

TITLE THREE
SUBDIVISION REGULATIONS

CHAPTER 1131
Subdivision Approval Procedures

1135.10	Purpose.	1135.20	Final plat submission requirements.
1135.11	Plat approval required.	1135.21	Final plat approval procedures.
1135.12	General requirements.	1135.22	Dedication of improvements for public use.
1135.13	Consultation prior to submission.	1135.23	Approval of minor subdivisions.
1135.14	Sketch plan review.	1135.24	As-built documents.
1135.15	Preliminary plat, purpose.	1135.25	Exceptions; modifications or requirements.
1135.16	Preliminary plat submission requirements.	1135.26	Annexed subdivisions.
1135.17	Preliminary plat approval procedures.	1135.27	Vacation and rededication of existing streets.
1135.18	Final plat required.		
1135.19	Proposed improvements.		

1131.01 PURPOSE.

Procedures are herein established and intended to define the steps by which an applicant may design, make application, record plats and construct improvements in the development of land. The provisions of this Chapter are established in order to accomplish the purposes for which this Planning and Zoning Code is adopted.

1131.02 PLAT APPROVAL REQUIRED.

No owner, agent or person having control of any land within the City shall subdivide, or lay out such land in lots in a major subdivision unless by a plat in accordance with the Subdivision Regulations contained herein. Lots subdivided in a minor subdivision shall be exempt from the platting procedures when approved according to the procedures set forth in Section 1131.14.

- (a) Approval Required Prior To Recording Plat. No plat shall be recorded or have any validity unless and until approved as herein required. If an unapproved plat is recorded, it shall be considered invalid and Council may institute proceedings to have the plat stricken from the records of the County.
- (b) Plat Approval Required Prior to Selling Lots. No owner or agent of the owner of any land located in a major subdivision shall transfer, sell, agree to sell, or

negotiate to sell any land by reference to, exhibition of, or use of a plat of a subdivision before such plat is approved and recorded according to the procedures set forth in these Subdivision Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer, or in other documents used in the process of selling or transferring, shall not exempt the transaction from these Subdivision Regulations.

- (c) Plat Approval Required For Zoning Certificate. A zoning certificate shall not be issued for any structure on a lot in a major subdivision until:
- (1) A plat has been approved and recorded according to the procedures set forth in these Subdivision Regulations;
 - (2) The City Engineer states, in writing, that the improvements required by these Subdivision Regulations have been completed and accepted by the City by ordinance, or the completion of such improvements has been guaranteed according to the provisions set forth in these Subdivision Regulations; and
 - (3) The required fees established by Council are paid by the developer or subdivider.

1131.03 GENERAL REQUIREMENTS.

The design and layout of all subdivisions shall conform with the design standards for subdivisions set forth in Chapter 1133 and all zoning regulations governing the area and dimensions of lots set forth in Title Five of this Planning and Zoning Code. The subdivider shall make improvements and shall submit preliminary and final plats, all in accordance with the Subdivision Regulations set forth in Title Three of this Planning and Zoning Code.

1131.04 CONSULTATION PRIOR TO SUBMISSION.

Before the subdivision plat is prepared, the subdivider is encouraged to consult with the City Engineer and Zoning Administrator to become thoroughly familiar with all the subdivision requirements and with all applicable zoning regulations and the Comprehensive Plan of the city affecting the territory in which the proposed subdivision lies. The subdivider may also consult with:

- (a) The City Engineer regarding roads and drainage or other construction requirements.
- (b) The City Engineer and the Director of Utilities regarding availability of sanitary sewers, water lines and electric service.

1131.05 SKETCH PLAN REVIEW.

For subdivisions where public utilities are not readily accessible to the site or where rezoning is also involved in the project, the applicant shall, as an exploratory step, submit a sketch plat to the Planning Commission. All other applicants are encouraged, but not required, to submit a sketch plan.

- (a) The purpose of sketch plan review is to:
 - (1) Discuss early and informally with the applicant the locations of proposed major streets, parks, playgrounds, school sites and other planned projects that may affect the property being considered for subdivision.
 - (2) Review with the Planning Commission the minimum standards of subdivision design and improvements set forth in Chapters 1133 and 1135. Such review should prevent unnecessary and costly revisions in the layout and development of the subdivision.
- (b) No action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be construed by the applicant to constitute automatic approval of a subsequently submitted preliminary plat application.
- (c) A formal application or filing of a plat with Planning Commission is not required for sketch plan review. A sketch plan shall be clearly and legibly drawn by mechanical means or freehand. The map shall be on one (1) or more sheets and shall be drawn at a scale of 1"=100' and shall contain the following information.
 - (1) The name and address of the applicant, developer and property owner.
 - (2) The proposed name and location of the proposed subdivision.
 - (3) The approximate total acreage of the proposed subdivision.
 - (4) The tentative street and lot arrangement.
 - (5) Topographic lines, and
 - (6) Any other information the developer believes necessary to obtain an informal opinion as to the proposed subdivision's compliance with the requirements of this Planning and Zoning Code.

1131.06 PRELIMINARY PLAT, PURPOSE.

The preliminary plat of a major subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. It enables the applicant and the Planning Commission to explore the best relationship to adjoining subdivisions or adjoining land and outline a program of improvements.

The preliminary layout should be planned by a qualified technician trained in the layout of subdivisions.

1131.07 PRELIMINARY PLAT SUBMISSION REQUIREMENTS.

The preliminary plat shall be prepared in accordance with the regulations set forth herein, and shall be approved prior to the completion of final surveys of roads and lots and before the start of any grading or construction work. Where the preliminary plat covers only part of the subdivider's entire holding, a sketch plan of the entire holding shall be submitted in order to consider the proposed subdivision's connections with the road system of the part not submitted.

- (a) Form. The preliminary plat shall be drawn at a scale of not less than 1"=100' and shall be on one or more sheets, with dimensions which are multiples of six (6) inches in either direction.
- (b) Identification. Each map and accompanying data shall contain the proposed name of the subdivision. The name shall not approximate, phonetically or otherwise, the name of any other subdivision in the City. Each map shall include a north point, scale and date. All documentation shall contain the names and addresses of owner, developer, and the engineer or other technician who prepared the documentation, and the preparation date and any dates of revision thereto.
- (c) Contents. The information required for the preliminary plat and accompanying information shall include:
 - (1) Vicinity Map. A vicinity map at a scale of not less than 1"=1000' showing the relationship of the subdivision to its surroundings within one-half (1/2) mile.
 - (2) Existing Conditions. A map(s) indicating the following existing conditions.
 - A. Boundaries (indicated by a heavy, solid line), dimensions and acreage of the tract to be subdivided.
 - B. Identification of adjacent subdivisions and adjacent parcels within 200 feet of the proposed subdivision with boundary lines shown by dashed lines and including the names of adjacent subdivisions and owners of the adjacent parcels.
 - C. Zoning classification of the proposed subdivision and adjoining properties and a description of proposed zoning changes if any.
 - D. The existing use(s) on the subject property and adjacent land.

- E. Location, widths, types and names of all existing parks and other public open spaces, permanent buildings, structures, parking areas, section and corporation lines, on and within 200 feet of the tract.
 - F. The locations, widths, and names of existing streets, railroad rights-of-ways, easements, sidewalks, legally established centerlines, and any other public right-of-way.
 - G. Existing sanitary and storm sewers, water mains, culverts, gas lines, fire hydrants, electric and telephone poles, street lights, cable television lines or other underground items within the tract or immediately adjacent thereto, with pipe sizes, grades, elevations, and locations indicated. If water mains and sewers are not on or adjacent to the tract, the direction, distance and size of those nearest shall be indicated.
 - H. Contours at two-foot intervals of the tract and adjacent properties within 200 feet of the tract.
 - I. Streams, drainage ditches, ponds, swamps, marshes, wetlands and other boundaries of floodways and flood plains, the tree line of wooded areas, rock outcroppings and individual preservable trees one (1) foot or more in diameter and other significant features.
- (3) Proposed Conditions. A map(s) illustrating the following details pertaining to the proposed subdivision.
- A. Boundaries (indicated by a heavy, solid line), dimensions and acreage of the proposed subdivision.
 - B. Layout, numbers and approximate dimension of lots.
 - C. Building setback lines along all streets, with dimensions noted.
 - D. A statement of the proposed use(s) of lots, giving the type and number of dwelling units and the type of business or industry.
 - E. Preliminary layout and cross section of streets, including names and right-of-way widths of existing and proposed streets, and widths of any alleys, sidewalks, crosswalks, the location, width and purpose of any easements.
 - F. Location and size of proposed utility mains, showing their connections with the existing systems.
 - G. Parcels of land intended to be dedicated or temporarily reserved for public use, the acreage of each parcel and the conditions of such dedication or reservation.

- H. General phasing of the development, indicating construction and development of any common open space and recreation facilities. The preliminary plat shall include the proposed general layout for the entire area. The part that is to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development that the subdivider intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the subdivider is subdivided.
 - I. For multi-family, cluster and nonresidential uses, the location, dimensions and approximate grade of the proposed parking and loading areas, alleys, sidewalks, and points of vehicular ingress to and egress from the development and the tentative lot arrangement.
- (4) General Information. The following additional information shall be provided.
- A. Legal description or tract designation and other description according to the real estate records of the tax-map office.
 - B. Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - C. A general description of any proposed covenants and restrictions.
 - D. Any state or federal wetland development permits that have been obtained authorizing development of wetlands on the site.

1131.08 PRELIMINARY PLAT APPROVAL PROCEDURES.

Preliminary plats shall be submitted, distributed for review and acted upon according to the procedures set forth in this Section.

- (a) Submission. Six (6) copies of the preliminary plat and submission material specified in Section 1131.07 shall be submitted to the Zoning Administrator along with a completed, written application and payment of the fee.
- (b) Review for Completeness. The Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall within 10 business days notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration and place it on the Planning Commission's agenda.

- (c) Distribution of Plans. When the Zoning Administrator determines that an application is complete, the Zoning Administrator shall forward copies of the complete application to the proper agencies, departments or other appropriate individuals or organizations for review and report. Such agencies, departments, individuals or organizations shall review the application and submit his or her recommendations to the Zoning Administrator within 10 business days from the date the application is deemed complete.
- (d) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application and the recommendations from the appropriate individuals set forth in subsection (c) above to the Planning Commission.
- (e) Public Hearing And Notice By Planning Commission. The Planning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given no less than 10 business days before the date of the hearing by first class mail to the applicant and to the owners of property within 250 feet of the property on which the subdivision is proposed. Notices shall set forth the time and place of the public hearing and the nature of the proposed subdivision. Failure of delivery of such notice shall not invalidate action taken on such application.
- (f) Action By Planning Commission.
 - (1) The Planning Commission shall take one of the following actions:
 - A. Recommend that Council approve the preliminary plat.
 - B. Recommend that Council approve the preliminary plat with modifications. The Planning Commission may require such changes or revisions as are deemed necessary to the welfare and needs of the community. If the preliminary plat is recommended for approval with modifications, the nature of the modifications shall be indicated in writing.
 - C. Disapprove the preliminary plat, in which case, the reasons for such disapproval shall be stated in writing.
 - (2) If the Planning Commission fails to act within 60 days from the date the application was deemed complete, or an extended period as may be agreed upon, then the applicant may deem the application disapproved.
- (g) Confirmation By City Council. Within 10 business days of the action by the Planning Commission, a preliminary plat that has been recommended for approval or approval with modifications shall be submitted to Council for confirmation:

- (1) The purpose of Council's review shall be to confirm or deny the action of the Planning Commission. A public hearing shall not be required.
 - (2) Council shall act on the application according to the following:
 - A. Council, by a majority vote, may confirm the action of the Planning Commission; or
 - B. Council, by a majority vote, may refer the preliminary plat back to the Planning Commission for further study and review; or
 - C. Council, by a 4/5 vote of its membership, may approve a modification of the action of the Planning Commission; or
 - D. Council, by a 4/5 vote of its membership, may reject the action of the Planning Commission.
 - (3) Failure of Council to act within 30 days from the date Planning Commission acts shall be deemed a confirmation of the Planning Commission's action.
- (h) Record of Action. The actions of the Planning Commission and Council shall be noted on two (2) copies of the preliminary plat, with any notation made at the time of approval or disapproval of the specific changes required.
- (1) One (1) copy shall be returned to the subdivider and
 - (2) One (1) copy shall be retained by the Planning Commission.
- (i) Resubmission of Disapproved Preliminary Plat. If a preliminary plat is disapproved such plat may be modified to address the reasons stated for disapproval and resubmitted for review by the Commission within 90 days of the Commission's or Council's action at no additional fee.
- (j) Approval Period. Approval of a preliminary plat shall be effective for 12 months unless Council, at the request of the subdivider, grants an extension. If the final plat has not been submitted for review within this time limit, approval of the preliminary plat shall expire and the preliminary plat shall be required to be resubmitted to the Planning Commission for reapproval.
- (k) Significance of Approved Preliminary Plat. An approved preliminary plat shall not constitute acceptance of the final plat but shall be the basis of approval of the final plat regarding the general layout of streets, lots, and open space. Approval of the preliminary plat authorizes the applicant to:
- (1) Prepare and submit construction drawings of the proposed roads, sewer and water systems and other proposed public facilities to the City

Engineer whose approval shall be required prior to the approval of the final plat by the Planning Commission;

- (2) Complete final surveys of roads and lots;
- (3) Begin grading of the site.

1131.09 FINAL PLAT REQUIRED.

The subdivider, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall conform to the approved preliminary plat and shall have incorporated all changes required in such approval. The final plat for a phased project may constitute only the portion of the approved preliminary plat that the subdivider proposes to record and develop at that time.

1131.10 PROPOSED IMPROVEMENTS.

The subdivider shall submit a complete set of construction drawings and specifications of the improvements authorized in the approval of the preliminary plat.

- (a) The construction drawings and specifications shall be prepared by a registered engineer and shall include typical sections, plans and profile views, construction details, and estimates of quantities.
 - (1) If new roads are to be constructed in the subdivision, a plan and profile of each road, drawn on City of Bryan Standard Sheets, shall be submitted and approved prior to any initial construction. Scale to be used: horizontal, 1"=50'; vertical, 1"=50'. Mylar FAS sheets and India ink, Auto Cad, or other electronic method approved by the City Engineer shall be used.
 - (2) All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.
- (b) Prior to the granting of approval of the final plat the subdivider shall:
 - (1) Install the required improvements; or
 - (2) Furnish a financial guarantee for such installation as required by Section 1135.02.

1131.11 FINAL PLAT SUBMISSION REQUIREMENTS.

The subdivider shall prepare the final plat for record purposes in accordance with the following:

- (a) Application. An application for approval of a final plat shall be submitted to the Zoning Administrator, on forms provided by the Zoning Administrator, together with the required number of copies of the plat and the supplemental submission material required by this section.
- (b) Form. The final plat shall be drawn or printed on mylar or other material of equal permanence and shall be drawn in India ink, Auto Cad or other method approved by the City Engineer. It shall be drawn at a scale of not less than 1"=100' and shall be on one (1) or more sheets, each measuring 18 inches by 18 inches in size. A borderline shall be drawn around the entire sheet, leaving a margin of one inch from the edge of the sheet. If more than one (1) sheet is needed, each sheet shall be numbered, the relation of one (1) sheet to another clearly shown, and the number of sheets used shall be set forth in the title of the plat.
- (c) Contents of Final Plat. The final plat shall contain the following information. All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points, and the locations and description of such control points shall be given.
 - (1) Existing Conditions.
 - A. Municipal, township, county or lot lines accurately tied to the lines of the subdivisions by distance and angles.
 - B. The lines, name and right-of-way width of all existing streets and alleys.
 - C. The location of all adjoining properties, the names and addresses of the owners of adjoining properties and the lines of adjoining streets and alleys with their widths and the name of all streets.
 - D. The location of all survey monuments and/or iron pins.
 - E. The location of all easements provided for public use, services or utilities.
 - (2) Proposed Conditions.
 - A. Boundaries of the proposed subdivision indicated by a heavy, solid line and the approximate acreage comprised therein and the bearing and distances of the boundary lines.
 - B. All lot lines together with an identification of all lots and blocks. Lots shall be identified by number.
 - C. The location, name and right-of-way width of proposed streets.

- D. The accurate outline of any portions of the property intended to be dedicated or granted for public use, with the purpose indicated thereon.
- E. The minimum front building setback lines accurately shown with dimensions, the width of each lot at such building line, and the square footage of each lot.
- F. A table showing the total acreage contained in the subdivision, the acreage in lots and the acreage in roads. If the subdivision is in two (2) or more lots, then the above-mentioned acreage shall be shown for each lot.
- G. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision and lots and the right-of-way of streets, alleys, easements and other areas for public or private use. Linear dimensions are to be given to the nearest hundredth of a foot.
- H. The radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- I. The location of all new or proposed easements provided for public use, services or utilities.
- J. A street tree planting plan.

(3) General Information.

- A. The name of the subdivision, its location by section or by other survey number and the graphic scale, points of compass, the name of the owner or owners or subdividers, date and true north arrow.
- B. The purpose for which sites, other than residential lots, are dedicated or reserved;
- C. Certification on the plat of title showing that the applicant is the owner and acknowledgement of any restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- D. The certificate of a registered surveyor attesting the accuracy of the survey and the correct location of all monuments shown.
- E. Calculations showing the error of linear closure, which error shall in no case be greater than one in 5,000.

- F. Certification by the County Auditor that there are not unpaid taxes or assessments upon any part of the area within the subdivision.
 - G. Spaces for the signatures of the owners of the property, the chairman of the Planning Commission, Council, the City Engineer, the County Auditor, the County Recorder and a Notary Public.
- (d) Additional Submissions.
- (1) Drawings and Specifications. Drawings and specifications showing cross-sections, profiles, elevations, construction details and specifications for all required improvements. The drawings and specifications shall be in accordance with the requirements of Chapter 1133 and 1135.
 - (2) Certification by City Engineer. Certification by the City Engineer stating that the developer has posted financial guarantees in sufficient amount to ensure completion and maintenance of all required improvements as required in Section 1135.02.
 - (3) Protective Covenants. Protective covenants and restrictions governing the maintenance and insurance of any common areas or proposed easements or grants for public utilities in final form, to either be recorded separately or placed directly on the plat.
 - (4) Request for Waiver. If any irregularities or waivers or improvements are to be requested by the developer, the developer shall submit a letter identifying the request.
 - (5) Other Data. Other data, certificates or affidavits, as may be required by the Planning Commission in the enforcement of these regulations.

1131.12 FINAL PLAT APPROVAL PROCEDURES.

The final plat shall be submitted, distributed for review and acted upon according to the procedures set forth in this Section.

- (a) The original and five (5) prints of the final plat, together with the required supplemental information shall be submitted to the Zoning Administrator.
- (b) Review for Completeness. The Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall within 10 business days notify the applicant of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Zoning Administrator shall officially

accept the application for consideration and place it on the Planning Commission's agenda.

- (c) Distribution of Plans. When the Zoning Administrator determines that an application is complete, the Zoning Administrator shall forward copies of the complete application to the proper agencies, departments or other appropriate individuals or organizations for review and report. Such agencies, departments, individuals or organizations shall review the application and submit his or her recommendations to the Zoning Administrator within 10 business days from the date the application is deemed complete.
- (1) Review by City Engineer. Two prints of each drawing and the specifications shall be transmitted to the City Engineer. The City Engineer shall review the final plat application to determine conformity to the approved preliminary plat and any special conditions or modification stipulated, the correctness of mathematical data and computations; and conformity with any master plans for utilities and streets, and the grading and construction standards in effect in the City.
- (2) Review by City Attorney. The City Attorney shall review the covenants and restrictions required for the insurance and maintenance of common areas and easements and the financial guarantees required for the installation and maintenance of the improvements.
- (3) Notation of Zoning Compliance. The Zoning Administrator shall review the plat for compliance with the zoning.
- (d) Action By the Planning Commission.
- (1) Criteria for Approval. The Planning Commission shall approve the final plat when such plat complies with the following:
- A. The final plat and its supplemental elements conform to the approved preliminary plat, including the layout of streets, number of lots, amount and percentage of open space, etc. and incorporates all changes required in the preliminary plat approval.
- B. The City Engineer has approved the construction drawings for the proposed roads, sewer and water systems and other proposed public facilities and either the improvements are installed or Council has approved a financial guarantee.
- C. The City Attorney has approved the covenants and restrictions regarding maintenance and insurance of common areas and any proposed easements or grants for public utilities.

- D. The application complies with the provisions set forth in these subdivision regulations and this Planning and Zoning Code. If a zoning change is involved such change shall be approved prior to approval of a final plat.
 - E. All computations, certifications, and monuments are accurately noted on the plat, including all required certifications for water and sewer improvements.
- (2) Time Frame for Action. The Planning Commission shall act within 45 days from the date at which the final plat application was deemed complete unless an extension is mutually agreed to by the applicant and the Planning Commission. If the Planning Commission fails to act within the time period, the final plat shall be deemed to have been approved.
 - (3) Disapproved Plats. In the event the Planning Commission disapproves the final development plan, it shall state in writing the reasons for disapproval.
 - (4) Approved Plats. An approved final plat shall be endorsed by the chairman of the Planning Commission. Approval of the plat by the Planning Commission shall not constitute acceptance by the City of the dedication of any street or other public way or ground.
 - (5) Recommendation to Council. The Planning Commission shall act upon the final plat and/or drawings and specifications, either separately or concurrently, and upon approval, submit a recommendation to Council to accept the final plat.
- (e) Council Action. Upon notification of the Planning Commission's approval of the final plat, Council shall legislatively accept or reject such final plat. Council's acceptance shall be indicated by the signature of the Clerk of Council, the ordinance number and include the date of passage.
 - (1) The approval of the drawings and specifications for the required improvements shall be indicated by a certification to that effect on the original drawings and specifications by the City Engineer.
 - (2) Approval of the financial guarantees shall be indicated by certification to that effect on the original drawings and specifications with the signature of the City Attorney.
 - (f) Recording. The final plat with the necessary approvals endorsed thereon in writing, it shall be filed for recording in the office of the County Recorder. If the final plat has not been recorded within three (3) months after the final approval by the Planning Commission, it shall again be submitted to the Planning Commission

for approval except where the developer has entered into an agreement with the City to install the improvements prior to the filing of the plat for record. In that event, the 3-month period shall commence after the time set for completion of the improvements lapses.

1131.13 DEDICATION OF IMPROVEMENTS FOR PUBLIC USE.

If the final plat indicates land for public use, the plat shall be submitted to Council for dedication of any public land and any easement before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by separate action of Council.

1131.14 APPROVAL OF MINOR SUBDIVISIONS.

Notwithstanding the foregoing provisions, a proposed division or creation of a parcel of land as a minor subdivision shall be reviewed and approved according to the following.

- (a) Determination of Minor Subdivision. Approval of a minor subdivision may be granted by the Zoning Administrator if the proposed division of a parcel of land meets all of the following conditions:
- (1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road.
 - (2) The proposed subdivision does not involve the installation of an underground public utility.
 - (3) Not more than five (5) lots have been created from the original tract within the last five (5) years. The original tract for any parcel of land shall be defined by the plot as shown by the Williams County Auditor 's tax maps, a copy of which is maintained in the Office of the Williams County Auditor.
 - (4) The proposed subdivision is not contrary to any applicable subdivision or zoning regulation.
 - (5) Sewage and storm sewers, water mains and other utilities and drainage have been adequately provided for each house or building.
 - A. If the plot is used as a building site, evidence shall be submitted showing the approval of the City Engineer or any proposed sewage treatment facilities on the premises.
 - B. If the plot is used as a building site, written evidence shall be submitted indicating the purchaser's awareness of and proposed resolution of any potential drainage problems on the property.

The site shall comply with the design and improvement standards set forth in Chapter 1133 and 1135.

- C. Each lot shall be provided with a tap-in to the existing utilities.
- (b) Replats. Replatting of two (2) to five (5) lots into one lot shall be considered under the minor subdivision regulations. The replatting of six (6) or more lots into one lot shall be in compliance with the Subdivision Regulations.
- (c) Submission Requirements. The applicant for minor subdivision approval shall submit an application to the Zoning Administrator. The application shall include the following:
- (1) A proposed deed with a description following a survey prepared by a person licensed to make surveys in Ohio showing the property to be deeded, the tract designation or other description according to the real estate records of the Auditor's Office, the boundary line of the tract to be deeded, accurate in scale.
 - (2) A map indicating the drainage of the property and any watercourses on the property
 - (3) The Zoning Administrator may require the applicant to submit any additional information he or she deems relevant to the proposal.
- (d) Approval. If approval is given under such conditions, the Zoning Administrator shall approve such proposed division and, upon presentation of a conveyance for such parcel, shall date the conveyance and stamp thereon the following words: "Approval by the City of Bryan, Williams County, Ohio, no plat required." The Zoning Administrator shall sign the conveyance. If such conveyance is not recorded within 180 days from the date of approval, such approval shall automatically become void.

1131.15 AS-BUILT DOCUMENTS.

- (a) As part of the dedication of any street utility, easement or any other improved real property, the subdivider shall submit to the City as-built documents indicating all improvements as put in place, with field notes and dimensions needed to record any variance from the design drawings.
- (b) Such as-built documents shall be submitted in hard copy or electronic form if generated by such means.
- (1) Hard copy shall be on reproducible mylar.

- (2) Electronic copy shall be in a format approved by the City Engineer.

1131.16 EXCEPTIONS; MODIFICATION OR REQUIREMENTS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the Subdivision Regulations would result in real difficulties or substantial hardship or injustice, the Planning Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these regulations preserved. Exceptions or modifications to the zoning standards shall be approved according to the procedures set forth in Chapter 1189 of this Planning and Zoning Code.

1131.17 ANNEXED SUBDIVISIONS.

Any subdivision to be annexed to the City shall be required to install the improvements that are determined by Council to be a condition of annexation. Such improvements may include upgrading or installing storm and sanitary sewers, waterlines, curbs and gutters, streets and related improvements.

- (a) The specific improvements to be made and the time frame for completing such required improvements shall be set forth in an annexation agreement approved by Council.
- (b) The property owners within the annexed subdivision shall be responsible for the total cost of bringing the subdivision up to the standards set forth in Chapters 1133 and 1135 for the improvements required in the annexation agreement.
- (c) The assessments of the property owners within the annexed subdivision for such improvements shall be based on the procedures specified within the Ohio Revised Code.

1131.18 VACATION AND REDEDICATION OF EXISTING STREETS.

The vacation and rededication of existing streets shall be accomplished according to the procedures set forth in ORC §5553.01.

**CHAPTER 1133
Design Standards**

1135.28	Purpose.	1135.33	Lots.
1135.29	Suitability of land for subdivision.	1135.34	Parks, schools, natural features and other public sites.
1135.30	Streets.		
1135.31	Sidewalks.		
1135.32	Blocks.		

1133.01 PURPOSE.

This Chapter shall control the manner in which streets, lots and other elements of subdivision are arranged on the land. The design controls set forth in this Chapter shall help ensure convenient and safe streets, the creation of usable lots, the provision of space for public utilities and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned haphazard growth.

The standards and details of design prescribed in this Chapter are intended only as minimum requirements so that the general arrangements and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions to promote attractive and functional neighborhoods so as to assure an economical, pleasant, and stable neighborhood.

1133.02 SUITABILITY OF LAND FOR SUBDIVISION.

- (a) If the Planning Commission finds that land proposed to be subdivided is unsuitable due to flooding, bad drainage, steep slopes, rock formations and other such conditions as may increase the danger to health, life or property or aggravate erosion or flood hazards, and if, from adequate investigations conducted by all the public agencies concerned, it is determined that, in the best interest of the public, the land should not be platted and developed for the purpose proposed, the Commission shall not approve such subdivision unless adequate methods are formulated by the subdivider for meeting the problems created by such subdivision of land.
- (b) The Commission may refuse to approve what it considers to be a scattered or premature development or subdivision of land which may involve danger or injury to the public health, safety, welfare or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities or other public services, or which would necessitate an excessive

expenditure of public funds for the supply of such services, such as undue maintenance costs for adequate roads.

1133.03 STREETS.

(a) Compliance with Plans.

(1) Official Thoroughfare Plan. The street arrangement shall provide for any major thoroughfare in conformity with the Major Thoroughfare Plan as approved by the Planning Commission. The right-of-way width of such major thoroughfare shall conform to that designated on the Major Thoroughfare Plan.

(2) Neighborhood Plan. If an overall plan has been made by the Planning Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

(b) General Layout of Streets. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to other existing and planned streets, topographical conditions and public convenience and safety and in their appropriate relation to the proposed uses of land to be served and/or abutted by such streets.

(1) Physical Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded area and other natural features, which would lend themselves to attractive treatment.

(2) Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets, constructed or recorded, in adjoining property, at equal or greater width, and in similar alignment unless variations are recommended by the Planning Commission. Offset streets shall be avoided.

(3) Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets or thoroughfares and shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

A. Local streets shall be so laid out that their use by through traffic will be discouraged.

B. Where a subdivision abuts an existing or proposed arterial street highway, the Commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along the rear property line, deep lots with or

without rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

C. Alleys shall not be provided in a residential block, except where justified by extreme conditions, but may be required in business areas and industrial districts for adequate access to block interior and for off-street loading and parking purposes. Dead-end alleys are prohibited.

(4) Provisions for Roads Due to Railroads or Highways. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, provision shall be made for a road approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such road and railroad or limited access highway. Such distance shall be determined with due consideration of the minimum distance required for approaches to future or existing grade separations.

(c) Minimum Width of Right-of-Way. The dedication of the right-of-way for a new street, measured from lot line to lot line, shall meet the following standards:

**Schedule 1133.03(e)
Minimum Width of Right-of-Way**

	Minimum Width of Right-of-Way ^(a)
(1) Alley	30 feet
(2) Minor or Local Street	60 feet
(3) Cul-de-sac	60 feet
(4) Collector Street	60 feet ^(b)
(5) Arterial Street	80 feet ^(b)
<u>Note to Schedule 1133.03(e):</u>	
^(a) Where the topography or special conditions make streets of less width more suitable, the Planning Commission may modify this requirement.	
^(b) Unless a greater width is shown on the approved Major Thoroughfare Plan.	

(d) Pavement Width. The width of pavement will vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are the minimum street pavement width and shall include two and one-half (2 ½) feet concrete curb and gutter.

**Schedule 1133.03(q)
Minimum Pavement Width**

Type	Minimum Pavement Width ^{(a) (b)}
(1) Cul-de-sacs serving less than 10 dwelling units.	25 feet
(2) Industrial service roads and minor streets serving two or fewer dwelling units per acre	29 feet
(3) Minor streets serving three (3) to five (5) dwelling units per acre	29 feet
(4) Collector streets and minor streets serving residential areas with six or more dwelling units per acres.	38 feet ^(c)
(5) Arterial Streets	Variable ^(d)
<p><u>Notes to Schedule 1133.03(q):</u></p> <p>(a) In cases where topography or other physical conditions make streets of less width more suitable, the Planning Commission may modify these requirements.</p> <p>(b) Streets with pavement width less than 29 feet shall not be utilized for on-street parking.</p> <p>(c) Unless a greater width is noted on the approved Major Thoroughfare Plan.</p> <p>(d) Shall conform to the width as noted on the approved Major Thoroughfare Plan.</p>	

(e) Cul-de-sacs and Turnarounds.

- (1) The maximum length shall be 600 feet unless topography necessitates a greater length. The turnaround shall be a circular area with a minimum radius of 50 feet within which the pavement area shall be minimum radius of 35 feet to the face of the curb, except in industrial districts where the minimum radius of a turnaround shall be 75 feet.
- (2) A turnaround shall be provided at all dead-end roads where two (2) or more lots face such dead-end road, or where the road is more than 250 feet in length.
- (3) Where a street terminates at the property line of a proposed development or subdivision for the specific purpose of serving the adjacent undeveloped or unplatted lands but which is temporarily dead-ended, the developer or subdivider shall construct a suitable turn-around.

(f) Street Intersections. Street intersections shall be as nearly at right angles as possible. The angle of intersection between minor streets and collector or arterial streets shall not vary by more than 10 degrees from a right angle.

- (1) Radius.
 - A. At road and alley intersections, property line corners shall be rounded by an arc, the radius of which shall be 30 feet. In business and industrial districts a radius of 50 feet will be required.
 - B. Street curb intersections shall be rounded by radii of at least 30 feet.
 - C. The foregoing minimum radii shall be increased when the smallest angle of intersection is less than 60 degrees.
- (2) Not more than two (2) streets shall intersect at one (1) point, unless approved by the Commission.
- (3) Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect arterial and collector streets, their alignment shall be continuous.
- (g) Acceleration and Deceleration Lanes. Streets that intersect with major thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes on both sides of the thoroughfare. Such lanes shall be provided in keeping with the standards approved by the City Engineer for this type of movement. In the event no good purpose would be served by the provision of such acceleration and deceleration lanes, this requirement may be waived.
- (h) Points of Access. All point-of-access streets shall be as approved by the Commission.
- (i) Half Streets. Dedication of a half-street is discouraged. Where there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning Commission.
- (j) Private Streets. To ensure the proper entrance of police, fire and service vehicles of the City, all private streets, lanes, etc., shall be constructed in conformity with these Subdivision Regulations unless specific standards are included in the district regulations.
- (k) Street Names. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets. The names of new streets shall conform to Chapter 1335 of the Building Code. The name of the street shall not duplicate the name of any existing street in the City.
- (l) Streets for Industrial Developments or Subdivisions. Collector streets for industrial developments or subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will

be directed into any residential street. The intersections of service streets with arterial or collector streets shall not be less than 100 feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except in the case of severe physical conditions or if the Commission finds such extension is not in accordance with the approved plan of the area.

1133.04 SIDEWALKS.

- (a) Sidewalks shall be required on both sides of a street in a subdivision in front of all single-family, two-family, multifamily dwellings and in subdivisions in commercial districts.
- (b) Public sidewalks may be required for industrial lots, upon recommendation of the Planning Commission and subject to the approval of Council.
- (c) The location of all sidewalks shall be shown on the final plat.
- (d) All sidewalks shall comply with the standards and specifications set forth in Chapter 903 of the Codified Ordinances of Bryan and shall be located within the right-of-way, one foot from the right-of-way line.
- (e) Sidewalks where required shall not be less than four (4) feet in width and shall be constructed in accordance with applicable standard specifications of the City. Where the existing width of sidewalks is greater than four (4) feet, all newly constructed sidewalks must be of the same width as existing sidewalks.
- (f) Slabs. Any newly constructed slabs of sidewalks shall be equally sized rectangular or square blocks at approximately five (5) feet in length and four (4) feet in width subject to subsection (e) hereof.
- (g) Sidewalks shall be constructed at the time of completion of the residential, commercial or industrial structure on the premises and prior to the issuance of an occupancy permit. If inclement weather or other conditions makes it impossible or impractical to construct sidewalks at the time of completion of the major improvements, the Zoning Administrator may issue an occupancy permit upon the developer depositing with the City a cash deposit or an irrevocable letter of credit from a financial institution in an amount determined by the consulting engineer to be sufficient to construct sidewalks.

1133.05 BLOCKS.

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

- (a) The arrangement of blocks shall conform to the street planning criteria set forth in Section 1133.03 to accommodate lots and building sites of the size and character

required for the particular zoning district, as set forth in this Planning and Zoning Code, and to provide for required community facilities.

- (b) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- (c) Length of Blocks. Block length should not exceed 1,500 feet in length, and should not be less than 500 feet in length. Where blocks are longer than 750 feet, a crosswalk having a right-of-way width of 10 feet may be required near the center of the block.

1133.06 LOTS.

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

- (a) Each lot shall front on a public or private street except as otherwise permitted for planned unit residential developments.
- (b) Lot arrangement and design shall be properly related to the topography and to the character of surrounding development to provide desirable and appropriate building sites.
- (c) All lots shall conform to or exceed the requirements of these Subdivisions Regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- (d) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide for the separation of a residential development from arterial streets to overcome a specific disadvantage due to orientation or topography.
- (e) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where the Planning Commission determines that a variation of this rule will provide a better street and lot layout.
- (f) Lots shall follow the City boundary lines, whenever practical, rather than cross them.
- (g) No lot shall have a depth of less than 100 feet or of more than three (3) times its width.
- (h) Lots shall be numbered in accordance with the unified number system as set forth in Chapter 1335 of the Building Code.

- (i) All new lots shall be connected to the City water system.
- (j) Lots intended for use other than residential purposes shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setbacks, loading and unloading areas.

1133.07 PARKS, SCHOOLS, NATURAL FEATURES AND OTHER PUBLIC SITES.

- (a) Where an area being subdivided includes land proposed for parks or schools under the Comprehensive Plan of the City and its environs, the subdivider shall reserve such lands for acquisition by the appropriate public agency for a period of three (3) years from the date the final plat is accepted. If the property is not developed for such public purpose within said three (3) years the subdivider may develop such previously reserved land in accordance with this Planning and Zoning Code.
- (b) Natural Features. To the greatest extent possible, the natural features and character of land must be preserved. Due regard shall be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the Subdivider and the dedication and provision of adequate barriers where appropriate, shall be required.

**Chapter 1135
Improvements**

1135.35	Purpose.	1135.42	Street lighting.
1135.36	Financial guarantees required.	1135.43	Street trees.
1135.37	Compliance to specifications; supervision by officials; inspection.	1135.44	Sanitary sewerage system.
1135.38	Monuments.	1135.45	Storm water drainage and storm sewers.
1135.39	Street and sidewalk construction.	1135.46	Water system.
1135.40	Street curbs and gutters.	1135.47	Fire Hydrants.
1135.41	Street grading.	1135.14	Electric, gas, telephone and cable TV facilities
		1135.48	Street names and signs.
		1135.49	Dedication of improvements.

1135.01 PURPOSE

This Chapter sets forth the standards for subdivision improvements. The planning principles and construction standards herein shall be applied with professional skill and shall take advantage of the natural features of the site in order to utilize the natural surface drainage, to economize the construction of sewers, to reduce the amount of grading and to minimize destruction of trees and topsoil.

1135.02 FINANCIAL GUARANTEES REQUIRED.

The developer or subdivider shall furnish the financial guarantees required below:

- (a) Types of Guarantees. The developer shall execute financial guarantees and shall file such financial guarantees according to Section 1131.10. Such guarantees may be in the form of a performance or surety bond, a certified check, or any other type of surety approved by the City.
- (b) Terms. The terms of such guarantees shall be approved by the City Attorney with confirmation by Council. Bonds shall be executed by the applicant as principal with a surety company authorized in the State.
- (c) Performance Guarantee. When the required improvements are not completed prior to approval of the final plat, the subdivider shall insure their completion with a performance guarantee. The performance guarantee shall be in an amount equal to the estimated total costs of materials and labor required to install or construct the improvements. Such costs shall be determined by the City Engineer. When any portion of the improvements has, upon inspection,

been found satisfactorily completed, a reduction in the bonds or partial withdrawal of funds equal to the estimated costs of such completed improvements may be authorized.

- (d) Maintenance Guarantee. The developer shall guarantee the construction and materials of the street and public utility improvements for a one year period from the date of acceptance by the City with a maintenance bond equal to 10% of the construction cost of the improvements. Improvements shall include streets, sidewalks, pavements and facilities appurtenant thereto, and storm and sanitary sewers, water systems, street lighting systems and facilities appurtenant thereto. If the subdivider does not comply with the minimum improvement requirements, he or she shall reinstall the improvements to conform to these subdivision regulations.
- (e) Title Insurance. The subdivider shall furnish title insurance in the amount determined by the City Attorney, covering the lands to be dedicated as indicated in the final plat and showing the title to such dedicated lands good in the name of the City when the final plat is filed for record.
- (f) Liability Insurance. The subdivider shall furnish such insurance as is deemed necessary by Council which shall indemnify and save harmless the City from any and all liability arising from or related to the construction or installation of any improvements in the subdivision. The insurance shall be of such duration as determined by Council, but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain, at all times, with the City Clerk.
- (g) Staged Development. The developer may apply for final approval and recording of only a portion of the entire subdivision or development, as outlined in Section 1131. Under such a staged development, the installation of required improvements and sale or lease of lots may proceed only on that portion of the subdivision which has been approved and recorded.

1135.03 COMPLIANCE TO SPECIFICATIONS; SUPERVISION BY OFFICIALS; INSPECTION.

The developer or subdivider shall design and construct improvements according to standards that are not less than the standards outlined in these subdivision regulations and as shown on the approved construction drawings and specifications.

- (a) Supervision by Officials.

- (1) All improvements required herein shall be constructed in accordance with specific approval by the Director of Utilities, Wastewater Superintendent, Chief of the Fire Department, Street Commissioner, and the City Engineer.
 - (2) In the event there is a vacancy in the department head position or for the reason of ill health the department head is unable to carry out his or her duties, the Mayor shall designate the individual to approve the specifications.
- (b) The work shall be done under City supervision and inspection and shall be completed within the time set by the City Engineer.
- (1) In addition to the filing fee, the subdivider shall be charged a fee by the City Engineer for the cost of determinations and inspections of all improvements which fall under his or her jurisdiction. The amount of deposit and method of payment shall be as required by the City Engineer or his or her duly authorized representative in the checking of the subdivider's improvements.
 - (2) In the event that a plat is disapproved by the Commission before any physical inspection has been made of the site, the Commission may, at its discretion order that the developer be refunded the unused portion of the fee.
- (c) In case the subdivider fails to complete the required public improvements within such time set by the City Engineer, City Council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the performance guarantee.

1135.04 MONUMENTS.

- (a) Concrete posts measuring six (6) inches by six (6) inches by 48 inches with one-half (1/2) inch iron road cast in the center shall be placed on each corner of the boundary of the subdivision as follows:
- (1) At the centerline intersections of all roads.
 - (2) At the P.C. and the P.T. of all curves on the centerline of the road and on all lot lines.
 - (3) At all angle points.
 - (4) Other points as are necessary to establish definitely all lines of the plat.

- (b) Permanent iron pins, at least 30 inches long and three quarters (3/4) of an inch in diameter, or similar suitable marker shall be placed at all corners of each lot. Any contractor or persons doing preliminary of final grading, or ground work of any kind, shall be responsible for the preservation of all such markers.
- (c) Street monuments shall be set in suitable monument boxes.

1135.05 STREET AND SIDEWALK CONSTRUCTION.

- (a) Streets and sidewalks shall be constructed so as to serve the entire development or subdivision, and such construction shall conform to the provisions of these Subdivision Regulations.
- (b) Where the widening, improving or abandoning of existing streets is deemed necessary by the City, the developer or subdivider shall perform such work as is necessary at his or her expense.
- (c) Minimum street pavement widths shall conform to the standards set forth in Section 1133.03, except as provided for in subsection (b) hereof.
- (d) Construction Materials. No materials other than Portland Cement Concrete shall be used for construction or repair of sidewalks unless approved by the City Engineer. If sidewalks are repaired, the cement must contain an additional compound to bond with the existing concrete. Upon recommendation of the Planning Commission and with the approval of Council, asphaltic concrete may be used in the installation and construction of bikeways, walking paths and common drives within a development, provided that it complies with all applicable City regulations.

1135.06 STREET CURBS AND GUTTERS.

All streets shall be improved with curbs and gutters. Curbs and gutters shall be constructed in conformance with the current "Construction and Material Specifications" of the State of Ohio Department of Highways.

1135.07 STREET GRADING.

- (a) All streets and public ways shall be graded to their full width, including side slopes, and the appropriate grade as determined or approved by the City Engineer and shall be constructed in accordance with the current standards and specification on file in the office of the City Engineer.

- (b) Street Grades and Alignment. For purposes of drainage, a minimum grade of fifty-two hundredths percent (0.52%) is required with a maximum grade of eight tenths percent (0.8%).
- (c) All changes of grade shall be connected by vertical curves and of appropriate lengths.

1135.08 STREET LIGHTING.

The developer or subdivider shall provide suitable conduits under pavements, including crosswalks, intersections and cul-de-sacs, for the future installation of underground wiring through those conduits necessary to serve street lighting fixtures at places designated by the local power company and the Planning Commission. Appurtenances thereto shall be provided by the developer or subdivider, and shall be post-type lights at intersections, cul-de-sacs and crosswalks only, but shall be located no more than a maximum of 500 feet apart. The cost of any lighting in excess of these requirements shall be assessed to the property owners of the affected subdivision and shall be addressed in the subdivider's agreement pertaining to the subdivision.

1135.09 STREET TREES.

- (a) The Tree Commission shall approve the tree plan for any new subdivision.
- (b) No trees other than those listed in Section 909.07 of the Codified Ordinances shall be planted as street trees without written permission of the City Tree Commission.
- (c) All newly planted street trees shall meet the spacing, distance and location requirements set forth in Sections 909.08 to 909.11 of the Codified Ordinances and subsections (d) and (e) hereof.
- (d) Street trees when planted shall be located inside the right-of-way.
- (e) Trees shall be planted in such a manner as not to impair visibility at any corner.
- (f) Subdividers and developers shall retain existing trees on each lot wherever possible.

1135.10 SANITARY SEWERAGE SYSTEM.

- (a) All sewers shall comply with the regulations, procedures and design standards set forth in Chapters 925 and 927 of the Codified Ordinances of the City of Bryan.

- (b) All new sanitary sewers or sanitary sewer system extensions shall meet the requirement of and be subject to the approval of the Ohio Environmental Protection Agency, or its successor, the Ohio Department of Health, and the City Engineer.
- (c) A sanitary sewerage system shall be constructed so as to serve the entire development or subdivision.
- (d) Each lot shall be provided with a connection to the City sanitary sewer system. The subdivider shall install sanitary sewage in accordance with plans approved by the City Engineer and shall meet the current state requirements with certificate of approval from appropriate state agency, with the construction to be supervised by the City.
- (e) All sanitary sewer construction shall conform to the specifications of and shall be subject to the approval from the appropriate state agency. The applicant shall supply a certificate of approval from the appropriate state agency.
- (f) If a housing development, shopping center, commercial or industrial development is proposed, a central sewage treatment plant and a central water system must be constructed by the development when deemed necessary by the Commission after consultation with local health agencies and legislative bodies.
- (g) The developer or subdivider shall discharge sanitary sewage into the Municipal system for treatment at a community treatment facility.
- (h) Storm water shall be excluded from sanitary systems. This includes foundation drains, sump pumped water, eave spouts and other storm water drain facilities.

1135.11 STORM WATER DRAINAGE AND STORM SEWERS.

It is the intent of this section to provide surface drainage to all areas and to prevent property damage, inconvenience and deterioration caused by ponding water and flooding.

- (a) Grading.
 - (1) A grading plan shall be required of the entire subdivision for the purpose of providing good drainage. Such plan shall be approved by the City Engineer.
 - (2) The area around a residence shall be graded away from the residence in such a manner as to allow surface runoff to escape from the immediate area around a residence.

- (b) All necessary improvements, including storm sewers or open drainage ditches, shall be made to provide for the adequate disposal of storm water and to maintain any natural drainage course. All construction shall be in accordance with plans approved by the City Engineer and shall be carried out under City supervision. Storm water discharge shall also be in compliance with Section 931.01, Storm Water Discharge.
- (c) When an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer to connect with such storm sewer line. If such a storm sewer is not accessible, natural drainage channels shall be provided as determined by the City Engineer and approved by the Planning Commission and shall connect to an adequate drainage outlet.
- (d) Easements For Drainage. Storm sewers shall be located within the right-of-way or within an easement. Whenever any stream or important surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream or ditch for the purpose of widening, deepening, sloping, improving or protecting the drainage course and such easement shall be dedicated to the City or other appropriate public agency. The width of such easement shall be determined by the City Engineer.
- (e) When, in the opinion of the City Engineer, the natural watercourse receiving storm sewer discharge is not adequate, the developer or subdivider shall, at his or her expense, undertake to give such natural watercourse the directional and velocity control as may be deemed necessary, even though such work lies outside the boundaries of his or her development or subdivision. The subdivider shall acquire such permission as is necessary to construct drainage structures, ditches, etc., outside the boundaries of his or her development or subdivision.
- (f) Whenever the construction of streets and the required storm water drainage is such that the direction of storm water flow is diverted to affect surrounding property, the subdivider shall obtain adequate drainage easements to provide for efficient disposal of surface water.
- (g) Bridge and Culverts. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:
 - (1) All bridges and culverts shall be designed according to Ohio Department of Transportation design standards.
 - (2) Driveway culverts shall have a minimum length of 20 feet, and a minimum diameter of eight (8) inches. The driveway culverts shall be

laid so as to maintain the flow lines of the ditch or gutter. Head walls will not be permitted.

- (h) The developer shall adequately protect all ditches to the satisfaction of the City Engineer.
 - (1) Ditch protection shall conform to the State of Ohio Department of Transportation Construction and Material Specifications for seeding (Item 659) and sodding (Item 660), or jut or excelsior matting (Item 667 or 669).
 - (2) The following shall be the allowable ditch velocities for seeding, sodding, and jute or excelsior matting on various soil types.

Allowable Ditch Velocities (ft. per second).

Soil Type	Seed Lining (659)	Sod Lining (660)	Jute or Excelsior Matting (667 or 669).
A. Sand	1.5	3.5	3.0
B. Firm loam	2.0	4.0	4.0
C. Clay	2.5	5.0	4.0
D. Gravel	3.5	6.0	5.0
E. Weathering Shale	4.5	6.0	5.0

- (3) When the outlet velocity of culvert pipes, drive pipes, or side drains is in excess of the above allowable velocities, sufficient length of paved gutter (ODOT Item 601.09), shall be provided for transition to allowable velocity.
- (4) Item 601.09 ODOT, S.H.D. specifications shall consist of the construction of a brick, concrete, approved broken concrete or stone paved gutter and shall be used in all road ditches where the grade exceeds two and one-half percent (2 ½%).
- (5) Computations, drawings and drainage area maps used to design the above ditch protection shall be submitted to the City Engineer along with the plans and profiles as a basis for approval. In all cases the road ditches shall be in a stable condition free from either erosion or sedimentation at the time of final approval. Ditch easement, on each side of the ditch measured from top of slope, shall be 30 feet.

1135.12 WATER SYSTEM.

- (a) All water systems shall comply with the standards in this Section as well as the regulations set forth in Chapter 937 of the Codified Ordinances of the City of Bryan.
- (b) The water system shall be constructed so as to serve the entire development or subdivision.
- (c) Each lot shall be provided with a connection to the City water system, water mains to be installed in accordance with the requirements of the State. The applicant shall supply a certificate of approval from the appropriate state agency.

1135.13 FIRE HYDRANTS.

The type of hydrant and control valves and the location of the hydrant in all subdivisions within the corporate limits shall be approved by the Chief of the Fire Department and Board of Public Affairs.

1135.14 ELECTRIC, GAS, TELEPHONE AND CABLE TV FACILITIES.

- (a) Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. In all cases, electric, telephone, street lighting wires, conduits and cables shall be installed underground. When a development is on an existing street with aboveground service lines, such utilities shall be underground from the street to the house.
- (b) All utilities, including gas, electric, water, storm and sanitary sewers, telephone and cable T.V. that may be placed on any right-of-way and such shall be done before any curb and gutter paving is placed.
- (c) All utilities shall be placed at the rear of all lots when possible.
- (d) Utility Easements. Easements for the establishment of electric, gas, sewer, telephone, cable and water lines shall be provided in all subdivisions. When located outside the street right-of-way, easements shall have a width of 10 feet measured on each side of the lot line, or such additional widths as may be required for necessary access to the utility involved. Easements may be required on each side of an alley to accommodate pole lines as determined by the Planning Commission.

- (e) Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the sanitary sewer line shall be installed within five (5) feet of one side of the easement, and the electric and/or telephone lines shall be installed within three (3) feet of the opposite side of the easement.

1135.15 STREET NAMES AND SIGNS.

- (a) Signs shall be erected by the subdivider at all street intersections. These signs shall be constructed in accordance with these adopted standards. House numbers will be assigned by the City Engineer.
- (b) For the purpose of clarifying and systemizing the present street names in the City, the Planning Commission shall examine all street names within the City and when it finds duplication of street names or similarity of street names which might cause confusion, or when it finds street names that will cause difficulty in the assigning of numbers, it shall then recommend appropriate name changes to Council.
- (c) Street name signs shall be furnished and installed by the developer in accordance with the following standards:
 - (1) The letters and numerals shall be either three (3) or four (4) inches high and shall be set on a green reflecting material.
 - (2) Signs shall be mounted at a height of approximately seven (7) feet above the top of the curb.
 - (3) Placement of signs shall be in accordance with the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways and shall be placed on diagonally opposite corners, on the far right-hand side of the intersection for traffic on the more heavily traveled street, and as close to the corner as possible.
- (d) Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing street.
- (e) Whenever a street alignment changes direction more than 75 degrees without a return to the original alignment within a distance of 500 feet, the name of the street shall be changed at the point of curvature.
- (f) Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.

1135.16 DEDICATION OF IMPROVEMENTS.

The subdivider shall offer for dedication to public use, without compensation, all storm and sanitary sewers, water systems, streets, sidewalks, street lighting and facilities and appurtenances thereto, unless the improvement is otherwise permitted by the Planning Commission to remain under private ownership.

