reasons for denial)" and shall sign same attesting to action taken.

~~Two copies~~ **ONE COPY** of the signed preliminary plat shall be forwarded to the applicant, **ONE TO THE PLANNING AND ZONING ADMINISTRATOR**, and one copy shall be retained in the permanent files of the Commission.

(g) Any approval of a preliminary plat shall be valid for a period of twelve months. **AN EXTENSION OF TIME MAY BE PERMITTED BY VOTE OF PLANNING COMMISSION FOR GOOD CAUSE SHOWN.**

1105.04 FINAL PLAT FILING.

The owner of land proposed to be subdivided shall submit an application for final plat approval, the final plat drawing and related written material to the Planning and Zoning Administrator for review and acceptance. An application for final plat approval may not be submitted unless a preliminary plat for the proposed subdivision has been approved by the Planning Commission or is all or part of a planned development for which an outline development plan **OR AN ROD (RESIDENTIAL OVERLAY DISTRICT)** has been approved by Council. The owner shall pay a fee, as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances.

The final plat drawing shall be prepared on ~~linen drafting cloth or mylar film~~ eighteen inches by twenty-four inches or twenty-four inches by thirty-six inches in size and at a minimum scale of one inch equals 100 feet. Multiple sheets may be used for plats of large areas. The final plat drawing shall contain and clearly show the following:

(a) Identification.

- (1) Name of proposed subdivision.
- (2) Key map showing location of proposed subdivision within the City.
- (3) Names and addresses of the land owners, developers, and design professionals involved with the proposed subdivision. If the land owner and/or developer is a corporation or partnership, the names and addresses of the principal corporate officers and/or partners must also appear on the final plat drawing.
- (4) Date.
- (5) North point.

(b) Survey and Engineering Data.

- (1) Boundary of plat based on an accurate traverse with angular and lineal dimensions.

- (2) True angle and distance to the nearest street intersection, accurately described on the plat.
 - (3) Radii, internal angles, points of curvature, tangent bearings and lengths of all short dimensions.
 - (4) All lot numbers and lines with accurate dimensions in feet and hundredths and bearings in degrees and minutes.
 - (5) Accurate location of permanent monuments marking each boundary corner of the subdivision.
 - (6) Accurate location, width and name of all streets and other public ways.
 - (7) Minimum building setback lines along all streets and other public ways.
 - (8) Accurate outlines and delineation of all drainage easements, floodway routing, flood hazard areas and other watercourses contained within or contiguous to the plat boundaries.
 - (9) Accurate outlines and delineation of any areas to be dedicated or reserved for public use, with purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners.
 - (10) Any restrictions and covenants which are to be included as part of the deed to any lot within the subdivision plat or planned development.
 - (11) Other information deemed necessary by the City Engineer or Planning Commission in order to fully describe any special conditions or circumstances ~~effecting~~ **AFFECTING** the proposed plat.
- (c) Certification and Approval Provisions.
- (1) Certification by an Ohio registered surveyor that the plat represents a survey made by him or under his direction and that the monuments shown exist as designated or will be set following construction and that all dimensional and geodetic details are correct.
 - (2) Notarized certification by the land owner as to adoption of the plat and the dedication to public use of the streets and other public ways shown on the plat. No private property shall extend into the dedicated right of way for any street or public way.
 - (3) Space for approval by signature of the City Engineer.
 - (4) Proper form for the approval of Planning Commission with space for the signature of the Chairman.
 - (5) Space for approval by signature of the Mayor.
 - (6) Proper form for approval of the final plat by Council showing ordinance number and provision for signature by the Clerk of Council.
 - (7) Proper form for acceptance by Council of the dedication to public use of the streets and other public ways and provision for signature by the Clerk of Council.
 - (8) Space for transfer by the County Auditor and recording by the County Recorder with a statement indicating the expiration date of any or all approvals granted by the City relating to the final plat.
- (d) Subdivision Entry Sign. If an entry sign is planned for the subdivision, the developer is required to submit a plan and design in conformance with Chapter 1165. (Ord. 0122-2007. Passed 6-18-07.)

1105.05 FINAL PLAT APPROVAL.

- (a) When a final plat complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1105.04 and is accepted by the Planning and Zoning Administrator, the application for final plat

approval with the certificate of ability for stormwater management compliance issued by the City Engineer under Section 1193.01 shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action.

(b) An application for final plat approval which would result in one or more lots, parcels or public ways being in noncompliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Planning Commission until final determination has been made on all required variances under the procedures established in Chapters 1103 or 1131.

(c) An application for final plat approval on a development for which a waiver of stormwater runoff control has been requested under Section 1193.05 shall not be forwarded by the Planning and Zoning Administrator for consideration by the Planning Commission until final determination has been made on the requested waiver under the procedures established in Section 1193.05(e).

(d) The Planning Commission shall consider an application for final plat approval within twenty-three days of the receipt of the application and certificate of ability for stormwater management compliance from the Planning and Zoning Administrator.

(e) The Planning Commission shall review all submitted drawings and related written material which shall fully describe the final plat as proposed for development and shall recommend the final plat for approval by Council provided:

- (1) The final plat as submitted is consistent and in conformity with the preliminary plat for the proposed development as approved under the provisions of Section 1105.03.
- (2) The final plat as submitted is in full compliance with all provisions or requirements under Title Eleven of the Codified Ordinances of the City unless a variance for nonconformance with specified portions of the Codified Ordinances has been properly granted under the provisions of Chapters 1103 or 1131.
- (3) The final plat as submitted is in full compliance with all conditions and contingencies specified by Planning Commission at time of preliminary plat approval unless one or more of such conditions or contingencies is rescinded by majority vote of Planning Commission in an official meeting.

The Planning Commission shall disapprove an application for final plat approval which is not in full compliance with the requirements stated above.

(f) After action by the Planning Commission on an application for final plat approval as provided for in this chapter, the Clerk shall record the action taken as follows:

- (1) If the application was recommended for approval by Council, ~~twelve~~ **FIVE** copies of the recommended final plat shall be stamped "RECOMMENDED FOR APPROVAL BY PLANNING COMMISSION IN AN OFFICIAL MEETING HELD (date)" and shall sign same attesting to action taken. ~~Eight- ONE COPY~~ copies of the signed final plat shall be forwarded to the Clerk of Council, one copy to the Director of Planning and Development, one copy to the City Engineer, one copy to the Planning and Zoning Administrator, and one copy shall be retained in the permanent files of the Planning Commission. The Clerk shall send the applicant written notification of Planning Commission action by ordinary mail.
- (2) If the application was denied, three copies of the disapproved final plat shall be stamped "DISAPPROVED BY PLANNING

COMMISSION IN AN OFFICIAL MEETING HELD (date) FOR THE FOLLOWING REASONS: (List or attach the specific reasons for denial)" and shall sign same attesting to action taken. ~~Two~~ **ONE** copiesY of the signed final plat shall be forwarded to the applicant, **ONE TO THE PLANNING AND ZONING ADMINISTRATOR, AND** one copy shall be retained in the permanent files of the Planning Commission.

(g) An application for final plat approval denied for cause by the Planning Commission may be revised by the applicant as necessary to correct the stated reasons for denial and resubmitted to the Planning and Zoning Administrator. ~~within thirty days of the original date of denial. The Planning Commission shall consider the revised and resubmitted application for final plat approval within twenty three days of receipt of the application from the Planning and Zoning Administrator. A denied application may not be revised and resubmitted more than once following the original denial by the Planning Commission.~~ (Ord. 0122-2007. Passed 6-18-07.)

1105.06 ACTION BY COUNCIL.

(a) An application for final plat approval recommended to Council for approval by the Planning Commission shall be considered by Council within sixty days of receipt of such recommendation. Council shall approve such application unless it is determined that one or any of the following conditions exist:

- (1) The granting of the application shall adversely affect the health and safety of persons living or working within the area of the proposed plat.
- (2) The granting of the application shall be materially detrimental to the public welfare or injurious to property or improvements within the general area of the proposed plat.
- (3) The granting of the application shall be contradictory to existing City development standards, zoning ordinances or the master development plan of the City.

(b) In the event an application for final plat approval is denied by Council the specific reasons for such action ~~together with supporting documentation shall be attached to and become a part of the denial action~~ **DOCUMENTED AND MADE A PART OF THE PERMANENT FILE.** (Ord. 104-90. Passed 6-19-90.)

1105.07 ACCEPTANCE OF DEDICATED IMPROVEMENTS.

(a) Council shall not accept dedication to public use of improvements required under Chapter 1107 until the City Engineer certifies in writing that all required improvements have been completed as follows:

- (1) The installation of all sanitary sewers and inspections;
 - (2) The storm sewers and all appurtenances have been completed and inspected;
 - (3) All water lines have been installed and tested; and
 - (4) All street, curbs and base at a minimum have been completed.
- (Ord. 174-90. Passed 10-16-90.)

(b) Upon certification of final completion of the streets, street lights, chlorination and other appurtenances, the City Engineer shall certify that the improvements are accepted, at which time the developer shall post a two-year maintenance bond and the performance bond shall be released.
(Ord. 0087-07. Passed 5-7-07.)

(c) The developer shall be required to provide a cash maintenance bond equal to five percent (5%) of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to

perform necessary repairs during the one-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest. (Ord. 174-90. Passed 10-16-90.)

1105.08 LANDLOCKED PARCELS PROHIBITED.

No application for preliminary or final plat approval shall be approved which would result in any parcel of land becoming or remaining landlocked. (Ord. 104-90. Passed 6-19-90.)

1105.09 ACTION BY LAND OWNER.

When an application for final plat approval is approved by Council the land owner shall file and record the plat with the County Recorder within six months of the date of Council approval. Failure by the owner to properly record the plat within this time period shall cause the approvals by the Planning Commission and Council to become null and void. (Ord. 104-90. Passed 6-19-90.)

1105.10 DEVELOPMENT OF LAND WITHIN PLAT.

(a) No permits for construction or improvements of any kind relating to the proposed development shall be issued by the City prior to approval of the application for final plat approval by Council.

(b) No construction or improvement work relating to the proposed development, including grading, which may affect the arrangement or alignment of public streets or other public improvements or may alter a natural water drainage course may be started prior to approval of the application for final plat approval by Council.

(c) No permit shall be issued by the City for construction of any structure within the proposed development until all improvements required to be dedicated to public use have been accepted by Council under the provisions of Section 1105.07.

(d) All platted subdivisions shall be marketed, promoted, advertised and identified using the name approved on the final plat and recorded at the Franklin County Court House. (Ord. 174-90. Passed 10-16-90.)

1105.11 SALE OF LAND WITHIN PLAT.

(a) No lot, parcel or tract shall be transferred from the proposed development by reference to, exhibition of, or by the use of a plat of the proposed development prior to approval of the application for final plat approval by Council. The description of such lot, parcel or tract 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 this section.

(b) No conveyance shall be made of any lot, parcel or tract smaller in frontage or area than indicated on the plat except for the purpose of increasing the area of a contiguous lot, parcel or tract. (Ord. 104-90. Passed 6-19-90.)

1105.12 REVISION OF PLAT AFTER APPROVAL.

No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a final plat approved by Council under the provisions of this chapter unless such modification or revision is first submitted to and accepted by the Planning and Zoning Administrator, recommended by the Planning Commission and approved by Council. (Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1106 Subdivision Without Plat

- 1106.01 Application.**
- 1106.02 Fee.**
- 1106.03 Survey required.**
- 1106.04 Approval of application by Planning and Zoning Administrator.**
- 1106.05 Applications referred to Planning Commission.**
- 1106.06 Variance required.**
- 1106.07 Landlocked parcels prohibited.**
- 1106.08 Certification of approval.**
- 1106.09 Action on applications to be recorded.**
- 1106.10 Appeal of denied applications.**

CROSS REFERENCES

Transfer of land before recording - see Ohio R.C. 711.13
Forfeiture for violation of statutes - see Ohio R.C. 711.15
Vacation of plats; procedure - see Ohio R.C. 711.39
Exception for division of unplatted tract; conveyance of tract portion lying
along existing street - see Ohio R.C. 711.40
Violations of rules and regulations; penalty - Ohio R.C. 711.102
Approval without plat - see Ohio R.C. 711.131
Subdivision defined - see P. & Z. 1101.18

1106.01 APPLICATION.

Written application for a subdivision without plat shall be submitted to the Planning and Zoning Administrator who shall review such application for proper form and content. Upon acceptance of the application, the Planning and Zoning Administrator shall process the application in accordance with the provisions of this chapter.
(Ord. 0122-2007. Passed 6-18-07.)

1106.02 FEE.

Application fee for a subdivision without plat shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of These Codified Ordinances. (Ord. 0122-2007. Passed 6-18-07.)

1106.03 SURVEY REQUIRED.

A boundary survey prepared by an Ohio registered surveyor shall be submitted with each application for subdivision without plat. Such survey shall show:

- (a) Boundary of proposed subdivision based on an accurate transverse with angular and lineal dimensions.
- (b) Size of all lots within proposed subdivision with accurate dimensions in feet and hundredths with bearing in degrees and minutes.
- (c) Exact location, width and name of all streets or other public ways contiguous to the proposed subdivision.
- (d) Names of adjacent subdivisions and owners of adjoining parcels with boundary lines of adjacent tracts of unsubdivided and subdivided land.
(Ord. 0122-2007. Passed 6-18-07.)

1106.04 APPROVAL OF APPLICATION BY PLANNING AND ZONING ADMINISTRATOR.

An application for a subdivision without plat shall be approved by the Planning and Zoning Administrator without action by Planning Commission within seven working days of the application date provided the Planning and Zoning Administrator shall

certify the resulting parcels are in full and complete compliance with all applicable provisions of the Planning and Zoning Code and the application is for a subdivision resulting in one of the following:

- (a) The division or partition of land into parcels of five acres or more not involving any new streets, extension of existing streets or requiring new or extended easements of access; or
- (b) Sale or exchange of parcels between adjoining land owners which does not create additional building sites or result in noncompliance of any of the resulting parcels with applicable zoning regulations.

All other applications for subdivision without plat shall be forwarded to the Commission for determination. (Ord. 0122-2007. Passed 6-18-07.)

1106.05 APPLICATIONS REFERRED TO PLANNING COMMISSION.

The Planning Commission shall act upon an application for subdivision without plat within twenty-one days after receipt of the application from the Planning and Zoning Administrator and shall approve such application provided:

- (a) All lots of the resulting subdivision are contiguous to a dedicated public street right of way for such distance as is required by the applicable zoning category.
- (b) No opening, widening or extension of any road, street or other public way is involved.
- (c) No more than five lots are involved after the original tract is completely subdivided.
- (d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.

An application for a subdivision without plat which is not in compliance with all of the above conditions shall be denied ~~EXCEPT IF UNLESS CONDITIONS A THROUGH D ARE VARIED, THE APPLICATION MAY BE APPROVED BY PLANNING COMMISSION.~~

1106.06 VARIANCE REQUIRED.

An application for a subdivision without plat which would result in one or more parcels being in noncompliance with the Planning and Zoning Code shall not be considered until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131. (Ord. 0122-2007. Passed 6-18-07.)

1106.07 LANDLOCKED PARCELS PROHIBITED.

No application for subdivision without plat shall be approved by the Planning and Zoning Administrator or Planning Commission which would result in any parcel of land becoming or remaining landlocked. (Ord. 0122-2007. Passed 6-18-07.)

1106.08 CERTIFICATION OF APPROVAL.

After approval by the Planning and Zoning Administrator or Planning Commission of an application for subdivision without plat as provided for in this chapter, the Clerk shall be authorized to accept the conveyance instrument of each parcel of land being transferred under the approved subdivision and stamp same "Approved by Planning and Zoning Administrator, City of Gahanna, Ohio; No Plat Required" or "Approved by Planning Commission, City of Gahanna, Ohio; No Plat Required" as applicable and shall sign same attesting to action taken. (Ord. 0122-2007. Passed 6-18-07.)

1106.09 ACTION ON APPLICATIONS TO BE RECORDED.

- (a) The Clerk shall maintain a record file of all applications for subdivision without plat including all action taken on each application.

(b) The Clerk shall advise the Commission of any application approved by the Planning and Zoning Administrator under the provisions of Section 1106.04 at the first regular meeting of the Commission following such approval action.
(Ord. 0122-2007. Passed 6-18-07.)

1106.10 APPEAL OF DENIED APPLICATIONS.

In the event of an application for subdivision without plat is denied by the Planning and Zoning Administrator or Planning Commission, the applicant may, within twenty calendar days of the date of denial, file a written appeal with the Clerk of Council. Such appeal shall be heard by the Board of Zoning and Building Appeals.
(Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1107 Improvements

1107.01 Required improvements.
1107.02 Inspection.

1107.03 Bond, fees and insurance.
1107.04 Construction drawings.

CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.102
Improvements defined - see P. & Z. 1101.05
Variances from improvement requirements - see P. & Z. 1103.03
Standards for improvements - see P. & Z. Ch. 1109
Material standards - see S. & P.S. Ch. 915

1107.01 REQUIRED IMPROVEMENTS.

The owner of land who desires to ~~subdivide~~ **DEVELOP** it shall provide and pay the entire cost of improvements to such land as follows:

- (a) Street improvements shall consist of grading the right of way for full width, construction of permanent curbing or roadway and construction of drainage structures and appurtenances. Two roof drain openings shall be provided in the curb for each lot and each drain shall not be more than four feet in from each side lot line, one on each side. (Ord. 34-64. Passed 12-7-64.)
- (b) Sanitary sewers, including manholes, services and all appurtenances.
- (c) Water distribution system, including mains, services, valves, fire hydrants and all appurtenances.
- (d) Sidewalks on both sides of the street ~~in any subdivision~~, plus curbs and sidewalks on existing streets, if feasible.
- (e) Storm sewers, including manholes, inlets and all appurtenances.
- (f) Paved driveways, concrete or asphalt. (Ord. 50-61. Passed 11-20-61.)
- (g) Street lights in accordance with the specifications of Section 1109.11. (Ord. 30-73. Passed 5-1-73.)

All phases of the improvement shall be approved by the City Engineer and shall be constructed in accordance with Municipal specifications.
(Ord. 0122-2007. Passed 6-18-07.)

1107.02 INSPECTION.

The construction of all improvements shall be inspected at the time of installation by the City Engineer. Under no circumstances are such installations to be made without an inspector on the job. The City Engineer shall be notified three days before any construction work is begun.
(Ord. 0122-2007. Passed 6-18-07.)

1107.03 BOND, FEES AND INSURANCE.

Before the approval of the final plat, the owner or developer shall agree in writing that, prior to construction of any street, he shall provide a bond acceptable to the Municipality, or a certified check, guaranteeing the completion of the street improvement and appurtenances within one year from the date of the agreement, or such time as may be agreed to by Council. The bond or check shall be in an amount equal to the estimated cost of constructing the street improvements, and as approved by the City Engineer. A maintenance bond in the amount of five percent (5%) of the preliminary estimated or final construction cost shall be provided for the maintenance period of two years, beginning with the date of acceptance of the improvements by Council, and certification of the final completion of the improvements and appurtenances by the City Engineer.

The City Engineer shall inspect the improvements after one year and the bond released after any deficiencies are corrected to the satisfaction of the City Engineer and all fees owed to the City by the owner or developer are paid.

The developer shall pay a record drawing retainage fee in the amount of one hundred dollars (\$100.00) per acre. The amount shall be released at the time that the record drawings are submitted to the Department of Public Service and Engineering. In the event that record drawings are not submitted within ninety business days of the final inspection, the record drawings retainage fee becomes the property of the City. Shall the amount not cover the cost of record drawing production, additional expenses will be billed to the developer.

The developer shall be required to provide a cash maintenance bond equal to five percent (5%) of the total cost of the street light installations. Such amount shall be deposited at the time energization is requested, and shall be used by the City to perform necessary repairs during the one-year developer maintenance period following energization and burn test. Should the amount be insufficient to cover all repairs required during this period, additional moneys shall be deposited. In the event that all funds are not expended, the unused balance shall be returned to the developer without interest.

In lieu of a bond for sanitary sewer and water main improvements, the Municipality may accept private agreements for sanitary sewer and water main construction and maintenance. Such agreements shall be executed on forms approved and supplied by the Municipality.

Subject to the approval of Council, improvements may be constructed on an assessment basis. A petition in a form approved by the City Attorney, and bearing the signature of 100 percent (100%) of the property owners of the front footage abutting the proposed improvements, shall be prepared and submitted to Council for consideration.

The owner or developer shall, prior to construction, deposit with the ~~Director of Finance~~ **CITY** a sum of money, as prescribed by Council, to defray the cost of inspection, the engineering services provided, and any expense incurred by the Municipality due to the installation of the improvements and review of the plat and plans. Should the amount of such deposit be insufficient to pay the cost thereof, the ~~subdivider~~ **OWNER OR DEVELOPER** shall immediately, upon demand, deposit such additional sums as are estimated by the Director of Finance to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposits shall be refunded.

The ~~subdivider~~ **OWNER OR DEVELOPER** shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his or their own cost and expense, each and every suit or action brought against the Municipality by reason thereof, until the improvement has been accepted by the Municipality and the developer notified in writing within thirty days. The ~~subdivider~~ **OWNER OR DEVELOPER**, at the time of commencing construction, shall furnish proof to the Municipality of liability insurance of not less than one million dollars (\$1,000,000) each occurrence, one million dollars (\$1,000,000) aggregate for bodily injury and one million dollars (\$1,000,000) each occurrence, one million dollars (\$1,000,000) aggregate for property damage.

If any violation of, or noncompliance with any of the provisions and stipulations of this Subdivision Ordinance occurs, the Municipality shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of the improvement or to use the certified check, or proceeds thereof, for such purpose. (Ord. 0122-2007. Passed 6-18-07.)

1107.04 CONSTRUCTION DRAWINGS.

All construction drawings shall be on a horizontal scale of one inch to fifty feet and a vertical scale of one inch to five feet. The sheet size shall be twenty-two inches by thirty-six inches.

All drawings shall have the orientation of north, and lettering towards the top or to the right of the sheet, to coincide with the official street map of the City of Gahanna.

Upon the approval and acceptance of all improvements, the original construction drawings for the improvements shall be revised to reflect the actual construction. All drawings, including the master grade plan, or reproductions thereof on ~~tracing cloth~~ **MYLAR**, shall become the property of the Municipality and shall be on file in the office of the City Engineer.

Within ninety business days after the Engineer's final inspection, record drawings shall be submitted to the Department of Public Service and Engineering. Record drawings are required to be submitted in electronic format as well as mylar form. All electronic record drawing information shall be contained on a technology approved by the City Engineer. The computer aided design (CAD) drawings shall have a drawing (.DWG) file type. A separate CAD drawing with all utilities shall be drafted in State Plane Coordinates. Private commercial developments shall include architectural building drawings in CAD. Sanitary and storm flow calculations should be included on the electronic format. They shall be made accessible through Microsoft Word and Excel. Consult with the City Engineer's office as to which release of the software is acceptable for storage. (Ord. 0122-2007. Passed 6-18-07.)

CHAPTER 1108 Final Development Plan Procedure

- 1108.01 General requirements.
- 1108.02 Pre-application conference.
- 1108.03 Final development Plan filing.
- 1108.04 Action by the Planning Commission.
- 1108.05 Final Development Plan approval.
- 1108.06 Development and construction of plan.
- 1108.07 Fees for Final Development Plan.
- 1108.08 Revision of Plan after approval.
- 1108.99 Penalty.

CROSS REFERENCES

Zoning Certificates required - see P. & Z. 1129.03
Variances: conditions and procedures - see P. & Z. 1131.01
et seq., 1191.18
Flood Plain Zoning, conditional uses and variances - see P. & Z.
1191.06 et seq., 1191.18

1108.01 GENERAL REQUIREMENTS.

If a proposed development includes land that is zoned any of the districts established in ~~Chapter 1150 (Olde Gahanna Downtown District), Chapter 1153 (General Commercial Districts), Chapter 1149 (AR Multifamily Residential Districts), or Chapter 1155 (Office, Commerce and Technology District),~~ **THIS ZONING CODE OTHER THAN SINGLE FAMILY RESIDENTIAL**, the developer will be required to submit a Final Development Plan for Planning Commission approval. A final development plan is also required for conditional uses in any residential district except the Olde Gahanna Downtown Single Family **Districts NORTH AND SOUTH**. The Final Development Plan shall conform to all zoning requirements and conform to the goals and objectives established in the City's approved Land Use Plan, or other applicable studies. In addition, the following principles and standards shall be observed:

- (a) Encourage the orderly and harmonious development of the area in a manner keeping with the overall character of the community.
- (b) Every effort should be made to protect any adjacent residential areas from a potential nuisance created by a proposed commercial, industrial, or multi-family development.
- (c) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features such as:
 - (1) Unique and/or fragile areas including wetlands.
 - (2) Significant trees or stands of trees.
 - (3) Lands within the 100 year flood plain.
 - (4) Steep slopes in excess of twenty percent (20%) as measured over a ten foot interval.
 - (5) Habitats of endangered plant materials or wildlife.
- (d) The development shall be laid out to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

- (e) The City Engineer, or Planning Commission may impose additional requirements regarding design and construction of **THE PROPOSED DEVELOPMENT, INCLUDING BUT NOT LIMITED TO** streets, curbs, gutters, sidewalks and access.
- (f) Proposed developments approved through Section 1152.02, Limited Overlay District, shall be required to submit a Final Development Plan that is in basic conformance with the plan submitted at the time of zoning approval.
- (g) Proposed developments located in a Planned Commercial Center (PCC) Zoning District, shall follow the provisions of this chapter.
(Ord. 0142-2009. Passed 9-21-09.)

1108.02 PRE-APPLICATION CONFERENCE.

(a) An owner of land desiring to develop that land should schedule a pre-application conference to discuss the concept of a proposed development with the Planning and Zoning Administrator. The developer should bring a sketch of the site plan to the conference for review and discussion. The conference shall be considered confidential between the developer and City officials.

(b) This conceptual plan need not be full engineered drawings, but should include a majority of those requirements as provided in Section 1108.03, and shall be presented to the Planning staff before a Final Development Plan is filed. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with the development standards in the Planning and Zoning Code. (Ord. 0122-2007. Passed 6-18-07.)

1108.03 FINAL DEVELOPMENT PLAN FILING.

The owner of land who desires to develop it shall submit ten copies of the Final Development Plan with a completed application form as prescribed by the Planning and Zoning Administrator.

Upon the filing of a Final Development Plan with the Planning and Zoning Administrator, ~~he/she~~ **IT** shall **BE** examined ~~it~~ to determine whether or not it complies with the requirements listed in this section and then **SHALL BE** referRED ~~the plan to~~ the City Engineer for review. If the plan does not meet such requirements **OF** the Planning and Zoning Administrator **OR THE CITY ENGINEER, THE PLANNING AND ZONING ADMINISTRATOR** shall return it to the owner **WITH INSTRUCTIONS**, who shall revise and refile it.

(a) The Final Development Plan shall contain the following:

- (1) Scale: Minimum - one inch equals 100 feet.
- (2) The proposed name of the development, approximate total acreage, north arrow, and date.
- (3) The names of any public and/or private streets adjacent to or within the development.
- (4) Names and addresses of owners, developers and the surveyor who designed the plan.
- (5) Vicinity map showing relationship to surrounding development and its location within the community.
- (6) Natural features currently within proposed development, including drainage channels, tree lines, bodies of water, and other significant features.
- (7) Current zoning district, building and parking setbacks.
- (8) Proposed location, size and height of building and/or structures.
- (9) Proposed driveway dimensions and access points.
- (10) Proposed parking and number of parking spaces.
- (11) Distance between buildings.
- (12) List of adjacent property owners for notification.

- (13) Reduced site plan suitable for showing on an overhead projector.
- (14) Any other information the Planning Commission may deem to be necessary to evaluate the application. These items can include such things as elevations, traffic studies, floor plans, etc.
- (b) In addition to the aforementioned requirements, the developer shall submit a table of development calculations. This table shall include:
 - (1) Parking calculations: (square footage of proposed buildings, number of spaces per square foot, number of spaces required, **AND** actual number of spaces proposed).
 - (2) Lot coverage calculations: (square footage of site, area of permanently impervious surfaces broken down into buildings and parking, area of uncovered land, coverage requirements, proposed lot coverage).
 - (3) Setback calculations, (if needed).
 - (4) Landscaping calculations: (square footage of pavement, proposed area of landscaping, square footage of landscaping, number of two-inch caliper trees required, **AND** number of trees proposed).(Ord. 0122-2007. Passed 6-18-07.)

1108.04 ACTION BY THE PLANNING COMMISSION.

(a) When a Final Development Plan complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1108.03 and is accepted by the Planning and Zoning Administrator, the application for Final Development Plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action. Upon forwarding the application to the Commission, the Final Development Plan and supplemental materials pertaining thereto shall be considered a matter of public record.

(b) An application for Final Development Plan approval which is not in compliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.

(c) The Commission shall ~~consider~~ **HOLD A PUBLIC HEARING ON** an application for Final Development Plan approval within thirty days of the receipt of the application, staff comments and administration recommendations from the Planning and Zoning Administrator.

(d) Before approving or denying an application for Final Development Plan approval, the Commission shall hold at least one public hearing at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made; and the Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City at least seven days in advance, of the public hearing and shall state the place, time, date and purpose of such hearing.

Further, the Clerk shall send notification by ordinary mail of the public hearing to the contiguous property of the area described in the Final Development Plan. The failure of delivery of such notice shall not invalidate any such Final Development Plan filing. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator prior to publication of the first notice of public

hearing and shall be available for review and study by the general public until the time of such public hearing.
(Ord. 0122-2007. Passed 6-18-07.)

1108.05 FINAL DEVELOPMENT PLAN APPROVAL.

(a) The Planning Commission shall hold a public hearing and act on a Final Development Plan in one of the following ways:

- (1) Approval. The Planning Commission shall approve an application for a Final Development Plan if the following four conditions are met:
 - A. The proposed development meets the applicable development standards of this Zoning Ordinance.
 - B. The proposed development is in accord with appropriate plans for the area.
 - C. The proposed development would not have undesirable effects on the surrounding area.
 - D. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
- (2) Approval with modification. The Commission may approve, with modification, an application for a Final Development Plan if the proposed use meets the applicable development standards of the zoning district, but plan modification is required:
 - A. To be in accord with the appropriate plans for the area; and
 - B. To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may **INCLUDE BUT NOT BE LIMITED TO** be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required **TO MEET THE APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING DISTRICT.** Recommendations **REQUIREMENTS** regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation **REQUIREMENT.**

- (3) Disapproval. The Commission may disapprove an application for a Final Development Plan for any one of the following reasons:
 - A. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
 - B. The proposed development is not in accord with appropriate plans of the area.
 - C. The proposed development will have undesirable effects on the surrounding area.
 - D. The proposed development is not in keeping with the existing land use character and physical development potential of the area.

- (b) After action by the Commission on an application for Final Development Plan approval as provided for in this chapter, the Clerk shall mail to the applicant a "~~Finding of Fact~~" **RECORD OF ACTION TAKEN** by the Planning Commission.

- (c) Any approval of a Final Development Plan shall be valid for a period of twelve months. (Ord. 132-96. Passed 8-6-96.)

1108.06 DEVELOPMENT AND CONSTRUCTION OF PLAN.

(a) Absolutely no site work, earth moving or tree removal activities can begin without the following:

- (1) An approved Final Development Plan.
- (2) A Gahanna City Engineer approved Grading and Erosion Control Plan.
- (3) All applicable Building, Zoning, Development, and Engineering fees paid in full.
- (4) Site inspection of all erosion control measures, tree save fences, preservation zone fences, or other requirements as determined by the Planning Commission, Planning and Zoning Administrator, or City Engineer.
- (5) Parkland dedication or fees in lieu are paid in full if applicable.
- (6) Street Tree Plan submitted to Landscape Board for approval if applicable.

(b) Failure to comply with any of the above requirements of Section 1108.06 will result in penalties as stated in Section 1108.99.
(Ord. 0122-2007. Passed 6-18-07.)

1108.07 FEES FOR FINAL DEVELOPMENT PLAN.

The owner shall pay a fee at the time of submission of the Final Development Plan. The fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.
(Ord. 0122-2007. Passed 6-18-07.)

1108.08 REVISION OF PLAN AFTER APPROVAL.

No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a Final Development Plan approved by the Planning Commission under the provisions of this chapter unless such modification is first submitted and accepted by the Planning and Zoning Administrator, and approved by the Planning Commission. (Ord. 0122-2007. Passed 6-18-07.)

1108.99 PENALTY.

Violation of the provisions of Section 1108.06 or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person, company, or contractor who violates Section 1108.06 or fails to comply with any of its requirements shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day that the violation continues shall be considered a separate offense.

Any tree in excess of six inches in caliper that is removed from a site prior to Final Development Plan approval shall be replaced by the identical caliper size that is removed. Multiple trees can replace larger trees that are removed so long as the minimum caliper of the replacement tree is two and one-half inches.

Nothing herein contained shall prevent the City of Gahanna from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Gahanna shall prosecute any violation of this chapter in accordance with the penalties stated herein. (Ord. 132-96. Passed 8-6-96.)

CHAPTER 1109 Standards

1109.01	Standards in general.	1109.07	Drainage.
1109.02	Streets.	1109.08	Public areas.
1109.03	Sanitary sewers.	1109.09	Street construction.
1109.04	Water distribution systems.	1109.10	Rights of way for connecting streets between subdivisions.
1109.05	Storm sewer systems.	1109.11	Street lighting.
1109.06	Lots and blocks.	1109.12	Environmental plan.

CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.102
Variances from dimensional standards - see P. & Z. 1103.03
Development standards for Planned Unit Development Districts - see
P. & Z. 1151.15

1109.01 STANDARDS IN GENERAL.

Features of any proposed subdivision **OR DEVELOPMENT** not specifically set out or provided for in this chapter shall be at least equal to the generally accepted good practice existing at the time such subdivision **OR DEVELOPMENT** is proposed. Conformity to the applicable standards, not in conflict herewith, ~~the standards~~ promulgated by the Mid-Ohio Regional Planning Commission, of which this Municipality is a contributing member, shall be deemed satisfactory compliance with this chapter. (Ord. 50-61. Passed 11-20-61.)

1109.02 STREETS.

(a) Streets shall be dedicated to public use by the owner. Minor residential streets shall be so designed as to discourage their use by nonlocal traffic. Except where necessitated by local conditions, alleys will not be approved in residential districts. Dead-end alleys are prohibited in all districts. Easements for utilities must be provided along side or rear lot lines, where possible. Street rights of way shall have the following minimum widths:

- (1) Primary (includes Federal, State and County roads which are main arteries of access to the Municipality) 100 feet; an additional width of forty-five feet shall be provided to accommodate a service drive, wherever lots are to face a primary road.
 - (2) Secondary (next in importance as avenues of access between sections of the Municipality as opposed to commercial traffic and nonlocal traffic), eighty feet.
 - (3) Collector (within new subdivision), sixty feet.
 - (4) Minor (completely residential in nature), fifty feet.
 - (5) Cul-de-sac circles, a minimum diameter of 100 feet for right of way.
 - (6) Alleys, twenty feet.
 - (7) Easements, as required.
- (b) Minimum pavement widths shall be as follows:
- (1) Primary, variable as conditions may require.
 - (2) Secondary, thirty-six feet.

- (3) Collector, thirty-two feet.
- (4) Minor, twenty-six feet.
- (5) Cul-de-sac circles, as approved by the City Engineer.
- (6) Alleys, eighteen feet.
- (7) Service drives, twenty feet.
- (8) Sidewalks (residential), four-foot minimum width; (commercial), to be as approved by the Engineer.
- (c) The maximum grades shall be:
 - (1) Primary streets, four percent.
 - (2) Secondary streets, five percent.
 - (3) Collector, minor streets and alleys, six percent.

The minimum grade for any street shall be one-half of one percent at the gutter, unless otherwise approved by the City Engineer. Street intersections shall be rounded by radii not less than twenty feet at the curb line. Sidewalks shall be located as approved by the Engineer.

All street construction and specifications for materials shall be in conformity with standards required by the Municipality.

The plans must bear the approval of the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Public Service. The plans must be submitted to the Clerk of Council one week in advance of a regularly scheduled Council meeting. (Ord. 0122-2007. Passed 6-18-07.)

1109.03 SANITARY SEWERS.

Plans and profiles of sanitary sewers shall be submitted to the Director of Public Service ~~one week in advance of a regularly scheduled meeting~~. All grades, pipe sizes, manholes and other appurtenances shall be shown and such installation and materials shall be in conformity with Municipal standards.

Sewer plans must bear the approval of the Director of Public Service, **THE WATER RESOURCES ENGINEER**, the City Engineer and the Mayor. Places shall be provided for such signatures, including that of the Director of Finance. (Ord. 0122-2007. Passed 6-18-07.)

1109.04 WATER DISTRIBUTION SYSTEMS.

Plans of proposed water distribution systems shall be submitted to the Director of Public Service one week in advance of a regularly scheduled meeting. All plans must show pipe sizes, locations of valves, fire hydrants and other appurtenances. Such installation and materials shall be in conformity with Municipal standards.

Water distribution system plans must bear the approval of the City Engineer, **THE WATER RESOURCES ENGINEER**, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance. (Ord. 0122-2007. Passed 6-18-07.)

1109.05 STORM SEWER SYSTEMS.

Proposed storm sewers, including grades, pipe sizes, manholes, inlets and appurtenances may be shown on the street improvement plans. The plans must be submitted to the **CITY ENGINEER** ~~Director of Finance and Clerk of Council, one week in advance of a regularly scheduled Council meeting~~. Installation and materials shall be in conformity with Municipal standards.

The owner or developer shall follow the recommendations of the City Engineer with regard to the proper method and direction of drainage storm water, following a review of the proposed plan of such drainage as submitted by the ~~subdivider~~ **OWNER OR DEVELOPER** or his engineer.

The storm sewer plans, if not incorporated as part of the street improvement plans, must bear the approval of the City Engineer, **THE WATER RESOURCES ENGINEER**, the Mayor and the Director of Public Service. Places shall be provided for such signatures, including that of the Director of Finance. (Ord. 0122-2007. Passed 6-18-07.)

1109.06 LOTS AND BLOCKS.

Every lot shall abut on a dedicated street. Double frontage lots shall be avoided. At the intersection of two streets, property line corners shall be rounded by an arc of a minimum ten-foot radius. Size, shape and orientation of residential lots shall be appropriate to the location of the proposed subdivision and for the types of development contemplated and in conformity with the Zoning Ordinance, with proper regard given yard areas, setback lines, etc. Excessive depth in relation to length shall be avoided. A proportion of two to one depth to frontage shall be normal for lots having a width of sixty feet or more. Depths in excess of three times the lot width are not recommended. Side lines of lots shall be approximately at right angles or radial to the street line. Corner lots shall have extra width sufficient to permit maintenance of building lines of both the front and sides of the lot. The maximum length of blocks may not exceed 1,800 feet, except where topographic conditions require longer blocks, nor shall they be less than 400 feet in length. Wherever blocks are longer than 900 feet, crosswalks or crosswalk easements not less than ten feet in width may be required near the center of the block, and Council may require that a sidewalk be constructed in accordance with the Municipal standards for sidewalk construction. The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth. Where frontage on a primary street is involved, the long dimension of the block shall front thereon, in order to minimize access intersections. (Ord. 50-61. Passed 11-20-61.)

1109.07 DRAINAGE.

(a) General. The Planning Commission shall not approve any subdivision having inadequate storm drainage or other physical drainage impairment, as determined by the City Engineer. In areas known to be subject to periodic floods, such drainage improvements must be made as to satisfy the aforementioned public officers, in order that the safety, health and welfare of the people will be protected.

(b) Protection of Drainage Courses. No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it, unless provisions are made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes.

(c) Lot Drainage. A master grade plan shall be prepared for all subdivisions and shall be presented to the Mayor for review and approval by the City Engineer. The grading plan shall show the existing topography, the proposed street grades and the proposed storm sewers with pipe sizes and grades. It shall also show the proposed elevation at each lot corner, the proposed finish grades at the house and shall delineate the method of rear yard drainage by showing proposed swales and direction of surface slope by arrows. The grading plan shall follow the standards established for such grading by the Federal Housing Administration.

Wherever possible, with exceptions being made where the topography of an area does not permit such grading practice, lots shall be graded from the rear lot line to the street. Where a lot abuts directly on two streets, the grade shall be from the corner of the lot which is diagonally opposed to the corner of the two streets on which the lot abuts. This regulation is included in a desire to reduce the amount of water standing in yards to a minimum. Therefore, where it is not possible to grade a lot in the prescribed manner, the owner or developer shall provide for the adequate drainage of any and all low areas and tie such drainage into and make it a part of the storm sewer system of the development and the Municipality, as directed by the City Engineer, with approval of such drainage subject to inspection by the Engineer along with the inspection of other storm sewer installations.
(Ord 50-61. Passed 11-20-61.)

(d) Gutters and Downspouts. All buildings and structures or appurtenances thereto erected within the Municipality shall be provided with gutters and downspouts for the purpose of collecting and channeling roof water from such buildings and structures.

(e) Conductors into Gutters, Storm Sewers. All water from sumps, sump pumps, gutters or downspouts, which water would flow by gravity over a public sidewalk or over

adjacent property, shall be carried, by means of conductors, away from such adjacent property, beneath the sidewalk and through the curb outlets provided, into the gutter or storm sewer. If the curb outlets provided are not used or are not sufficient in number, any curb cuts made shall be drilled. (Ord. 12-68. Passed 2-5-68.)

(f) Garage Construction. Except upon written approval of the Director of Public Service, garage floors shall not be constructed less than twelve inches above the top of the curb elevation. (Ord. 0122-2007. Passed 6-18-07.)

1109.08 PUBLIC AREAS.

(a) Purpose. The City of Gahanna recognizes it is essential to the health, safety, and welfare of the residents of Gahanna and persons working in Gahanna, that the character and quality of the environment be considered of major importance in the planning and the development of the City. In this regard, the manner in which land is developed and used is of high priority. The preservation of land for park, playground, and public open space purposes as it relates to the use and development of land for residential, commercial/industrial purposes is essential to maintain a healthful and desirable environment for all citizens of the City. The City must not only provide these necessary amenities for our citizens today, but also be insightful to the needs of future citizens.

- (1) It is recognized by the City of Gahanna that the demand for park, playground, and public open space within a municipality is directly related to the density and intensity of development permitted and allowed within any given area.
- (2) This section is provided to assist land developers in understanding the procedures used to establish park land dedication and/or fees.

(b) Land Dedication.

- (1) In every case where land is to be developed for residential use, the developer, as a prerequisite to the approval of the final plat or multiple family residential zoning change application, must convey or dedicate to the City of Gahanna a reasonable amount of the land to be subdivided for public use as parks, recreational facilities, trails, or wetlands. A subdivision without plat shall not be required to follow this section. A multiple family residential development shall be required to meet these requirements during the zoning change application process. The amount and type of land to be dedicated is determined through a process defined by this section of code. This is only a minimum, and the Gahanna City Council has the discretion to increase the amount of land to be so conveyed or dedicated based on the anticipated needs of the City that the proposed development will bring about.
- (2) The City will have the option to require a developer to contribute an equivalent amount in cash based on the fair market value of the undeveloped land, within the proposed development at the time of approval of the final plat, or multiple family residential zoning, and such contribution will be in lieu of conveyance or dedication of land for public uses. Such cash payments will be placed in a special fund by the City and used only for the acquisition of land for parks, recreational facilities, playgrounds, trails, wetlands, or development of existing park and playground sites.

(c) Staff Evaluation of Land Dedication. The mandatory land dedication shall be evaluated by the appropriate City staff to determine whether such dedication is acceptable as appropriate sites for parks and recreational facilities. A three-tier process is to be used by the City in evaluating the proposed land dedication. A written report for each assessment shall be forwarded to the Planning Commission with the application.

- (1) Needs assessment. An analysis shall be made to determine the estimated park, and recreation need that will be created by each proposed development. This analysis shall be prepared by the Planning and Zoning Administrator and conducted by the following process:
- A. The amount of public parkland dedication required in a proposed development shall be a minimum of 0.5 acres and computed as follows:
1. Residential population in single family detached or attached units will be estimated by multiplying the number of proposed dwelling units by 2.99 persons per household;
 2. Residential population in multi family units will be estimated by multiplying the number of proposed dwelling units by 1.615 persons per household;
 3. Public parkland per individual: in determining the space required for public parkland in a proposed development, it shall require that .025 acres be dedicated per individual proposed to be housed in the new development based on the assumptions contained in paragraph 1 or 2 above.
 4. Calculation for required public parkland dedication for each development.
 - a. For single family detached or attached units intended for individual ownership, the following formula shall be utilized:
$$(\text{Number of lots}) \times (2.99 \text{ individuals/lot}) \times (.025 \text{ acres/individual}) = \text{dedicated acres.}$$
 - b. For multi family developments generally intended for rental, the following formula should be utilized:
$$(\text{Number of units}) \times (1.615 \text{ individuals/unit}) \times (.025 \text{ acres/individual}) = \text{dedicated acres.}$$
 5. The amount of public parkland required to be dedicated shall be capped and not to exceed 25% of the total number of acres being developed.
- (2) Technical assessment. The following suitability and quality criteria shall be used to provide a technical assessment and recommendation relative to the appropriateness of proposed park, recreational and open space areas. The criteria to be used for this determination shall include, but not be limited to the following:
- A. Suitability of soils and geology for the proposed use;
 - B. Suitability of topography and drainage for the proposed use;
 - C. Location and impact of federally-designated floodways and floodway fringe areas relative to the proposed use;
 - D. Extent of natural vegetation and tree cover, with the preservation of wooded areas a priority;
 - E. The adequacy of the distribution of proposed areas within the proposed subdivision;
 - F. The adequacy of the configuration of each proposed area; and
 - G. The degree and quality of access to areas for pedestrians and vehicles, where appropriate.
- The Planning and Zoning Administrator and Director of Parks and Recreation shall conduct this technical review of the proposed land dedication areas using the above cited criteria. Each shall forward a separate written report, with recommendations, to the Planning Commission with the application.
- (3) Policy assessment. The proposed land dedications shall be reviewed and compared with currently adopted policies, adopted plans, on-going programs and technical projections to determine the appropriateness of

each proposed land dedication. The Parks and Recreation Board and the Director of Parks and Recreation shall each forward a separate written report, with recommendations, to the Planning Commission.

The criteria to be used for this assessment shall include, but not be limited to the following.

- A. Land proposed to be dedicated for public purposes shall meet identified needs of the City as contained in the current parks and recreation Comprehensive Master Plan.
- B. To be eligible for park dedication credit, land dedicated is to be located outside of drain ways, flood plains or ponding areas.
- C. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in paragraph A. of this section.

(d) Review and Approval Process. Upon the filing and acceptance of an application for preliminary plat approval, the Planning and Zoning Administrator, shall initiate the staff evaluation procedure required under subsection (b) hereof, by forwarding a copy of the application, preliminary plat and other submitted documents, the Parks and Recreation Board and the Director of Parks and Recreation. Written assessment reports shall be forwarded to the Planning Commission within thirty days of the filing and acceptance of the preliminary plat application. If the Parks and Recreation Board, Director of Parks and Recreation, Planning and Zoning Administrator fails to file a written report within the thirty day period, such failure shall constitute a recommendation of approval of the developer's land dedication proposal.

The Planning Commission shall consider the preliminary plat, and the assessment reports from the Planning and Zoning Administrator, the Director of Parks and Recreation, and the Parks and Recreation Board, and render a decision to approve or deny such preliminary plat and parkland dedication within thirty days of receipt of the assessment reports.

All standards and requirements under Section 1105.02 and 1105.03 shall apply, except where superseded by this section.

Nothing in this section shall preclude a developer from presenting the land dedication proposals at the pre-application stage, pursuant to Section 1105.01, and for the informal review of such land dedication with the Planning Commission and City Officials prior to submission of an application for preliminary plat approval.

Approval of a preliminary plat shall be valid for a period of twelve months, pursuant to Section 1105.03(g).

The owner of land proposed to be subdivided shall submit an application for final plat approval pursuant to Section 1105.04, wherein the land dedication details shall be presented. Such final plat, including the land dedication arrangement, as approved by the Planning Commission as part of the preliminary plat approval, shall be reviewed in accordance with the procedures under Section 1105.05.

Nothing contained within this section shall preclude Council from accepting a portion of the developer's proposed land dedication and requiring fees-in-lieu of dedication for the remainder of the proposed dedication.

Mandatory land dedications may be waived by Council when Council has adopted a motion establishing a priority for the payment of in-lieu fees, instead of accepting land dedications during a specified period of time. Such in-lieu fees, as stated in this motion, shall be designated for a specific community-wide park, recreational or open space project, as stated in the motion, and placed in a specially designated fund, to be titled in the motion. Such community-wide project shall benefit the current and future residents of any platted subdivision of which the developer has expended in-lieu fees under this motion.

Nothing in this section or any other section shall preclude developers from transferring to the City land dedications for park, recreational sites or expending in-lieu fees in excess of the mandatory requirements of this section.

(e) Fees for Unacceptable Dedication. Proposed land dedication areas that are not acceptable to the City, as determined by the Planning Commission and Council, as sites for parks and recreational facilities, shall not be dedicated to the City and fees-in-lieu of dedication shall be paid in place of the dedication.

Proposed dedicated land areas shall be determined to be unacceptable to the City, based upon the assessment reports, and Planning Commission action, on an application for preliminary plat approval or zoning change. The unacceptability of land dedications may also be determined during the final plat approval process if unknown or changing circumstances have impacted the approved preliminary plat. At the time of preliminary plat approval, or at the time of final plat approval, the developer shall be instructed that a fee shall be required in lieu of any portion of the land dedication.

(f) Calculation of Fees In-Lieu of Land Dedication. A fee-in-lieu of land dedication shall be paid to the City for any land area that is not acceptable as a site for open space, parks and recreational facilities.

The in-lieu fees shall be based upon the average value per acre of the total gross site prior to construction or improvement of the proposed development for which an application for preliminary plat approval has been submitted. To calculate this estimate, the total value should be based on the fair market value of the underlying land, as determined by an appraisal. The appraisal shall be conducted, completed and submitted to the Planning and Zoning Administrator prior to final plat approval. The appraisal shall be prepared by a certified appraiser selected and paid for by the developer. Ten copies are required to be submitted.

(g) Use and Deposit of In-Lieu Fees. The City of Gahanna will maintain a separate fund into which all cash contributions received from owners or developers in lieu of conveyance or dedication of land for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space will be deposited and will make, from time to time, appropriations from such fund for acquisition of land for such purposes and uses, for developing existing parks, recreational facilities, playgrounds, trails, or wetlands.

(h) Area conveyed or dedicated hereunder may not be included by a developer as an allowance for purposes of calculating the density requirements of the development.

(i) Acceptance of Land Dedications and Fees In-Lieu of Land Dedications. Council shall not accept land dedications and/or payment of in-lieu fees required under this section until the Planning and Zoning Administrator has certified in writing that all required land dedication and fee payment requirements have been met by the developer as approved as a part of final plat requirements AND/or part of the zoning change process with an AR zoning application. The land dedication and payment of in-lieu fees required by this section shall be conveyed to the City following approval by Council for the final plat or multiple family residential zoning application, and within sixty (60) days of receiving notice of such approval by Council.

(j) Terms and Conditions.

- (1) The removal of trees, topsoil, storage of construction equipment, burying of construction debris, or stockpiling of surplus is strictly forbidden on parkland to be dedicated without the written approval of the Director of Parks and Recreation.
- (2) Neither a zoning certificate nor a building permit for construction or improvements of any kind shall be issued by the City for the subject development or property until such land dedications or payment of fees-in-lieu of land dedications are conveyed to and accepted by the City.
- (3) Grading and utility plan, which may affect or impact the proposed parkland dedication, shall be reviewed and approved by the City Engineer and the Director of Parks and Recreation prior to dedication, or at such time as reasonably determined.

- (4) Prior to dedication for public purpose, the developer shall deliver to the City Attorney, an abstract of title or registered property abstract for such dedication. Such title shall vest in the City good and marketable title, free and clear of any mortgages, liens, encumbrances, assessments and taxes. The conveyance documents shall be in such form acceptable to the City.

(k) Park Fee. A park fee shall be paid to the City by the developer in the case of platted residential subdivisions.

Such park fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances. Such fee shall be collected prior to the issuance of building permits and deposited in a special fund entitled Park Fund.

Such funds shall be expended by the City for the improvement of recreational facilities within existing publicly owned and operated park facilities and the purchase of recreational equipment. Such funds shall not be used for the maintenance and operation expenses incurred by the Parks Department in the daily operation of park facilities. (Ord. 0093-2008. Passed 4-21-08.)

1109.09 STREET CONSTRUCTION.

(a) Henceforth the minimum requirements for residential streets in the Municipality shall be as shown on Standard Construction Drawings on File in the Office of the City Engineer. (Ord. 41-62. Passed 12-3-62.)

(b) In addition to the specifications for the construction of public streets in the Municipality now found in subsection (a) hereof, henceforth it shall be lawful to build public streets in the Municipality in accordance with the specifications now in force for the building of public streets in the City of Columbus, Ohio, so long as such specifications are determined by the City Engineers to be of a higher type construction than the specifications approved by the Municipality in subsection (a) hereof. (Ord. 0122-2007. Passed 6-18-07.)

1109.10 RIGHTS OF WAY FOR CONNECTING STREETS BETWEEN SUBDIVISIONS.

(a) Certain special standards will apply on streets designated by the Planning Commission and/or the City Thoroughfare Plan as being connecting streets between subdivisions.

(b) The minimum right of way for such streets will be sixty feet.

(c) The minimum pavement width for such streets will be thirty-six feet. (Ord. 7-74. Passed 2-19-74.)

1109.11 STREET LIGHTING.

The Director of Public Service shall cause to be prepared and designed, specifications for street lighting in accordance with the following standards:

(a) Design and Layout. The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer, and approved by the City Engineer.

(1) All energy lines leading to the light standard shall be underground in new developing subdivisions.

(2) All street lighting designs to be coordinated with the supplier of electric energy. Two drawings for each street lighting layout shall be submitted to the supplier of electric energy for record purposes.

(3) Street lights are to be installed in accordance with street lighting specifications of the City, ~~three copies of which will be kept on file in the office of the CITY ENGINEER Clerk of Council.~~

(4) The drawings and specification sheets for street light standards, luminaries, ~~mercury vapor~~ lamps and pedestal termination points will be available at the Office of the Director of Public Service.

- (5) All connections to the supplier of electric energy secondary service locations shall be made by the supplier.
- (b) Lights to be Installed before Acceptance. Any person, firm or corporation desiring a final acceptance of a street, shall before this final acceptance is granted, have the street lights installed and ready for use.
- (c) Maintenance Responsibility of City. It shall be the responsibility of the City to secure and pay the cost of the energy for lighting and assume the maintenance costs of the installations following expiration of the developer's one full year of total maintenance.
- (d) Damage to Distribution System. Any contractor or agent for the developer, while in the process of installing street lights, who damages the distribution system of electric energy supplier shall be liable for such damages and for any other cost as a result of such damages, and may charge and receive payment for such damages from the party responsible.
- (e) Completion Bond Required. If conditions are such that street lights cannot be installed prior to the acceptance of the streets upon which these lights are to be installed, as required in subsection (b) above, the person, firm or corporation requesting acceptance of such streets shall deposit with the Director of Finance, an amount of cash or collectible funds, or performance bond in a form satisfactory to the City Attorney, equal to one and one-half times the estimated cost of the installation of these lights, as security for the installation of such lights which installation shall be completed within six months of the date of deposit of the funds or bond. Failure on the part of such person, firm or corporation to complete this installation within six months period shall be cause for the Director of Public Service to order the installation by such other contractor as he chooses and cause the cost of the installation to be paid from the funds or bonds so deposited. That portion of these funds not used for such installation shall be returned to the depositor at the completion and acceptance by the City of such street lighting installation.
- (f) Easement for Energy Lines to Light Standards. The developer shall provide the necessary easement for street lighting. The City Engineer will coordinate with the developer where necessary, the easement leading to the electric lighting standard so that lighting may be properly spaced.
- (g) Location for Plan. The location, in plan view, of the street lighting, shall be incorporated in the street, storm and water plan.
(Ord. 0122-2007. Passed 6-18-07.)

1109.12 ENVIRONMENTAL PLAN.

(a) An environmental plan shall be required to be submitted with the preliminary plat. This plan is required so that all environmental concerns are evaluated before a development occurs and to ensure that the natural environment is protected.

Such environmental plan shall include, but not be limited to, the following items:

- (1) Description of the general nature of the proposed action/development;
- (2) Description of the existing environmental features on the property, such as woodlands, ravines, flood plains, streams, lakes, ponds and/or steep slopes;
- (3) Description of the potential environmental impact of the action/development; and
- (4) Description of alternatives and other proposed actions to avoid, minimize and mitigate any potential short-term or long-term adverse impacts.

(b) An impact statement is also required with the environmental plan. It shall include a statement of the short and long term direct and indirect impacts of the proposed development on natural features of the property including, but not limited to soils, geology, surface water and ground water, vegetation, wetlands, woodlands, wildlife, air, reflected or generated light, noise, historical areas and visual aesthetics.

(c) If conditions exist that the development may cause significant adverse impacts to the environment of the site or surrounding properties, the City may request the submission of a mitigation statement by the applicant that would become part of the environmental plan. This mitigation statement shall include the following:

- (1) A plan showing the location of natural features that are to be disturbed and undisturbed.
- (2) A plan showing the location of the proposed buffer zones and preservation zones that will alleviate the adverse impacts of the development.
- (3) A statement which addresses the plans for mitigating the adverse environmental impacts. The replacement or restoration of areas which are considered to be environmentally significant shall be addressed. This replacement or restoration statement shall include type, size and amount of materials and/or vegetation.
- (4) A statement which includes any other means by which the developer plans to lessen the environmental impacts.
- (5) Any other items that may be requested by the City.

(d) The Planning Commission shall consider the environmental plan when deciding on the preliminary plat. (Ord. 100-93. Passed 7-6-93.)