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ARTICLE I

Title, Purpose, Authority, Jurisdiction, Applicability, and Exemptions

Section 100 Title

These Regulations shall be known and may be cited as the "Subdivision Regulations of Sunbury, Ohio" and shall hereinafter be referred to as "Regulations."

Section 101 Purpose

Responsible land subdivision is the initial step in the process of orderly community development. These Regulations are designed and intended to provide for the following purposes:

1. Secure and provide for the public health, safety, comfort and general welfare;
2. Provide for future growth and development of the municipality, in accordance with the comprehensive plans, policies and resolutions adopted by necessary authorities;
3. Provide for adequate and convenient open spaces for traffic, utilities, access to service and emergency vehicles, recreation, light, air, and for the avoidance of congestion of population as it would affect the public health, safety and welfare;
4. Provide safety from fire, flood (as governed by full compliance with appropriate floodplain and zoning requirements and the requirements of Section 1910.3 of the Federal Insurance Administration Regulations) as may be amended, and other danger;
5. Provide for adequate transportation, drainage, wastewater treatment, water supply, schools, open space, and other public requirements and facilities;
6. Provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways;

7. Provide reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of the land, and to insure proper legal descriptions and monumenting of subdivided land;
8. Prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities, and to safeguard groundwater;
9. Provide the most beneficial relationship between the use of land and buildings, provide for the proper location of lot lines and building setback lines, and encourage innovative forms of development;
10. Provide for the administration of these Regulations and define the powers and duties of the Commission, the respective municipal offices and other agencies having jurisdiction, as they relate to these Regulations.

Section 102 Authority

The Sunbury Planning and Zoning Commission, hereinafter known as "Commission," and the Sunbury Council, hereinafter known as "Council," derive their authority by virtue of Chapter 711 and 307.79 of the Ohio Revised Code. The Commission is authorized to adopt rules and regulations governing plats and subdivisions of land falling within its jurisdiction.

Section 103 Jurisdiction

These Regulations shall apply to all subdivisions of land within the corporate limits of Sunbury as presently exists or as hereafter established.

Section 104 Applicability

Any owner or owners of land subdividing it into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or establishing any street, alley or other property intended for public use or for the use of a purchaser or owner of lots, tracts or parcels of land fronting on or adjacent thereto shall have a subdivision plat made in accordance with these Regulations unless exempted.

Section 104.01 Land Contracts

All land contracts, effecting a present or future subdivision of land, as defined in these Regulations, shall be subject to the requirements of these Regulations.

Section 104.02 Land Partition Through Court Action

Whenever land is to be divided by the process of partition in court pursuant to

Section 5307.06 of the Ohio Revised Code, all petitions for the partition shall be submitted to the Commission, which shall take action thereon within thirty (30) days or within such additional time as agreed upon by the petitioners, according to the procedures and provisions of these Regulations. The resulting partition shall be subject to all applicable zoning and subdivision requirements.

Section 104.03 Public Improvements on Privately Developed Sites

Any public improvements proposed for a site development project which is not part of a subdivision must be submitted, reviewed, approved, constructed and inspected in accordance with these Regulations.

Section 105. Exemptions

Notwithstanding the requirements of Sections 102 through 104, these Regulations shall not apply in the following instances or transactions:

1. Change in the boundary between adjoining tracts of land which does not create an additional lot.
2. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved;
3. Land used for highway or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use;
4. A correction of a legal description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a "Correction Conveyance" and shall identify the prior conveyance which is the subject of correction and the error contained in such prior conveyance;
5. Any lot split in industrially zoned areas divided in accordance with the provisions of these Regulations;
6. Any transfer by operation of law.

ARTICLE II

Interpretation, Construction and Definitions

Section 200 Interpretation

1. Where the conditions imposed by the provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. The provisions of these Regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these Regulations shall govern.
3. A subdivision of land which was not lawfully existing at the time of the adoption of these Regulations shall not become or be made lawful solely by reason of the adoption of these Regulations.
4. These Regulations shall not be construed as abating any action now pending under the prior existing Subdivision Regulations.
5. The provisions of these Regulations are cumulative and additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter set forth in the provisions of these Regulations.
6. All proposed subdivisions shall conform to all applicable zoning requirements.

Section 201 Rules of Construction

The language set forth in these Regulations shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;
2. The present tense includes the past and future tenses and the future the present;

3. The word "shall" is mandatory and not discretionary while the word "may" is permissive;
4. The masculine gender includes the feminine and neuter; and
5. Any word appearing in parenthesis directly after a word herein defined shall be construed in the same sense as that word.

Section 202 Definitions

Whenever a word or term defined hereinafter appears in these Regulations, its meaning shall be construed in accordance with Village of Sunbury Zoning Ordinance definitions and as set forth in the following list of definitions:

Alley. A public right-of-way not less than twenty (20) feet or more than thirty (30) feet wide which affords only a secondary means of access to property abutting thereon.

Arterial. (See "Streets").

Average Daily Traffic (ADT). The total traffic volume during a given time period in whole days greater than one (1) day and less than one (1) year divided by the number of days in that time period.

Block is a tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.

Buffer. Any combination of mounds, fencing, plantings, etc. intended to separate one land use or activity from another.

Central Sewer System. (See "Wastewater Treatment Systems").

Central Water System. (See "Water Supply Systems").

Certificate of Deposit. A certificate held on deposit by a financial institution for the Municipality until such time as the subdivider has fulfilled his obligations.

Collector Street. (See "Streets").

Community Water System. (See "Water Supply Systems")

County. Delaware County, State of Ohio.

Design Standards are the basic land planning principles established as guides or requirements for the design and layout of subdivisions as described in these Regulations.

Easement is a grant by a property owner of the specific use of a strip of land by others.

Engineer. A registered engineer authorized to practice professional engineering by the State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

Erosion.

- A. The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitation creep.
- B. Detachment and movement of soil or rock fragments by wind, water, ice or gravity.

Escrow Fund. Cash placed by the subdivider in an account to be held by a financial institution in favor of the Sunbury Council to guarantee the fulfillment of obligations according to the provision of these Regulations. (See Appendix for sample.)

Floodplain. The areas adjoining a water course which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions. (See Zoning Ordinance definition "Flood Plain Area").

Floodway. The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the 100 year flood.

Floodway Fringe. That portion of the floodplain outside of the floodway.

Governing Body is the Council of the Village of Sunbury, Ohio.

Hillside. An area with an average slope of more than fifteen percent (15%).

Improvements. Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, parkway, planting strip, landscaping and other related matters/facilities normally associated with the development of raw land into building sites, for which a village, township or county may ultimately assume the responsibility for maintenance and operation.

Index Map. A map supplied with street construction plans showing the street and storm system at a 1" = 200' scale.

Inspection Fee. Cost to Sunbury plus 20% surcharge for inspecting construction of public improvements to be paid by the subdivider or developer.

Key (Location) Maps. A drawing at a reduced scale located on the plat which shows legibly, by dimension and/or other means, enough area beyond the bounds of the proposed subdivision to locate and orient the subdivision within Sunbury, and the relationship of the site of the community facilities which serve or influence the property.

Letter of Credit. An irrevocable letter of credit issued by a bank in Central Ohio subject to the provisions of Chapter 1305 of the Ohio Revised Code.

Lot. For the purpose of these Regulations, a lot is a parcel of land of sufficient size to meet minimum health and zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or of portions of lots of record.

Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. Lot frontage shall be measured as the straight line distance between the points where the side lot lines intersect the street right-of-way.

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements. A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front at the street right-of-way and the rearmost points of the side lot lines in the rear.

- B. Width of a lot shall be considered to be the distance between the side lot lines measured at the building line.

Lot of Record. A lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been recorded.

Lot Split. (See Subdivision, Minor)

Lot Types. Terminology used these Regulations with reference to corner lots, interior lots and through lots is as follows:

- A. A corner lot is defined as a lot located at the intersection of two (2) or more streets.
- B. An interior lot is a lot other than a corner lot with only one (1) frontage on a street.
- C. A double frontage lot is a lot other than a corner lot with frontage on more than one (1) street.
- D. A reversed frontage lot is a double frontage lot located along a collector or arterial that derives access from an interior local street.

Master Plan. The plan or plans made and adopted by the Commission, (or municipality) for incorporated and unincorporated areas within three (3) miles of the municipal boundaries of a municipality exercising extraterritorial jurisdiction; and as may be amended, indicating the general locations recommended for the principle streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban and rural planning, on file in the Office of the Clerk of Sunbury.

Mayor is the Mayor of the Village of Sunbury, Ohio.

OEPA. Ohio Environmental Protection Agency.

Official Thoroughfare Plan. The plan indicating a system of existing and future primary and secondary streets for Sunbury as adopted by the Commission, on file in the Office of the Clerk of Sunbury, Ohio, together with all amendments thereto subsequently adopted.

Out Lot. Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Owner is any individual, firm, association, partnership, corporation, limited liability company, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

Parking Space, Off-Street. An area adequate for parking an automobile with room for opening doors on both sides meeting all applicable zoning, together with properly related access to a public street or alley and maneuvering room, located totally outside of any street or alley right-of-way.

Parkway Strip is a strip of land between the roadway and the abutting property line.

Pedestrian Way (Crosswalk) is a right-of-way across a block or providing access within a block to be used primarily by pedestrians.

Performance and Indemnity Bond and Surety Bond. An agreement by and between a subdivider or developer and bonding company in favor of the Sunbury Council for the amount of the estimated construction cost guaranteeing fulfillment of all obligations according to plans and specifications within the time prescribed by the subdividers' agreements. (See Appendix.)

Person is any individual, association, partnership, corporation, limited liability company, trust, or any other legal entity.

Plat, Preliminary. Drawings, maps and other materials depicting the character and general detail of a proposed subdivision meeting the requirements of these Regulations.

Planning and Zoning Commission. The commission which controls the platting of land within the corporate limits of the city and performs the duties as directed in the Sunbury Zoning Regulations.

Plat. The map, plan or layout of a proposed subdivision, drawn on durable material as specified in these Regulations and intended for recording, meeting all the requirements as herein enumerated.

Protective Covenants are contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners; and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Regulations. Subdivision Regulations for Sunbury, Ohio.

Reserves. Parcels of land within a subdivision set aside for future subdivision or set aside for other purposes, as noted on the plat.

Resubdivision is the subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded.

Right-of-Way. The width between property lines, of a street, alley, cross-walk or easement.

Roadway is that portion of a street, alley or highway right-of-way which has been graded, surfaced or otherwise improved for use by vehicular traffic.

Sanitary Engineer. The Sunbury Sanitary Engineer, Village Engineer, or consulting engineer.

Sediment. Solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity, or ice, and has come to rest on the earth's surface above or below sea level.

Sediment Basin. A barrier, dam, or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by the runoff waters.

Setback Line, Building. A line indicating the minimum horizontal distance between the street easement or right-of-way line and buildings, as governed by the applicable Zoning Resolution and Thoroughfare Plan.

Sidewalk is that portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only, not less than four (4) feet in width.

Sketch Plan is a map or plan of a proposed subdivision made prior to the preparation of the preliminary plan to enable the subdivider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these Regulations.

Street is the entire right-of-way width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road," "highway," "lane," "place," "avenue," or other similar designation.

Street-Collector. Provides both land access and traffic circulation within residential, commercial and industrial areas. It differs from the arterials in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets. Further, streets which are projected to carry an average daily traffic volume of twenty-five hundred (2500) or more and of which traffic half or less originates (i.e., has one trip end located) on properties contiguous to the street shall be designated a collector street or some higher classification.

Street-Cul-de-sac. A local street not exceeding 600' in length with one end open to traffic and a permanent bulb-type turn around on the closed end.

Street-Frontage Road. A minor street which is generally parallel and contiguous to an expressway, freeway, parkway, major or minor street and is so designed as to intercept, collect and distribute traffic desiring to cross, enter or leave such street, and which provides access to abutting properties and protection from through traffic.

Street-Local. Includes all streets not on a higher system. The primary purpose of local streets is to provide direct access to adjacent land.

Street-Loop. A local street not exceeding 3000' in length having two intersections in close proximity on the same local or collector street.

Street-Major Arterial. Serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

Street-Minor Arterial. Interconnects and augments the principal arterial system and provides service to trips of moderate length. This class of roadway places more emphasis on land access and less on travel mobility than the principal arterial system.

Street-Minor. (See Street-Local.)

Street Width is the shortest distance between lines delineating the pavement of a street.

Subdivider. Any person, persons or corporation or duly authorized agent who undertakes or makes preparation for the subdivision of land as defined in these Regulations.

Subdividers Agreement. An agreement by and between a subdivider and/or developer and the Sunbury Council that sets forth the manner in which the subdivider and/or developer agrees to proceed with the construction of public improvements and the disposition of lots in the subject subdivision.

Subdivision.

- A. The division of any parcel of land shown as a unit or a 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

- B. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subdivision, Major. Any subdivision involving:

- A. More than five (5) lots, inclusive, after the tract of record has been completely subdivided, or
- B. The opening, widening or extension of a street or streets, or
- C. The division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or
- D. The division of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be subject to the procedures and requirements set forth by these Regulations for major subdivision approval.

Subdivision, Minor. For purposes of subdivision approval means any subdivision:

- A. Proposed along an existing public street;
- B. Not involving the opening, widening or extension of any street or road; and
- C. Involving no more than five (5) lots including the original tract.

Subdivision Technical Review Group. The technical advisory group for the Commission and municipality, consisting of, but not limited to, representatives from the Sunbury Engineer's office, the Municipal Building Department, the Sunbury Sanitary Engineer's office and the Planning and Zoning Commission.

Subdivide Land is to partition a parcel of land into two (2) or more parcels, tracts, lots or sites for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

Surety. A certificate of deposit, performance bond, irrevocable letter of credit, cash escrow account or first mortgage on real estate in favor of the Sunbury Council designed to guarantee the construction of improvements required in these Regulations.

Surveyor. A registered surveyor, authorized to practice professional surveying by the State Board of Registration, as specified in Section 4733, Ohio Revised Code.

T-Turn-Around is an area at the closed end of a street stubbed for a future extension on to adjoining property which allows vehicles to reverse their direction.

Turn-Around is an area at the closed end of a street or cul-de-sac within which vehicles may reverse their direction without any backing up.

Village is the Village of Sunbury, Ohio.

Village Clerk is the Clerk of the Village of Sunbury, Ohio.

Village Engineer is the Village of Sunbury Engineer or consulting engineer.

Wastewater Treatment System - Central Public. A sewage system, including collection and treatment facilities, designed and operated by a division of local government intended to service a region larger than the proposed subdivision.

Water Supply System - Central Public. A water supply system, including water collection, purification and distribution systems, installed by the subdivider or other private party and transferred to the Village of Sunbury for maintenance and operation, or operated as a privately owned utility, subject to all requirements of these and other applicable Regulations.

ARTICLE III

Administration and Procedures for Approval of Subdivision Plats

Section 300 Division of Administrative Responsibility

The administration of these Regulations is vested in the following governmental branches of the Village as set forth and defined in these Regulations and Sections S81.09 & S81.11 of the Village of Sunbury Zoning Ordinance:

1. Village Engineer.
2. Office of the Zoning Clerk.
3. Planning and Zoning Commission.
4. Council.

Each of the above-named governmental branches shall have the responsibilities hereinafter set forth.

Section 301 Duties of the Office of the Village Engineer

The Village Engineer shall administer the provisions of these Regulations and in furtherance of such authority, shall:

1. Serve as an advisor to the Planning and Zoning Commission on the review of all plans and plats.
2. Forward sketch plans preliminary plats, variances, and final plats to the Planning and Zoning Commission, together with the recommendations received and the Village Engineer's comments.
3. Make such other determinations and decisions as may be required by these Regulations or by the Planning and Zoning Commission.

Section 302 Duties of the Office of the Zoning Clerk

The Zoning Clerk shall:

1. Process the required filing fee.

2. Maintain an up-to-date copy of the Subdivision Regulations, including amendments thereto.
3. Inform applicants of procedures required for subdivision approval.
4. Receive and file all sketch plans, preliminary plats, variances, and final plats, together with applications therefore.
5. Forward copies of the preliminary plat to other appropriate governmental agencies and public and private utilities for their recommendations, when such recommendations are necessary or desirable.
6. Assist the Planning and Zoning Commission in preparation and distribution of their agenda, including items related to subdivision reviews.

Section 303 Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall:

1. Administer these Regulations except where specific authority and responsibility is given to another office as set forth in these Regulations.
2. Enforce these Regulations within all areas under the jurisdiction of the Village.
3. Review and comment on sketch plans when submitted.
4. Review and approve, approve conditionally, or disapprove the preliminary plats and minor subdivision plats when submitted.
5. Review and recommend approval, approval conditionally, or disapproval final plats and transmit the same to the Council for approval or disapproval.
6. Make such other determinations and decisions as may be required of the Commission from time to time by law or these Regulations.

Section 304 Duties of the Council

The Council shall:

1. All questions of interpretation and enforcement shall be first presented to the Zoning Clerk, and that such questions shall be presented to the Commission only on appeal from the decision of the Zoning Clerk, and that recourse from the decisions of the Commission shall be to the courts as provided by law. The duties of the Sunbury Council in connection with this Ordinance shall not

include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Regulation. Under this Regulation, Sunbury Council shall have only the duties of receiving and approving or disapproving all final plats and final subdivision plans, and in the case of disapproval, shall inform the subdivider in writing of the reasons for disapproval. Council shall also hear all appeals filed from preliminary plat disapproval.

Section 305 Minor Subdivision Approval Procedures (Lot Split)

Whenever any subdivision of land is proposed which meets the conditions described in Section 305.01, before any contract is closed for the sale of any part thereof, and before any permit for the erection of any permanent buildings in such proposed subdivision shall be granted, the subdivider or his agent shall apply for the secure approval or such proposed subdivision in accordance with the following procedures.

Section 305.01 Conditions Requiring Minor Subdivision Approval

Whenever a division of a parcel of land shown as a unit on the preceding tax roll is proposed along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots including the original tract, the said division may be submitted to the Commission for a minor subdivision approval. A subdivision involving more than five (5) lots, including the original tract of record, or the opening, widening or extension of any street or road shall be required to file for subdivision approval under the procedures and requirements for major subdivisions (See Section 306).

Section 305.02 Authority

Section 711.131 of the Ohio Revised Code gives Municipal planning commissions the authority to abbreviate approval procedures for minor subdivisions. The Commission, acting through staff, shall implement the procedures outlined in Section 305.03. The Planning and Zoning Commission hereby delegates to and designates the Village Engineer authority of reviewing minor subdivisions in accordance with the Regulations of this Article. Approval of minor subdivisions must be made by the Planning and Zoning Commission.

Section 305.03 Application and Review Process

A. Sketch Plan and Preliminary Discussions

The subdivider is encouraged to meet with the Village staff and the Commission prior to developing any surveys or legal descriptions effecting a minor subdivision or combination of land in order to discuss the procedures involved and become familiar with any subdivision and zoning regulations pertaining to the property and the proposed action. Preparation of a sketch

plan showing approximations of the existing property lines, existing buildings, existing right-of-ways, proposed property lines, etc. is recommended to facilitate discussions. The sketch plan may be a rough drawing and need not be detailed.

B. Minor Subdivision Plan

Prior to receiving consideration for a minor subdivision, the subdivider should prepare and submit a minor subdivision plan for review by staff and the Commission. The information required includes:

1. A completed application form available from the Village Clerk or Zoning Inspector.
2. A filing fee. (See Village Schedule of Fees available from the Village Clerk or Zoning Inspector.)
3. Twelve (12) copies of a survey drawn by a registered professional surveyor which can be in the form of a subdivision plat incorporating up to five (5) newly created lots or individual survey plats and legal descriptions for separate lots.

C. Plan Review and Approval

Upon receipt of a complete application package, the staff will prepare a technical review of the submitted documents and submit this information to the Commission at the next regularly scheduled meeting. If the Commission is satisfied that the proposed subdivision is not contrary to applicable platting, zoning and subdivision regulations, it will approve the proposed subdivision. If the proposed subdivision does not meet the requirements of these Regulations and applicable zoning regulations, the Commission will not approve of the proposed minor subdivision. The burden shall be upon the subdivider to amend the proposed subdivision to meet all applicable requirements.

The Commission shall approve or disapprove the minor subdivision plan within 60 days from the date of filing of such plan or from the date the subdivider has submitted the list of items of required data, whichever date is later unless such time is extended by mutual consent.

The subdivider may appeal the disapproval of the minor subdivision plan to Council. Such appeal shall be made in writing and filed with the Village Clerk within 30 days after the date the Planning and Zoning Commission issues its disapproval of the minor subdivision plan. For the Council to override the Planning and Zoning Commission, a super majority is required as described in Section S81.11.13 of the Village of Sunbury Zoning Ordinance.

Section 305.04 Minor Subdivision Plan Contents

The plan shall be drawn in ink on durable paper no smaller than 8 1/2" x 11". Scale should be no smaller than 1" = 100'. The plan shall show the following:

1. Name of the owner of the property
2. Name of the owner's agent
3. North arrow
4. Graphic scale
5. Date of the survey application
6. Abutting streets and right-of-ways
7. Existing buildings on the property or abutting the property
8. Existing sewer and water availability

Any of the following optional requirements ^{may} ~~be~~ be required by the Commission on the basis of the characteristics of the subject property.

1. Topographical contours in one (1) foot or two (2) foot intervals.
2. A lot grading and drainage plan, illustrating a plan for the handling of surface and sub-surface drainage, showing proposed finished grade elevations, the type, size, location, and outlet of all drainage improvements, swales, easements, and the proposed ground cover.
3. Spot elevations, when topographical conditions warrant.
4. Minimum ground flood building elevations in conjunction with the required lot grading plan.
5. One hundred (100) year floodway, floodplain and floodway fringe elevations and delineations.
6. Floodproofing plans, per floodplain zoning or appropriate flood insurance requirements.
7. A complete erosion and sediment control plan per Section 605.
8. Screening and buffering provisions.

9. An overall development phasing plan showing future subdivision and resubdivision potentials.
10. A surety for construction of improvements.
11. A subdivider's agreement.
12. Other provisions as seen necessary by the Commission in order to create buildable sites and promote the public's health, safety and welfare.

Section 305.05 Additional Right-of-Way Dedication

When a proposed minor subdivision abuts upon a public road right-of-way, additional right-of-way for road purposes may be required within the area encompassed by the said minor subdivision proposal in order to bring about conformance with the minimum public road rights-of-way requirements as set forth by these Regulations and/or the Sunbury Thoroughfare Plan. Where differences occur between these Regulations and the Sunbury Thoroughfare Plan, the requirement for the greater amount of right-of-way shall apply.

Section 305.06 Deed Restrictions

The Commission may require the use of private deed restrictions to make provisions for the use, maintenance, building requirements or improvements within a proposed minor subdivision. Such restrictions shall be placed upon the deed(s) for the proposed minor subdivision prior to approval.

Section 306 Major Subdivision Approval Procedures

Section 306.01 Conditions Requiring Major Subdivision Approval

1. More than five (5) lots, inclusive, after the tract of record has been completely subdivided, or
2. The opening, widening or extension of a street or streets, or
3. The division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or
4. The division of land as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities, shall be subject to the procedures and requirements set forth by these Regulations for major subdivision approval.

Section 306.02 Sketch Plan

The subdivider is encouraged to submit a sketch plan in order to receive the pre-plat comments of the Village Engineer and the Planning and Zoning Commission which may prove helpful in designing the preliminary plat, final plat and final construction plans. Twelve (12) copies of the sketch plan should be submitted in a simple format sufficient to convey the location of proposed streets, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process.

Section 306.03 Filing of Preliminary Plat

Twelve (12) copies of the preliminary plat are to be submitted for proper review by affected and interested governmental agencies and public and private utility companies shall be filed with the Zoning Clerk and an application completed.

Section 306.04 Filing Fee

The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider to the Village Clerk.

Section 306.05 Contents of Preliminary Plat

The preliminary plat shall contain the information and data as set out in Section 311 of these Regulations.

Section 306.06 Distribution and Review of Preliminary Plat

After the filing of the preliminary plat, the Zoning Clerk shall distribute copies to governmental, board of education, and private agencies, departments and persons as appropriate including the Village Engineer. The agencies, departments and persons receiving copies shall have ten (10) days to review the preliminary plat and to make any report and recommendations to the Planning and Zoning Commission. A lack of response in ten (10) days shall, at the discretion of the Planning and Zoning Commission, signify approval.

Section 306.07 Action by the Planning and Zoning Commission on Preliminary Plat

The Planning and Zoning Commission shall review the preliminary plat and consider the report and recommendations of the agencies, departments and persons to whom the preliminary plat has been submitted for review. The Planning and Zoning Commission may conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.

1. The Planning and Zoning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these Regulations, the Master Plan of the Village, the Zoning Regulations of the Village, and other applicable provisions of the ordinances of the Village.
2. If satisfied, the Planning and Zoning Commission shall approve the preliminary plat and so notify the subdivider in writing.
3. If the Planning and Zoning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:
 - A. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Planning and Zoning Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 - B. The subdivider may reject the suggested modifications, or, within the time allowed for Planning and Zoning Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Planning and Zoning Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.
4. If the Planning and Zoning Commission determines that the preliminary plat does not satisfy the conditions of these Regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within sixty (60) days.
5. In any event, the Planning and Zoning Commission shall approve or disapprove the preliminary plat within sixty (60) days from the date of filing of such plat or from the date the subdivider has submitted the last item of required data, whichever date is later unless such time is extended by mutual consent.
6. The subdivider may appeal the disapproval of the preliminary plat to Council. Such appeal shall be made in writing and filed with the Village Clerk within thirty (30) days after the date the Planning and Zoning Commission issues its disapproval of the preliminary plat. For the Council to override the Planning and Zoning Commission, a super majority is required as described in Section 581.11.13 of the Village of Sunbury Zoning Ordinance.

Section 306.08 Effect of Approval of Preliminary Plat

1. Approval of the preliminary plat shall not constitute approval of the subdivision plat. Rather it shall be deemed an expression of approval of the layout and intent of the preliminary plat including all conditions expressed by the Commission, which should be used as a basis for the preparation of the final subdivision plat.
2. Such approval shall be considered permission to submit the final plat, detailed plans and specifications for the proposed subdivision and for all public improvements to be constructed.
3. Such approval shall be effective for no more than twelve (12) months from the date approval was granted, unless, upon application from the subdivider, the Planning and Zoning Commission grants an extension of time beyond such period. If a final plat has not been filed with the commission within such twelve (12) month period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Planning and Zoning Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmission. Exceptions to these time deadlines can be made for phased development, where final plats are submitted for portions of the preliminary plat.

Section 306.09 Filing of Final Plat

The final plat on such material as may be authorized by these Regulations, shall be filed with the Village Engineer within (12) twelve months after the date that the preliminary plat is approved, accompanied by an application and filing fee for final plat approval. The Zoning Clerk shall transmit the final plat to the Planning and Zoning Commission and to other affected and interested governmental agencies, boards of education, and public and private utility companies as desirable for any further recommendations. The final plat shall contain the information and data as set out in Section 312 of these Regulations.

The required preliminary improvement plans shall be submitted prior to final plat application (see Sections 702 - Street and Drainage Improvements and Section 704.02 - Master Drainage Plan). A letter of approval from the Village Engineer must accompany the final plat application. The Village Engineer shall withhold his signature from the final plat until final improvement plans are approved and sureties are provided for the proposed improvements. The Village shall withhold any signature until final sanitary and/or water supply plans and sureties are approved.

The final plat shall conform to the requirements of these Regulations and shall conform in all essential respects to the approved preliminary plat, excepting minor engineering changes (such as changes in easements) necessary to provide

adequate improvements, utilities and drainage. No other changes will be required by Commission in the final plat stage. These changes must be approved by the appropriate Village agency prior to the Commission's consideration.

Section 306.10 Submission to the Local District of the State Dept. of Transportation

Before any plat is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certificate to local officials by the State Director of Transportation of any land within a radius of five hundred (500) feet from the point of intersection of center line with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director. The Commission shall not approve the plat for one hundred twenty (120) days from the date the notice is received by the Director. If the Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission may refuse to approve the plat, according to provisions of Section 5511.01 of the Ohio Revised Code. At the request of the subdivider, the Commission may give tentative approval and allow the developer to proceed with completion of his plat. However, it shall be clearly understood that the developer proceeds at his own risk and the Department of Transportation proceeds to acquire the land. If the Director notifies the Commission that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of these Regulations, approve the plat.

Section 306.11 Planning and Zoning Commission Action on the Final Plat

The final plat and application, and twelve (12) copies, shall be filed with the Village Clerk, according to the Village's accepted submittal schedule, prior to the Commission meeting at which the subdivider wishes it to be considered. The plat shall not be considered filed unless it is found to be in full compliance with the provisions of these Regulations. It may include only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided such portion conforms with all the requirements of these Regulations.

Within thirty (30) days of receipt of the plat application, the Commission shall make a recommendation regarding the plat. The grounds for recommending disapproval of any plat submitted, including citation of or reference to the rule or regulation violated by the plat, shall be stated upon the record of the Commission. Within sixty (60) days after recommendation of disapproval or approval, the final plat application will be forwarded to the Council for consideration and action by the Council.

On up to two (2) occasions, the subdivider may request that the Commission delay action on the proposed preliminary plat or final plat. Requests for delays shall be made in writing, shall contain the reasons for the request and the length of delay

desired, and shall be signed by the subdivider. The Commission may grant these delays, provided that they do not exceed any other applicable requirements or regulations.

Section 306.12 Approval by Council

Before a final plat is recorded, it shall be submitted to Council for its approval and acceptance of streets and other public ways, service and utility easements, and any land dedicated for public use. Approval of the plat shall be shown over the signature of the Mayor and attested to by the Village Clerk. It shall also be submitted to the Village of Sunbury Council for acceptance of dedications. If Council disapproves the final plat, they shall advise the subdivider in writing of the reasons for such disapproval.

Section 307 Recording of Final Plat

The final plat with all required signatures and in the exact form as approved by Council shall be recorded by the subdivider with the Delaware County Recorder's Office. The subdivider shall pay the recording fee. Approval of the final plat by the Planning and Zoning Commission and Council shall be null and void if the plat is not accepted for recording in the Office of the Recorder or is not recorded within one (1) year after final approval by Council.

The subdivider shall submit construction plans and a surety to the Village Engineer within one (1) year of Commission approval. The subdivider shall record the subdivision plat in the Office of the County Recorder within one (1) year after the date of Village Engineer signature, unless an extension is agreed to by the Commission; otherwise the Commission may recall the plat for its reconsideration. All of the above time periods may be extended in one (1) year periods upon the mutual agreement of the Commission and the subdivider.

Section 308 Phased Subdivision Developments

The foregoing provisions of these Regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:

1. Each phase of the subdivision to be platted shall contain an area of sufficient size based on physical conditions and ability to make the installation of improvements thereon economically feasible.
2. The approval of the Village Engineer as to the feasibility of such development, in separate phases, including the feasibility of the proposed sequence of development, shall be secured.

3. A final plat of at least one phase shall be submitted for approval within twelve (12) months from the date of approval of the preliminary plat, and final plats of all such phases shall be submitted for approval within three (3) years from the date that the preliminary plat was approved. The Village Engineer on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one (1) year.
4. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each phase so submitted.

Section 309 Public Improvements

All street and storm sewer and sanitary sewer plans shall be submitted prior to the Village Engineer's signature on the plat in order that all easements are shown and that an accurate estimate of construction costs may be made based on prevailing wage rates. The subdivider may choose one (1) of two (2) options in providing required improvements to the subdivision: (1) construction of required improvements prior to the signature of the subdivision plat, or (2) submission of a performance bond or other surety prior to the signature of the subdivision plat. (see Section 806.03 and 806.04) No certificate of occupancy for any building within such plat shall be issued until all required improvements have been accepted, unless otherwise allowed by Village Council.

If the subdivider or developer wishes to install the improvements before the subdivision plat is signed by the Village Engineer, he should comply with the requirements of the preliminary plat, together with all conditions expressed by the Commission, and the requirements of the subdivision plat, as set forth in these Regulations. Approval of the required final engineering plans for the improvements is necessary prior to beginning construction. Certification by a registered professional engineer that improvements have been built to plans and specifications which have been filed with and approved by the proper Village office will be required.

If the subdivider elects to secure plat signature prior to the installation of improvements, he shall develop improvement plans consistent with Article VIII of these Regulations and the Regulations of the Village and State agencies involved and submit a surety to the Village Engineer according to the provision of 806.03 and 806.04 of these Regulations.

Section 310 Contents of Sketch Plan

The sketch plan is intended to be a general indicator of the existing property conditions and proposed property layout. The plan may be freehand and in pencil but should be legible. The following should be included in the sketch plan:

- A. A property location map

- B. Locations of existing streets and public rights-of-way
- C. Location of proposed streets and public rights-of-way
- D. Location of existing and proposed lots
- E. Existing buildings, septic facilities and other improvements
- F. Locations of streams, drainage routes and other significant natural features
- G. North arrow
- H. Graphic scale
- I. Name of surveyor or engineer, if any
- J. Name, address and phone number of owner or controlling interest
- K. Existing and proposed zoning
- L. Location of all existing easements and proposed location of building, if known

Section 311 Contents of Preliminary Plat

The preliminary plat shall be drawn to a scale of not smaller than one-hundred (100) feet to the inch, and preferably fifty (50) feet to the inch, except where prior approval for use of a smaller scale is granted by the Commission. If more than two (2) sheets are required, an index sheet must be included.

Section 311.01 General Information

The following general information shall be shown on the preliminary plat:

- A. Proposed name of the subdivision not duplicating or closely approximating the name of any plat previously recorded in the Village of Sunbury or Delaware County.
- B. Date of preparation, north arrow, a legend and scale of drawing.
- C. An identification clearly stating that the map is a preliminary plat.
- D. Location of the subdivision by township, range, and section, or by other legal description or surveys.
- E. Names of adjacent subdivisions or, in the case of unplatted land, the

name of the owner or owners of adjacent property and zoning classification of the tract and on adjacent tracts, if any.

- F. The name and address of the owner, the subdivider, and the name and seal of the registered engineer or surveyor who prepared the plat and the topographic survey.
- G. Boundaries of the subdivision and its approximate acreage.

Section 311.02 Existing and Natural Conditions

The following existing conditions shall be shown on the preliminary plat:

- A. Topographical contours at 1' or 2' intervals based upon sea level datum, as determined by the U.S. Coast and Geodetic Survey. Where land slopes less than approximately two percent (2%), spot elevations must be shown at all changes in direction of the boundary survey and at all breaks in grade, and along all drainage channels or swales at selected points. If the land slopes more than approximately fifteen percent (15%), contours may be shown at five (5) foot intervals.
- B. Sufficient topographical information shall be included within and adjacent to the area proposed to be subdivided in order to allow the reviewing agencies the opportunity to properly review the impact of the off-site conditions related to the proposed subdivision.
- C. The location and elevation of the benchmark(s) used to determine base elevation. If feasible, horizontal positions should be given to subdivision corners in Ohio Plane Coordinates.
- D. The major storm routing path (See Section 603.04).
- E. The 100 year floodplain of any stream identified as having a flood hazard area. (See Section 501)
- F. Wooded areas.
- G. Rivers, streams, watercourses, drainage routes, ponding areas and drainage patterns.

Section 311.03 Existing Physical Features and Boundaries

The following existing physical features and boundaries shall be shown on the preliminary plat:

- A. Approximate locations of existing buildings within one hundred (100) feet of the proposed subdivision.
- B. Existing township and municipal boundary lines within five hundred (500) feet of the proposed subdivision.
- C. Existing streets and railroad rights-of-way within and adjacent to the proposed subdivision.
- D. Existing easements within and adjacent to the proposed subdivision. When utility transmission easements are located in the area of the proposed subdivision, the subdivider shall furnish written evidence of acceptance of the proposed plans by the utility.
- E. Location and illustration of existing storm and sanitary sewers, culverts, drainage tile, water lines, gas lines, CATV, power poles and power lines within and adjacent to the proposed subdivision.

Section 311.04 Proposed Subdivision Data

The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

- A. The location, dimensions and names of all proposed streets and other public rights-of-way.
- B. The locations, dimensions and numbers of all proposed blocks, lots and reserves, and purpose of reserves.
- C. Preliminary locations and anticipated sizes of proposed storm sewers, culverts, outlets, sanitary sewers and water lines showing the connections, when applicable, to areas outside the proposed subdivision.

Section 311.05 Additional Data & Information For Submittal with the Preliminary Plat

The following data and information shall be submitted in separate statements and/or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:

- A. A vicinity map at a scale of one (1) inch equals one thousand (1,000) feet showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.

- B. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and provide for their installation, e.g., petition, actual construction, monetary guarantee, etc.
- C. Any deviations, changes, or modifications between the Development Plan and the Preliminary Plat.
- D. A plan showing the location or potential location of all future collector streets for all land adjacent to or within the tract that is under the same ownership or control so the area being subdivided.
- E. Master Drainage in Accordance with Section 604.
- F. Subdivision Grading Plan in Accordance with Section 805.
- G. Sedimentation and Erosion Control Plan in Accordance with Section 605.

Section 312 Contents of Final Plat

The final plat shall be prepared by a registered professional surveyor and drawn in waterproof black ink on mylar material or its equivalent as may be approved by the Village Engineer.

The permitted page sizes shall be twenty-four (24) inches by thirty-six (36) inches, or smaller. Larger sizes will not be accepted. The scale shall be not less than one hundred (100) feet to one inch except that a variation in scale may be allowed where the Village Engineer determines it is necessary for a proper exhibit of the subdivision. When more than one (1) sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets).

The final plat shall show on the face thereof:

1. The name of the subdivision, owner, subdivider, together with appropriate evidence of ownership of the subdivision.
2. The date, scale, north point, legend and controlling physical features, such as watercourses, highways and railroads.
3. A legal description of the tract boundaries.
 - A. Accurate angular and lineal dimensions for all lines, angles, and

curvatures with functions used to describe all boundaries including perimeter survey of tract, blocks, streets, alleys, easements, areas to be reserved for public use, and other important features. Error of closure of boundary-line surveys shall not exceed one in ten thousand (one foot for each 10,000 feet of perimeter survey).

- B. Lot lines showing dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds.
 - C. True angles and distances to the nearest established street lines and official monuments (not less than three (3)), which shall be accurately described in the plat by location, size, and elevation.
 - D. Municipal, township, county, or section lines, accurately tied to the lines of the subdivision by distances and angles.
5. Accurate location of all monuments which shall be one (1) inch solid iron pins, thirty (30) inches long and a cap signifying the surveyor's name. Solid one (1) inch iron pins shall be set at each corner or angle of the outside boundary. Pipes three-fourths ($3/4$) inch in diameter or steel rods one half ($1/2$) inch in diameter by eighteen (18) inch length shall be placed at corners of each lot and block, at each intersection of street center lines, at angle points and at the ends, and at suitable intervals along curves. All U.S., State, County, City or other official bench-marks, monuments, or triangulation stations in or adjacent to the property, shall be preserved in precise position.
 6. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot line shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
 7. The width of the portion of the streets being dedicated and the width of any existing right-of-way.
 8. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.
 9. Lot numbers beginning with the number one (1), and numbered

consecutively in each block.

- 10. Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- 11. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
- 12. Minimum building setback lines for front, side and rear yards.
- 13. The name of each street shown on the subdivision plat.
- 14. Location and elevation of permanent bench mark, if required.
- 15. The following certificates, which may be combined where appropriate:
 - A. A certificate signed and acknowledged by all parties having any record right, title, or interest in the land subdivided; consenting to the preparation and recording of the said subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public grounds. This certificate may be in the following form:

OWNER'S CERTIFICATION AND DEDICATION

STATE OF OHIO)
) SS.
 COUNTY OF)

This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; (an addition to the Village of Sunbury, Delaware County, Ohio); that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and covenants now on file or hereafter filed in the Office of the Recorder, Delaware County, Ohio.

Date Signed: _____

Date Signed: _____

(Owner's Signature)

(Owner's Signature)

B. The acknowledgment of a notary in the following form:

NOTARY CERTIFICATE

STATE OF OHIO)
) SS.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____
____, 1996.

(Notary Public)

My Commission Expires:

C. A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final plat. The engineer or surveyor shall not sign the plat until he has or has had all monuments, irons, or bench marks set as required by these regulations. Said signature shall be accompanied by the engineer's or surveyor's seal and shall state the month and year such survey was made. This certificate may be in the following form:

SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed professional (engineer and/or surveyor) of the State of Ohio, do hereby certify that the following described tract of land was surveyed on _____
_____, 19____, and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Description and acreage.)

Date Signed: _____

(SEAL)

(Engineer's and/or Surveyor's Name
and License Number)

- E. A certificate in the following form stating that all taxes and special assessments due and payable under the respective jurisdiction of the Village Clerk have been satisfied:

VILLAGE CLERK CERTIFICATE

STATE OF OHIO)
) SS.
COUNTY OF)

I, the undersigned Village Clerk of the Village of Sunbury, County of Delaware, Ohio, within my respective jurisdiction, do hereby certify that at the date of this Certificate, all currently due and owing taxes and special assessments of any kind assessed against any of the land included in this plat, have been paid.

Signed: _____

Clerk, Village of Sunbury, Ohio

ARTICLE IV

Subdivision Design Standards

Section 400 Scope.

All subdivision of land subject to these Regulations shall conform to the design standards of this Article according to the classifications of streets as described in this Article.

Section 401 Street Layout and Design

Section 401.01 Compliance with Comprehensive Plan

The arrangement, character, extent, width, grade and location of all streets shall conform to any applicable Comprehensive Plan, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to the runoff of storm water, to public convenience and safety, and in their appropriate relations to the proposed uses of the land to be served by such streets.

Section 401.02 General Street Design Criteria

- A. Where such is not shown on a comprehensive plan, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the Planning and Zoning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
- B. Local streets shall be laid out so that their use by through traffic will be discouraged.

Section 401.03 Access and Right-of-Way Requirements

- A. All lots located in any subdivision shall be served directly by a public street except that private streets may be permitted as a part of a Planned Unit Development.

- B. If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning and Zoning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line and screening, deep lots with 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. If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning and Zoning Commission 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 and future grade separations.
- D. When a subdivision abuts a public right-of-way which is shown on the Municipal Thoroughfare Plan and additional right-of-way for the street exceeding the existing right-of-way is required, the subdivider shall dedicate to the Village the additional right-of-way in accordance with the Thoroughfare Plan. For a subdivision fronting along an existing road not designated on the Municipal Thoroughfare Plan, provisions shall be made to dedicate the necessary right-of-way as determined by the Village Engineer for future traffic, utilities and drainage in accordance with the right-of-way requirements established by these Regulations.
- E. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the Governing Body under acceptable conditions.
- F. The creation of lots which would have direct access from a major arterial as identified in the Municipal Thoroughfare Plan or as identified by the criteria in these Regulations shall be discouraged.

Section 401.04 Street Right-of-Way Criteria

Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of (2) two feet, even numbers only. The components involved shall be:

- A. Moving or traffic lanes may be variable from nine (9) to twelve (12) feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction, however, for purposes of determining rights-of-way it shall be computed without curb areas.

- B. Parking lanes for on-street storage of vehicles shall be at least eight (8) feet in width. For computation purposes, up to two (2) feet for curb or shoulder may be included as part of the parking lane.
- C. Curbs shall be two (2) feet in width irrespective of construction type.
- D. Shoulders for rural roadways shall not be less than three (3) feet in width.
- E. Tree lawn areas between the back of curb and right-of-ways (sometimes referred to as the "parking") shall be a minimum of eleven (11) feet in width from the back of curb or property line. This area shall be used for installation of utilities, street lighting, traffic control devices, fire hydrants, sidewalks, and to provide a transition area in grades (if necessary) between the roadway and the property adjacent to the right-of-way. Border areas for rural right-of-ways shall be variable in width based on drainage needs.

Section 401.05 Street and Intersection Design Standards

- A. Based on the above general criteria, street right-of-way and roadways shall be as follows:

Street Design Standards

| <u>Street Classification</u> | <u>Minimum Right-of-Way</u> | <u>Minimum Rad. of Curvature</u> | <u>Maximum* Grade</u> | <u>Minimum* Grade</u> |
|------------------------------|-----------------------------|----------------------------------|-----------------------|-----------------------|
| Major Arterial | 100 ft. | 1250 ft. | 4% | 0.5% |
| Minor Arterial | 80 ft. | 1150 ft. | 5% | 0.5% |
| Collector | 60 ft. | 400 ft. | 6% | 0.5% |
| Local w/o Curb** | 60 ft. | 175 ft. | 8% | 0.5% |
| Local w/Curb | 50 ft. | 175 ft. | 8% | 0.5% |
| Frontage Road | 50 ft. | 175 ft. | 8% | 0.5% |
| Cul-de-sac and Loop | 50 ft. | 100 ft. | 8% | 0.5% |

* Maximum and minimum grade requirements may be waived by the Village Engineer for special conditions.

** Open ditch road cross sections with no curbs shall only be allowed in industrial subdivisions.

Collector Street Standards

| <u>Design Element</u> | <u>Dimensions (Feet)</u> |
|--|--------------------------|
| Right-of-Way Width | 60 |
| Pavement Width | 36 |
| Sidewalk Width | 5 |
| Minimum Stopping Sight Distance | 200 |
| Maximum Grade | 6% |
| Minimum Intersection Spacing on an Arterial Street | 1320 |
| Minimum Centerline Radius | 400 |
| Horizontal Sight Distance on Curves | 300 |

Local and Cul-de-sac Street Standards

| <u>Design Element</u> | <u>Dimensions (Feet)</u> |
|---|--------------------------|
| Right-of-Way w/Curb | 50 |
| Right-of-Way w/o Curb** | 60 |
| Pavement Width (BC to BC/Parking one-side) | 28 |
| Pavement Width (BC to BC/Parking two-sides) | 36 |
| Pavement Width (No curb)** | 24 |
| Sidewalk Width | 4 |
| Maximum Stopping Sight Distance | 150 |
| Maximum Grade | 8% |
| Maximum Cul-de-sac Length | 600 |
| Minimum Cul-de-sac Radius (ROW) | 60 |
| Minimum Cul-de-sac Radius (Pavement) | 45 |
| Minimum Cul-de-sac Radius (ROW w/Island) | 70 |
| Minimum Cul-de-sac Radius (Pavement w/Island) | 54 |
| Horizontal Sight Distance on Curves | 200 |

Intersection Design Standards

| <u>Design Element</u> | <u>Dimensions</u> |
|--|-----------------------|
| Maximum Approach Speed | 25 mph |
| Clear Sight Distance Along Each Approach Leg | 100 ft. |
| Profile Grade Approach To Intersection | 3% (max) |
| Minimum Angle of Intersection | 80 degrees |
| Streets shall remain at the angle of intersection for at least 100 feet beyond the point of intersection | |
| Minimum Radius for Intersection Corners w/Curbs | 20 ft. (face to face) |
| Minimum Radius for Intersection Corners w/o Curbs** | 30 ft. (edge to edge) |
| Minimum Centerline Offset of Adjacent Intersections | |
| Local - Local | 150 ft. |
| Local - Collector | 200 ft. |
| Local - Arterial | 300 ft. |
| Collector - Collector | 300 ft. |
| Collector - Arterial | 1320 ft. |

** Open ditch road cross sections with no curbs shall only be allowed in industrial subdivisions.

- B. All pavement materials and construction shall conform to the latest edition of the City of Columbus Construction and Materials Specifications, unless the Village Engineer determines that additional requirements are needed for a particular project. Minimum pavement composition and thickness shall be per city of Columbus or other approved standards or per design by qualified geotechnical engineer, as determined by the Village Engineer and approved by the Village Planning and Zoning Commission.
- C. Wherever possible, there shall be an inside tangent at least 100 feet in length introduced between reverse curves on arterial and collector streets.

- D. Street jogs are to be avoided on arterial and collector streets. On local streets with a right-of-way of 60 feet or less, center line offsets of less than 150 feet should be avoided.
- E. Standard curb and gutter street sections shall be required in all subdivisions having a density of two (2) or more dwelling units per acre. In no case will mountable curbs be allowed.

Section 401.06 Provision for Future Subdivisions

Where the plat submitted includes only part of the tract owned or intended for development by the subdivider, a plan showing the future street system and general lot layout for the unsubdivided portion shall be prepared and submitted by the developer as a Preliminary Plat (See Section 306).

Section 401.07 Special Street Types

- A. Permanent closed end streets without an approved cul-de-sac or other approved permanent turn-around facility shall not be permitted. Temporary street stubs shall be permitted only as part of an approved continuing street plan, and only if a temporary T-turnaround is provided in accordance with these Regulations.
- B. Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted and constructed according to the provisions of these Regulations.
- C. Alleys or service roads will not be approved in residential subdivisions unless specifically included in a planned development zoning. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access.

Section 401.08 Street Names

The names of proposed streets in the subdivision shall not duplicate or closely resemble the names of existing streets in the municipality. New streets which are extensions of or in alignment with existing streets shall bear the name of the existing streets. Confirm at the earliest date possible the use of proposed street names with the Commission. All new streets shall be named in the following manner:

| <u>Direction</u> | <u>Over 1,000 Feet Long</u> | <u>Less Than 1,000 Feet Long</u> |
|------------------|-----------------------------|--------------------------------------|
| North/South | Street | Place |
| East/West | Avenue | Court |
| Diagonal | Road | Way |
| Curving | Drive | Circle |

Section 402 Alleys and Pedestrian Ways

Section 402.01 Alley Design Requirements

- A. Alleys shall be permitted in commercial and industrial areas to provide for off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are not allowed.
- B. When provided, the minimum width of an alley shall be twenty-two (22) feet for commercial or industrial areas.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
- D. Closed-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the closed-end.

Section 402.02 Pedestrian Ways and Sidewalks

- A. Pedestrian ways shall be at least ten (10) feet wide and a four (4) foot high chain link fence with top rail, or a solid shrub hedge at least four feet high shall be installed at the side boundary lines to within twelve (12) feet of the street or alley. A sidewalk shall be required along the length of such right-of-way.
- B. Sidewalks shall be required in residential subdivisions where the predominate lot width is under one hundred (100) feet or less. Sidewalks shall be required on both sides of each street when the average lot width is one hundred (100) feet or less. Public sidewalks shall be required for commercial subdivisions and may be required for industrial subdivisions, subject to approval of the Commission.

Section 403 Blocks

Section 403.01 Block Configurations

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable for the special needs of the type of use contemplated.
 2. Zoning requirements as to lot sizes and dimensions, off-street parking and loading, etc.
 3. Need for convenient access, circulation, control and safety of street traffic.
 4. Limitations and opportunities of topography.
- B. All blocks shall be so designed so as to provide two (2) tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these Regulations.
- C. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and Comprehensive Plan requirements.
- D. For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to Hillside Regulations, Section 504.

Section 403.02 Block Lengths

The maximum lengths of blocks containing lots averaging in excess of eighty (80) feet in width shall be one thousand eight hundred (1,800) lineal feet, and the maximum length of blocks containing lots of less than eighty (80) feet average width shall be one thousand two hundred (1,200) lineal feet. No block shall be less than nine hundred (900) feet unless approved by the Planning and Zoning Commission. In extra long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks.

Section 404 Lots

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision,

topography and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of any applicable zoning regulations. All lots shall be numbered consecutively within a block.

2. Each lot shall front on a public thoroughfare unless otherwise allowed by the Commission. For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to Hillside Regulations, Section 504.
3. No lot shall have an average depth which is more than three and one half (3 1/2) times its average width unless otherwise allowed by the Commission.
4. The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these Regulations or of any zoning regulations applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning regulations.
5. There shall be no double frontage lots for individual dwellings (e.g., single and two-family units), except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
6. Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets or to overcome specific disadvantages of topography and orientation.
7. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
8. Side lot lines shall be at right angles or radial to the street line, except where the Commission determines that a variation to this rule would provide a better layout. The Commission may grant variations to this specific rule independent of normal subdivision variance procedures.

Section 405 Easements

Section 405.01 Utility Easements

Utility easements shall be provided where necessary, and centered on rear or side lot lines and shall be at least twenty (20) feet wide along rear lot lines and ten (10) feet wide along side lot lines where necessary for sanitary sewers, storm sewers,

water lines, gas mains, electric lines, telephone and telecommunications facilities. Side lot easements, when needed for other than street lighting purposes such as drainage may exceed ten (10) feet in width.

Section 405.02 Drainage Easements

If a subdivision is traversed by a water-course, drainage way, channel or street, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. Drainage easements will be vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water.

Section 405.03 Utilities Placement

All proposed utilities within the boundaries of the subdivision shall be placed underground unless otherwise allowed by the Council.

Section 405.04 High Pressure Gas Easements

Wherever a lot or group of lots side or back on to an existing high pressure oil or gas line, a building setback easement shall be established on each side of such line to the minimum safe standards as provided by the applicable oil or gas company to the subdivider or to such standards as may be adopted by the City, State or Federal governments, whichever is more restrictive. The easement shall be provided on that part of the lot which abuts the oil or gas line and no principal buildings or structures shall be located or constructed with such easement.

ARTICLE V

Land Suitability and Open Space

Section 500 General Scope

Land which the Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, geologic conditions, soil conditions, water quality or quantity, utility easements, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by the Commission, upon the recommendations of the pertinent technical agency or agencies.

Section 501 Floodplain

Section 501.01 Flood Maps and Data

One or more of the following sources shall be used to determine if floodplain areas exist on or near the subject property. The most restrictive shall apply.

- A. Local Floodplain Zoning Maps
- B. The United States Department of Housing and Urban Development (HUD) Flood Hazard Maps
- C. The United States Army Corps of Engineers, Floodplain Elevation Data

Section 502.02 Floodplain Requirements

- A. No land subject to a flood having a chance occurrence in any one (1) year of one percent (1%), including, but not limited to, areas identified by the Federal Flood Insurance Administrator as having special flood hazards, shall be subdivided for residential use or any other use which would be incompatible with such flooding except as provided for in Sections 502.02-B and C below.
- B. If improvements or structures meeting the standards and requirements of the Village Engineer are designed so as to render such land safe for residential or other intended occupancy and are made on land which is subject to periodic floods or which has inadequate drainage, then and only in that

event, the provisions of paragraph (A) above shall not bar the approval of such subdivision improvements or structures meeting such standards, when applied to a flood as defined above in Section 501.01, shall not unduly restrict or block the conveyance of floodwater on a floodplain when coupled with an assumed equal conveyance reduction on the opposite side of the floodplain, or results in an increase in height of the floodwaters of more than one foot, and such standards shall require residential structures to have the lowest point of significant water entry at least one (1) foot above such flood level or non-residential structures to be elevated or flood-proofed to at least one (1) foot above such flood level. Engineering information shall be based on the most recent Flood Hazard Map(s) of the Village of Sunbury prepared by the Corps of Engineers.

- C. New or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. It is also required that on-site waste disposal systems shall be located so as to avoid their impairment or contamination during flooding.
- D. The subdivider shall make all provisions necessary to assure that all natural watercourses and drainageways, wet streams, dry streams, creeks, ditches or swales, continue to function in their natural manner. Whenever changes are contemplated for any of the above watercourses, plans for such changes shall be submitted to and approved by the Village Engineer.

Section 503 Forested Areas

When forested or wooded areas are developed, special considerations and provisions should be made in order to maximize the economic and aesthetic value of the trees and avoid creating maintenance liabilities for future homeowners. Trees which have grown in a forested or wooded environment, especially large mature trees, are often highly susceptible to stress factors such as soil compaction, changes in grade elevation, windthrow and sunburn. These stress factors are generally created by development activities but can be minimized with proper construction and urban forestry management techniques.

Section 504 Hillside Regulations

Section 504.01 Cuts and Fills

No land should be graded, cut, or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two and one half (2 1/2) feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank, or other acceptable control measures are provided.

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

Section 504.02 Compaction of Fill

All fill shall be compacted to a density of ninety-five percent (95%) or greater, as determined by the Village Engineer and as specified by applicable construction and Material Specifications.

Section 504.03 Retaining Walls

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

Section 504.04 Driveways

The maximum grade on driveways shall not exceed fourteen percent (14%).

Section 505 Land for Open Space and Public Facility Sites

The following conditions may be required as part of the approval of any subdivision plat:

- A. That the subdivider dedicate or provide appropriate easements for the preservation of such open space areas within a subdivision as may be needed to preserve areas containing natural watercourses, drainageways, areas subject to periodic flooding, substantial woodland, rugged topography, and wildlife habitat; to maintain water quality and quantity; and to protect land from soil erosion. As a general guideline, such land is not normally considered as buildable land and should not in any case be intensively developed in order to maintain the quality of the environment. When such land is dedicated to public use, its use should be limited to passive recreational activities and hiking and bicycle trails, if deemed suitable.
- B. Public agencies using an applicable Comprehensive Plan as a guide may use the following procedure for acquiring sites for open space and public facilities which does not preclude voluntary dedication and mutual negotiations for land or the use of the condemnation laws of the state.

C. Consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds, school sites, parks and other outdoor recreational facilities as indicated on the adopted Sunbury Comprehensive Plan in which the land is located, and to be made available by one (1) of the following methods:

1. Dedication to public use.
2. Reservation of land for the use of property owners by deed or covenants.
3. Reservation for acquisition by a public agency within a period of three (3) years. Said reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event no public agency proceeds with the purchase.

ARTICLE VI

Storm Drainage and Detention Standards

Section 600 Stormwater Drainage Policy

In order to protect, maintain, and enhance both the immediate and the long-term health, safety, and general welfare of the citizens of Sunbury, it is the intent of the Village to accomplish the following objectives:

- A. Prevent loss of life and loss of property due to flooding;
- B. Protect, restore, and maintain the chemical, physical, and biological quality of ground and surface waters;
- C. Encourage productive and enjoyable harmony between humanity and nature;
- D. Prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources;
- E. Encourage the protection of natural systems and the use of those natural systems in ways which do not impair their beneficial functioning;
- F. Minimize the transport of sediments and pollutants to surface water and groundwater;
- G. Protect and maintain the habitat of fish and wildlife;
- H. Help perpetuate natural groundwater recharge;
- I. Encourage the use of natural drainage systems; and
- J. Ensure the attainment of these objectives by requiring approval and implementation of stormwater management plans for all activities which may have an adverse impact upon groundwater and surface water.

Section 601 Required Approvals

Section 601.01 Approval of Village Engineer

The requirements of the Stormwater Regulations shall be implemented, and shall be satisfied completely, prior to final project approval by the Village Engineer. No person shall conduct any development activity, or subdivide or make any change in the use of land, or construct any stormwater management system or structure, or change the size of an existing structure or system without express permission of the Village Engineer and the Village Planning and Zoning Commission.

Section 601.01 Approval of Applicable Agencies

Any construction plans, specifications, or other documents approved by the Village shall be constructed in accordance with all applicable state or federal permit requirements of the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), U. S. Army Corps of Engineers, Ohio Department of Transportation (ODOT) and/or any other applicable agencies. No construction activity shall commence prior to obtaining applicable permits from these agencies.

Section 602 General Requirements

- A. A stormwater management system shall be designed and installed for the development that will contain features to provide for flood protection, erosion control, and runoff pollution abatement. The intent of these requirements is to encourage environmentally sound stormwater management practices; and should go beyond providing drainage facilities. Developments that do not implement an adequate stormwater management system in order to maximize the number of lots will not be allowed. The Village's stormwater management perspective includes the management of both water quantity and water quality. Stormwater management design shall blend into the natural environment and be aesthetically integrated into site design.
- B. All development activity within a Special Flood Hazard Area designated by the Federal Emergency Management Agency (FEMA) shall comply with applicable requirements. All development shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- C. The stormwater management systems shall not create an adverse impact on stormwater quantity or quality in either upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the

development. No stormwater management plan shall be approved until it is demonstrated that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.

- D. Natural wetlands shall not be used for stormwater management or stormwater runoff quality treatment.
- E. All proposed stormwater management systems shall be designed to prevent the pollution of groundwater resources by stormwater, promote safety, minimize health hazards, preserve natural features, and provide for recharge where appropriate. Neither submission of a plan under the provision herein nor compliance with the provisions of these Regulations shall relieve any person from responsibility for damage to any person or property otherwise imposed by law.
- F. Where deemed necessary by the Village Engineer, the Subdivider shall construct storm drains to handle on-site runoff, provide on-site drainage easements; provide off-site drainage easements; and provide for the conveyance of off-site runoff to an acceptable outlet in the same watershed. The on-site drainage easements may not encroach on any other site requirements.

Section 603 Stormwater Design Standards

Section 603.01 General

The ODOT Drainage Design Manual and any subsequent revisions thereto shall be used for the design of storm sewers, culverts, open channels, and permanent and temporary erosion and sedimentation control. The latest edition of "*The Water Environment Federation Manual of Practice*", No. 23 and "*American Society of Civil Engineers Manual and Report on Engineering Practice*", No. 87 shall be used for the design of stormwater runoff quality control features of site development. The Village Engineer shall recommend to Village Council for adoption any modifications to the design standards of these documents.

Section 603.02 Hydraulic Design Criteria.

- A. If USEPA Stormwater Management Model (SWMM) methodology is used, the duration of the storm shall be twenty-four (24) hours and the rainfall time increment shall be six (6) minutes. If Rational Formula, United States Department of Agriculture Soil Conservation Service (SCS) TR-55 or TR-20, or HEC-1 methodology are used, rainfall intensities are to be obtained from the "*Rainfall Frequency Atlas of the Midwest*", 1992 and any subsequent updates thereto.

- B. The design frequency for major drainage systems may be increased if deemed necessary by the Village to protect upstream or downstream properties or to comply with other regulations.
- C. Rainfall volumes shall be in accordance with data for Central Ohio provided in the "*Rainfall Frequency Atlas of the Midwest*", 1992, and any subsequent updates thereto.
- D. Rainfall distribution for stormwater management systems is to be in accordance with SCS Type II Rainfall Distribution.

Section 603.03 Detention/Retention Facilities

A detention/retention facility shall be installed on all development projects, unless the Subdivider demonstrates that the project will not increase the peak rate of runoff, or frequency of the runoff hydrograph of the site that existed prior to development. Detention/retention facilities shall be designed in the following manner:

- A. **Critical Storm Controls.** Determine the total volume of runoff from a one (1) year, twenty-four (24) hour storm, occurring over the developed area before and after development.
- B. Determine the percent of increase in runoff volume due to development and using this percentage, select the critical storm from table 603-01.
- C. The peak rate of runoff from the critical storm occurring over the developed area shall not exceed the peak rate of runoff from a one (1) year, twenty-four (24) hour storm occurring over the same area prior to development, as defined in the Stormwater Master Plan. Storms of less frequent occurrence (longer return period) than the critical storm, shall have the peak rate of runoff less than the peak rate of runoff for the same storm under pre-development conditions.

| TABLE 603-01 CRITICAL STORM DETERMINATION | | |
|--|------------------|---|
| If the Percent of Increase in Runoff Volume is | | The Critical Storm Runoff Rate Will Be Limited to: |
| Equal to or Greater than | And less than | |
| -- | 10 | 1 year |
| 10 | 20 | 2 year |
| 20 | 50 | 5 year |
| 50 | 100 | 10 year |
| 100 | 250 | 25 year |
| 250 | 500 | 50 year |
| 500 | -- | 100 year |

- D. Stormwater detention and retention ponds which are considered by Ohio Department of Natural Resources (ODNR) to be dam structures shall be designed to safely pass the maximum probable precipitation storm or flood event as defined by ODNR. Where fill berms are proposed, calculations supporting the stability of the fill berms are to be submitted by a geotechnical engineer.
- E. If the site has multiple drainage basins, the drainage basin divides that exist prior to development shall be used to determine pre-development rates of discharge for each drainage basin of the site.
- F. Areas adjacent to open channels and ponds shall be graded to restrict the entrance of stormwater except at planned locations. Where retention/detention areas are located on the project periphery, the development may be required to provide additional landscaping or screening to adequately protect abutting properties.

- G. The minimum requirement for maintenance berms is as follows:

| PONDS | MINIMUM MAINTENANCE ACCESSWAY REQUIRED |
|------------------------|---|
| With fencing perimeter | 20 feet all around |
| Without fencing | 15 feet all around |

- H. Headwalls shall be required at all storm sewer inlets or outlets to and from stormwater management facilities.

Section 603.04 Storm Sewers

- A. Storm sewers shall be designed such that they do not surcharge from runoff caused by the two (2) year, twenty-four (24) hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a five (5) year, twenty-four (24) hour storm. The system shall be designed to handle the flows from the contributory area within the proposed development.
- B. The minimum inside diameter of pipe to be used in public storm sewer systems is twelve (12) inches. Smaller pipe sizes may be used in private systems, subject to the approval of the Village Engineer.
- C. All storm sewers shall be designed and constructed to produce a minimum velocity of three (3) feet per second (fps) when flowing full. All storm sewer outlets shall have sufficient energy dissipaters and erosion protection. No storm sewer system or portion thereof shall be designed to produce velocities in excess of ten (10) fps.
- D. The following maximum lengths of pipe shall be used when spacing access structures of any type:

| PIPE SIZE | MAXIMUM STRUCTURE SPACING |
|----------------------|------------------------------|
| 18 inches | 300 feet |
| 24 to 36 inches | 400 feet |
| 42 inches and larger | 500 feet |

- E. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or waterbody. The tailwater elevation used shall be based on the design storm frequency.

- F. The hydraulic grade line for the storm sewer system shall be computed with consideration for the design tailwater on the system and the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.
- G. The minimum cover for storm sewers within the right-of-way shall be one (1) foot measured from the top outside of pipe to the bottom of underdrain at the back of curb. Should underdrains not be required, the minimum cover shall be one (1) foot measured from the top outside of pipe to the top of subgrade at the back of curb. Outside street right-of-way, a minimum eighteen (18) inches of cover shall be provided measured from the top of finished ground surface to the top outside of pipe.
- H. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize turbulence.
- I. Storm inlets or catch basin grates shall be of a type to permit safe crossing by bicycles as approved by the Village Engineer. For the purpose of public safety and welfare, any storm sewer outlet greater than eighteen (18) inches in diameter accessible from stormwater management facilities or watercourses shall be provided with safety grates, as approved by the Village Engineer.
- J. The maximum spacing of curb inlets shall not exceed three hundred (300) feet, or that spacing which shall permit a maximum permissible spread according to ODOT Drainage Design Manual. Spread calculations shall be provided with all storm drainage calculations.
- K. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.

Section 603.05 Culverts and Bridges

- A. Roadway stream crossings other than bridges shall be designed to convey the stream's flow for the one hundred (100) year, twenty-four (24) hour storm such that the flow does not encroach upon the roadway pavement. If the top of the end wall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.
- B. The minimum inside diameter of pipes to be used for culvert installations under roadways shall be twelve (12) inches. The minimum inside diameter of pipes to be used for driveway crossings shall be twelve (12) inches.

- C. The maximum slope allowable shall be a slope that produces a ten (10) fps velocity within the culvert barrel.
- D. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.
- E. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or waterbody. The tailwater elevation used shall be based on the design storm frequency.
- F. The culvert design procedure recommended for use is Hydraulic Design Series No. 5 of the Federal Highway Administration.
- G. Headwalls shall be required at all culvert inlets or outlets.
- H. The minimum cover for culverts within the right-of-way shall be one (1) foot measured from the top outside of pipe to the bottom of underdrain at the back of curb. Should underdrains not be required, the minimum cover shall be one (1) foot measured from the top outside of pipe to the top of subgrade at the back of curb. Outside street right-of-way, a minimum of two (2) feet of cover shall be provided measured from the top of finished ground surface to the top outside of pipe. The structural design of culverts and bridges shall be the same as that required by the Ohio Department of Transportation.
- I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the one hundred (100) year, twenty-four (24) hour storm, or the one hundred (100) year flood elevation as determined by FEMA, whichever is more restrictive.

Section 603.06 Open Channels

- A. Whenever possible, drainage shall be maintained by an open channel with landscaped banks designed to carry the ten (10) year, twenty-four (24) hour stormwater runoff from upstream contributory areas. The Village Engineer may increase the design storm as conditions require. All open channels shall be designed with one (1) foot of freeboard above the design water surface elevation of the open channel flowing full.
- B. Flood relief channels shall be designed to convey the runoff from the one hundred (100) year, twenty-four (24) hour storm, such that a positive discharge of this runoff to an adequate receiving stream or conveyance system results without allowing this runoff to encroach into proposed or existing residential dwellings or places of business.

- C. Roadside ditches along existing roadways may be required by the Village to be enclosed if ODOT standards for safety and maintenance cannot be satisfied.

Section 603.07 Erosion and Sedimentation Control

- A. All development activity greater than two (2) acres shall be provided with erosion and sedimentation control devices during all phases of construction. Development activity less than or equal to two (2) acres may be required to have erosion and sedimentation control provided during all construction phases if determined to be necessary by the Village Engineer.
- B. No development construction activity such as grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed to the satisfaction of the Village Engineer.
- C. Stormwater discharges during the two (2) year design storm shall be released to natural channels at a non-erosive velocity of less than three (3) feet per second unless the channel is stabilized or otherwise able to withstand higher velocities, as determined by the Village Engineer.

Section 604 Dedication of Easements And Rights-Of-Way

- A. Drainage easements or rights-of-ways, as specified in the Stormwater Design Standards (Section 603), shall be conveyed by the applicant at no expense to the Village for the stormwater facilities within the development.
- B. When a proposed drainage system will carry water across private land outside the development, the offsite drainage easements as specified in the Stormwater Design Standards shall be secured by the owner or Subdivider.
- C. When a development is split by a watercourse or open channel, the Subdivider shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as specified in these Regulations
- D. Easements and rights-of-ways shall include suitable access as specified herein for maintenance equipment from public rights-of-ways.
- E. All drainage easements, both onsite and offsite, shall be recorded on a final plat or a separate recorded document approved by the Village.
- F. Outfall ditches, channels, and detention/retention facilities shall have sufficient rights-of-way and/or easements for the facility plus an unobstructed maintenance accessway on one or both sides. Said rights-of-way and/or

easements shall be contiguous to public right-of-way or easement and shall allow for suitable access by maintenance equipment. Where the right-of-way and/or easement is provided for access only, the minimum width shall be as follows:

| DITCH OR CHANNEL TOP WIDTH | MINIMUM MAINTENANCE ACCESSWAY REQUIRED |
|-------------------------------|--|
| Less than 16 feet | 20 feet one side |
| 16 feet to 32 feet | 20 feet both sides |
| 32 feet to 55 feet | 20 feet one side and 30 feet on the opposite side |
| Over 55 feet | 30 feet both sides |

- G. Maintenance accessway shall be sloped no steeper than one-fourth (1/4) inch per foot. Ponds shall have a sufficient right-of-way/easement to allow for installation plus an unobstructed maintenance accessways all around the perimeter of the pond.
- H. A twenty (20) foot easement centered on a storm sewer shall be conveyed to the Village when the storm sewer is not located within dedicated rights-of-way. Easements shall be contiguous to public rights-of-way and shall allow for suitable access by maintenance equipment.
- I. Overland flood routing paths shall be used to convey stormwater runoff from the one hundred (100) year, twenty-four (24) hour storm event to an adequate receiving water body, stormwater system or stormwater detention basin such that the runoff is contained within the easement for the flood routing path and does not cause flooding of residential or commercial buildings or related structures. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

Section 605 Stormwater Management Plan

A stormwater management plan shall be prepared by the Subdivider for each proposed development activity and approved by the Village Engineer if the plan demonstrates that the proposed development activity has been planned and designed, and shall be implemented and maintained to meet the performance criteria described herein. Supporting calculations for each design storm specified in this Article shall be submitted and will contain, as a minimum, a runoff hydrograph for the undeveloped and developed site, stage-storage calculations for the detention facility, stage-discharge calculations for the outlet structure, and a runoff hydrograph after routing through the proposed detention facility. All routing calculations shall account for tailwater conditions of the receiving facility, and shall be submitted to the Village.

Section 605.01 Stormwater Management Plan Requirements

- A. Stormwater Management Map. The Project Engineer shall include in the construction plans a master stormwater management map showing all existing and proposed features, including trees. The map is to be prepared on a twenty-four (24) inch by thirty-six (36) inch sheet on a scale not to exceed 1"= 400'. Listed below are the features that are to be included on the map.
1. Hydrologic boundaries, including all areas flowing to the proposed project.
 2. Project boundaries and area calculations.
 3. Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. (one (1) foot contour intervals within the project's boundaries and for proposed offsite improvements)
 4. High water data or critical flood elevations on existing structures upstream of, within, and downstream of the project.
 5. Notes indicating sources of high water data and critical flood elevations.
 6. Notes pertaining to existing standing water, areas of heavy seepage, springs, wetlands, streams, and hydrologically sensitive areas.
 7. Existing stormwater management features (ditches, pipes, roadways, ponds, and BMPs). Existing stormwater management features are to be shown a minimum of one thousand (1,000) feet downstream of the proposed development unless the ultimate outfall systems is a lesser distance.
 8. Subdivision layouts with horizontal and vertical controls.
 9. Proposed and existing stormwater management features, including locations of inlets, swales, pipes, detention/retention facilities, BMPs, ponding areas, and all works.
 10. Delineation and area of pre-development and post-development sub-basins.
 11. Delineate retention/detention facilities and ingress/egress areas for facilities maintenance.

12. General type of soils by sub-basin and location of soil borings.
 13. One hundred (100) year flood elevations for any areas in or within one hundred (100) feet of the property. The source of these elevations shall also be shown on the plans.
 14. Description of current ground cover, land use, and imperviousness by sub-basin.
- B. Stormwater calculations, sealed by a Professional Engineer for all stormwater improvements, including design high water elevations for all applicable storm events shall include the following:
1. Pre-and post-development stormwater flows and stages for the site and retention/detention ponds for all design storm frequencies pertinent to the project based upon the requirements of the Stormwater Regulations, including, but not limited to, the following:
 - (a) Pre-development hydrograph, post-development runoff hydrograph to the stormwater pond, and the routed post-development hydrograph discharged from the stormwater pond.
 - (b) Pre-development and post-development runoff volumes.
 - (c) Stage-area-storage calculations for the stormwater pond.
 - (d) Stage-discharge calculations for the outfall control structure, including tailwater assumptions.
 - (e) Stormwater quality control BMP volumes and recovery calculations, if applicable.
 - (f) Soil storage or curve number calculations per sub-basin, including impervious calculations.
 - (g) Time of concentration calculations per sub-basin.
 - (h) One hundred (100) year floodplain compensating calculations, if applicable.
 2. Storm sewer, culvert, open channel and BMP tabulations, including, but not limited to, the following:
 - (a) Location and type of structures.

- (b) Length of facility and dimensions, including diameter, height, and/or width for pipes.
 - (c) Cross-sections for open channels.
 - (d) Sub-basin areas tributary to each structure.
 - (e) Runoff coefficient or curve number per sub-basin.
 - (f) Time of concentration to the inlet of each structure.
 - (g) Each stormwater flow to and from the stormwater structure or junction point.
 - (h) Hydraulic gradient for the applicable storm event, including losses through structures with friction and local loss coefficients.
 - (i) Estimated receiving water elevation with sources of information, if available.
 - (j) Velocities for all facilities and details for provisions to control erosion.
3. Construction plans including, but not limited to, the following:
- (a) Overall project plan of roads, lots, and retention or detention facilities.
 - (b) Cross-section of retention/detention facilities and BMPs.
 - (c) Typical swale, ditch, or canal sections.
 - (d) Drainage rights-of-way.
 - (e) Road plan and profile.
 - (f) An erosion control plan.
 - (g) Overall project grading plan (at one (1) foot contours) and individual lot grading plans.
 - (h) Density of the project.

Section 606 Stormwater Management Plan Application

Section 606.01 Engineer Meeting

It is strongly recommended that the Subdivider and the Project Engineer meet with the Village Engineer prior to generating detailed design calculations and construction drawings in order to review and plan design requirements for a particular project.

Section 606.02 Application

It is the responsibility of the Subdivider to include in the stormwater management plan application sufficient information for the Village to evaluate:

The stormwater management plan application shall contain:

- A. The name, address, and telephone number of the owner and Subdivider, and the entity that will maintain the system;
- B. The maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to support references, as appropriate to communicate the information required by this Article.
- C. Construction plans and specifications for all components of the stormwater management system shall be included in the stormwater management plan application, which shall be prepared or directly supervised by, signed, and sealed by a Professional Engineer;
- D. The environmental and hydraulic characteristics of the affected areas;
- E. The potential and predicted impacts of the proposed activity on community waters;
- F. The effectiveness and acceptability of those measures proposed by the Subdivider for eliminating or reducing adverse impacts.

Section 607 Acceptance Of Stormwater Improvements

Subsequent to the Subdivider satisfying the requirements of the Stormwater Regulations and other applicable requirements, and the issuances of appropriate permits and/or approvals, the Subdivider shall, during construction, arrange for and schedule the following inspections by the Village:

- A. During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.

- B. All public underground conveyance and control structures prior to backfilling, and all taps of private underground conveyance systems into public conveyance systems.
- C. Final Inspection when all public systems required under the approved stormwater management plan have been installed.
- D. The Professional Engineer for the project shall submit a signed and sealed set of as-built plans, on electronic disk and reproducible mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management plan. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer shall submit supporting documentation with the as-built plans, which proves that the stormwater system shall be in compliance with the Stormwater Regulations.
- E. Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the Village, or as complaints arise concerning the system. By seeking and obtaining plan approval under the Stormwater Regulations, the operator and owner shall be deemed to have consented to inspections by the Village and other appropriate regulatory agencies or departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.
- F. Public stormwater conveyance and control systems may be accepted for public use after applicable conditions have been met including as-built plans reviewed and approved by the Village Engineer. Until as-built plans have been approved, no conditional occupancy or final permit occupancy permit shall be issued.

Section 608 Maintenance Responsibility

- A. The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All stormwater management plan applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. The Village considers the following entities acceptable to operate and maintain stormwater management facilities:
 - 1. Local governmental units, including the County, Municipalities, or Municipal Service Taxing Units.

2. Non-profit corporations, including homeowners associations, property owners associations or condominium owners associations, under certain conditions which ensure that the corporation has the financial, legal, and administrative capability to provide for the long-term operation and maintenance of facilities.
 3. The property owner or developer is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:
 - (a) The property is wholly owned by said Subdivider and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.
 - (b) The ownership of the property is retained by the Subdivider and is either leased to third parties (such as in some shopping centers), or rented to third parties (such as some mobile home parks), for example.
- B. The stormwater management system to be maintained by the legal entity. Public improvements shall have adequate easements, in accordance with this Article to permit the Village to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly.
 - C. Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the Village and other appropriate governmental agencies and as set forth in the written plan.
 - D. Maintenance shall include compliance with applicable building and construction codes, and all other applicable codes.

Section 609 Enforcement

If at any time the Village Engineer determines that the project is not in accordance with the approved plan, or if any project subject to the Stormwater Regulations is being carried out without an approved plan, the Village Engineer is authorized to:

- A. Give the legal entity written notice of the corrective action required to be taken. Should the legal entity fail within thirty (30) days of the date of the notice to complete such corrective action, the Village Engineer may enter upon the property, take the necessary corrective action, bill the violator, and if the bill is not paid within ninety (90) days, file a lien upon the property for the cost of such corrective action.

- B. Take appropriate corrective action in the event of an emergency situation which endangers persons or property, or both, as determined to exist by the Village Engineer.
- C. Issue written notice to the Subdivider specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- D. Issue a stop-work order directing the Subdivider or persons in possession to cease and desist all or any portion of the work which violates the provisions of the approved plan.

ARTICLE VII

Sanitary Sewer and Water Supply Policies and Improvements

Section 700 Wastewater Disposal and Water Supply Policies

1. Where the central public sanitary system (see definitions) is reasonably accessible, and capacity is determined to exist, the subdivider shall connect to it and provide sewage collection facilities for each lot in the proposed subdivision.
2. The creation of the lots will conform to all other applicable zoning, subdivision, floodplain and municipal regulations.
3. If a public sanitary sewer is accessible and a sanitary sewer is placed in a street or alley abutting the property, the owner thereof shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon the property an individual sewage disposal system.
4. Where the central public water supply system (see definitions) is reasonably accessible, and capacity and flow rate is determined to exist, the subdivider shall connect to it and provide sewage collection facilities for each lot in the proposed subdivision.

Section 701 Sanitary and Water Improvement Specifications

Section 701.01 Line, Grade, and Size

All sewers shall be laid as nearly straight as possible and to a uniform grade per standard pipe grades recommended by the OEPA. The minimum size of public gravity sewer collection lines shall be eight (8) inches in diameter. Six (6) inch diameter sewer pipe shall be used as the minimum size for lateral connections. Sanitary laterals shall be laid at no less than a two percent (2%) slope.

Section 701.02 Joints and Connections

All joints and connections shall be made in accordance with the applicable building codes, Construction and Material Specifications, and requirements of the Village Engineer.

Section 701.03 Bedding and Backfill

All main sewers are to be bedded and backfilled per applicable Construction and Materials Specifications and/or of the Village Engineer. Trench dams composed of compacted clay shall be used to inhibit the flow of water through the bed. Gravel beds shall not be used along lateral lines in order to prevent the creation of a natural drain towards structures.

Section 701.04 Manholes

Standard manholes shall be placed on the line of the sewer at each change of grade or change of direction, and at intervals not exceeding three hundred-fifty (350) feet. A base of no less than ten (10) inches of compacted granular backfill shall be constructed for the support of all precast manholes to prevent shifting of the structure.

Section 701.05 Street Crossings

Compacted granular backfill shall be utilized underneath and within three (3) feet of any sidewalk or street under which a sewer is constructed in order to provide support for the pavement.

Section 701.06 Easements

All sewer and water easements shall be a minimum of ten (10) feet wide. In cases where a greater easement is required, the width of the easement shall be determined by the Village Engineer. All sanitary sewer and water easements shall be recorded on the final subdivision plat.

Section 701.07 Fire Hydrants

Where waterlines are installed that have fire flow capacity, fire hydrants shall be located no more than five-hundred (500) feet apart. One (1) fire hydrant must be within three-hundred (300) feet from any structure and a second hydrant within five-hundred (500) feet. Fire hydrants shall be installed per the Village standards and are subject to the review, inspection and approval of the Local Fire Chief.

Section 701.08 Water Line Looping

All public waterlines shall be looped by either a connection to another existing water line or by looping the water line on itself unless specific permission to do otherwise is granted by the Village Planning and Zoning Commission.

Section 701.09 Water Meters

Sizing and installation of water meters shall be per the Village of Sunbury Water Department and Village Engineer's requirements and specifications.

Section 701.10 Miscellaneous

All public sewer and water line improvements are to be constructed per the applicable Construction and Materials Specifications or if in absence of applicable specifications, the Village Engineer will make the determination with approval of the Village Planning and Zoning Commission.

ARTICLE VIII

Public Improvement Standards and Procedures

Section 800 Engineering Jurisdiction

In setting certain standards and specifications, approving engineering drawings, inspecting improvements, recommending acceptance of improvements, preparing petition forms and establishing the amount of surety for guaranteeing the installation of such improvements shall be established by the Village Engineer.

Section 801 Required Improvements

As a condition to final plat approval, the subdivider of a proposed subdivision shall install or, in cooperation with governmental bodies and utility companies, cause to be installed the following necessary facilities and improvements as listed below.

Section 801.01 Street Improvements

All streets, alleys, curbs, gutters, and street drainage facilities in subdivisions in accordance with established Village standards.

- A. Minimum pavement design (composition and thickness) shall meet the standard pavement cross section requirements for the appropriate street classification as documented in the Standard Drawings and Details. It is recommended that the owner retain a geotechnical engineer to determine pavement composition and thickness based on soil conditions and traffic conditions.
- B. Standard curb and gutter shall be required as part of any road or street construction if in the opinion of the Village Engineer. If an uncurbed section is used, storm pipe shall be required under both side ditches. When the driveway is constructed, an inlet shall be placed on the upstream side of the driveway, unless otherwise allowed by the Village Engineer.
- C. The maximum grade on driveways shall not exceed fourteen percent (14%). Driveway pipe shall be reinforced concrete pipe or equal with a minimum diameter of twelve (12) inches. On a normal ditch section, pipe shall extend a minimum of five (5) feet on each side of the driveway. Variations in ditch geometry may require additional length.
- D. Street vertical curves shall be used at all points on the gradient where the

algebraic difference is one percent (1%) or greater. The minimum length of any vertical curve shall be one hundred (100) feet.

Section 801.02 Storm Drainage Systems

The requirements for storm drainage systems is described in Article VI of these Regulations

Section 801.03 Sidewalks

Portland cement concrete sidewalks shall be required on both sides of the street in subdivisions and built at a minimum of four (4) feet wide and shall be installed in accordance with Village standards.

Section 801.04 Street Signs

Street signs shall be installed by the Village at each intersection in accordance with the Village Engineer's standards as to location, type and size.

Section 801.05 Street Lighting

Street lighting shall be installed by the subdivider in accordance with the Village Street Lighting Ordinance No. 98-24 which is available by contacting the Village Clerk.

Section 801.06 Water Supply Improvements

All water supply improvements shall meet the requirements of Article VII of these Regulations. Water mains shall be of such size as to support the use of fire hydrants. All water lines are to be designed in accordance with the standards set by the Village and the latest guidelines of the Ohio Environmental Protection Agency.

Section 801.07 Sanitary Sewer Improvements

Wherever sanitary sewers are to be installed as required by Article VII of these Regulations, such sewers are to be designed and constructed in accordance with standards set by the Village and the latest guidelines of the Ohio Environmental Protection Agency.

Section 801.08 Underground Wiring

Underground wiring for electric power, street lights and telephone service is required in subdivisions, except:

1. For lines rated over 15,000 volts;

2. Appurtenance serving such lines which may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals; or
3. For those proposed subdivisions or replats of existing subdivisions located in areas which presently have an overhead type utility distribution system.

All such installation shall be in accordance with the rules and regulations adopted by the Village. All underground electrical wiring for street lighting shall be installed in conduit. Cable television as a utility, if installed, shall be placed underground in accordance with the above requirements. Where telephone, electric, street lights and gas lines are placed underground entirely throughout a subdivision, conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public.

All utility lines for telephone and electric service, when carried on overhead poles in other than the above urban areas, shall be placed in rear lot-line easements or designated side lot-line easements.

Section 801.09 Utility Relocations

Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication, gas lines, pipe lines, transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision and in the event such was not known at the time of subdivision approval for any reason, the costs of such relocation shall be the sole responsibility of the subdivider.

Section 802 Monumentation

When necessary in accordance with the accepted surveying practices and legal requirements, the surveyor shall set boundary monuments so that upon completion of the survey, each corner of the property and each referenced control station will be physically monumented.

Section 802.01 Reference Monument

When it is impossible or impracticable to set a boundary monument on a corner, the surveyor shall set a reference monument similar in character to the boundary monument and preferably along one of the property lines which intersect at that corner.

Section 802.02 Boundary Monuments

Every boundary monument and/or reference monument set by the surveyor shall, when practicable:

- A. Be composed of a durable material.
- B. Have a minimum length of thirty (30) inches.
- C. Have a minimum cross-section area of material of 0.2 square inches.
- D. Be identified with a durable marker bearing the Surveyor's Ohio Registration Number and/or name or company name.
- E. Be detectable with conventional instruments for finding ferrous or magnetic objects.

Section 802.03 Physical Obstructions

When a case arises, due to physical obstructions such as pavements, large rocks, large roots, utility cables, etc., so that neither a boundary monument or a reference monument can be conveniently or practicably set in accordance with Section 803.02 of this rule, then alternative monumentation, which is essentially as durable and identifiable shall be established for the particular situation.

Section 802.04 Surveyor Certification

Before release of the surety by the Sunbury Council, the subdivider or developer shall, through a registered surveyor, certify to the Village Engineer that all required monuments are in place or that those removed during construction have been replaced. The record plat shall indicate the location of set monuments. The Village Engineer reserves the right to field check the monuments.

Section 802.05 Ohio Plane Coordinates

It is recommended, if feasible, that horizontal positions be given to subdivision corners in Ohio Plane Coordinates. All elevations shall be to the sea level datum.

Section 803 Exceptions for Improvements of Existing Infrastructure

Section 803.01 Condition of Infrastructure

Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in Section 801 above, and where such improvements meet the requirements of said section and are in good condition as determined by the Village Engineer, no further provision need be made by the

subdivider to duplicate such improvements. However, where such existing infrastructure does not meet the requirements, the subdivider shall provide for the repair, correction, or replacement of such infrastructure so that all improvements will then meet the aforesaid requirements.

Section 803.02 Additional Right-of-Way Dedication

Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated insofar as is possible so as to provide for a minimum street right-of-way width and an additional roadway pavement meeting the minimum standards as set by these Regulations.

The Village Engineer shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Village Engineer may reduce the minimum right-of-way and roadway width required by these Regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision.

Section 804 Construction Improvement Plan Approval Procedures

Section 804.01 Submission Procedures for Final Improvement Plans

The subdivider shall submit two (2) sets of prints of the proposed utility, storm detention and roadway improvements to the Village Engineer, the said prints being in accordance with the public improvement requirements of these Regulations and the requirements of the Village Engineer.

Section 804.02 Plan Review

The Village Engineer shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the Village design standards. If such drawings are consistent and so comply, the reviewing official shall forward to the Planning and Zoning Commission a notice that they so conform and comply.

In the event that the drawings do not so comply, the reviewing official shall notify the subdivider of the specific manner in which such drawings do not comply, and he may then correct such drawings. If such drawings are not corrected, the reviewing official shall forward to the Planning and Zoning Commission a notice as to the items of nonconformity or noncompliance.

The Village may, at its discretion, hire a consultant to conduct a review of the engineering plans. The consultant will be a professional engineering firm located in Ohio. The subdivider shall pay the plan review costs plus twenty percent (20%) to the Village Clerk (See Section 900.02).

Within thirty (30) days, the Village Engineer shall review the plans and inform the subdivider of changes, if any, which are necessary in the improvement plans.

Section 804.03 Final Plan Review

The Village Engineer shall then make a determination within fifteen (15) days of receiving revised improvement plans. If required changes have been appropriately addressed as stipulated in the initial review, the Village Engineer's signature shall be affixed to the plans and title sheet.

Section 804.04 Planning and Zoning Commission Approval

The Planning and Zoning Commission shall approve a final plat only when the approval of the Village Engineer has been received and the engineering drawings have been approved.

Section 804.05 Final Plan Approvals

The subdivider may submit the improvement plans to the Sunbury Council for their review and approval upon receiving the signature of the Village Engineer. The Sunbury Council shall act upon the improvement plans at their next regular meeting. When all necessary signatures have been obtained, the subdivider shall submit three (3) blueprint copies of the signed plans to the Village Engineer for record storage.

Section 805 Improvement Plan Contents

Section 805.01 General

All plans shall be prepared by a registered professional engineer. All materials and construction procedures shall be in accordance with the current "Construction and Material Specifications" of the City of Columbus and the "Standard Construction Notes and Details" and all other regulations of the Village of Sunbury.

Section 805.02 Drawing Criteria

The construction drawings and plats shall be completed on mylar or some other equally substantial and distinct material from which clear and legible prints may be obtained. Freehand linear drawings will not be accepted. The sheets upon which the construction drawings are made shall measure twenty-four (24) by thirty-six (36)

inches. A poorly drawn or illegible plan is sufficient cause for rejection.

Section 805.03 Required Plan Content

1. A plan view at a scale of 1" = 50' horizontal
2. A profile view at a scale of 1" = 5' vertical
3. All dimensions and lot lines
4. A north arrow
5. Base elevations and bench marks
6. A bar scale
7. All streets, street names, and rights-of-way
8. All existing utilities and improvements
9. All existing structures
10. Lot and block numbers
11. Sidewalks
12. All easements and reserves
13. The locations, types and sizes of all pipe to be used
14. The locations, types and sizes of all adjacent or nearby sewers and water improvements
15. The percentage of grades and direction of flow
16. All cleanouts, stubs and manholes
17. All fire hydrants, valves and other appurtenances
18. The number of units to be served
19. The title of the plan, subdivision name, and location
20. A location map

21. An estimate of quantities of all work specified or indicated on the construction plans
22. The signature blocks as required by the Village Engineer
23. The signature and seal of the registered professional engineer responsible for the design of the plan.

Section 805.05 Additional Plan Requirements

The following will be required if requested by the Village Engineer:

1. Cross sections of any of the proposed improvements
2. The location and size of trees within specified areas of construction
3. Other information deemed necessary and appropriate by the Village Engineer

Section 806 Agreements and Guarantees For Installation of Required Improvements

The following methods shall be used by the subdivider to guarantee that certain improvements required by these Regulations can or will be installed in accordance with approved plans and specifications:

Section 806.01 Approval Prior to Construction

The plans and specifications for the improvements shall be approved by the Village Council upon the recommendation of the Village Engineer prior to commencement of construction. The plan review costs plus twenty percent (20%) shall be paid to the Village by the subdivider prior to beginning construction.

Section 806.02 Subdivider's Agreement

As a condition prior to the Village Engineer's signature of the final plat, the subdivider of the land covered by the said plat shall pay all applicable fees and execute and submit to the Sunbury Council three (3) signed copies of a subdivider's agreement (see Appendix) which shall be binding on his or her heirs, personal representatives. A part of which agreement shall be set forth that unless otherwise allowed by the Village Engineer, no building shall be occupied or receive a certificate of occupancy until all improvements required by these Regulations have been made in the manner prescribed by these Regulations.

Section 806.03 Option A - Completion of Improvements

After plat approval is obtained from the Council, and prior to signature of the plat by

the Village Engineer, the subdivider may complete all the required improvements, and provide for the maintenance and/or dedication of these improvements, free and clear of all encumbrances on the property. Prior to the installation of these improvements, the improvement plans must be approved by the Village Engineer, and other responsible agencies which may be involved.

Section 806.04 Option B - Surety Provisions

1. The subdivider shall deposit with the Village Clerk, payable to the Village of Sunbury, an amount equal to one hundred percent (100%) of the estimated cost of all public improvements, the said improvements including the public sanitary sewer and water improvement components. The cost shall be or approved by the Village Engineer and must be based on a prevailing wage estimate, in a surety sufficient to secure for the Sunbury Council the satisfactory construction, installation and dedication of the uncompleted portion of the required improvements.
2. Such surety shall comply with all statutory requirements and shall be satisfactory to the Council in said surety's form, content and manner of execution, (See Appendix). Sureties in a format other than the examples in the Appendix must receive prior approval from the Sunbury Solicitor.
 - a) **Completion Period**
The period within which required improvements shall be completed shall not exceed two (2) years from the date of final approval by Council of the improvement plans. Approval of the subdivision may be rescinded if all improvements are not installed within this two (2) year period. The Village Engineer may grant an extension to the two (2) year period.
 - b) **Surety Reduction**
The said surety may be reduced to a minimum of twenty-five percent (25%) of the original construction improvement costs as work is accomplished and upon recommendation of the Village Engineer.

Section 806.05 Participation in Oversizing Utilities

The Village in its discretion and in recognition of its financial position may choose to share the cost of oversized improvements which may benefit other related areas of the Village. These may include intersections or a portion of the roadway which is more than local street width in design, bridge culverts with more than a twenty (20) square foot opening and sewer pipe sizes in excess of fifteen (15) inches or of unusual depth.

The total amount of participation by the Village and the percentage of the remainder

being paid outright by the subdivider shall be determined by the Council at or prior to execution of the contract. The portion of the cost of such improvements not paid for by the Village shall be levied as special assessments by the Village against the property owners of record in the platted area at the time the improvements are completed.

Section 807 Vacation of Undeveloped Subdivision

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the guarantees are installed, and when such plat is vacated, all fiscal sureties shall be returned to the subdivider.

Section 808 Subdivider Liability

The subdivider shall hold the Municipality free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements, and shall defend, at his own cost and expense, each and every lawsuit brought against said Municipality by reason thereof until the improvement has been accepted by the Village Engineer and the Sunbury Council.

Section 809 Repair of Publicly Maintained Infrastructure

Any and all portions of work which are located in public streets, roads, highways or easements shall be done and the surfaces repaired in accordance with the requirements of the appropriate political subdivision and at the expense of the subdivider.

Section 810 Conditions of Plat Approval

Section 810.01 Municipality Expenses

All of the Municipality's expenses (i.e. inspections, plan reviews, etc.) incurred as a result of the improvements shall be paid either directly, indirectly or by reimbursement to the Municipality by the subdivider.

Section 810.02 Village Engineer's Approval

No final plat shall be signed by the Sunbury Council until the Council receives reports signed by the Village Engineer certifying that the improvements described therein or the agreements and documents which provide for the installation of improvements as stipulated under these Regulations, meet the requirements of the Municipality.

Section 811 Construction Inspection, Testing and Permitting

All improvements constructed or erected shall be subject to inspection by the Village Engineer or official responsible for setting and enforcing the applicable design and construction standards of the required improvement. The cost plus twenty percent (20%) which is attributable to all inspections required by these Regulations shall be charged to and paid by the subdivider. Prior to commencement of any construction activity, a preconstruction conference will be held. The Owner(s), Contractor(s), Design Engineer(s), Village Engineer and Project Inspector must all be represented at this meeting. Requirements for construction and approval of construction commencement will be presented at or before the Preconstruction Conference by the Village Engineer.

Section 811.01 Inspection Deposit

Upon approval of the improvements plan, the subdivider shall deposit with the Village Engineer, payable to the Village Clerk, six percent (6%) of the estimated construction costs or as determined by the Village Engineer to initially cover the cost of inspection of the said improvements. If more funds are needed to cover the costs of inspection, they will be requested by letter, showing how inspection time has been used up to the date of the letter. All monies set aside for inspection which are unspent at the time of formal acceptance of the improvements will be returned to the subdivider. Inspection will be charged at a rate current with the cost for personnel and equipment utilized. A twenty percent (20%) surcharge will be included to cover the Village's costs for processing. The Village Clerk shall send an invoice to the subdivider on a monthly basis, or as otherwise agreed upon, showing the amount of reimbursement necessary.

Section 811.02 Inspection Procedures

After notice is received as specified above in Section 811, the project inspector will conduct an onsite inspection to determine that the work complies with the approved engineering plans and specifications. If, at any time, in the opinion of such official, such work does not comply with such final drawings, he shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the subdivider shall again notify the inspector that the work is again ready for inspection.

Section 811.03 Testing

Each main line shall be air or water tested prior to acceptance of the improvement by the municipality. The type and manner of testing to be done shall be determined by the Village Engineer. All costs of testing required are to be paid directly by the contractor.

Section 811.04 Final Inspection

Upon completion of all improvements within the area covered by the final plat, the

subdivider shall notify the inspector or Village Engineer, who shall thereupon conduct a final inspection of all improvements installed.

If such final inspection indicates that there are any defects or deficiencies in such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, the inspector shall notify the subdivider in writing and the subdivider shall, at his sole cost and expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the inspector or Village Engineer that the improvements are again ready for final inspection.

After the final inspection is made and before acceptance of the improvement by the Village Council, the subdivider shall file a statement with the Village Engineer which is executed by the subdivider, certifying that all financial obligations incurred in the construction of the improvement involved have been properly paid and settled.

Section 812 Acceptance of Improvements

If a final inspection indicates that all improvements as installed contain no unacceptable defects, deficiencies, or deviations, within thirty (30) days from the submission of the subdivider's statement of financial obligations paid, the Village Engineer shall certify to the Village Council that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat.

Upon the receipt by the Council of such notification and in conformity with the requirements of these Regulations and all other applicable statutes, ordinances and regulations, the Council shall thereupon by resolution or utility by letter formally accept such improvements. The improvements shall become the property of the Village of Sunbury. Prior to this final action, however, neither the approval of the final plat, any subsequent annexation to the City, or irrespective of any act(s) of employees, such actions shall not constitute their formal acceptance of improvements.

Section 813 Operation and Maintenance Costs

Section 813.01 Maintenance Surety

The Municipality may, where appropriate in the opinion of the Village Engineer and Council require the subdivider to submit a Warranty/Maintenance Surety in an amount of three percent (3%) of the original cost of the improvements which shall be in force for no more that one (1) year following the final acceptance of any required improvements and shall guarantee satisfactory performance of the said improvements. If more funds are needed to cover warranty, maintenance and repair costs during the first year, a letter will be forwarded to the subdivider requesting additional funds and detailing the unsatisfactory conditions.

Section 813.02 Reimbursement Prior to Completion

Prior to completion of the subdivision, the Municipality shall be compensated for the cost of operation and maintenance of the system, less revenue collected from customers of the said system(s).

Section 814 As-Built Drawings

Within thirty (30) days after completion of the construction work for any of what may be several construction phases, the subdivider shall submit to the Village Engineer a complete set of prints digitally revised as constructed and a digital copy of all CAD drawings on 3.5" disks or Zip disks.

Section 815 Conveyance of Improvements .

Upon satisfactory completion of the construction phase and receipt of the "as-built" drawings and all required payments for construction inspection, the Village Engineer shall issue Certificates of Completion. The subdivider shall then convey to the Municipality all right, title and interest in such systems.

ARTICLE IX

Filing Fees, Enforcement, Record of Plats, and Building and Zoning Permits

Section 900 Filing Fees

Section 900.01 Fee Schedule

A fees schedule for sketch plans, preliminary plats, final plats, and final improvement plans is available from the Village Clerk or Zoning Clerk.

Section 900.02 Additional Costs

The cost of engineering review and inspection services, and recording legal documents is payable in addition to filing fees. These will be billed to the applicant at cost plus twenty percent (20%).

Section 900.03 Miscellaneous

A written receipt shall be issued to the person(s) making such payment. No filing fees shall be required when such proposed plat or lot-split is owned by any agency, political subdivision, board or commission of any city, the County, the State or federal government. No fee shall be refunded in the event any preliminary plan or final plat is disapproved.

Section 901 Enforcement

Section 901.01 Approval of Plat

No plat of any subdivision shall be approved which does not comply with the provisions of these Regulations. No plat of any subdivision shall be recorded at the Delaware County Recorder's Office, or have any validity until it shall have been approved in the manner prescribed in these Regulations.

Section 901.02 Misrepresentation

No subdivider shall represent that any improvement in the subject subdivision has been constructed, inspected, or supervised according to the plans and specifications of these Regulations when such improvements have not been so constructed, inspected, or supervised.

Section 901.03 Penalty

Any violation of these Regulations or Chapter 711 of the Ohio Revised Code is subject to the penalties as set forth in said Chapter 711.

Section 901.04 Notices

The appropriate agency may serve a written notice or order upon the person responsible whenever the agency is satisfied that any work is being done or any transactions are being made in violation of the provisions of these Regulations or in violation of a detailed statement or plan submitted and approved by the agency. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation of the provisions and requirements of these Regulations. In case such notice or order is not promptly complied with, the appropriate agency shall notify the other public offices, utility companies and other officials concerned therewith and shall request the same to withhold their approval and stop all services to the property where such violation is concerned and to refuse such services until these Regulations are complied with. The appropriate agency may also request the County Prosecutor to institute the appropriate action or proceeding at law or equity to restrain, correct, remove or prosecute such violation.

Section 902 Record of Plats

A copy of all final plats, after the same have been submitted and approved as provided for in these Regulations, shall be filed and kept by the Village Clerk among the records of the Village.

Section 903 Building and Zoning Permits

Section 903.01 Compliance With Regulations

No building or zoning permit except those involving repairs, maintenance, or continuation of an existing use or occupancy, shall be issued for a building or structure on any lot, tract or parcel of any subdivision that is subject to the provisions of these Regulations until a copy of the recorded plat of subdivision is available for examination by the applicable official charged with issuing building and/or zoning permits. No such permits shall be issued until there has been compliance with all of the provisions of these Regulations and conditions of plat approval.

Section 903.02 Completion of Improvements

No building or zoning occupancy permit shall be issued by the applicable official charged with issuing such permits for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and that roadways and sidewalks providing access to the subject lot or lots have been constructed, or are in the course of construction and are suitable for vehicular and pedestrian traffic.

Section 903.03 Tap Fees and Permits

No connection shall be made to any sanitary sewer until a qualified contractor has applied and received the appropriate permit. No permits will be issued until any required tap fees have been received by the Village Clerk. In addition to the required tap fees, water meters are to be purchased from the Village and shall meet the Village specifications.

ARTICLE X

Appeals, Waivers, Variances and Exceptions

Section 1000 General Appeals

The subdivider of a proposed subdivision may appeal decisions made in the enforcement of these Regulations by the Planning and Zoning Commission to the Village Council. In the event the Village Council sustains the Planning and Zoning Commission, the action of the Planning and Zoning Commission shall be final except as otherwise provided by law. If the Village Council overrules the Planning and Zoning Commission, the Council shall make its decision, in writing or in the minutes of the meeting, stating the reason therefore and return such decision and plat to the Planning and Zoning Commission for reapproval as required by law. For the Council to overrule the Planning and Zoning Commission, a super majority is required as described in Section S81.11.13 of the Village of Sunbury Zoning Ordinance.

Section 1001 Appeals on Improvement Standards

Any appeal as to approval of standards, or plans and engineering drawings in connection with required improvements shall be directed to the Village Council and that action shall be final.

Section 1002 Waiver of Required Improvements

Any waiver of the required public improvements may be made only by the Village Council on a showing that such improvements are not feasible or necessary.

Section 1003 Variances

In cases in which there is unwarranted hardship in carrying out the literal provisions of these Regulations as to design criteria, the Planning Commission may grant a variance from such provision according to the following guidelines:

- A. The Planning Commission shall not grant a variance unless it shall find that:
 1. The variance requested arises from such a condition(s) which is unique to the subdivision in question and which is not ordinarily found in areas of the Village and is not created by an action(s) of the subdivider;
 2. Approving the plat for the variance will not adversely affect the rights of adjacent property owners.

3. The strict application of the provisions of these Regulations of which the variance is requested will constitute unnecessary hardship upon the subdivider;
 4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 5. Approving the variance desired will not be opposed to the general spirit and intent of these Regulations.
- B. Variances permitted under the provisions of this Article shall not include variances from the requirements of making improvements or guaranteeing their installation unless approved by the Council as provided for in Section 803 of this Article. Variances also may not be granted from the provisions of the zoning regulations by these variance procedures. Consideration of an application for a variance pursuant to this condition does not relieve the applicant from the necessity of proceeding under the applicable provisions of any other regulations (including zoning regulations) of the Village relating to variances.
- C. Variance requests are to be submitted at the time of the preliminary plat application or minor subdivision plan application. A variance application is to be submitted with the required filing fee to the Village Clerk. The request will be reviewed by the Planning and Zoning Commission at the next regularly scheduled meeting. The action of the Planning and Zoning Commission shall be final except for appeals otherwise provided for in these Regulations and by law.

Section 1004 Exceptions in Planned Unit Development

When a subdivision plat is prepared in connection with a planned unit development plan as authorized by any applicable zoning regulations which regulate the same jurisdictional area, then the Planning Commission may vary the design standards contained in these Regulations to such extent as may be necessary to permit the preparation of a planned unit development plan in accordance with the standards, conditions and restrictions of such zoning regulations. The intent of such exceptions is to permit the subdivider more flexibility of design while protecting the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the community.

ARTICLE XI

Severability and Amendments

Section 1100 Severability

If any provisions of these Regulations such as a section, subsection, sentence, clause, or phrase be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these Regulations, and said provisions to be completely severable from the remaining provisions of these Regulations, and the remaining provisions of these Regulations shall remain in full force and effect.

Section 1101 Amendment Procedure

These Regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published in the official Village newspaper at least twenty (20) days before the hearing. At, or after such public hearing is held, the Planning Commission may recommend adoption of such amendments, but such amendments shall not become effective until approved by the Village Council. In order to maintain these Regulations, the Planning Commission shall annually hold a public review at their first regular meeting in January to consider amendments, if any, to these Regulations.

ARTICLE XII

Effective Date

Section 1200 Effective Date

These Regulations shall be in full force and effect from and after their adoption by the Planning Commission, approved by the Village Council by an incorporating ordinance, and publication of such ordinance in the official Village newspaper.

ADOPTED by the Village of Planning and Zoning Commission of the Village of Sunbury, Ohio in December 1998.

APPROVED by the Village Council of the Village of Sunbury, Ohio on January 20, 1999

(Approved by Ordinance No 98-040)

ARTICLE IX
Additional Information

Village Of Sunbury
Planning & Zoning Commission
1999 Submission Schedule and Regular Meetings

| MONTH | SUBMISSION DATES DEADLINES 4:30 P.M. | MEETING DATES TIME: 7:30 P.M. |
|-----------|---|----------------------------------|
| January | 1/11/99 | 1/25/99 |
| February | 2/8/99 | 2/22/99 |
| March | 3/8/99 | 3/22/99 |
| April | 4/12/99 | 4/26/99 |
| May | 5/10/99 | 5/24/99 |
| June | 6/14/99 | 6/28/99 |
| July | 7/12/99 | 7/26/99 |
| August | 8/9/99 | 8/23/99 |
| September | 9/13/99 | 9/27/99 |
| October | 10/11/99 | 10/25/99 |
| November | --- | --- |
| December | 11/29/99 | 12/13/99 |

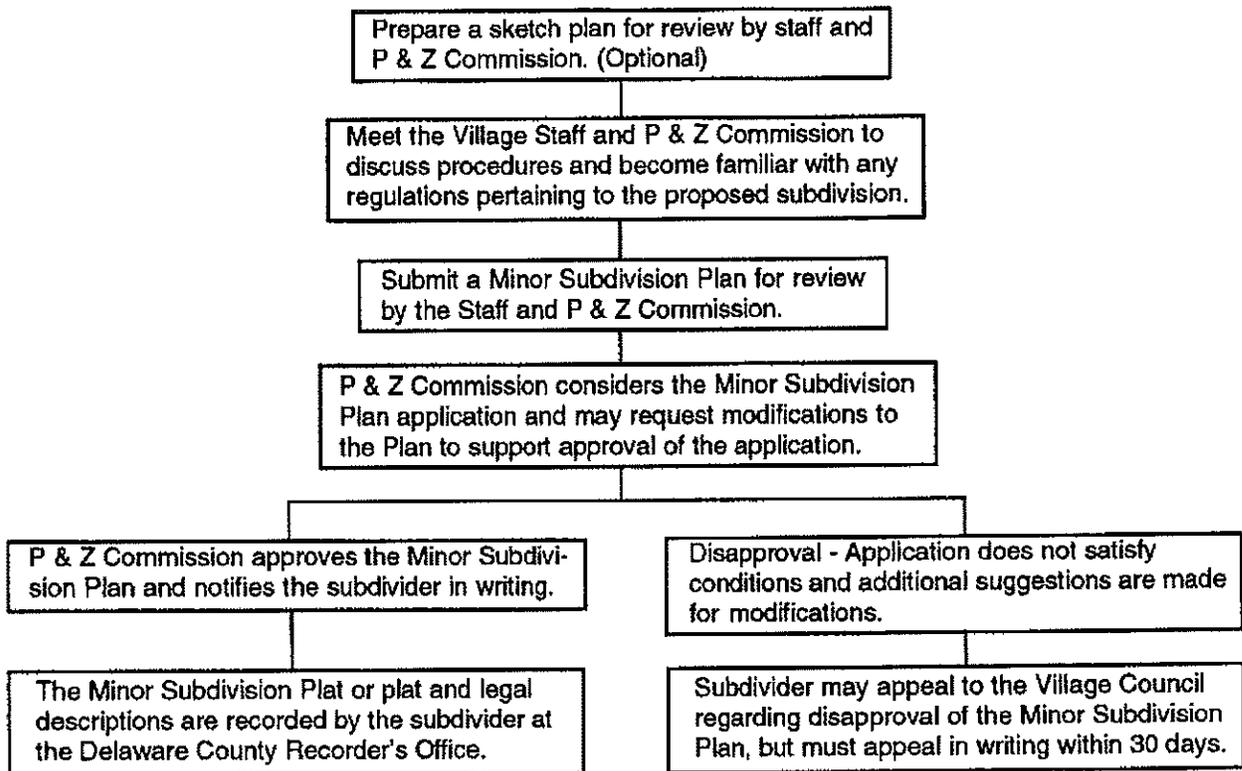
Sunbury Village Planning & Zoning Commission meetings are held at 7:30 p.m. on the 4th Monday of every month. Meeting are held at the Village Council chambers located at the Municipal Building, 9 East Granville Street.

Application materials may be submitted to the Village Clerk at the Municipal Building, 9 East Granville Street, and must be received by 4:30 p.m. on the specified submittal deadline. The following application materials will be required.

1. A completed application form and accompanying application fee made payable to the Village of Sunbury.
2. Rezoning Planned Development and Variance applications shall include the current plat map as well as property owners names and mailing addresses within 200 feet of each property line. Plat maps, property owner names and addresses are available from the Delaware County Map Room located at the Delaware County Courthouse. (Please note that the property owners mailing address is not always the same as the property address.)
3. Preliminary Plat, Preliminary Development Plan, and Minor Subdivision applications shall include twelve (12) plat/site plans and two (2) reduced plat/site plans (8 1/2" x 11" or 8 1/2" x 14") at the time of filing.
4. Final Plat and Final Development Plan applications shall include two (2) complete sets of plans with final engineering, and twelve (12) plat/site plans, and two (2) reduced plat/site plans (8 1/2" x 11" or 8 1/2" x 14") at the time of filing. One set of engineering calculations supporting the submitted plans must also be provided to the Clerk at the time of filing. Upon completion of the review and a letter of acceptance from the Village Engineer, revised site and engineering plans reflecting all changes shall then be filed. All final plans must be reviewed and approved by the Village Engineer before being placed on the Village Council agenda.
5. **INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.**

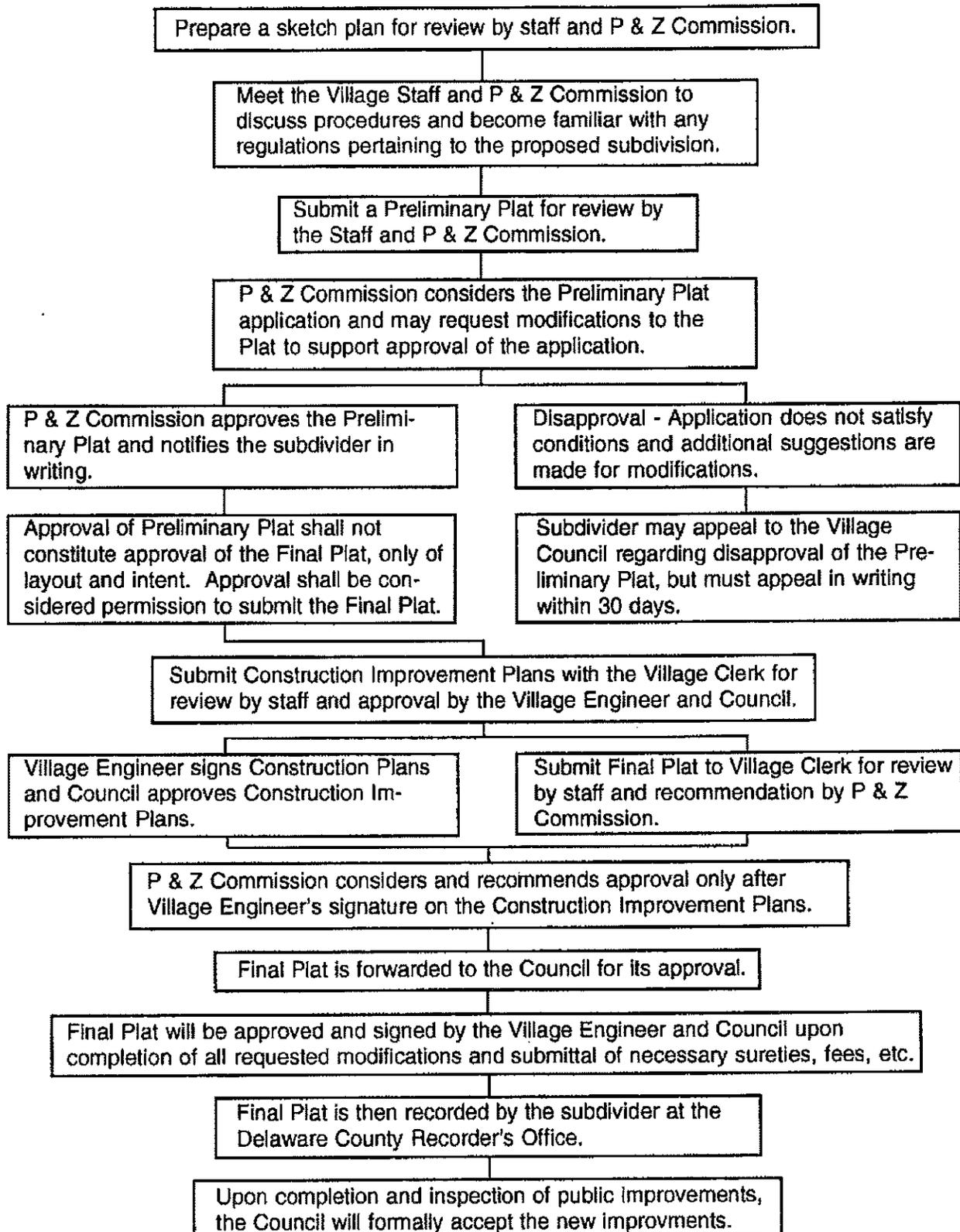
Minor Subdivision Approval Process

Village of Sunbury



Major Subdivision Approval Process

Village of Sunbury



Village of Sunbury Subdivision Process Checklist

MAJOR SUBDIVISIONS

Preliminary Plat Application

The following must be submitted to the Village Clerk prior to the Planning & Zoning Commission hearing the application:

1. Completed application form.
2. Twelve (12) copies of the Preliminary Plat of scale of at least 1"=100'.
3. Master Drainage Plan.
4. Filing Fee.

Public Improvement Plan Application

The following must be submitted to the Village Clerk and approved by the Village Engineer prior to the Council considering the application:

1. Completed application form.
2. Two (2) sets of the proposed Construction Improvement Plans.
3. Filing fee.

Final Plat Application

The following must be submitted to the Village Clerk prior to the Planning & Zoning Commission hearing the application:

1. Completed application form. (Must be submitted within twelve months of the Preliminary Plat approval.)
2. Twelve (12) copies of the Final Plat at a scale of at least 1"=100'.
3. A letter of approval from the Village Engineer regarding the Preliminary Plat submittal.
4. Filing fee.
5. Village Engineer's signature on the Construction Plans is required prior to approval of the Planning Commission.

Final Plat Signatures of Village Engineer and Council

- ___ 1. Payment of all plan review fees to the Village
- ___ 2. Submittal of subdividers' agreement.
- ___ 3. Three (3) sets of Public Improvement Plans upon signature by the Village Engineer and Council.
- ___ 4. Completion of all public improvements or submittal of surety bond to cover costs of construction of all public improvements.

Council Acceptance of Public Improvements

- ___ 1. Payment of all inspection fees via the deposit submitted prior to construction.
- ___ 2. Final inspection and punch list items are completed.
- ___ 3. Final testing has been approved.
- ___ 4. Submission of subdivider's statement of financial obligations paid.
- ___ 5. Submittal of a Warranty/Maintenance Surety if required by the Village Engineer.
- ___ 6. Submittal of As-built drawings in a digital AutoCad format.

MINOR SUBDIVISIONS

Minor Subdivision Plan Application

The following must be submitted to the Village Clerk prior to the Planning & Zoning Commission hearing the application:

- ___ 1. Completed Application Form.
- ___ 2. Twelve (12) copies of the minor subdivision plat or individual plats and legal descriptions.
- ___ 3. Filing fee.