

CITY OF BELLBROOK SUBDIVISION REGULATIONS

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SECTION I - PURPOSE

The provisions of these Subdivision Regulations of the City of Bellbrook, Ohio are to promote the public health, safety and welfare of its residents through orderly growth and development of the city by providing planned neighborhoods with suitable traffic circulation, public utilities, adequate recreational areas and other public conveniences. Procedures for the subdivision of land contained herein include the platting of major and minor subdivisions, design and improvement requirements, materials and construction standards.

SECTION II - DEFINITIONS

Alley:

Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

As-Built Drawings:

An as-built drawing depicts the final installed configuration, either physical or functional. As-built drawings incorporate:

- a. All the field mark-ups on the “Issued for Construction” drawings;
- b. All design change notices issued against the construction drawings;
- c. All approved design change requests, which identify a design document requiring a revision;
- d. All deficiency reports, which identify a design document requiring revision; and
- e. The information identified on the revised drawing.

Block:

A parcel of land bound on all sides by a street or streets.

Bond:

A performance bond duly issued by a bonding or surety company with security acceptable and approved by the City of Bellbrook or a performance bond duly issued by the developer accompanied by security in the form of cash, certified check, letter(s) of credit, or similar instruments, deposited with the City of Bellbrook in the full amount of the obligation.

Buffer:

An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and /or berms and designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Building Line:

The line indicating the minimum horizontal distance between the street right-of-way line and the front building setback line.

Comprehensive Plan:

A master plan, adopted by the Planning Board and City Council, showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the city.

Construction Drawings:

Detailed plans for the construction of all public improvements to be made to the land including street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities and utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

Crosswalk:

Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other pavement markings.

Cul-de-sac:

A short local street, which is terminated by a circular or T-shaped turnaround.

Easement:

A right-of-way granted by a property owner for limited use of private property for specific public or semi-public purposes.

Engineer:

The City of Bellbrook’s contract engineer, hereinafter referred to as the “City Engineer”.

HOA:

Homeowners Association is a group of property owners that govern a subdivision, condominium or planned community. The association collects monthly fees from all owners to pay for common area maintenance, handles legal and safety issues and enforces the covenants, conditions and restrictions set by the developer.

Lot:

A parcel of land occupied or to be occupied by a main building or group of such buildings and accessory buildings, or utilized for the principal use and accessory uses. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of forty feet (40’).

- a. Lot Depth: The distance measured from the front lot line to the rear lot line.
- b. Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot line.

Open Space or Park:

Publicly dedicated land for active and/or passive recreational use and/or for protection and enhancement of abutting and/or adjoining developed land.

Plat:

A map on which a developer’s plan of subdivision (preliminary) is presented to the Planning Commission for approval and after such approval, to the County Recorder (final) for recording.

- a. Preliminary Plat: A preliminary plat is a conceptual subdivision plan of a tract of land for the purposes of preliminary consideration and approval of a residential, commercial or planned development use;
- b. Final Plat: a map of all or part of a subdivision prepared and certified by a professional engineer or land surveyor in accordance with the requirements of these regulations and with the approval of the Planning Board and City Council.

Public Utility:

A person, firm or corporation, municipal authority or public agency duly authorized to provide and providing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation, water or other services of a similar nature.

Right-of-Way:

Land reserved, used or to be used for a street, alley, walkway, or other public purpose.

Street:

A public thoroughfare dedicated to the public use, fifty feet (50') or more in width, which provides for vehicular and pedestrian access to abutting properties.

- a. Arterial Streets: Thoroughfare with an eighty foot (80') right-of-way which handles relatively high volume of traffic at peak hours and carries vehicular traffic of a State or Federal highway route.
- b. Collector Streets: Thoroughfare with a minimum of sixty foot (60') right-of-way providing access to neighborhoods or sub-neighborhoods and carries traffic from minor streets to the arterial street system.
- c. Minor Street and Marginal Access Street: Thoroughfare with a minimum of a fifty foot (50') right-of-way and providing access to abutting properties and protection from arterial or other collector streets.
- d. Dead End Street: A street without a cul-de-sac or turnaround having only one outlet for vehicular traffic, which may or may not be intended to be extended or continued in the future.

Subdivider:

A person, firm, corporation or association or other legal entity engaged in the subdividing of land.

Subdividers Contract:

A contract between the subdivider and the city wherein the subdivider agrees to complete all public improvements as prescribed and shown on the respective final construction plans approved by the Planning Board within a time frame as specified in the contract.

Subdivision:

- a. A major subdivision is classified as:
 - i. The division of any parcel of land shown as a unit or contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for

the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

- ii. The improvement of one or more parcels of land for residential or commercial 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 for open space use by owners, occupant or lessees or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

- b. A minor subdivision is classified as:

The division of a lot or parcel of land along an existing public street into not more than five (5) lots or parcels and not establishing a new street or other public improvements.

Zoning Code:

The Zoning Code of the Municipality of Bellbrook, including all amendments.

SECTION III – PROCEDURE FOR SUBDIVISION APPROVAL

1. Preliminary Plan Approval Process, Major Subdivision

a. Application Procedure and Approval for Major Subdivisions

A preliminary plan depicts a subdivision of land for the purposes of preliminary consideration and approval of a residential, commercial or planned development conceptual use. A major subdivision is a plat of two (2) or more lots for the purposes of development and transfer of ownership. It requires approval of a Preliminary Plan and Final Plan and record plat approved by the Planning Board and City Council and recording of the final record plat prior to the transfer of land to a subdivider or developer. No further sale of one (1) or more subdivided lots to a third party may occur until the final plat is recorded and all public improvements are completed.

b. Pre-Application Conference Requirements, Submittal & Review:

- i. Seven (7) copies and one (1) electronic copy of the following documents shall be provided to the Planning Board members (5) and the Zoning Office (2) and are required for a pre-application conference:
 - A. A written letter establishing intentions for the development of the land;
 - B. A topographical survey and vicinity map (standard blueprint size and one (1) electronic version);
 - C. Conceptual objectives regarding land use pattern, structure type, street and lot arrangement and tentative lot sizes; and
 - D. A development report containing a conceptual site plan showing water supply, sewage disposal, surface drainage, street improvements and flood control measures; and
 - E. Draft of proposed covenants and restrictions. If this is not available at the pre-application conference stage, the draft shall be submitted prior to the Planning Board public hearing.
- ii. A written acknowledgement prior to the pre-application conference from the City of Bellbrook Service Director and the Fire Chief regarding availability of adequate water pressure;
- iii. A written acknowledgement from Greene County Sanitary Engineer regarding availability of sanitary sewer service;
- iv. The subdivider or property owner shall hold a public pre-application conference or conferences with the Planning Board to present a conceptual plan of the proposed subdivision until the Planning Board is satisfied that the proposed subdivision agrees with the purpose and requirements of the Subdivision Regulations.
- v. Once the Planning Board determines that the submittal meets the applicable sections of these regulations, the documents shall be accepted by the Planning Board for review at a public hearing.

c. Planning Board Public Hearing

- i. The Planning Board public hearing shall be conducted in accordance with the provisions of the Zoning Code, Article # 17, # 20 and/or # 21, as applicable. If the property requires a zoning amendment, an Application for Zoning Amendment shall be submitted along with any additional required documents (refer to the Zoning Code, Article # 21, Amendment) and the appropriate fee. If no zoning district amendment is needed, the documents as submitted shall serve as an official application to the Planning Board for formal approval.
- ii. Eleven (11) copies of the complete application and one (1) electronic copy as indicated below shall be provided for the Planning Board members (5), the Service Director (1), the Fire Chief (1), the Police Chief (1), the Zoning Office (2) and the City Engineer (1).
- iii. At the City Manager's discretion, the City Engineer may review the application for general engineering and overall conformance to the required public improvements prior to the public hearing. All department heads shall review the application for their specific areas of concern and return comments or modifications requested to the Planning Board secretary within the specified time frame.

The following items are required for official submittal:

A. Preliminary Plan (standard blueprint size):

1. Name of the proposed subdivision;
2. Location by section, town and range or other legal description;
3. Date, north point and graphic scale (1"=100');
4. Name and address of developer and plat engineer; and
5. Site data, including acreage, number of lots, average lot size, acreage in parks or open space.

B. Existing Conditions:

1. Boundary lines, lot lines and identification of all adjacent tracts;
2. All existing streets within or adjacent to the proposed subdivision, including names, right-of-way width and pavement width;
3. Location of all utility rights-of-way, easements, parks or open space and section or corporation lines within or adjacent to the proposed subdivision;
4. Location and size of existing storm and sanitary sewers, water lines, culverts, fire hydrants and other underground or above ground utilities in or adjacent to the proposed subdivision;
5. Location of all water courses, high water elevations in the vicinity of creeks and streams, wooded areas, trees identified for preservation, rock outcroppings, and other physical conditions influencing subdivision design; and
6. Existing ground form, contours at one foot intervals with United States Geological Survey (USGS) benchmark locations.

C. Proposed Development

1. Boundary line of the proposed plan indicated by a heavy solid line with bearings and distances;

2. Layout of proposed streets, names, and paving width;
3. Layout of rights-of-way widths and all proposed easements;
4. Layout of proposed lots including lot lines, lot numbers, dimensions and minimum setback lines;
5. Location of proposed public improvements including water, sanitary and storm sewer systems and fire hydrants;
6. Location of proposed parks or open space lots to be dedicated for public use;
7. Location of permanent stormwater management facilities in easements to be dedicated to the HOA or collective property owners; and
8. Draft subdivision covenants and restrictions, if not previously submitted.

d. Planning Board Approval

- i. The Planning Board shall recommend approval, modification or disapproval of the preliminary plan to City Council within sixty (60) days from the date of the public hearing. Planning Board recommendations of approval to City Council of the preliminary plan shall be subject to the developer's adherence or cooperative resolution to the recommendations of the City Engineer regarding all engineering matters under his/her purview and to any other conditions specific to the site as imposed by the Planning Board. The recommendation of the Planning Board shall be provided in writing within seven (7) days of the Board's decision to the subdivider and to City Council.
- ii. Such recommendation and subsequent approval by Planning Board shall be effective for a maximum period of twelve (12) months from board approval, unless City Council does not uphold the Board's recommendation for approval. If the final plan has not been officially submitted for processing by the subdivider within this time limit, the subdivider must re-submit the proposed subdivision and proceed through the preliminary plan stages in accordance with these regulations. Recommendation of the preliminary plan by the Planning Board is an expression of approval of the general street and lot layout and the proposed improvements to be provided. The preliminary plan is subject to any conditions or modifications placed upon it by the Board and/or City Council. Preliminary plan approval by City Council does not guarantee approval of the final plan nor does it constitute any public acceptance of streets, alleys or other public ways or open spaces.

e. Planning Board Denial

- i. The Planning Board should deny the preliminary plan if it is not in accordance with the provisions of these Subdivision Regulations or if the proposed public improvements are not approved by the appropriate public agencies;
- ii. Planning Board denial of the preliminary plan shall be provided in writing to the subdivider with the reasons for such denial within seven (7) days of the Board's decision;
- iii. In specific cases where warranted by unusual topography or other physical conditions, the Planning Board may approve a preliminary plan which is not in accordance with these regulations. In such cases, the Planning Board shall impose modified regulations as deemed appropriate for compliance with the objectives and intent of these regulations.

2. Final Plat and Plan Approval Process, Major Subdivision

a. Application, Submittal and Review

The final plat shall conform substantially to the preliminary plan as approved by the Planning Board and may be comprised only of that portion of the approved preliminary plan to be recorded and developed at that time. The subdivider shall submit the record plan, construction drawings and covenants and restrictions in a form suitable for recording along with the appropriate fees (see Section VI, Fees) to the City of Bellbrook Administrative Office. Prior to Planning Board review, the City Engineer shall review the plat and the construction drawings to determine its conformity to engineering specifications and improvement plans approved in the preliminary plan. The City Engineer shall certify his/her approval or disapproval of the plat in writing to the Planning Board for their consideration. Prior to approval of the final plat, Planning Board shall verify that the subdivider has made arrangements satisfactory to city officials for financing and inspection of required public improvements.

b. Final Plat (Record Plan) Drawing

- i. Seven (7) copies, one (1) electronic copy and one (1) mylar of the final or record plat of the proposed subdivision, or any section of a larger subdivision, shall be submitted to the Planning Board members (5), the Zoning Office (1) and the City Engineer (1) for final approval on a mylar at a scale of 1"=100' or less and shall clearly show the following required items:
 - A. The name of the subdivision, its location by section, town, range, township, county and state, the scale, the date and the north point;
 - B. The names and locations of adjoining subdivisions and the locations and ownership of adjoining un-subdivided property;
 - C. All plat boundaries with lengths of courses to hundredths of a foot and bearings to half minutes. Error of closure shall not exceed one: ten thousand (1:10,000);
 - D. Bearings and distances to the nearest established street, municipal, township, county or section lines or other recognized permanent reference monuments, which shall be accurately described and located on the plat;
 - E. The exact layout, including street and alley lines with names, bearings, angles of intersection and widths; lengths of all arcs, radii, internal angles, points of curvature and tangent bearings; and all easements for rights-of-way provided for public utilities and any limitations on such easements;
 - F. All lot numbers and lot lines, with accurate dimensions to hundredths of a foot, with bearings or angles to the street line;
 - G. An accurate outline of all property which is offered for dedication for public use or reserved for the common use of the property owners, with the purpose indicated thereon;
 - H. Dimensions of building setback lines;
 - I. Covenants and Restrictions shown on the plat and in the proper form for recording;

- J. Certification by a registered engineer or surveyor that the plat represents a survey made by said engineer or surveyor and that all monuments shown thereon actually exist and that their location, size and material are correctly shown; and
- K. An acknowledgement by the owners of their adoption of the plat and the dedication of the streets and other public ways.

c. Final Construction Plans

Eleven (11) copies and one (1) electronic copy of the final construction drawings of the proposed subdivision, or any section of a larger subdivision, shall be submitted to the Planning Board members (5), the Service Director (1), the Fire Chief (1), the Police Chief (1), the Zoning Office (2) and the City Engineer (1), for final approval at a scale of one inch equaling one hundred feet (1"=100') or less. All required items shall conform to the City of Bellbrook Standard Drawings, Standard Water Notes, Chapter 1226, Sediment Abatement, Erosion Control & Stormwater Management, current Ohio Department of Transportation (ODOT) construction and material specifications and the Regulations and Specifications of the Greene County Sanitary Engineering Department. Written final approval of sanitary sewer plan and profile are required from Greene County Sanitary Engineer prior to the Planning Board meeting.

i. Plan:

- A. Degrees of curvatures of curb lines and sidewalks;
- B. Typical roadway cross section showing width of roadway, pavement build-up, tree lawn and sidewalks;
- C. Location, size and type of proposed water mains, fire hydrants, manholes and service lines, including Bellbrook Standard Water Notes;
- D. Location, size, type and grades of proposed sanitary sewer mains, manholes, service lines and connections with existing sewers;
- E. Location, size, type and grades of proposed storm sewer mains, manholes, catch basins and connections with existing sewers;
- F. Grading plan depicting stormwater management of sediment and erosion control, showing proposed contours, soil type(s) and location of test borings;
- G. Location, type and dimensions of temporary or permanent on-site detention or retention facilities, storm water quantity and quality appurtenances and limits of drainage easements;
- H. Surface water drainage direction (arrows); and
- I. Location, size and type of rock channel protection, endwalls and/or headwalls.

ii. Profile:

- A. Existing ground, proposed street elevation, street grades, top of curb elevations, centerlines and right-of-way lines;

- B. Proposed street width, cul-de-sac length and radii and stationing (scaling) of all street centerlines;
- C. Existing ground, proposed grades and elevations of water mains, fire hydrants, sanitary and storm sewers, manholes, headwalls and catch basins.

iii. Additional Documents:

- A. Engineering estimates provided by the subdivider's engineer of record showing the cost of construction of required infrastructure improvements in a format that lists each item of work, unit costs for each including material and installation;
- B. Landscaping plan depicting location, height and species of trees, plants or shrubs proposed for planting on private property;
- C. National Pollutant Discharge Elimination System Notice of Intent to OEPA and subsequent approval; and
- D. Before release of any escrow monies or performance or maintenance bonds, as-built construction drawings showing actual location of all infrastructure items in the field shall be submitted to the City of Bellbrook for review and approval.

d. Planning Board Final Plan Approval or Denial

The record plan and construction plans shall be reviewed by the Planning Board at a public meeting within thirty (30) days of the receipt of the record plan and construction plans.

- i. If the final plat and construction plans are approved, the Planning Board shall indicate such approval on the final plat by the signatures of its Chairman and Secretary. Approval of the Planning Board does not constitute public acceptance of any lands, rights-of-way or easements shown on the plat;
- ii. Upon Planning Board approval, the board secretary will transmit the original mylar form of the final record plat (plan) to the Clerk of Council for passage of a Resolution by City Council. City Council shall indicate such approval on the final plat by the signatures of the Mayor and the Clerk of Council;
- iii. The original signed mylar form of the final record plat shall be returned to the Planning Board secretary for transmittal to the subdivider for recording at Greene County; and
- iv. If the Planning Board denies the final plat, a written report stating the reasons for such denial shall be provided to the subdivider.

3. Preliminary Plan Approval Process, Minor Subdivisions and Lots

a. Application Procedure and Approval of Preliminary Plan for Minor Subdivisions

A minor subdivision is the creation or division of more than two (2) lots but less than five (5) lots or parcels of land along an existing public street that does not establish a new street or other public improvements, such as water, sanitary sewer, storm sewer or sidewalks. No such lot split or subdivision shall be recorded by the Greene County Recorder unless the document recording the

lot split or subdivision re-plat contain the signatures of the Zoning Administrator or the Chairman and Secretary of the Planning Board, respectively. The subdivider shall submit the following documents so that analysis may be made as to the adherence to these regulations:

- i. A written letter establishing intentions for the development of the land;
- ii. Concept plan of proposed minor subdivision or lot split showing existing and proposed layout of lots; and
- iii. The proposed plan shall include a description of the land, all easements and any open space to be dedicated, covenants, restrictions, conditions, dedication and certifications, as applicable.

b. Planning Board Approval

The Planning Board shall review the minor subdivision or lot split at a public meeting and if it is found to be in conformance with these regulations, the Zoning Code and the Comprehensive Plan, the Planning Board shall approve the subdivision or lot split. Notification of Planning Board approval shall be provided to the subdivider in writing with direction to submit the final plat and construction drawings, as applicable, to the Zoning Administrator. After a final review of the plat and plan, the appropriate signatures will be affixed to the original mylar form and returned to the subdivider for recording at Greene County. One (1) copy of any approved construction drawings will be kept on file in the Zoning Office.

c. Planning Board Approval with Modifications

If the subdivision or lot split does not conform to the regulations, the Planning Board shall provide the subdivider with the steps for compliance and a deadline for return to the Board so that approval of the preliminary plan can be provided. If the revisions are not submitted by the deadline, the Planning Board shall formally deny the subdivision or lot split at their next public meeting.

4. Final Plat and Plan Approval Process, Minor Subdivisions and Lots

a. Final Plat Drawing

Seven (7) copies and one (1) electronic copy of a final re-plat form involving the subdividing of platted land or a final Greene County Surveyor's record form involving the subdividing of unplatted land to be recorded establishing a new building lot or lots of record, which describes the original tract of land and shown to scale with any existing buildings, streets, sidewalks, curbs, gutter, storm and sanitary sewers, water lines, fire hydrants, ingress and egress from the existing public or private street and all easements shall be submitted to the Planning Board members (5), the Zoning Office (1) and the City Engineer (1). The following items shall also be submitted, as appropriate:

b. Construction Drawings, as applicable

- i. Plan

- A. Layout of proposed lots, lot lines, lot numbers, dimensions and minimum setback lines, right-of-way widths for proposed utility easements, streets, sidewalks, curb and gutter, storm and sanitary sewers, water lines and fire hydrants;
- B. A grading plan showing existing and proposed contours, underground drainage pipes and/or above ground yard drains, and detention basin limits and location, as applicable;
- C. Landscaping plans depicting location, height and species of trees, plants or shrubs proposed for planting on private property; and
- D. Designation of any voluntary parkland;

c. Additional Documents, as applicable:

- i. Engineering estimates of cost of construction for public improvements and erosion control methods describing items and unit costs for each item of work, material and installation; and
- ii. A Site Development Plan (SDP) or a Stormwater Management Plan (SMP) meeting the requirements of Chapter 1226, Erosion Control, Sediment Abatement and Stormwater Management.

SECTION IV – SUBDIVISION DESIGN REQUIREMENTS

1. General

- a. These regulations shall control the manner in which streets, lots and other elements of a subdivision are arranged on land. These design controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.
- b. The proposed subdivision and its ultimate use shall be in conformance with the Comprehensive Plan as adopted and shall not encroach upon an area designated in the Comprehensive Plan for future public use;
- c. Land which the Planning Board finds to be unsuitable for subdivision development due to flooding, poor drainage, soil or other topographical conditions which are likely to be harmful to the health, safety, and welfare of future residents shall not be subdivided unless satisfactory methods of correction are formulated by the subdivider and approved by the Planning Board; and
- d. The Planning Board will consider plats designed for special development of group housing, low impact development techniques, or other methods of site design which may require modification or adjustments of these regulations, providing that such plats do not have an unfavorable effect upon the development of adjacent properties.

2. Streets

- a. The arrangement, character, extent, width, grade and location of all streets shall conform to the Major Thoroughfare Plan as adopted by the Planning Board and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets;
- b. Public right-of-way widths shall be in conformance with the Comprehensive Plan.

Street Classification	Right-of-Way Width
Interstate Highway (I-675)	300'
Major Arterial Streets	80'
Collector Streets	60'
Minor Streets	50'
Marginal Access Streets*	50'
Alleys	20'
Crosswalks	10'
Utility Easements	12'

* Short cul-de-sac or loop streets may also be approved with a fifty foot (50') width after proper analysis by the Planning Board.

- i. Additional street right-of-way width may be required to ensure adequate access, circulation and parking in subdivisions within high density residential areas; and

- ii. Where a proposed subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width for the existing street may be required in conformance with the above standards.
- c. Minor streets shall be so arranged as to discourage their use by through traffic. Curve-linear street design is recommended for residential streets to discourage excessive vehicular speeds and to provide attractive views;
- d. The street arrangement in a subdivision shall provide for the continuation of existing streets in surrounding areas and shall provide for suitable access to adjoining un-platted areas;
- e. Where a proposed subdivision abuts or contains an existing or proposed Major Street or highway as defined in the Major Thoroughfare Plan, the Planning Board may require marginal access streets, reverse frontage lots containing a ten foot non-access reservation with approved screening along the rear property line or such other treatment as may be necessary for the adequate protection of residential properties and afford separation of through and local traffic. Intersections on major streets or thoroughfares shall be located not less than eight hundred feet (800') apart, measured from center line to center line;
- f. When a tentative layout including neighborhood streets has been made, approved and adopted by the Planning Board, the proposed subdivision shall be in general conformance of same;
- g. Where a proposed subdivision abuts or contains a railroad right-of-way, interstate highway or other limited access highway, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future bridges or grade separations;
- h. Street jogs at intersections with centerline off-sets of less than one hundred twenty-five feet (125') shall be prohibited;
- i. There shall be no private streets, lanes or ways platted in any subdivision except under the special design considerations mentioned under Section IV(1)(d);
- j. Dedication of new half streets shall be prohibited. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such subdivision;
- k. Dead end streets are prohibited except those designed as permanent cul-de-sacs or those required for future access to adjacent un-platted property. Temporary turn-around arrangements for dead-end streets which will be extended in the future may be required by the Planning Board;
- l. Cul-de-sac streets shall be no longer than six hundred feet (600') and shall contain at the closed end a turn-around having an outside road pavement diameter of eighty feet (80') and a street property line diameter of one hundred feet (100'). The Planning Board may increase the length of cul-de-sacs under special conditions and/or the recommendation of the City Engineer;
- m. Street grades shall not be greater than five percent (5%) or less than five tenths percent (0.5%), unless approved by the Planning Board;

- n. To ensure adequate sight distance, horizontal curves shall have the following minimum center line radii:
 - i.. Minor streets 150 feet
 - ii. Neighborhood collector streets 300 feet
 - iii. Major streets 500 feet
 - iv. Major Thoroughfares 750 feet
- v. A tangent at least one hundred feet (100') long shall be provided between reverse curves on neighborhood collector streets and at least two hundred fifty feet (250') long on major streets and thoroughfares;
- o. Streets shall intersect one another at right angles or as nearly right angles as conditions permit. No street shall intersect another at an angle of less than sixty (60) degrees;
 - i. "T" intersections of minor streets are to be encouraged;
 - ii. Multiple intersections involving the junction of more than two streets shall be prohibited; and
 - iii. Minor streets intersecting with a major street or thoroughfare shall have a tangent section of centerline not less than fifty feet (50') in length from the right-of-way of the major street and at right angles thereto; and
- p. No street names shall be used which will duplicate or be confused with the names of existing streets within the area of jurisdiction of these regulations. Street and subdivision names shall be subject to the approval of the Planning Board.

3. Alleys

- a. Alleys shall be prohibited in subdivisions within single family or two-family districts unless warranted by special or unique conditions;
- b. Alleys shall be provided for subdivisions where the intended use is for multiple dwellings, business, commercial or industrial purposes. The Planning Board may waive this requirement where other definite provisions are made for service access, off-street loading and parking; and
- c. Dead-end alleys are prohibited except in the event of special physical conditions. If permitted, dead end alleys shall be provided with adequate turn-around facilities for service trucks, as determined by the Planning Board.

4. Blocks

- a. Block length shall be no longer than one thousand three hundred twenty feet (1,320') or no less than five hundred feet (500') unless special physical conditions justify a difference from these standards;

- b. Block width shall be sufficient to provide for a development of two (2) tiers of lots between streets except in cases where lots back to a major street or thoroughfare under the conditions specified in Section IV(2)(e);
- c. Where a proposed subdivision abuts or contains a major street or thoroughfare as shown on the Major Thoroughfare Plan, the long dimension of the block should parallel the major street or thoroughfare;
- d. Blocks designated for multiple dwellings, business, commercial or industrial use may be specifically designed for such purposes with spaces set aside for off-street parking and loading facilities as specified in the Zoning Code; and
- e. A public dedication of ten feet (10') in width may be required for a pedestrian walkway or bicycle path through a block over nine hundred feet (900') in length or where necessary in the judgment of the Planning Board to provide for safe and convenient access to schools, parks, shopping centers, or other community facilities.

5. Lots

- a. The lot size, width, depth, shape and orientation shall be appropriate for the location and contemplated use of the subdivision, but in no case shall any of the lot dimensions, building setback lines, or lot area requirements be less than the minimum specified in the Zoning Code for the particular district in which the subdivision is located;
- b. The general depth-to width ratio of lots shall not exceed two and one half to one (2.5:1);
- c. Every lot shall abut upon and have permanent access to a public street; provided that, in subdivisions designed under conditions specified in Section IV(1)(d), this requirement may be modified or waived by the Planning Board;
- d. Side lot lines shall be at right angles or radial to the street right-of-way line;
- e. Utility easements may be required on rear or side lot lines as specified by the Planning Board. Such easements shall be at least twelve feet (12') in width with six feet (6') being taken from the abutting lots on both sides of the centerline of the easements. Additional easements may be required along drainage channel or water courses in such width as may be determined by the City Engineer; and
- f. Corner residential lots shall have extra width sufficient to maintain building setback lines as specified in the Zoning Code.

6. Public Sites and Open Spaces

a. Purpose

The Planning Board shall require and approve dedication of suitable areas for open space, parks and recreation facilities to provide passive and/or active recreation opportunities within proposed subdivisions. A fixed percentage of the gross area of any proposed subdivision shall be required as open space, recreational facilities and/or park dedication. This area shall be shown and marked on the plat as "open space".

b. Determining Factors of Property to be Dedicated

- i. Open space shall be centrally located, if feasible, to serve all the residents of the subdivision. This requirement may be waived by the Planning Board in the event that a parcel within the subdivision is better suited for open space purposes, yet not centrally located within the subdivision;
- ii. Open space should be compact and contiguous unless the land shall be used as a continuation of an existing open space or trail. Desirable features for open space usage include water frontage, partially wooded acreage, and land with flat to rolling topography. Natural features of scenic beauty such as trees, plants, water courses, topography, views and similar conditions, shall be considered for preservation in the dedication of open space, recreational facilities and/or parks;
- iii. Dedication of such types of open space may be required by the Planning Board in areas where they are desirable to shield residential subdivisions from adjacent commercial developments, interstates, major streets, and railroad rights-of-way or for preservation of historic sites, scenic areas or for other special situations. Dedication of these lands shall be applied toward the total dedication requirement;
- iv. Detention or retention areas and storm water management structures or facilities shall not be included in calculating the amount of open space required unless such areas or facilities are accessible and usable as community amenities by the public or the residents of the development for passive recreation uses (picnicking, walking, park benches, etc.). The acreage of these lands shall then be applied toward the total land dedication requirement; and
- v. Public and maintenance access to the dedicated property shall be provided by the subdivider as easements. Such access shall be of permanent construction, such as sidewalks and/or paved easements, unless the open space is to be used for passive recreation within critical and sensitive natural areas including floodplains, highly erodible lands or wetlands. In these cases, no permanent construction materials shall be permitted, unless recommended by the City Engineer and approved by the Planning Board.

c. Dedication Requirement

- i. Ten percent (10%) of the total gross area of the subdivision as shown on the preliminary plan shall be provided as open space. All such land shall be suitable for public parks, playground facilities or passive recreational uses and approved by the Planning Board;
- ii. If the required percentage of open space dedication cannot be met, the developer shall pay a fee in lieu of dedication for all the land required as open space based on the average value of one (1) acre of undeveloped land. The estimated average value of land per acre shall be established every two years by Resolution of City Council.
- iii. The calculation for fee in lieu of dedication shall be as follows:
 - A. Total site gross acreage;
 - B. Land required for dedication: (A) X fixed %;

- C. Estimated value of one (1) acre of land in entire proposed subdivision;
- D. Value of land dedication: (B) X (C) ;
- E. Total number of lots;
- F. Per lot park fee: (D) divided by (E).

d. Usage of Fees

All fees remitted as payment for open space dedication shall be used for the acquisition, maintenance and/or operation of any open space, recreational facilities and/or park land.

e. Timing of Payment of Open Space Fees and Dedication of Property

- i. The per lot fees for open space shall be paid at the time of the issuance of the zoning permit for residential construction; and/or
- ii. The dedication of the open space lot(s) shall occur when 95% of the subdivision lots have been sold and residences have been constructed.

f. Provisions for Ownership and Operations and Maintenance of Open Space Lots

All open space, recreational facilities and/or park land shall be used only for non-commercial passive or active recreation and shall be permanently dedicated as open space on the final plat and in a manner satisfactory to and at no cost to the City of Bellbrook. The owner of the subdivision will be responsible for maintenance of all open space, recreational facilities and/or park land until the land is either:

- i. Conveyed by a general warranty deed to the City of Bellbrook, subject to the passage of a resolution of the dedication of open space, recreational facilities and/or park land by City Council, or
- ii. Transferred to a Homeowner's Association (HOA) at its establishment by the property owners of the subdivision for the purpose of permanently maintaining and operating all open space, recreational facilities and/or park lots. The HOA shall guarantee continuing upkeep of the jointly owned and dedicated open space, recreational facilities and/or park land. The City of Bellbrook reserves the right, but not the responsibility, to enter the open space, recreational facility and/or park land in the event of an emergency. Operations and maintenance shall become the responsibility of the collective homeowner's if the HOA is dissolved.

SECTION V – REQUIRED IMPROVEMENTS

1. Required Public Improvements

The subdivider shall be responsible for the installation of all required public improvements including the required pavement width, full street improvements including curb, gutter and street paving, underground utilities, sidewalks, water system, storm and sanitary sewer systems, monuments, street signs and landscaping. The minimum standards for required public improvements shall be as follows:

a. Water

A public water system containing an eight inch (8”) minimum supply line, fire hydrants, valves and other water system appurtenances shall be constructed in conformance with the requirements of the City of Bellbrook.

- i. Exposed water mains must have 304 gravel backfill compacted beneath the water main and twelve inches (12”) of cover on top of the water main or cover depth as approved by the Service Director; and
- ii. The remaining portion of the backfill procedure for areas in roadways must use a low strength mortar (LSM 50) flowable mortar backfill, or controlled density fill (CDF). For asphalt streets, this material shall be brought up to one and one-half inches to two inches (1 ½” to 2”) from top of pavement. Asphalt (404) shall then be placed to grade, rolled and edges sealed to complete repair. For concrete streets, LSM will also be used and brought up to six inches (6”) from top of pavement with a four thousand (4,000) pound minimum strength concrete to complete repair. City of Bellbrook personnel must be present during all LSM placements. City of Bellbrook personnel will also perform a final inspection.

b. Street

Full street improvements including adequate sub-grade preparation, hard surfacing and curb and gutter shall be required in every subdivision in conformance with the construction standards of the City of Bellbrook and/or the City Engineer. The minimum standards for such street improvement shall be as follows:

- i. Eight inches (8”) of base 304 aggregate with a finished roadway surface of a minimum depth of three and one-half inches (3½”) of asphalt intermediate and one and one-half inches (1½”) of asphalt surface;
- ii. Minimum surfacing widths for

Minor Streets	30 ft to face of curb
Neighborhood Collector Streets	38 ft to face of curb
Major Streets	52 ft to face of curb
- iii. Alleys, where permitted, shall be paved in concrete or other bituminous material to their full right-of-way width under specifications approved by the City Engineer;
- iv. Curb and gutter approved by the City Engineer shall be provided for all minor, neighborhood collector and major streets within each subdivision;

- v. Where the subdivider proposes boulevard streets and/or street islands in the street layout, the subdivider shall make suitable plans for landscaping the boulevard or island areas. Plants and shrubs shall be approved by the Planning Board as to height, size and type.

c. Utilities

All electric and telephone lines shall be underground.

d. Sidewalks and Crosswalks

- i. Subdivisions containing lots less than one hundred fifty feet (150') in width shall provide concrete sidewalks four feet (4') in width on both sides of the street in accordance with the City Engineer's specifications. In subdivisions containing lots of one hundred fifty feet (150') in width or more, the Planning Board may reduce this requirement to one (1) sidewalk, where in their judgment such improvement will adequately serve the pedestrian needs of the subdivision and the surrounding neighborhood; and
- ii. All sidewalks which terminate or continue through an intersection must include curb ramps which meet current Ohio Department of Transportation (ODOT) and Americans with Disabilities Act (ADA) requirements. Curb ramps must include truncated domes. Acceptable truncated dome materials include cast-in-place engineered plastics. All other materials shall be approved by the City Engineer. Crosswalks, where required, shall have a five foot (5') paving width centered within the required ten feet (10') public right-of-way.

e. Storm Sewer

A stormwater drainage system including adequate storm sewer piping, catch basins, drain inlets, manholes, culverts and other necessary appurtenances shall be required and constructed in conformance with the requirements of the City of Bellbrook Municipal Code, Chapter 1226, Erosion Control, Sediment Abatement and Stormwater Management and/or the City Engineer:

- i. All natural water drainage swales shall be preserved at their natural gradient unless recommended by the City Engineer and approved by the Planning Board.
- ii. All lots shall be finish graded so that all storm water shall drain to catch basins.
- iii. Exposed storm sewer lines must have 304 gravel backfill compacted beneath the water main and twelve inches (12") of cover on top of the water main or cover depth as approved by the Service Director; and
- iv. The remaining portion of the backfill procedure for storm sewer lines in roadways must use a low strength mortar (LSM 50) flowable mortar backfill, or controlled density fill (CDF). For asphalt streets, this material shall be brought up to one and one-half inches to two inches (1½" to 2") from top of pavement. Asphalt (404) shall then be placed to grade, rolled and edges sealed to complete repair. For concrete streets, LSM will also be used and brought up to six inches (6") from top of pavement with a four thousand (4,000) pound minimum strength concrete to complete repair. City of Bellbrook personnel must be present during all LSM placements. City of Bellbrook personnel will also perform a final inspection.

f. Sanitary Sewer

A public sanitary sewer system and other appurtenances of the system shall be constructed in conformance with the requirements of the Greene County Sanitary Engineer.

g. Monuments

A complete survey shall be made by a registered surveyor and shall conform to the minimum standards for boundary surveys in the State of Ohio. Permanent reference monuments made of stone or concrete, at least thirty-six inches (36”) in length and six inches (6”) square with suitable center point, shall be located and placed within the subdivision and their location noted on the record plan. These monuments shall be placed immediately after final grading of lots is completed and the cost of the monuments will be included in the cost of improvements. There shall be no release of bonds or escrow monies until after monuments have been placed. Boundary lines shall be monumented at all points where there is a change of direction and at all lot corners by suitable monuments as specified in the minimum standards for boundary surveys in the State of Ohio.

h. Street Name Signs

The subdivider shall install the city’s standard name signs at each intersection. Should the subdivider choose a non-standard sign, he/she will be responsible for any additional cost in excess of the standard sign cost. In the case of replacement of a non-standard sign after the initial construction, the additional cost of such sign will be borne by either the Home Owner’s Association or the collective subdivision property owners.

i. Landscaping

Landscape planting, louvered fences for screening or other suitable landscape treatment may be made by the subdivider within required greenbelts, buffer parks or other open spaces where protection is needed from the detrimental effects of adjacent expressways, major streets, railroads or other land uses. Low impact development design may be considered on a case by case basis in a Planned Development (PD) zoning district. Conservation of existing trees and native vegetation is beneficial to the environment and provides a cost savings to the subdivider. Rain gardens allow rooftop runoff to be absorbed before reaching a sidewalk or street and decreases the annual runoff from development sites by as much as fifty percent (50%). Such plans are considered part of the construction drawing submittal and are approved by the Planning Board.

2. Improvement Guarantees

Upon approval of a final plat and prior to the construction start date and in addition to the installation of required public improvements, the subdivider shall provide a financial guarantee of performance in one or a combination of the following guarantees as approved by the City Manager:

a. Performance Bond

A performance or surety bond to cover an approved amount or percentage of the cost of the proposed improvements as certified by the City Engineer shall be filed with the city Finance Office. The bond shall specify the time period in which the improvements are to be completed and shall be executed by a surety satisfactory to the city.

b. Letter of Credit

A letter of credit in an approved amount or percentage of the public improvements to be completed may be held by the city Finance Office during construction. Upon successful completion of the construction of the public improvements, the letter of credit may be reduced by seventy-five percent (75%) upon request of the subdivider and is held by the city until as-built drawings are received from the subdivider’s engineer of record. When the one hundred percent (100%) release of the letter of credit is requested by the subdivider, the Service Department will review the as-built drawings, inspect the infrastructure in the field and provide a list of repairs or corrections to the subdivider’s engineer of record. Once any deficiencies are corrected, the letter of credit may be fully released and the city assumes responsibility for the water main and the storm sewer system. A separate letter of credit may be held for erosion control until seventy-five percent (75%) of the subdivision or section has been completed, at which time the value of the letter of credit may be reduced by seventy-five (75%). The erosion control letter of credit is held until ninety-five percent (95%) of the subdivision is completed at which time it is released in full (100%).

c. Escrow Fund

- i. A cash deposit, certified check, surety bond or a combination of these methods sufficient to cover the cost of the proposed improvements in an approved amount or percentage as certified by the City Engineer shall be deposited with the City Manager. The escrow deposit shall be for the estimated time period necessary to complete the required public improvements; and/or
- ii. In the case of either cash deposits or certified checks, an agreement between the City Manager and the subdivider may provide for progressive payments out of the cash deposit or a reduction of the amount of the certified check to the extent of the estimated cost of the completed portion of the public improvements as certified by the City Engineer; or
- iii. For a single lot being developed, the subdivider shall provide cash or certified check for all erosion control methods to be employed on site during the construction of a single residence. The monies are held as surety until the residence is completed and vegetation is established on the lot. After inspection by city personnel and assurance that the drainage pattern operates correctly, such monies shall be released in full. If the subdivider is not able to complete the construction, these monies are used to stabilize the lot until such time that construction can be completed.

3. Contracts

Upon approval of a final plat by the Planning Board and City Council and prior to the construction start date, the following contract requirements must be met:

Subdivider Contract

Any person, firm or corporation, as a requirement to receive authority to plat, subdivide or commence construction, as provided herein, shall enter into a contract with the City Manager which contains:

- a. The name of the subdivision or project, the date of execution, the name(s) of the subdivider;

- b. Statement that the subdivider shall not transfer any lot or begin any construction, including grading, until the project has been approved by the Planning Board;
- c. The subdivider shall construct all public improvements in accordance with the approved construction plans and the approved Engineer's estimate, which are part of the contract;
- d. All work shall be performed within a period of two (2) years from the date of the execution of the contract with an option for an approved extension of time;
- e. The subdivider shall execute an improvement guarantee as outlined in Section V(2)(b) at an agreed upon percentage of the cost of public improvements and soil erosion and sedimentation based on the approved Engineer's estimate; and

The subdivider contract shall be approved by the City Council by adoption of a Resolution.

4. Approvals

- a. Prior to submission of the final plat for approval, one (1) complete set of construction plans, showing proposed improvements for the required streets, utilities, improvements and/or other facilities required by these and other pertinent regulations, are to be on file with the City Engineer. Before rendering a decision on the final plat, the Planning Board shall obtain a written statement from the City Engineer regarding the adequacy of construction plans and improvements as proposed by the subdivider. Any Planning Board motion for approval shall include a condition that all recommendations of the city's contract engineer are met;
- b. Before approving a final plat and construction plans for public improvements, the Planning Board shall be informed that an agreement has been reached between the subdivider and the City Manager and/or City Engineer in providing inspection services of the various public improvements as they are constructed; and
- c. In case the subdivider shall fail to complete the required public improvement work within such time period as required by the conditions of the Subdivider Contract, one additional six (6) month period may be provided at the discretion of the City Manager. At the expiration of this extension, city officials shall proceed to have such work completed and be reimbursed for the cost thereof by appropriating the cash deposit, certified check or surety bond or steps shall be taken to require performance by the bonding company.

SECTION VI – 1224.01 FEES

The following fees are required under the Subdivision Regulations for the platting of land in the City:

- (a) Preliminary Filing Fee \$200.00 plus \$25.00 per acre
- (b) Final Filing Fee 250.00 plus \$25.00 per acre
- (c) Lot Split/Lot Combination Fee 150.00
- (d) Inspection fees. Prior to approval by the Planning Board of a final plat and construction plans, the subdivider shall provide a cash bond in the amount of six percent of the estimated cost of the public improvements (streets, curbs, sidewalks, storm sewers and waterlines) to the Finance Office. The subdivider's engineer of record shall provide an estimate as to quantities and prices and, if a discrepancy exists between the subdivider and the City Engineer's estimates, the inspection deposit will be based on the City Engineer's estimate.
- (e) Inspection costs. Inspection costs and the cost of subdivision plan review performed under contract by the City shall be charged against the six percent deposit. However, if funds deposited at the time of filing are not sufficient to cover all inspection costs, additional inspection fees shall be required when needed, at the discretion of the City Manager.
- (f) Water and sewerage connection fees. All fees for connection to the City water system shall be established in Chapter 1042 of this Code. All fees for connection to the County sanitary sewer system shall be set by the Greene County Department of Sanitary Engineering and paid to that agency.
- (g) Failure to pay filing fee. If a filing fee is not paid prior to the initiation of construction, a penalty of 50 percent of the filing fee shall be added to the fees listed in this section if the project is in full compliance with the Zoning Code.

(Ord. 78-42, passed 11-13-78; Ord. 79-13, passed 10-22-79; Ord. No. [2015-6](#), § 1, 6-8-2015; Ord. No. [2017-9](#), § 1, 11-13-2017, Ord. No 2020-4 § passed 7-27-2020)

SECTION VII –ENFORCEMENT AND PENALTIES

1. Enforcement

No person shall record any plat or subdivide any land by deed or other instrument, or start construction of any permanent building or fixture in the City of Bellbrook, Ohio, in violation of these Subdivision Regulations. In the event of such violation or evidence of intention to commit a violation against the City of Bellbrook or the owner(s) of contiguous property, in addition to any other remedies, as provided by law, may institute a suit for injunction to prevent or terminate such violation.

2. Penalties

Violation of the provisions of these Subdivision Regulations shall be punishable in accordance with the provisions of Section 711.102 of the Revised Code of the State of Ohio with right of recovery by the City of Bellbrook.