

CODIFIED ORDINANCES OF PATASKALA

PART ELEVEN - PLANNING CODE

TITLE ONE - Subdivision Regulations

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- Chap. 1105. Title, Scope and Jurisdiction.
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CHAPTER 1105
Title, Scope and Jurisdiction

EDITOR'S NOTE: The Subdivision Regulations of the City of Pataskala were adopted by Ordinance 2001-3376, passed March 5, 2001. Subsequent amendments to Ordinance 2001-3376 will be indicated by legislative histories placed at the end of the new or amended sections.

<p>1105.01 Title.</p> <p>1105.02 Administration.</p> <p>1105.03 Jurisdiction.</p> <p>1105.04 Relation to other laws.</p>	<p>1105.05 Amendments.</p> <p>1105.06 Separability.</p>
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CROSS REFERENCES

Jurisdiction - see Ohio R.C. 711.09
 Interpretation - see ADM. Ch. 101

1105.01 TITLE.

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the City of Pataskala, Ohio", and shall hereinafter be referred to as "these regulations".

1105.02 ADMINISTRATION.

These regulations shall be administered by the Pataskala Planning and Zoning Commission hereinafter referred to as "the Planning and Zoning Commission".

1105.03 JURISDICTION.

These regulations shall be applicable to all subdivisions of land within the City of Pataskala. The Planning and Zoning Commission shall have the power of final approval of these plats.

1105.04 RELATION TO OTHER LAWS.

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of the City, or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive or that imposing the high standards shall govern.

1105.05 AMENDMENTS.

These regulations may be amended, after public hearings and other requirements as specified in the appropriate section of the Ohio Revised Code.

1105.06 SEPARABILITY.

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

CHAPTER 1109
Definitions

1109.01 Interpretation of terms or words.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
General definitions - see ADM. 101.02

1109.01 INTERPRETATION OF TERMS OR WORDS.

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

- (a) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (d) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
- (e) The word "lot" includes the words "plot" or "parcel".

Alley: See Thoroughfare.

Appropriate Authority: Those federal, state or local agencies or departments, with expertise or interests in a given area, from which recommendations and/or approvals may be required. (Example: OEPA, ODOT, ODNR, OWDA, BPA, COUNTY HEALTH DEPT, ETC.)

Building Line: See Setback Line.

Channel: A natural stream that conveys water; a ditch or channel excavated for the flow of water.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning and Zoning Commission and/or the legislative authority of the City of Pataskala showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-Sac: See Thoroughfare.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-End Street: See Thoroughfare.

Density: A unit of measurement; the number of dwelling units per acre of land.

- (1) Gross Density: The total number of dwelling units per acre of the total land to be developed.
- (2) Net Density: The total number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Density, Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed two (2) dwelling units per gross acre.

Density, Medium-Low Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed four (4) dwelling units per gross acre. For the purposes of street design requirements, the medium-low density residential classification shall be considered as medium density.

Density, Medium Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed eight (8) dwelling units per gross acre.

Density, Medium-High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed sixteen (16) dwelling units per gross acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

Density, High Residential: Land to be utilized for residential purposes, including public housing and industrialized units, which does not exceed thirty-two (32) dwelling units per gross acre.

Developer: Any individual, subdivider, firm, association, syndicate-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Development Area: Any contiguous (abutting) area owned by one person or operated as one development unit and used or being developed for non-farm commercial, industrial, residential, or other non-farm purposes upon which earth-disturbing activities are planned or underway.

Dwelling Unit: Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by one (1) family and its household employees.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer: Any person registered to practice professional engineering by the State Board or registration as specified in Ohio R.C. 4733.14.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Flood Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Flood Plain or Flood Prone Area: Any land area susceptible to being inundated by water from any source.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water and wastewater lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Location Map: See Vicinity Map.

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

- (1) A single lot of record.
- (2) A portion of a lot of record.
- (3) A combination of complete lots of record, of complete lots of record and portions of 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, and yards shall be provided as indicated under Yards in this section.

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, and any other easements of record.

Lot Measurements: A lot shall be measured as follows:

- (1) 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 and the rearmost points of the side lot lines in the rear.
- (2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width.

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

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

- (1) A corner lot is defined as a lot located at the intersection of two of more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) An interior lot is a lot other than a corner lot with any one frontage on a street.
- (3) A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reverse frontage lot may also be a corner lot.

Major Thoroughfare Plan: The comprehensive plan adopted by the Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits of the City and/or unincorporated areas within one and one-half (1 ½) miles thereof.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Ohio R.C. 711.131. Also known as Lot Split.

Monuments: Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary lines corners, and points of change in street alignment.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning and Zoning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Original Tract: A tract may be an original tract as to one owner but not the other. A tract completely subdivided can be further subdivided by any party who purchases or obtains title to a lot or parcel in the subdivision large enough to subdivide without conflicting with local platting, subdivision, or zoning regulations.

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.

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Parking Space, Off-Street: For the purpose of these regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Plan: The map, drawing, or chart containing the developer's plan for a subdivision is presented to the Planning and Zoning Commission for approval (sketch and preliminary).

Plat: The map, drawing, or chart on which the developer's plan of subdivision is presented to the Planning and Zoning Commission for approval and, after such approval, to the County Recorder for recording.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Setback Line: A line established by the Subdivision Regulations and/or Zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said Codes. (See Yards)

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See Walkway.

Subdivider: See Developer.

Subdivision:

- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots 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.
- (2) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See Minor Subdivision)

Surveyor: Any person registered by the State of Ohio to practice professional surveying.

Thoroughfare, Street or Road: The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- (1) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- (2) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- (3) Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within a residential subdivision.
- (4) Cul-de-Sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- (5) Dead-End-Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- (6) Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- (7) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- (8) Marginal Access Street: A local or collector street, parallel and adjacent of an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Streets)

Through Lot: See Lot Types.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity: A drawing located on the plat or plan which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Licking County and the City in order to better locate and orient the area in question.

Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Grassed Water-way: A broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar vegetative cover and used to conduct surface water.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- (1) Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- (2) Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- (3) Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**CHAPTER 1113
Major Subdivisions**

<p>1113.01 Major subdivision criteria.</p> <p>1113.02 Pre-application plan conference conference required.</p> <p>1113.03 Pre-application plan contents.</p> <p>1113.04 Preliminary development plan required.</p> <p>1113.05 Preliminary development plan application.</p> <p>1113.06 Preliminary development plan contents.</p> <p>1113.07 Preliminary development plan supplementary information.</p> <p>1113.08 Preliminary development plan conference.</p> <p>1113.09 Preliminary development plan public hearing.</p> <p>1113.10 Preliminary development plan notification.</p> <p>1113.11 Approval of preliminary development plan.</p> <p>1113.12 Phasing requirements.</p> <p>1113.13 Preliminary development plan approval period.</p> <p>1113.14 Amendment to preliminary development plan.</p> <p>1113.15 Construction plans required.</p> <p>1113.16 Construction plans application.</p> <p>1113.17 Construction plans contents.</p> <p>1113.18 Review and approval of construction plans.</p> <p>1113.19 Construction plans conference.</p> <p>1113.20 Construction plans approval period.</p> <p>1113.21 Final development plan required.</p> <p>1113.22 Final development plan application.</p> <p>1113.23 Final development plan contents.</p> <p>1113.24 Final development plan supplementary information.</p>	<p>1113.25 Final development plan conference.</p> <p>1113.26 Final development plan public hearing.</p> <p>1113.27 Final development plan notification.</p> <p>1113.28 Approval of final development plan.</p> <p>1113.29 Final development plan approval period.</p> <p>1113.30 Amendment to final development plan.</p> <p>1113.31 Pre-construction conference required.</p> <p>1113.32 Construction administration and inspection.</p> <p>1113.33 Construction of public improvements.</p> <p>1113.34 Final inspection.</p> <p>1113.35 Procedure for acceptance.</p> <p>1113.36 Conditions for acceptance.</p> <p>1113.37 Submission of final plat.</p> <p>1113.38 Final plat form.</p> <p>1113.39 Final plat contents.</p> <p>1113.40 Final plat approval.</p> <p>1113.41 Transmittal of copies of final plat.</p> <p>1113.42 Replat required.</p> <p>1113.43 Replat application.</p> <p>1113.44 Replat contents.</p> <p>1113.45 Replat conference.</p> <p>1113.46 Replat public hearing.</p> <p>1113.47 Replat notice to property owners.</p> <p>1113.48 Approval of replat.</p> <p>1113.49 Transmittal of copies of replat.</p> <p>1113.50 Required statements.</p>
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CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.
Plat acknowledgment and recording - see Ohio R.C. 711.06
Plat approval - see Ohio R.C. 711.09

1113.01 MAJOR SUBDIVISION CRITERIA.

A major subdivision is the creation of six (6) or more lots, including the remainder, from the original parcel and/or the creation or extension of any roads or easements of access.
(Ord. 2018-4312. Passed 3-19-18.)

1113.02 PRE-APPLICATION PLAN CONFERENCE REQUIRED.

(a) The purpose of the Pre-Application Conference is to provide the Subdivider with feedback from city staff thereby allowing the Subdivider to evaluate a proposed major subdivision at an early stage in the process prior to formal application.

(b) Those who intend to develop a major subdivision shall meet with city staff prior to application to provide a clear understanding of the major subdivision requirements and process.

(Ord. 2018-4312. Passed 3-19-18.)

1113.03 PRE-APPLICATION PLAN CONTENTS.

Subdividers who plan on attending a Pre-Application Conference should prepare a plan, legibly drawn at a 1 inch = 100 feet scale, containing the following information:

- (a) The proposed major subdivision in relation to existing community facilities, showing all existing streets, adjoining properties within 500 feet in all directions, thoroughfares, and other transportation modes, shopping centers, manufacturing facilities, residential developments and existing natural and manmade features such as soil types, vegetation, contours, easements and utilities in the neighboring areas.
- (b) The layout of streets, right-of-way and pavement widths, size of lots, and any non-residential sites such as commercial, manufacturing, institutional or recreational uses within the proposed major subdivision.
- (c) The location of all utilities in the proposed major subdivision if already in place, or the locations of the nearest public facilities for the supply of water, and the disposal of wastewater and storm water.
- (d) The scale and title of the major subdivision, a north arrow, and the date the plan was prepared.
- (e) Name, address and contact information of the property owner and the Subdivider.
(Ord. 2018-4312. Passed 3-19-18.)

1113.04 PRELIMINARY DEVELOPMENT PLAN REQUIRED.

The purpose of the Preliminary Development Plan is to provide the Planning and Zoning Commission with sufficiently detailed information to evaluate a major subdivision. The plan shall indicate all of the information needed to enable the Planning and Zoning Commission to determine whether the proposed development meets the requirements of these regulations and the zoning code and whether the proposed public improvements and utilities are acceptable to the appropriate offices, agencies and governmental bodies having jurisdiction.

(Ord. 2018-4312. Passed 3-19-18.)

1113.05 PRELIMINARY DEVELOPMENT PLAN APPLICATION.

Upon initial Preliminary Development Plan application, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject any Preliminary Development Plan application that is determined to be incomplete. If the application is rejected as incomplete, the City will make a good faith effort to advise the Subdivider the manner in which the application is incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (a) A Preliminary Development Plan application form provided by the Planning and Zoning Department and the proper filing fees.
- (b) The appropriate number of copies of the Preliminary Development Plan, as determined by the City Administrator or their designee, containing the information outlined in Section 1113.06. Reduced size copies may be required.
- (c) An electronic copy of all items submitted as a Portable Document Format (pdf) file or other acceptable format.
- (d) A cover letter detailing the contents and purpose of the Preliminary Development Plan submittal.

Within five (5) working days after the Preliminary Development Plan application has been determined to be complete, the City Administrator or their designee shall distribute copies to other departments and agencies as the City Administrator or their designee deems necessary for a proper review, including but not limited to the Pataskala Utility Department, Pataskala City Engineer, Pataskala Police Department, Pataskala Public Service Department, West Licking Joint Fire District, Licking County Health Department and the South West Licking Community Water and Sewer District.

Complete Preliminary Development Plan applications shall be scheduled to be heard by the Planning and Zoning Commission at the next Planning and Zoning Commission hearing as indicated on the adopted Planning and Zoning Commission hearing schedule. Special Planning and Zoning Commission hearings may be scheduled for extenuating circumstances as determined by the City Administrator or their designee.

(Ord. 2018-4312. Passed 3-19-18.)

1113.06 PRELIMINARY DEVELOPMENT PLAN CONTENTS.

The Preliminary Development Plan shall be shown at a scale not less than 100 feet to the inch and shall be on one (1) or more sheet 22 inches by 34 inches in size and include the following:

- (a) Proposed name of the Major Subdivision. To avoid confusion, the name shall not duplicate or closely resemble the name of any other Major Subdivision or development within the City of Pataskala or Licking County.
- (b) Title sheet including the date the plan was prepared.
- (c) Location by Section, Range, and Township or other official surveys.
- (d) Names, addresses, and contact information of the property owner(s), the Subdivider, the Ohio Registered Engineer and/or the Ohio Registered Surveyor who prepared the plan and the appropriate seals and registration numbers of each,
- (e) Date of survey, scale of plan and north arrow.
- (f) Boundaries of the Major Subdivision, its acreage, and deed book and page number of lands within the proposed Major Subdivision.
- (g) Names of adjacent subdivisions, owners of adjoining parcels and the location of their boundary lines.

- (h) Locations, widths, and names of existing streets, rail road rights of way, easements, parks, permanent buildings, corporation and township boundaries, wooded areas, natural features, drainage, 100-year flood plain, existing permanent and temporary structures, and burial grounds and other areas of archeological significance within and adjacent to the Major Subdivision for a minimum distance of 200 feet.
- (i) Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property, or lack thereof, and certified by a professional engineer, registered in the State of Ohio. A note shall be placed on the plan if no naturally occurring watercourses exist on the property. All naturally occurring water features shall include a minimum 25-foot buffer as measured from the edge of the water feature.
- (j) Location, names and widths and typical cross section and right of way width of proposed streets. Street names shall not duplicate or closely resemble the name of any other street, highway or road in the City of Pataskala or Licking County.
- (k) Location, widths and description of proposed easements. All lots shall have a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee.
- (l) Building setback lines with dimensions.
- (m) Location and dimensions of all proposed public and private utilities, water, wastewater, storm drain lines, detention and/or retention facilities showing their locations and connections with the existing system. All new utilities shall be located underground.
- (n) Layout, lot number, acreage and dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the width at the building line shall be shown.
- (o) Parcels of land in acres to be reserved for public use, or to be reserved by covenant for residents of the subdivision.
- (p) The location and width of sidewalks and paths.
- (q) The location of all street lights. Street lights shall have a maximum spacing of 200 feet and be staggered on opposite sides of the street. At least one street light shall be located at an intersection.
- (r) A vicinity map at a scale of not less than 2,000 square feet to the inch. This map shall depict all existing subdivisions, roads, road rights of way, tract lines and the nearest existing intersections and thoroughfares. It shall also show the most advantageous connections between roads in the proposed Major Subdivision and those of the neighboring area.
- (s) A Tree Replacement Survey and Landscaping Plan pursuant to Chapter 1283.
- (t) Statement of proposed use of all lots, giving types, number of dwelling units and any type of commercial, industrial or institutional activity.
- (u) Proposed phasing plan of the Major Subdivision if applicable
- (v) Required statements and signatures to be affixed on the Preliminary Development Plan. (Ord. 2018-4312. Passed 3-19-18.)

1113.07 PRELIMINARY DEVELOPMENT PLAN SUPPLEMENTARY INFORMATION.

The following information shall be supplied in addition to the requirements in Section 1113.06 as required by the City Administrator or their designee:

- (a) Any variances that would be required as part of the Preliminary Plan.
- (b) Location and approximate dimensions of all existing buildings.

- (c) A copy of the proposed covenants and restrictions. Such covenants and restrictions must be acceptable to the Licking County Health Department, if applicable. Where central water and/or sewer is provided, a restriction requiring connection to such systems shall be included.
- (d) A copy of the proposed Homeowner's Association bylaws, if applicable, to include a description of the areas to be maintained by the Homeowner's Association, a timeline for transfer of control from the Subdivider to the property owner's, the requirement that all lots owners shall be a member of the Homeowner's Association, an account of the powers the association shall have in collecting dues and a storm water facility management plan.
- (e) The extension or improvements, including any oversize requirements to the City of Pataskala Water and Wastewater Treatment Systems that may be required by the City, to be constructed by the Subdivider at the Subdivider's expense, and according to all City requirements.
- (f) Calculations that develop the water and sanitary sewer demand rates for the subdivision.
- (g) A statement indicating the proposed water and wastewater service including evidence of approval by the Licking County Health Department or appropriate authority.
- (h) A Storm Water Drainage Report indicating compliance with all current storm water regulations.
- (i) All plans and applications necessary to obtain a National Pollutant Discharge Elimination System (NPDES) permit as required.
- (j) Traffic Impact Study
- (k) Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland, either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency
- (l) Other information that may be required by the City Administrator or their designee.
(Ord. 2018-4312. Passed 3-19-18.)

1113.08 PRELIMINARY DEVELOPMENT PLAN CONFERENCE.

A Preliminary Plan Conference may be required by the City Administrator or their designee, or requested by the Subdivider, prior to the City of Pataskala Planning and Zoning Commission hearing. (Ord. 2018-4312. Passed 3-19-18.)

1113.09 PRELIMINARY DEVELOPMENT PLAN PUBLIC HEARING.

The Planning and Zoning Commission shall hold a public hearing prior to any action being taken on a Preliminary Development Plan application.
(Ord. 2018-4312. Passed 3-19-18.)

1113.10 PRELIMINARY DEVELOPMENT PLAN NOTIFICATION.

Written notice of the public hearing to be held for a Preliminary Development Plan application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Preliminary Development Plan application. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission. (Ord. 2018-4312. Passed 3-19-18.)

1113.11 APPROVAL OF PRELIMINARY DEVELOPMENT PLAN.

(a) The Planning and Zoning Commission shall determine whether a Preliminary Development Plan is approved, approved with conditions or disapproved. Notice of the decision of the Planning and Zoning Commission shall be communicated to the Subdivider in writing within five (5) days of the Planning and Zoning Commission hearing. Approval of a Preliminary Development Plan shall be based upon compliance with applicable regulations and input from city departments and other applicable departments and agencies.

(b) If a Preliminary Development Plan is approved by the Planning and Zoning Commission, the Subdivider shall submit one (1) copy of the Preliminary Development Plan, with any required revisions, to the Planning and Zoning Department. The Preliminary Development Plan shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated. The signatures and dates for the Subdivider or representative and a registered engineer or surveyor shall be on the Preliminary Development Plan at the time it is submitted. The Subdivider may submit additional copies of the Preliminary Development Plan for signatures if desired.

(c) Once the City Administrator or their designee determines that the Preliminary Development Plan is accurate and complies with any conditions of approval and other applicable regulations, the Preliminary Development Plan shall be signed by the appropriate city officials and other applicable officials and agencies. (Ord. 2018-4312. Passed 3-19-18.)

1113.12 PHASING REQUIREMENTS.

A subdivision may be developed in phases provided that:

- (a) The Preliminary Development Plan shows the intended phases of development and the requirements of the Subdivision Regulations that shall be satisfied in each phase as approved as part of the Preliminary Development Plan.
- (b) The degree and extend of road, water supply, sewerage disposal, stormwater management, erosion and sediment control and other required improvements in the phase and previously approved phases is sufficient to serve or handle all development within the phases(s).
- (c) Phasing shall be ordered chronologically in the sequence in which construction is intended to occur in accordance with an approved Preliminary Development Plan. Phasing and sectioning shall be numbered and no further subcategorization shall be permitted beyond phase and section. Deviations from the phasing of an approved Preliminary Development Plan shall be at the discretion of the Planning and Zoning Commission. (Ord. 2018-4312. Passed 3-19-18.)

1113.13 PRELIMINARY DEVELOPMENT PLAN APPROVAL PERIOD.

(a) The approval of a Preliminary Development Plan shall be valid for a period of two (2) years from the date of approval of the latest signature on the Preliminary Development Plan. The terms under which this approval was granted shall not be affected by changes in these regulations during the valid approval period. Changes in other applicable regulations may affect the terms under which this approval was granted.

(b) The Subdivider or successor may request an extension of an approved Preliminary Development Plan by submitting an application for extension and the appropriate filing fee prior to the expiration date. The Planning and Zoning Commission may grant an extension of an approved Preliminary Development Plan for a period of two (2) years. This extension does not guarantee that the terms under which the original approval was granted shall not be affected by changes in these or other applicable regulations unless mutually agreed upon in writing by the Subdivider or successor and the Planning and Zoning Commission.

(c) If an extension to an approved Preliminary Plan is granted by the Planning and Zoning Commission, the Subdivider shall submit a complete set of updated plans to the Planning and Zoning Department. The updated Preliminary Development Plan shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated. The signatures and dates for the Subdivider or representative and a registered engineer or surveyor shall be on the updated Preliminary Development Plan at the time it is submitted. The Subdivider may submit additional copies of the updated Preliminary Development Plan for signatures if desired.

(d) If an extension to an approved Preliminary Development Plan is not granted by the Planning and Zoning Commission, or if an approved Preliminary Development Plan expires, the Subdivider may reapply for Preliminary Development Plan approval pursuant to Section 1113.04.

(Ord. 2018-4312. Passed 3-19-18.)

1113.14 AMENDMENT TO PRELIMINARY DEVELOPMENT PLAN.

(a) No changes, modifications, or other revisions that alter the Preliminary Development Plan or conditions attached to an approved Preliminary Development Plan shall be made unless the proposed revisions are first resubmitted and approved by the Planning and Zoning Commission. Planning and Zoning Commission approval of an amended Preliminary Development Plan shall be valid for a period of two (2) years pursuant to the regulations in Section 1113.11.

(b) In the event that such subdivision plan revisions are implemented without complying with this requirement, the revisions shall be considered null and void. Typographical errors that do not affect the Preliminary Development Plan shall be resubmitted and approved by the City Administrator or their designee.

(Ord. 2018-4312. Passed 3-19-18.)

1113.15 CONSTRUCTION PLANS REQUIRED.

Construction Plans shall be submitted following approval or approval with conditions of a Preliminary Development Plan and prior to application for a Final Plan.

(Ord. 2018-4312. Passed 3-19-18.)

1113.16 CONSTRUCTION PLANS APPLICATION.

Upon initial application for Construction Plans, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject the application for Construction Plans that is determined to be incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (a) A Construction Plans application form provided by the Planning and Zoning Department and the proper filing fees.
 - (b) The appropriate number of copies of the Construction Plans, as determined by the City Administrator or their designee, containing the information outlined in Section 1113.16. Reduced size copies may be required.
 - (c) An electronic copy of all items submitted as a Portable Document Format (pdf) file or other acceptable format.
 - (d) A cover letter detailing the contents and purpose of the Construction Plans submittal.
- (Ord. 2018-4312. Passed 3-19-18.)

1113.17 CONSTRUCTION PLANS CONTENTS.

Construction Plans for all improvements shall be prepared by a professional engineer, registered in the State of Ohio, and be in accordance with the construction and material specifications of the City. Approval by the City Administrator or their designee, and other regulatory agencies as necessary, shall be required prior to commencement of construction and before application for the Final Plan. Construction Plans shall be shown at a scale not less than 100 feet to the inch and shall be on one (1) or more sheets 22 inches by 34 inches in size and include the following:

- (a) Title sheet with vicinity map
- (b) Typical sections including section depths, widths and materials types.
- (c) Survey datum and basis of bearing with all horizontal and vertical control references and plan locations identified
- (d) General notes
- (e) Applicable standard drawings
- (f) Plan and Profile sheets including:
 - (1) Plans and centerline profiles of proposed streets including the following minimum requirements:
 - i. Stationing that is independent for each street with station equations shown as needed.
 - ii. Proposed grades
 - iii. Vertical and horizontal curves
 - iv. Pavement width
 - v. Right-of-way width
 - vi. Location and width of sidewalks and paths
 - vii. Location and size of all utilities
 - viii. Location of all streetlights
 - (2) Plans and profiles of proposed sanitary and storm sewers including the following minimum requirements:
 - i. Stationing and offsets as necessary
 - ii. Alignment, slope, size, material and length of all pipes
 - iii. All manhole bottom and top of casting elevations
 - iv. All utility crossings
 - v. Proposed backfill type

- (3) Plans and profiles of proposed water distribution system including the following minimum requirements:
 - i. Stationing and offsets as necessary
 - ii. Alignment, size and material of all pipes
 - iii. Locations and sizes of all valves, fire hydrants, trees, service lines, tees, and other features as necessary.
- (4) Location and width of all proposed and existing right-of-way and easements.
- (g) Intersection details
- (h) ADA compliance of pedestrian facilities
- (i) Maintenance of traffic if applicable
- (j) Soil and erosion control plan
- (k) A fully detailed drainage and grading plan showing all existing and proposed storm sewers, manholes, catch basins, water courses, culverts, and underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, and waterway openings indicated thereon. The drainage plan shall show the method to be used for adequate routing of all storm water, including drainage outlets, storm water control devices, and other such data as may be required by the City Administrator or their designee.
- (l) The following items shall accompany and be submitted with engineering plans:
 - (1) Cover letter detailing the contents and purpose of the submittal
 - (2) Storm water calculations
 - (3) Sanitary calculations
- (m) Required statements and signatures to be affixed on the Construction Plans.
- (n) Any other information determined to be necessary by the City Administrator or their designee. (Ord. 2018-4312. Passed 3-19-18.)

1113.18 REVIEW AND APPROVAL OF CONSTRUCTION PLANS.

(a) Upon receipt of a complete Construction Plans application, the City Administrator or their designee shall review the application within a reasonable amount of time and in the order the application was received.

(b) Upon completion of the review of the Construction Plans, the City Administrator or their designee will send the Subdivider a Review Letter listing the outstanding items that shall be addressed by the Subdivider.

(c) All revisions to Construction Plans, as requested by the City Administrator or their designee, shall be accompanied by a letter from the engineer or surveyor indicating how each item from the Review Letter was addressed on the revised Construction Plans.

(d) Subsequent review of Construction Plans shall follow the afore mentioned process until such time that all items are addressed to the satisfaction of the City Administrator or their designee. If in the event that items cannot be resolved administratively, those items shall be presented to the Planning and Zoning Commission for resolution. The Planning and Zoning Commission's determination regarding those items shall be final.

(e) Upon determination by the City Administrator or their designee that the Construction Plans satisfy the requirements of the Pataskala Code and all other applicable regulations, notice of the decision of the City Administrator or their designee shall be communicated to the Subdivider in writing.

(f) Upon notification of approval, the Subdivider shall submit one (1) copy of the Construction Plans to the Planning and Zoning Department. The Construction Plans shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated. The signatures and dates for the Subdivider or representative and a registered engineer or surveyor shall be on the Construction Plans at the time they are submitted. The Subdivider may submit additional copies of the Construction Plans for signatures if desired. The Construction Plans shall be signed by the appropriate city officials and other applicable officials and agencies. (Ord. 2018-4312. Passed 3-19-18.)

1113.19 CONSTRUCTION PLANS CONFERENCE.

A Construction Plans Conference may be required by the City Administrator or their designee, or requested by the Subdivider or their engineer. (Ord. 2018-4312. Passed 3-19-18.)

1113.20 CONSTRUCTION PLANS APPROVAL PERIOD.

(a) The approval of the Construction Plans shall be valid for a period of three (3) years from the date of the latest signature on the approved Construction Plans. The terms under which this approval was granted shall not be affected by changes in these regulations. Changes in other applicable regulations may affect the terms under which this approval was granted.

(b) The Subdivider or successor may request an extension of approved Construction Plans by submitting an application for extension and the appropriate filing fee prior to the expiration date. The City Administrator or their designee may grant an extension of approved Construction Plans for a period of three (3) years. This extension does not guarantee that the terms under which the original approval was granted shall not be affected by changes in these or other applicable regulations unless mutually agreed upon in writing by the Subdivider or successor and the City Administrator or their designee.

(c) If an extension for approved Construction Plans is granted by the City Administrator or their designee, the Subdivider shall submit a complete set of updated plans shown at a scale not less than 100 feet to the inch and shall be on one (1) or more mylar sheets 22 inches by 34 inches in size to the Planning and Zoning Department for signatures. The three (3) year extension period shall begin from the date of approval of the latest signature on the approved Construction Plans extension.

(d) If an extension for approved Construction Plans is not granted by the City Administrator or their designee, or if approved Construction Plans expire, the Subdivider may reapply for approval of Construction Plans pursuant to Section 1113.15. (Ord. 2018-4312. Passed 3-19-18.)

1113.21 FINAL DEVELOPMENT PLAN REQUIRED.

(a) The purpose of a Final Development Plan is to ensure that all conditions, constructions plans, and other requirements have been satisfactorily addressed. The Final Development Plan shall conform to the approved or conditionally approved Preliminary Development Plan and Construction Plans or incorporate required changes as may be the case.

(b) The Final Development Plan shall be submitted following approval or conditional approval of a Preliminary Development Plan and approval or conditional approval of Construction Plans. (Ord. 2018-4312. Passed 3-19-18.)

1113.22 FINAL DEVELOPMENT PLAN APPLICATION.

(a) Upon initial Final Development Plan application, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject any Final Development Plan application that is determined to be incomplete. If the application is rejected as incomplete the City will make a good faith effort to advise the Subdivider the manner in which the application is incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (1) A Final Development Plan application form provided by the Planning and Zoning Department and the proper filing fees.
- (2) The appropriate number of copies of the Final Development Plan, as determined by the City Administrator or their designee, containing the information outlined in Section 1113.23. Reduced size copies may be required.
- (3) An electronic copy of the Final Plan as a Portable Document Format (pdf) file or other acceptable format.
- (4) A cover letter detailing the contents and purpose of the Final Development Plan submittal

(b) Within five (5) working days after the Final Development Plan application has been determined to be complete, the City Administrator or their designee shall distribute copies to other departments and agencies as the City Administrator or their designee deems necessary for a proper review, including but not limited to the Pataskala Utility Department, Pataskala City Engineer, Pataskala Police Department, Pataskala Public Service Department, West Licking Joint Fire District, Licking County Health Department and the South West Licking Community Water and Sewer District.

(c) Complete Final Development Plan applications shall be scheduled to be heard by the Planning and Zoning Commission at the next Planning and Zoning Commission hearing as indicated on the adopted Planning and Zoning Commission hearing schedule. Special Planning and Zoning Commission hearings may be scheduled for extenuating circumstances as determined by the City Administrator or their designee.
(Ord. 2018-4312. Passed 3-19-18.)

1113.23 FINAL DEVELOPMENT PLAN CONTENTS.

The Final Development Plan shall be shown at a scale not less than 100 feet to the inch and shall be on one (1) or more sheet 22 inches by 34 inches in size and include the following:

- (a) Proposed name, and phase if applicable, of the Major Subdivision. To avoid confusion, the name shall not duplicate or closely resemble the name of any other Major Subdivision or development within the City of Pataskala or Licking County.
- (b) Title sheet including the date the plan was prepared.
- (c) Location by Section, Range, and Township or other official surveys.
- (d) Names, addresses, and contact information of the property owner(s), the Subdivider, the Ohio Registered Engineer and/or the Ohio Registered Surveyor who prepared the plan and the appropriate seals and registration numbers of each,
- (e) Date of survey, scale of plan and north arrow.
- (f) Boundaries of the Major Subdivision, its acreage, and deed book and page number of lands within the proposed Major Subdivision.

- (g) Names of adjacent subdivisions, owners of adjoining parcels and the location of their boundary lines.
- (h) Locations, widths, and names of existing streets, rail road rights of way, easements, parks, permanent buildings, corporation and township boundaries, wooded areas, natural features, drainage, 100 year flood plain, existing permanent and temporary structures, and burial grounds and other areas of archeological significance within and adjacent to the Major Subdivision for a minimum distance of 200 feet.
- (i) Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property including a 25-foot buffer as measured from the edge of the water feature.
- (j) Location, names and widths and typical cross section and right of way width of proposed streets. Street names shall not duplicate or closely resemble the name of any other street, highway or road in the City of Pataskala or Licking County.
- (k) Location, widths and description of proposed easements. All lots shall have a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee.
- (l) Building setback lines with dimensions.
- (m) Location and dimensions of all proposed public and private utilities, water, wastewater, storm drain lines, detention and/or retention facilities showing their locations and connections with the existing system. All new utilities shall be located underground.
- (n) Layout, lot number, acreage and dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the width at the building line shall be shown.
- (o) Parcels of land in acres to be reserved for public use, or to be reserved by covenant for residents of the subdivision.
- (p) The location and width of sidewalks and paths.
- (q) The location of all street lights. Street lights shall have a maximum spacing of 200 feet and be staggered on opposite sides of the street. At least one street light shall be located at an intersection.
- (r) A vicinity map at a scale of not less than 2,000 square feet to the inch. This map shall depict all existing subdivisions, roads, road rights of way, tract lines and the nearest existing intersections and thoroughfares. It shall also show the most advantageous connections between roads in the proposed Major Subdivision and those of the neighboring area.
- (s) A Tree Replacement Survey and Landscaping Plan pursuant to Chapter 1283.
- (t) Statement of proposed use of all lots, giving types, number of dwelling units and any type of commercial, industrial or institutional activity.
- (u) Required statements and signatures to be affixed on the Final Development Plan. (Ord. 2018-4312. Passed 3-19-18.)

1113.24 FINAL DEVELOPMENT PLAN SUPPLEMENTARY INFORMATION.

The following information shall be supplied in addition to the requirements in Section 1113.23 as required by the City Administrator or their designee:

- (a) Proof of approval for any variances that were required as part of the Preliminary Development Plan.
- (b) Documentation indicating how any conditions of approval of the Preliminary Development Plan have been addressed as part of the Final Development Plan submittal.

- (c) Other information that may be required by the City Administrator or their designee.
(Ord. 2018-4312. Passed 3-19-18.)

1113.25 FINAL DEVELOPMENT PLAN CONFERENCE.

A Final Development Plan Conference may be required by the City Administrator or their designee, or requested by the Subdivider, prior to the City of Pataskala Planning and Zoning Commission hearing. (Ord. 2018-4312. Passed 3-19-18.)

1113.26 FINAL DEVELOPMENT PLAN PUBLIC HEARING.

The Planning and Zoning Commission shall hold a public hearing prior to any action being taken on a Final Development Plan application.
(Ord. 2018-4312. Passed 3-19-18.)

1113.27 FINAL DEVELOPMENT PLAN NOTIFICATION.

Written notice of the public hearing to be held for a Final Development Plan application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Final Development Plan application. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission.
(Ord. 2018-4312. Passed 3-19-18.)

1113.28 APPROVAL OF FINAL DEVELOPMENT PLAN.

(a) The Planning and Zoning Commission shall determine whether a Final Development Plan is approved, approved with conditions or disapproved based upon confirmation that all conditions, construction plans, and other requirements have been satisfactorily addressed. Modifications to the approved Preliminary Development Plan may be considered by the Planning and Zoning Commission so long as they meet the intent of the approved Preliminary Development Plan or are reasonable accommodations based upon the Construction Plans. Notice of the decision of the Planning and Zoning Commission shall be communicated to the Subdivider in writing within five (5) days of the Planning and Zoning Commission hearing.

(b) If a Final Development Plan is approved by the Planning and Zoning Commission, the Subdivider shall submit one (1) copy of the Final Development Plan, with any required revisions, to the Planning and Zoning Department. The Final Development Plan shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated. The signatures and dates for the Subdivider or representative and a registered engineer or surveyor shall be on the Final Development Plan at the time it is submitted. The Subdivider may submit additional copies of the Final Development Plan for signatures if desired.

(c) Once the City Administrator or their designee determines that the Final Development Plan is accurate and complies with any conditions of approval and other applicable regulations, the Final Development Plan shall be signed by the appropriate city officials and other applicable officials and agencies. (Ord. 2018-4312. Passed 3-19-18.)

1113.29 FINAL DEVELOPMENT PLAN APPROVAL PERIOD.

(a) The approval of a Final Development Plan shall be valid for a period of two (2) years from the date of approval of the latest signature on the Final Development Plan. The terms under which this approval was granted shall not be affected by changes in these regulations. Changes in other applicable regulations may affect the terms under which this approval was granted.

(b) The Subdivider or successor may request an extension of an approved Final Development Plan by submitting an application for extension and the appropriate filing fee prior to the expiration date. The Planning and Zoning Commission may grant an extension of an approved Final Development Plan for a period of two (2) years. This extension does not guarantee that the terms under which the original approval was granted shall not be affected by changes in these or other applicable regulations unless mutually agreed upon in writing by the Subdivider or successor and the Planning and Zoning Commission.

(c) If an extension to an approved Final Development Plan is granted by the Planning and Zoning Commission, the Subdivider shall submit a complete set of updated plans shown at a scale not less than 100 feet to the inch and shall be on one (1) or more mylar sheets 22 inches by 34 inches in size to the Planning and Zoning Department for signatures. The two (2) year extension period shall begin from the date of approval of the latest signature on the approved Final Plan extension.

(d) If an extension to an approved Final Development Plan is not granted by the Planning and Zoning Commission, or if an approved Final Development Plan expires, the Subdivider may reapply for Final Development Plan approval pursuant to Section 1113.21. (Ord. 2018-4312. Passed 3-19-18.)

1113.30 AMENDMENT TO FINAL DEVELOPMENT PLAN.

(a) No changes, modifications, or other revisions that alter the Final Development Plan or conditions attached to an approved Final Development Plan shall be made unless the proposed revisions are first resubmitted and approved by the Planning and Zoning Commission. Planning and Zoning Commission approval of an amended Final Development Plan shall be valid for a period of two (2) years pursuant to the regulations in Section 1113.28.

(b) In the event that such subdivision plan revisions are implemented without complying with this requirement, the revisions shall be considered null and void. Typographical errors that do not affect the Final Development Plan shall be resubmitted and approved by the City Administrator or their designee. (Ord. 2018-4312. Passed 3-19-18.)

1113.31 PRE-CONSTRUCTION CONFERENCE REQUIRED.

Prior to the commencement of construction, a Pre-Construction Conference shall be scheduled with the City Administrator or their designee. The following items shall be completed and submitted prior to scheduling the Pre-Construction Conference:

- (a) Final signed Construction Plans
- (b) Subdividers deposit for construction administration and inspection services as required pursuant to Section 1113.32.
- (c) Developers agreement
- (d) All applicable permitting, including but not limited to NPDES, OEPA, ACOE, Fish and Wildlife and ODNR.
- (e) Anticipated construction schedule.

- (f) Emergency contact and sub-contractors list.
 - (g) Other information that may be required by the City Administrator or their designee.
- (Ord. 2018-4312. Passed 3-19-18.)

1113.32 CONSTRUCTION ADMINISTRATION AND INSPECTION.

(a) Prior to commencement of any work covered in the Construction Plans, after approval thereof, arrangements shall be made by the Subdivider to provide for administration and inspection services by the City Administrator or their designee.

(b) The Subdivider shall deposit funds with the City in an amount sufficient to cover the costs of construction administration and inspection services. The value of said deposit shall be based upon a percentage of the estimated construction cost of the public improvements.

(c) In the event that the deposited funds are exhausted, the Subdivider shall provide an additional deposit in an amount to be determined by the City Administrator or their designee prior to continuation of construction activities. (Ord. 2018-4312. Passed 3-19-18.)

1113.33 CONSTRUCTION OF PUBLIC IMPROVEMENTS.

(a) Erosion and sediment control measures shall be in place prior to commencement of earthmoving operations pursuant to the approved Construction Plans, Chapter 1119 of this Code and all other applicable state and federal regulations. An inspector assigned by the City Administrator or their designee shall be present during the construction of all public improvements to be accepted. Public improvements constructed in the absence of an inspector assigned by the City Administrator or their designee shall not be accepted.

(b) All construction activities shall be performed in accordance with the approved plans and in a safe manner so as not to hinder, obstruct, limit, affect or otherwise create a nuisance to the City and public at large. This shall include, but not be limited to, maintenance of traffic, obstructions to travel, maintenance of erosion and sediment control devices and minimization of off-site impacts including noise, vibration, odor, air pollution, glare, and water pollution. The City Administrator or their designee shall determine compliance with the intent of the afore mentioned requirements. Whomever violates any provisions of this Section or fails to comply with any of its requirements shall be subject to punishment under Section 1123.99.

(c) At the discretion of the City Administrator or their designee, testing of public improvements or facets thereof shall be completed by the Subdivider. Any public improvements or facets thereof that fail to meet standard testing parameters shall not be accepted.

(d) If any phase of an approved subdivision will use an existing road for access, a surety may be required to cover any damage to public infrastructure. The City Administrator or their designee shall make an evaluation of the public infrastructure prior to the start of any construction activities. In addition, an evaluation shall be made at the completion of each phase to determine damage, if any, to the public infrastructure. The City Administrator or their designee shall determine the value of the surety, if required.
(Ord. 2018-4312. Passed 3-19-18.)

1113.34 FINAL INSPECTION.

Upon completion of all public improvements, the Subdivider shall request, in writing, a final inspection to be performed by the City Administrator or their designee. In the case that any public improvements do not pass a final inspection, the Subdivider shall be so notified in writing, and requested to make corrections to the work as necessary.
(Ord. 2018-4312. Passed 3-19-18.)

1113.35 PROCEDURE FOR ACCEPTANCE.

(a) After completion, final inspection and approval of all public improvements, the Subdivider shall provide a maintenance bond for the public improvements. The duration and value of the maintenance bond shall be determined by the City Administrator or their designee.

(b) Upon receipt of the maintenance bond, the City Administrator or their designee shall provide a certificate of substantial completion to the Subdivider. The certificate of substantial completion shall include a list of any deficient items to be corrected. The issuance of a certificate of substantial completion establishes the commencement and duration of the warranty period.

(c) Once the certificate of substantial completion, signed by the Subdivider, is returned, and all conditions for acceptance pursuant to Section 1113.36 have been satisfied, the City Administrator or their designee shall provide documentation, in the form of a Resolution, to City Council for acceptance of the public improvements.

(d) City Council shall determine the acceptability of the public improvements for public maintenance and operation in accordance with the approved Construction Plans and applicable specifications. (Ord. 2018-4312. Passed 3-19-18.)

1113.36 CONDITIONS FOR ACCEPTANCE.

Prior to the acceptance of the public improvements, the Subdivider shall provide to the City Administrator or their designee, the following:

- (a) Maintenance bond
- (b) Signed certificate of substantial completion
- (c) As built information in all of the following formats:
 - (1) A copy of the approved Construction Plans with as-built revisions legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 22 inches by 34 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated.
 - (2) An electronic copy of the approved Constructions Plans with as-built revisions as a Portable Document Format (pdf) file or other acceptable format.
 - (3) A copy of the Computer Animated Drafting (CAD) files in State Plane Coordinates in the appropriate format as determined by the City Administrator or their designee.
 - (4) The Global Positioning System (GPS) coordinates for public improvements to include, but not limited to, all valves, fire hydrants, manholes and catch basins in tabular (spreadsheet) format.
(Ord. 2018-4312. Passed 3-19-18.)

1113.37 SUBMISSION OF FINAL PLAT.

Prior to the submittal of the Final Plat, the Subdivider shall install all required improvements that have been accepted by the City of Pataskla by Resolution. (Ord. 2018-4312. Passed 3-19-18.)

1113.38 FINAL PLAT FORM.

(a) The Final Plat shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 18 inches by 24 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one sheet to another is clearly indicated.

(b) The Final Plat may be submitted in phases or sections, or in its entirety, as long as the Final Plat is the same as the approved Final Development Plan, or Final Development Plan with conditions, consistent with the approved Construction Plans, and compliant with all other applicable regulations. (Ord. 2018-4312. Passed 3-19-18.)

1113.39 FINAL PLAT CONTENTS.

The Final Plat shall contain the following information for the particular phase or section that is being submitted for review and approval. The City Administrator or their designee may require additional information as necessary.

- (a) Name of the subdivision, located by section, range, township, or by other survey number, date, north arrow, and acreage.
- (b) Name and address of the Subdivider and the professional registered surveyor who prepared the Final Plat, and appropriate numbers and seals.
- (c) Final Plat boundaries based on accurate traverse with angular and linear dimensions, both linear and angular shall be determined by an accurate control survey in the field, which must balance, and close within the limit of 1:10,000.
- (d) Bearings and distances to the nearest established street lines or other recognized permanent monuments.
- (e) The parcel identification number of the original tract(s) and the owners name(s) and parcel identification number(s) of all adjacent parcels.
- (f) Radii, internal angles, points of curvature, tangent bearings, lengths or arcs, all easements and right-of-way provided for public services or utilities, building setback lines with dimensions, right-of-way width, and names of all streets within and adjoining the Final Plat.
- (g) All lot numbers and lines with accurate dimensions in feet and hundredths, and acreage.
- (h) Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- (i) The locations and descriptions of all monuments and pins.
- (j) When lots are located on a curve or when lot lines are at angles other than 90 degrees, the width at the building line shall be shown. If the building line is curved, the arc length shall be shown.
- (k) Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property including a 25 foot buffer as measured from the edge of the water feature.

- (l) Any part of the subdivision located within the 100-year flood plain as indicated on the Flood Insurance Rate Map (FIRM), or as determined by other appropriate persons.
- (m) Required statements and signatures to be affixed on the Final Plat.
(Ord. 2018-4312. Passed 3-19-18.)

1113.40 FINAL PLAT APPROVAL.

The City Administrator or their designee shall review the Final Plat and return any comments to the Subdivider for changes as necessary. Once the City Administrator or their designee determines that the Final Plat is accurate and complies with the requirements of these or any other applicable regulations, the Final Plat will be signed by the appropriate City Officials and other officials and agencies. The Subdivider when the be notified that the Final Plat is complete and ready for recording.
(Ord. 2018-4312. Passed 3-19-18.)

1113.41 TRANSMITTAL OF COPIES OF FINAL PLAT.

(a) When the Final Plat has been approved by the appropriate City Officials and other officials and agencies, the original mylar of the Final Plat shall be returned to the Subdivider for filing with Licking County.

(b) The Subdivider shall return the recorded mylar copy of the Final Plat to the City Administrator or their designee within 30 days of the date of its recording. Final Plats shall be filed no later than 30 days following the date of the final official signature on the original mylar. Failure to record the Final Plat within 30 days following the date of the final official signature on the original mylar shall render the Final Plat null and void.
(Ord. 2018-4312. Passed 3-19-18.)

1113.42 REPLAT REQUIRED.

Alterations to existing lot lines or other conditions to all or part of an existing platted subdivision shall require a Replat.
(Ord. 2018-4312. Passed 3-19-18.)

1113.43 REPLAT APPLICATION.

(a) Upon initial Replat application, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject any Replat application that is determined to be incomplete. If an application is rejected, the City will make a good faith effort to advise the Subdivider the manner in which the application is incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (1) A Replat application form provided by the Planning and Zoning Department and the proper filing fees.
- (2) The appropriate number of copies of the Replat as determined by the City Administrator or their designee. Reduced size copies may be required.
- (3) An electronic copy of the Replat as a Portable Document Format (pdf) file or other acceptable format.
- (4) A cover letter detailing the contents and purpose of the Replat submittal.
- (5) A copy of the original Final Plat.

(b) Within five (5) working days after the Replat application has been determined to be complete, the City Administrator or their designee shall distribute copies to other departments and agencies as the City Administrator or their designee deems necessary for a proper review, including but not limited to the Pataskala Utility Department, Pataskala City Engineer, Pataskala Police Department, Pataskala Public Service Department, West Licking Joint Fire District, Licking County Health Department and the South West Licking Community Water and Sewer District.

(c) Complete Replat applications shall be scheduled to be heard by the Planning and Zoning Commission at the next Planning and Zoning Commission hearing as indicated on the adopted Planning and Zoning Commission hearing schedule. Special Planning and Zoning Commission hearings may be scheduled for extenuating circumstances as determined by the City Administrator or their designee.
(Ord. 2018-4312. Passed 3-19-18.)

1113.44 REPLAT CONTENTS.

The Replat shall be shown at a scale not less than 100 feet to the inch and shall be on one (1) or more sheets 18 inches by 24 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one sheet to another is clearly indicated. The Replat shall contain or accompany the following information for the lots that are being submitted for review and approval. The City Administrator or their designee may require additional information as necessary.

- (a) A copy of the Replat complete with all information as required in Section 1113.39.
- (b) If the lots being replatted have existing structures, then a separate dimensionally accurate sketch prepared by a registered surveyor illustrating the revised lot lines, together with the outlines of such structures shall be submitted.
- (c) New lot numbers shall be assigned to all new or modified lots. This number shall consist of the lowest original lot number contained within the lot lines of the proposed lots and hyphenated with the letter "A", or next alphabetical letter needed to make the proposed lot number unique within the subdivision.
- (d) The Replat shall meet all applicable zoning and subdivision regulations.
- (e) All existing easements and reserves shall be maintained on the Replat. The Planning and Zoning Commission may waive this requirement if it is determined that the existing easement would not serve a purpose as part of the replatted lots.
- (f) Where no easements exist, a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee. (Ord. 2018-4312. Passed 3-19-18.)

1113.45 REPLAT CONFERENCE.

A Replat Conference may be required by the City Administrator or their designee, or requested by the Subdivider, prior to the City of Pataskala Planning and Zoning Commission hearing. (Ord. 2018-4312. Passed 3-19-18.)

1113.46 REPLAT PUBLIC HEARING.

The Planning and Zoning Commission shall hold a public hearing prior to any action being taken on a Replat application. (Ord. 2018-4312. Passed 3-19-18.)

1113.47 REPLAT NOTICE TO PROPERTY OWNERS.

Written notice of the public hearing to be held for a Replat application shall be mailed to all adjoining property owners of record within 300 feet of any property line of the subject property by first class mail, and given in one (1) or more newspapers of general circulation in the City at least 10 days before the date of the public hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Replat application. Notice of the public hearing shall be mailed by the Planning and Zoning Department by first class mail. Failure to deliver notice, as provided in this section, shall not invalidate any action taken by the Planning and Zoning Commission. (Ord. 2018-4312. Passed 3-19-18.)

1113.48 APPROVAL OF REPLAT.

(a) The Planning and Zoning Commission shall determine whether a Replat is approved, approved with conditions or disapproved based upon determination of whether all requirements have been satisfactorily addressed. Modifications to the approved Final Development Plan and/or Final Plat may be considered by the Planning and Zoning Commission so long as they meet the intent of the approved Final Development Plan and/or Final Plat or are reasonable accommodations based upon the proposal. Notice of the decision of the Planning and Zoning Commission shall be communicated to the Subdivider in writing within five (5) days of the Planning and Zoning Commission hearing.

(b) If a Replat is approved by the Planning and Zoning Commission, the Subdivider shall submit one (1) copy of the Replat, with any required revisions, to the Planning and Zoning Department. The Replat shall be legibly drawn in black ink on matte mylar material or other approved material of equal permanence. It shall be drawn at a scale no less than 100 feet to the inch on one (1) or more sheets 18 inches by 24 inches in size. If more than one (1) sheet is necessary, each sheet shall be numbered and the relation of one (1) sheet to another clearly indicated. The signatures and dates for the Subdivider or representative and a registered engineer or surveyor shall be on the Replat at the time it is submitted. The Subdivider may submit additional copies of the Replat for signatures if desired.

(c) Once the City Administrator or their designee determines that the Replat is accurate and complies with any conditions of approval and other applicable regulations, the Replat shall be signed by the appropriate city officials and other applicable officials and agencies. The Subdivider will be notified that the Replat is complete and ready for recording. (Ord. 2018-4312. Passed 3-19-18.)

1113.49 TRANSMITTAL OF COPIES OF REPLAT.

When the Replat has been approved by the appropriate City Officials and other officials and agencies, the original mylar of the Replat shall be returned to the Subdivider for filing with Licking County.

The Subdivider shall return the recorded mylar copy of the Replat to the City Administrator or their designee within 30 days of the date of its recording. Replats shall be filed no later than 30 days following the date of the final official signature on the original mylar. Failure to record the Replat within 30 days following the date of the final official signature on the original mylar shall render the Replat null and void. (Ord. 2018-4312. Passed 3-19-18.)

1113.50 REQUIRED STATEMENTS.

The following statement shall be affixed on a Final Plat or Replat as required by these regulations:

Situated in Section _____, Township _____, Range _____, Licking County, Pataskala, Ohio, containing _____ acres and being the same tract as conveyed to _____ and described in the deed recorded in Deed Book _____, Licking County, Ohio.

The undersigned _____ hereby certify that the attached plat correctly represents their _____, a subdivision of lots _____ to _____, inclusive, do hereby accept this plat of same and dedicate to public (private) use as such all or parts of the roads, boulevards, cul-de-sacs, parks, planting strips, etc., shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in conformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of the City of Pataskala, Ohio, for the benefit of himself and all other and subsequent owners or assigns taking title from, under, or through the undersigned.

In Witness thereof _____ day of 20_____.

Witness _____ Signed _____

We do hereby certify that we have surveyed the premises and prepared the attached plat and said plat is correct.

By _____

STATE OF OHIO

CITY OF PATASKALA, OHIO

Before me a Notary Public in and for said City personally came _____ who acknowledged the signing of the foregoing instrument to be their voluntary act and deed for the purposes therein expressed.

In witness whereof I have hereunto set my hand and affixed my official seal this _____ day of _____, 20_____.

By _____

(Ord. 2018-4312. Passed 3-19-18.)

**CHAPTER 1115
Minor Subdivisions**

1115.01	Minor subdivision criteria.	1115.07	Exempted lot split application.
1115.02	Lot split.	1115.08	Approval of exempted lot split.
1115.03	Lot split application.	1115.09	Exempted lot split approval period.
1115.04	Approval of lot split.		
1115.05	Lot split approval period.		
1115.06	Exempted lot split.		

CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.
Plat acknowledgment and recording - see Ohio R.C. 711.06
Plat approval - see Ohio R.C. 711.09

1115.01 MINOR SUBDIVISION CRITERIA.

A Minor Subdivision is the creation of less than six (6) lots, including the remainder, from the original parcel and/or does not involve the creation or extension of any roads or easements of access. Minor Subdivisions may be approved by the City Administrator or their designee without a plat so long as they comply with the requirements of a Lot Split or an Exempted Lot Split.
(Ord. 2018-4312. Passed 3-19-18.)

1115.02 LOT SPLIT.

A Lot Split may be approved by the City Administrator or their designee if the proposed Lot Split complies with all of the following requirements:

- (a) The proposed Lot Split is located along an existing dedicated public right of way and does not involve the opening, widening, or extension of any street or road.
- (b) Less than six (6) lots, including the remainder, are created from the original property.
- (c) The proposed Lot Split complies with all applicable Subdivision and Zoning Regulations. (Ord. 2018-4312. Passed 3-19-18.)

1115.03 LOT SPLIT APPLICATION.

Upon initial Lot Split application, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject a Lot Split Application that is determined to be incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (a) A Lot Split application for provided by the Planning and Zoning Department and the proper filing fees.
- (b) Two (2) copies of a survey prepared by a surveyor registered in the State of Ohio containing the following:
 - (1) The establishment of property corners by iron pins, corner posts, or other acceptable monuments.
 - (2) The original adjacent properties and the parcel to be conveyed including dimensions, property size, and ownership.
 - (3) The location of all buildings on the properties.
- (c) Two (2) copies of the legal description of the property to be conveyed.
- (d) Other information that may be required by the City Administrator or their designee.
(Ord. 2018-4312. Passed 3-19-18.)

1115.04 APPROVAL OF LOT SPLIT.

When the City Administrator or their designee is satisfied that a Lot Split application meets the requirements of Section 1115.02, the Lot Split application shall be approved. The City Administrator or their designee shall return one (1) copy of the approved Lot Split application to the Subdivider for recording purposes.
(Ord. 2018-4312. Passed 3-19-18.)

1115.05 LOT SPLIT APPROVAL PERIOD.

The approval of a Lot Split shall be valid for a period of one (1) year from the date of approval. The terms under which this approval was granted shall not be affected by changes in these regulations during the valid approval period. Failure to record the Lot Split within the valid approval period shall render the Lot Split application null and void.
(Ord. 2018-4312. Passed 3-19-18.)

1115.06 EXEMPTED LOT SPLIT.

An Exempted Lot Split is the division and subsequent conveyance of property between adjoining property owners or the combination of adjacent properties where such conveyance shall not create an additional building site and/or does not involve the opening, widening, or extension of any street or road. (Ord. 2018-4312. Passed 3-19-18.)

1115.07 EXEMPTED LOT SPLIT APPLICATION.

Upon initial Exempted Lot Split application, the City Administrator or their designee shall make a determination of the completeness of the application as it complies with this section. The City Administrator or their designee shall have the right to reject any Exempted Lot Split application that is determined to be incomplete. An application shall be considered officially submitted and filed when the City Administrator or their designee finds that the following have been provided:

- (a) An Exempted Lot Split application form provided by the Planning and Zoning Department and the proper filing fees.
- (b) Two (2) copies of a survey prepared by a surveyor registered in the State of Ohio containing the following
 - (1) The establishment of property corners by iron pins, corner posts, or other acceptable monuments.

- (2) The original adjacent properties and the parcel to be conveyed including dimensions, property size, and ownership.
 - (3) The location of all buildings on the properties.
 - (c) Two (2) copies of the legal description of the properties created by the Lot Split including the remainder.
 - (d) Other information that may be required by the City Administrator or their designee.
- (Ord. 2018-4312. Passed 3-19-18.)

1115.08 APPROVAL OF EXEMPTED LOT SPLIT.

When the City Administrator or their designee is satisfied that an Exempted Lot Split application meets the requirements of Section 1115.06 and Section 1115.07, the Exempted Lot Split application shall be approved. The City Administrator or their designee shall return one (1) copy of the approved Exempted Lot Split application to the Subdivider for recording purposes.
(Ord. 2018-4312. Passed 3-19-18.)

1115.09 EXEMPTED LOT SPLIT APPROVAL PERIOD.

The approval of an Exempted Lot Split shall be valid for a period of one (1) year from the date of approval. The terms under which this approval was granted shall not be affected by changes in these regulations during the valid approval period. Failure to record the Exempted Lot Split within the valid approval period shall render the Exempted Lot Split application null and void.

(Ord. 2018-4312. Passed 3-19-18.)

**CHAPTER 1117
Design Standards**

<p>1117.01 General statement.</p> <p>1117.02 Conformity to development plans and zoning.</p> <p>1117.03 Suitability of land.</p> <p>1117.04 Street design.</p> <p>1117.05 Street design standards for cul-de-sacs and all local streets.</p> <p>1117.06 Collector street design standards.</p> <p>1117.07 Horizontal alignment.</p> <p>1117.08 Vertical alignment.</p> <p>1117.09 Intersection design standards.</p> <p>1117.10 Special street types.</p> <p>1117.11 Boulevards.</p>	<p>1117.12 Streets for commercial subdivisions.</p> <p>1117.13 Streets for industrial subdivisions.</p> <p>1117.14 Large private parking lots.</p> <p>1117.15 Public sidewalks.</p> <p>1117.16 Blocks.</p> <p>1117.17 Lots.</p> <p>1117.18 Easements.</p> <p>1117.19 Flood areas and storm drainage.</p> <p>1117.20 Public sites, open space and natural features.</p> <p>1117.30 Access Management</p>
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CROSS REFERENCES

Sewer design - see S.U. & P.S. Ch. 921
Flood damage prevention - see BLDG. Ch. 1325

1117.01 GENERAL STATEMENT.

The regulations in Sections 1117.02 to 1117.20 inclusive, shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted, minimizing the undesirable features of unplanned, haphazard growth.

The Planning and Zoning Commission has the responsibility for reviewing the design of each future subdivision early in its design and development. The Planning and Zoning Commission shall insure that all the requirements of Sections 1117.02 to 1117.20, inclusive, are met.

1117.02 CONFORMITY TO DEVELOPMENT PLANS AND ZONING.

The arrangement, character, width, and location of all arterial and collector thoroughfares or extensions thereof shall conform with the City's Major Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the Planning and Zoning Commission based upon the design standards set forth in Sections 1117.02 to 1117.13, inclusive. In addition, no final plat of land within the area in which an existing Zoning Ordinance is in effect shall be approved unless it conforms with such Ordinance.

1117.03 SUITABILITY OF LAND.

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

1117.04 STREET DESIGN.

The arrangement, character, extent, width, grade construction, and location of all streets shall conform to the Major Thoroughfare Plan of the City of Pataskala, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets.

The street pattern shall discourage through traffic in the interior of a subdivision. The Subdivider shall provide within the boundaries of the subdivision plan, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan.

1117.05 STREET DESIGN STANDARDS FOR CUL-DE-SACS AND ALL LOCAL STREETS.

The design and improvement standards contained in the following table are suggested minimums for cul-de-sacs and loop type local streets in residential subdivisions. All such streets shall be designed and constructed in accordance with standards as specified in "Table 1" and any other more recent standards approved by the Planning and Zoning Commission.

1117.06 COLLECTOR STREET DESIGN STANDARDS.

The design and improvement standards contained in the following table are suggested minimums for all collector streets. All such streets shall be designed and constructed in accordance with the standards as specified in Table 2.

1117.07 HORIZONTAL ALIGNMENT.

When there is an angle of deflection of more than ten (10) degrees between two (2) centerline tangent sections of a street, a curve of adequate radius shall connect them. (See Sections 1117.05 to 1117.07, inclusive). Between reverse curves, a minimum tangent of 100 feet shall be introduced.

1117.08 VERTICAL ALIGNMENT.

(a) All changes of grade shall be connected by vertical curves of a minimum length in feet equal to 20 times the algebraic difference in the rate of grade for arterials and industrial streets; for collector and local streets, 15 times.

(b) Minimum vertical visibility shall conform to the Ohio Department of Highway's regulations in effect on the date of the approval of the preliminary plat.

(c) No street grade shall be less than 0.6 percent and in no case shall a street grade be more than 3 percent within 100 feet of an intersection.

1117.09 INTERSECTION DESIGN STANDARDS.

(a) The design and improvement standards for intersections are suggested minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with the standards as specified in Table 3.

(b) Multiple intersections involving junctions of more than two (2) streets shall be avoided.

(c) Four-way intersections of local streets should be avoided and three-way or T-intersections should be encouraged wherever possible.

1117.10 SPECIAL STREET TYPES.

The following requirements shall apply to special street types:

- (a) Permanent dead-end streets shall not be permitted. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turn-around satisfactory to the Planning and Zoning Commission in design, is provided, and provisions for maintenance, and removal are stipulated and approved. Temporary dead-end streets longer than 200 feet shall not be permitted.
- (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 dedicated and if required, improved as part of the new subdivision.
- (c) Where a subdivision adjoins an arterial street, a marginal access street shall be designed, if the subdivision design is such that residential lots would require direct vehicular access onto the arterial highway. Points of access to the arterial street shall be spaced at a minimum of 1,320 feet. A planting strip having a minimum width of 20 feet shall be provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be 50 feet.
- (d) Alleys shall not be approved in residential subdivisions, except where justified by extreme conditions. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width.

TABLE 1
STREET DESIGN STANDARDS FOR CUL-DE-SACS
AND ALL TYPES OF LOCAL STREETS

Right-of-Way (ft.)	50 *
Pavement Width (ft.)	28 **
Sidewalk Width (ft.)	4
Minimum Stopping Sight Distance (ft.)	200
Maximum Grade (percent)	4 %***
Maximum Cul-de-Sac Length (ft .)	500
Minimum Cul-de-Sac Radius (ROW)	50
Minimum Cul-de-Sac Radius (Pavement)	40
Minimum Center Line Radius (FF)	150

* A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

** Pavement width from back of curb to back of curb.

*** Unless otherwise approved by the City Engineer.

TABLE 2
COLLECTOR STREET DESIGN STANDARDS

Right-of-Way (ft.)	60
Pavement Width (ft.)	33/36 *
Sidewalk Width (ft.)	4
Minimum Stopping Sight Distance (ft.)	250
Maximum Grade (percent)	4 %**
Minimum Spacing When Intersection With an Arterial (ft.)	1320
Minimum Centerline Radius	350

* Pavement width from back of curb to back of curb. A 33 foot pavement width shall be required where parking is to be provided on one side of the street and a 36 foot pavement shall be required where parking is to be provided on both sides of the street.

** Unless otherwise approved by the City Engineer.

TABLE 3
INTERSECTION DESIGN STANDARDS

Maximum Approach Speed (MPH)	25
Clear Sight Distance (ft.) Length Along Each Approach Leg	90
Vertical Alignment With Intersection	2 %
Minimum Angle of Intersection (Degrees)	75 *

* 90 Degrees Preferred

Streets shall remain in the angle of intersection for at least 100 feet beyond the point of intersection.

Minimum Curb Radius (ft.)

1. Local-Local	20 - All Cases
2. Local-Collector	25 - All Cases
3. Collector-Collector	30-All Cases
4. Collector, Marginal Access-Arterial	35 - All Cases

Minimum Centerline, Offset of Adjacent Intersections (ft.)

1. Local-Local	150-All Cases
2. Local-Collector	200 - All Cases
3. Collector-Collector	300 - All Cases
4. Collector, Marginal Access-Arterial	1320 - All Cases

1117.11 BOULEVARDS.

The Planning and Zoning Commission may reserve the right to require the dedication of a landscaped boulevard median in place of additional right-of-way paving which would otherwise be used for on-street parking purposes. Whenever the provision of a boulevard is required, the following dimensions shall apply:

- (a) Two traffic lanes with a minimum width of 14 feet each. (No on-street parking shall be permitted.)
- (b) A 14-foot wide landscaped median.
- (c) Two 5-foot wide sidewalks.
- (d) Two landscaped buffers.
 - (1) Four feet apiece for 60-foot-wide rights-of-way; and
 - (2) Seven feet apiece for 66-foot-wide rights-of-way.
 - (3) In instances where a boulevard is approved, all required street tree plantings shall be provided through the use of ten-foot-wide easements immediately adjacent and parallel to the edge of the public right-of-way.

1117.12 STREETS FOR COMMERCIAL SUBDIVISIONS.

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

1117.13 STREETS FOR INDUSTRIAL SUBDIVISIONS.

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

1117.14 LARGE PRIVATE PARKING LOTS.

Where a parking lot is proposed to consist of fifty or more spaces, it shall include, as a minimum, one decorative or ornamental tree for every ten parking spaces to be provided. These plantings may be placed either within the required setback area or the interior parking lot area, or both.

Whenever 100 or more parking spaces will be provided, at least one-half of the required number of trees shall be placed within the interior of the parking lot. Regardless of parking lot size, the number of trees required may be planted in clusters, or may be planted in evenly spaced or staggered rows. These tree plantings must conform with Section 1121.16.

1117.15 PUBLIC SIDEWALKS.

All public sidewalks shall conform with the following requirements:

- (a) Public sidewalks shall be required on both sides of the street in all residential subdivisions where the lot width is 100 feet or less.
- (b) Public sidewalks may be required by the City Administrator or their designee where the predominant lot width is greater than 100 feet (refer to 1117.15(f) for exceptions).
- (c) Public sidewalks and any associated improvements shall be required along the road frontage of all arterial and collector streets. These sidewalks shall be in the form of either concrete sidewalks or asphalt paths, as required by the City Administrator or their designee, or as designated in the Comprehensive Plan and constructed to the current specifications of the City of Pataskala.
- (d) Public sidewalks and any associated improvements shall be required on one or both sides of a street where commercial lots exist or are proposed for platting.
- (e) Public sidewalks may, at the discretion of the City Administrator or their designee, be required for industrial lots.
- (f) The City Administrator or their designee shall reserve the right to waive the requirement for installation of public sidewalks and associated improvements where the improvement would not be compatible with a surrounding or adjacent development. The developer shall contribute to a fund established by Council for the purpose of development payment in-lieu if the requirement for the public sidewalk and associated improvements is waived.
- (g) Public sidewalks should be placed at least five (5) feet from back of curb and shall be no closer than one (1) foot inside the right-of-way.
- (h) Public sidewalks and any associated improvements shall be constructed to the current specifications of the City of Pataskala.
- (i) Public sidewalks shall conform with the existing alignment in all areas when abutting to an existing sidewalk.
- (j) The installation location requirement may vary in special conditions such as when crossing bridges, etc. upon approval of the City Administrator or their designee. (Ord. 2017-4282. Passed 5-1-17.)

1117.16 BLOCKS.

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

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Sections 1117.05 to 1117.14, inclusive, and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Subdivision Regulations or the Zoning Ordinance and to provide for the required community facilities.
- (b) Irregularly shaped blocks, those intended for cul-de-sacs or loop-streets, and those containing interior parks or playgrounds, may be approved by the Planning and Zoning Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.

- (c) No block shall be longer than 1,500 feet and the block width shall accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
- (d) Where blocks are over 900 feet in length a crosswalk easement not less than ten (10) feet in width at or near the halfway point may be required, as necessary, to provide proper access to schools, recreational areas, shopping centers, and other facilities.

1117.17 LOTS.

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

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding developments.
- (b) All lots shall conform to or exceed the requirements of these subdivision regulations and the zoning district requirements for the district in which they are located and the use for which they are intended.
- (c) Each lot shall front on a public thoroughfare.
- (d) All side lot lines shall be at right angles to street lines and radial to curved street lines, except where the Planning and Zoning Commission determines that a variation to this rule would provide a better layout.
- (e) Lots with double frontage shall be avoided except where the Planning and Zoning Commission determines that it is essential to provide separation of residential development for arterial streets.
- (f) No lot shall have an average depth which is more than three (3) times its average width.
- (g) The primary ingress and egress to a lot should utilize the lot front area.

1117.18 EASEMENTS.

Easements at least 20 feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines, and electric lines. Easements shall also be provided along every watercourse, storm sewer, drainage channel, or stream within a subdivision, as provided for in Section 1117.19 of these regulations.

1117.19 FLOOD AREAS AND STORM DRAINAGE.

The following shall govern flood areas and storm drainage:

- (a) In order to protect the health, safety, and general welfare of the people, the Planning and Zoning Commission shall reject any proposed subdivision located in an area subject to periodic flooding. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Planning and Zoning Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. After approval but prior to the beginning of any work, the subdivider shall furnish a surety as prescribed in Section 1113.14, covering the cost of the required improvements and warranties.
- (b) Flood control or storm drainage easements containing underground facilities shall have a minimum width of 20 feet.
- (c) All storm sewers shall be sized according to the Rational Model ($Q = CIA$) for a five (5) year storm, or the Licking County Planning Commission standards as approved by the City Engineer.

1117.20 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES.

Where a park, playground, school, or public access to water frontage which is shown in the comprehensive development plan is located in whole or in part in the proposed subdivision, the Planning and Zoning Commission may require the dedication of such area within the subdivision.

1117.30 ACCESS MANAGEMENT.

The City of Pataskala defers to the most current and up to date regulations contained within Article 8 of the document entitled “Licking County Access Management and Congestion Prevention Regulations in Licking County” with the following two exceptions:

- (a) Any reference to the Licking County Planning Commission (LCPC) is amended to read “the City of Pataskala Planning and Zoning Commission”
- (b) Any reference to the Ohio Department of Transportation (ODOT), except in reference to manuals or specifications, is hereby deleted.

CHAPTER 1119
Stormwater Management

<p>1119.01 General provisions.</p> <p>1119.02 Definitions.</p> <p>1119.03 Permit procedures and requirements.</p> <p>1119.04 Waivers to stormwater management requirements.</p> <p>1119.05 General performance criteria for stormwater management.</p>	<p>1119.06 Basic stormwater management design criteria.</p> <p>1119.07 Requirements for stormwater management plan approval.</p> <p>1119.08 Construction inspection.</p> <p>1119.09 Maintenance and repair of stormwater facilities.</p> <p>1119.10 Enforcement and penalties.</p>
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1119.01 GENERAL PROVISIONS.

(a) Findings of Fact. It is hereby determined that land development and redevelopment projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; this stormwater runoff contributes to increased quantities of water-borne pollutants and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites. Therefore, the City of Pataskala establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development and redevelopment projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

(b) Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (2) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
- (4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

(c) Applicability. This chapter shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City of Pataskala under the specifications of Section 1119.04 of this chapter. The chapter also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by the Ohio Environmental Protection Agency (OEPA) to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

(d) Exemptions. To prevent the adverse impacts of stormwater runoff, the City of Pataskala has developed a set of performance standards that must be met at new development sites. The EPA Stormwater Regulations apply to any construction activity disturbing one acre or more of land. The following activities may be exempt from the stormwater regulations:

- (1) Any logging or agricultural activities which incorporate best management practices recommended by the Ohio Department of Natural Resources and are not subject to regulation by the Ohio Environmental Protection Agency or other applicable regulatory agencies or pursuant to a management plan prepared or approved by the City of Pataskala Planning and Zoning Department and/or Licking County Soil and Water Conservation District, as applicable.
- (2) Developments that do not disturb more than 1 acre of land, provided they are not part of a larger common development plan; and as long as the amount of impervious cover created does not exceed 0.2 acres.
- (3) Repairs to any existing stormwater treatment system deemed necessary by the City of Pataskala.

(e) Criteria. When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 1119.02 of this chapter, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the referenced Storm Water Design Manual. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by City of Pataskala.

(f) Compatibility with Other Permit and Ordinance Requirements. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(g) Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

(h) Storm Water Design Manual. The City of Pataskala may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this chapter and may provide such information in the form of a Storm Water Design Manual. This manual will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.
(Ord. 2006-3675. Passed 5-15-06.)

1119.02 DEFINITIONS.

The following definitions shall apply to this chapter.

- (1) "Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
- (2) "Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
- (3) "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- (4) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- (5) "Dedication" means the deliberate appropriation of property by its owner for general public use.

- (6) "Detention" means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- (7) "Detention Facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.
- (8) "Developer" means a person who undertakes land disturbance activities.
- (9) "Drainage Easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.
- (10) "Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (11) "Fee in Lieu" means a payment of money in place of meeting all or part of the storm water performance standards required by this chapter.
- (12) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- (13) "Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.
- (14) "Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
- (15) "Industrial Stormwater Permit" means an National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.
- (16) "Infiltration" means the process of percolating stormwater into the subsoil.
"Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.
- (17) "Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
- (18) "Land Disturbance Activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
- (19) "Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

- (20) "Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
- (21) "Nonpoint Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
- (22) "Offset Fee" means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.
- (23) "Off-Site Facility" means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.
- (24) "On-Site Facility" means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.
- (25) "Recharge" means the replenishment of underground water reserves.
- (26) "Redevelopment" means any construction, alteration or improvement exceeding 5,000 square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
- (27) "Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.
- (28) "Storm Water Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
- (29) "Storm Water Retrofit" means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.
- (30) "Stormwater Runoff" means flow on the surface of the ground, resulting from precipitation.
- (31) "Stormwater Treatment Practices (STPs)" means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff end water bodies.
- (32) "Water Quality Volume (WQv)" means the storage needed to capture and treat 90% of the average annual stormwater runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.
- (33) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

The words "storm water" and "stormwater" shall be considered one and the same and may be used interchangeably.
(Ord. 2006-3675. Passed 5-15-06.)

1119.03 PERMIT PROCEDURES AND REQUIREMENTS.

(a) Permit Required. No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity.

(b) Application Requirements.

- (1) Unless specifically excluded by this chapter, any land owner or operator desiring a permit for a land disturbance activity shall submit to the City of Pataskala a permit application on a form provided for that purpose.
- (2) Unless otherwise excepted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered: a stormwater management concept plan; a maintenance agreement; and a non-refundable permit review fee.
- (3) The stormwater management plan shall be prepared to meet the requirements of Section 1119.05, the maintenance agreement shall be prepared to meet the requirements of Section 1119.09, and fees shall be those established by the City of Pataskala.

(c) Application Review Fees. The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the City of Pataskala. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.

(d) Application Procedure.

- (1) Applications for land disturbance activity permits must be filed with the City of Pataskala on any regular business day.
- (2) A copy of this permit application shall be forwarded to City of Pataskala for review.
- (3) Permit applications shall include the following: two copies of the stormwater management concept plan, two copies of the maintenance agreement, and any required review fees.
- (4) Within 30 business days of the receipt of a complete permit application, including all documents as required by this chapter, the City of Pataskala shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
- (5) If the permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the City of Pataskala shall have 10 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (6) If the permit application, final stormwater management plan and maintenance agreement are approved by the City of Pataskala, all appropriate land disturbance activity permits shall be issued.

(e) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the City of Pataskala notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition. (Ord. 2006-3675. Passed 5-15-06.)

1119.04 WAIVERS TO STORMWATER MANAGEMENT REQUIREMENTS.

(a) Waivers for Providing Stormwater Management. Every applicant shall provide for stormwater management as required by this Chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City of Pataskala for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
- (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City of Pataskala and the implementation of the plan is required by local ordinance.
- (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
- (4) The City of Pataskala finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
- (5) Non-structural practices will be used on the site that reduce:
 - A. The generation of stormwater from the site,
 - B. The size and cost of stormwater storage and
 - C. The pollutants generated at the site.These non-structural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the City of Pataskala.

(b) Conditions For Waiver. In instances where one of the conditions above applies, the City of Pataskala may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the City of Pataskala that the variance will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Increased threat of flood damage to public health, life, property.

(c) Mitigation Requirements for Waiver. Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant shall satisfy the minimum requirements by meeting one of the mitigation measures selected by the jurisdictional stormwater authority. Mitigation measures may include, but are not limited to, the following:

- (1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat;
- (2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this chapter;
- (3) Monetary contributions (Fee-in-Lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater management practices.

(d) Fee in Lieu of Stormwater Management Practices. Where the City of Pataskala waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City of Pataskala. When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the stormwater authority agree on a greater alternate contribution) established by the City of Pataskala, and based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

(e) Dedication of Land. In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City of Pataskala for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Pataskala prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.
(Ord. 2006-3675. Passed 5-15-06.)

1119.05 GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT.

Unless judged by the City of Pataskala to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

- (a) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

- (b) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Pataskala. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Ohio Department of Natural Resources.
 - (c) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
 - (d) For new development and redevelopment, structural stormwater treatment practices shall be designed to remove a percentage of the average annual post development total suspended solids load (TSS) as specified in the Storm Water Design Manual. It is presumed that a STP complies with this performance standard if it is:
 - (1) Sized to capture the prescribed water quality volume (WQv);
 - (2) Designed according to the specific performance criteria outlined in the referenced Storm Water Design Manual;
 - (3) Constructed properly; and
 - (4) Maintained regularly.
 - (e) All new development and redevelopment shall provide stormwater controls that will treat the specified volume of stormwater runoff as noted in the Storm Water Design Manual.
 - (f) To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the referenced Storm Water Design Manual.
 - (g) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
 - (h) Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.
 - (i) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural STPs and pollution prevention practices.
 - (j) Prior to design, applicants are required to consult with the City of Pataskala to determine if they are subject to additional stormwater design requirements.
 - (k) The calculations for determining peak flows as found in the referenced Stormwater Design Manual shall be used for sizing all stormwater management practices.
- (Ord. 2006-3675. Passed 5-15-06.)

1119.06 BASIC STORMWATER MANAGEMENT DESIGN CRITERIA.

(a) Minimum Control Requirements. All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, 100 year) as identified in the Storm Water Design Manual are met, unless the City of Pataskala grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Pataskala reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(b) Site Design Feasibility. Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (1) Topography;
- (2) Maximum Drainage Area;
- (3) Depth to Water Table;
- (4) Soils;
- (5) Slopes;
- (6) Terrain;
- (7) Head;
- (8) Location in relation to environmentally sensitive features or ultra-urban areas.

(c) Applicants shall consult the Storm Water Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

(d) Conveyance Issues. All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. The Storm Water Design Manual shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices. This shall include, but not be limited to:

- (1) Maximizing of flowpaths from inflow points to outflow points;
- (2) Protection of inlet and outfall structures;
- (3) Elimination of erosive flow velocities;
- (4) Providing of underdrain systems, where applicable.

(e) Pretreatment Requirements. Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the Storm Water Design Manual. Certain stormwater treatment practices, as specified in the Storm Water Design Manual, are prohibited even with pretreatment in the following circumstances:

- (1) Stormwater is generated from highly contaminated source areas known as "hotspots;"
- (2) Stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges;

- (3) Stormwater is being managed in a designated groundwater recharge area;
- (4) Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of stormwater.

(f) Treatment/Geometry Conditions. All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.

(g) Landscaping Plans Required. All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect or soil conservation district.

(h) Maintenance Agreements. All stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

(i) Non-Structural Stormwater Practices. The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the Storm Water Design Manual and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners. (Ord. 2006-3675. Passed 5-15-06.)

1119.07 REQUIREMENTS FOR STORMWATER MANAGEMENT PLAN APPROVAL.

(a) Stormwater Management Plan Required for All Developments. No application for development or redevelopment will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by the City of Pataskala and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices. The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE) or Registered or Certified Professional Geologist (RG or CPG), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the Submittal Checklist found in the Storm Water Design Manual. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the City of Pataskala after determining that the plan or waiver is consistent with the requirements of this chapter.

(b) Stormwater Management Concept Plan Requirements. A stormwater management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

- (1) A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required;
- (2) Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the specifications of the Stormwater Design Manual;
- (3) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (4) A written description of the required maintenance burden for any proposed stormwater management facility;
- (5) The City of Pataskala may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

(c) Previously Developed Sites. For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Chapter to the maximum extent practicable.

(d) Final Stormwater Management Plan Requirements. After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by the City of Pataskala, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the Final Stormwater Management Plan checklist found in the Stormwater Design Manual.

- (1) This includes:

- A. Contact information: The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;
 - B. Topographic Base Map: A 1" = 200' topographic base map of the site which extends a minimum of 1,000 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown;
 - C. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Chapter. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms referenced in the Stormwater Design Manual, and (ix) documentation of sources for all computation methods and field test results;
 - D. Soils Information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure;
 - E. Maintenance and Repair Plan: The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.
- (2) Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- A. Landscaping plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district;
 - B. Maintenance Easements: The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property;

- C. Maintenance agreement: The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this Chapter;
- D. Erosion and sediment control plans for construction of stormwater management measures: The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices;
- E. Other environmental permits: The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

(e) Performance Bond/Security. The City of Pataskala may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus twenty-five percent. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Chapter. The City of Pataskala will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this Chapter. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City of Pataskala. (Ord. 2006-3675. Passed 5-15-06.)

1119.08 CONSTRUCTION INSPECTION.

(a) Notice of Construction Commencement. The applicant must notify the City of Pataskala in advance before the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the staff of the City of Pataskala or certified by a professional engineer or their designee who has been approved by the jurisdictional stormwater authority. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City of Pataskala. All inspections shall be documented and written reports prepared that contain the following information:

- (1) The date and location of the inspection;
- (2) Whether construction is in compliance with the approved stormwater management plan;
- (3) Variations from the approved construction specifications;
- (4) Any violations that exist.

(b) As Built Plans. All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the City of Pataskala is required before the release of any performance securities can occur.

(c) Landscaping and Stabilization Requirements. Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

- (1) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent of the seeded area;
- (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion;
- (3) Any area of revegetation must exhibit survival of a minimum of seventy-five percent of the cover crop throughout the year immediately following revegetation;
- (4) Revegetation must be repeated in successive years until the minimum seventy-five percent survival for one year is achieved.

(d) Landscaping Plan. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district, and must be approved prior to receiving a permit. (Ord. 2006-3675. Passed 5-15-06.)

1119.09 MAINTENANCE AND REPAIR OF STORMWATER FACILITIES.

(a) Maintenance Easement. Prior to the issuance of any permit that has an stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Pataskala, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter. The easement agreement shall be recorded by the City of Pataskala in the land records.

(b) Maintenance Covenants. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City of Pataskala and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The City of Pataskala, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(c) Requirements for Maintenance Covenants. All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Chapter and accomplishment of its purposes. These needs may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the City of Pataskala, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

(d) Inspection of Stormwater Facilities. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(e) Right-of-Entry for Inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City of Pataskala the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.

(f) Records of Installation and Maintenance Activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 5 years. These records shall be made available to the City of Pataskala during inspection of the facility and at other reasonable times upon request.

(g) Failure to Maintain Practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Pataskala, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Pataskala shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have ten days to effect maintenance and repair of the facility in an approved manner. After proper notice, the City of Pataskala may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county. (Ord. 2006-3675. Passed 5-15-06.)

1119.10 ENFORCEMENT AND PENALTIES.

(a) Enforcement. The City of Pataskala shall be responsible for enforcement of these stormwater runoff control regulations and shall not allow any development of land area unless such development meets the design requirements herein. The City of Pataskala shall not approve the final plat of any development or subdivision over which it has jurisdiction without certification that such development or subdivision shall be in full compliance with the design requirements herein.

(b) Violations. Any development activity that is commenced or is conducted contrary to this Chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

(c) Notice of Violation. When the City of Pataskala determines that an activity is not being carried out in accordance with the requirements of this Chapter, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- (1) The name and address of the owner or applicant;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the development activity into compliance with this Chapter and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

(d) Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the City of Pataskala confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this Chapter.

(e) Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Chapter, including any violation of conditions and safeguards established in various sections of this Chapter or fails to comply with any of its requirements shall be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, per violation. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

(f) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Pataskala may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(g) Holds on Occupation Permits. Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by the City of Pataskala. (Ord. 2006-3675. Passed 5-15-06.)

CHAPTER 1121
Improvement Requirements

<p>1121.01 Requirements for building permit issuance.</p> <p>1121.02 Guarantee for installation of improvements.</p> <p>1121.03 Construction procedure and materials.</p> <p>1121.04 Monuments, markers and pins.</p> <p>1121.05 Street improvements.</p> <p>1121.06 Street width.</p> <p>1121.07 Street subgrade.</p> <p>1121.08 Street base course.</p> <p>1121.09 Street surface course.</p> <p>1121.10 Portland Cement concrete pavement.</p> <p>1121.11 Full-depth asphalt pavement.</p> <p>1121.12 Street curbs and gutters.</p> <p>1121.13 Driveways.</p> <p>1121.14 Street name signs and street naming.</p> <p>1121.15 Street and walkway lighting.</p> <p>1121.16 Street trees.</p> <p>1121.17 Water supply improvements.</p>	<p>1121.18 Fire protection.</p> <p>1121.19 Sanitary sewer improvements.</p> <p>1121.20 Drainage improvements.</p> <p>1121.21 Storm sewers and storm water drainage.</p> <p>1121.22 Culverts and bridges.</p> <p>1121.23 Electric, gas, telephone and cable television improvements.</p> <p>1121.24 Over-sized and off-site improvements.</p> <p>1121.25 Cost of over-sized improvements.</p> <p>1121.26 Extensions to boundaries.</p> <p>1121.27 Off-site extensions.</p> <p>1121.28 Final inspection.</p> <p>1121.29 Procedure for acceptance - official reports.</p> <p>1121.30 Conditions for acceptance.</p>
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CROSS REFERENCES

Construction of improvements - see Ohio R.C. 711.101

1121.01 REQUIREMENTS FOR BUILDING PERMIT ISSUANCE.

Building permits cannot be issued and lot developments cannot be started until Sections 1121.02 to 1121.09, inclusive, are completed.

1121.02 GUARANTEE FOR INSTALLATION OF IMPROVEMENTS.

All improvements, extensions, or up-grades required herein shall not begin in any form, except those for the sole purpose of any surveying required, prior to the subdivider furnishing the Commission with a surety as prescribed in Section 1113.14(a) and (b).

1121.03 CONSTRUCTION PROCEDURE AND MATERIALS.

(a) The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under City supervision and inspection, and shall be completed within the time fixed on the approved print or permit, or agreed upon in writing with the Planning and Zoning Commission and the City Engineer unless otherwise approved in writing. The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the State of Ohio Department of Transportation, or the requirements of the City of Columbus Construction and Material Specifications, if approved by the City Engineer, the requirements of the Ohio Department of Health, and any applicable EPA requirements. All inspection costs including any re-inspection fees shall be paid by the subdivider. All inspection fees shall be paid in full before the approved signature is affixed to the approved print or permit. All re-inspection fees must be paid in advance of the re-inspection.

(b) There shall be no starting of any new structures within the new development until the approved print or permit is signed by the necessary City department's authorized representative, and Zoning Officer as "Approved".

1121.04 MONUMENTS, MARKERS AND PINS.

Permanent concrete monuments shall be set according to the provisions of Ohio R.C. 711.03. The developer shall direct the surveyor to place and set at least four permanent markers in each plat of ten lots or less and, in plats having more than ten lots, as many additional permanent markers as the surveyor deems necessary to properly control his original survey. In addition, at least one monument box assembly shall be set on the centerline of any new street created for any subdivision or addition, and the surveyor shall place additional permanent markers in accordance with Ohio R.C. 711.03, or with the approval of the County Engineer. The developer shall direct and cause the surveyor to place and set at least one benchmark tied to USGS elevation data.

1121.05 STREET IMPROVEMENTS.

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

All street improvements shall be inspected, at the Subdivider's expense, by the City Engineer.

The type of inspection shall be as required to confirm that the materials and construction procedures conform with the current editions of the specifications referenced in Section 1121.03 and any other applicable standards specified in these regulations. The inspection will be provided by the City Engineer or his designated representative. Full-time inspection may be required when in the opinion of the City Engineer such inspection is necessary to assure conformance to these regulations. When requested, the subdivider shall provide material and/or test records required to verify conformance to these regulations.

Inspection requirements shall be applicable to the construction of all storm drainage facilities.

1121.06 STREET WIDTH.

Minimum street pavement widths shall conform to the standards given in Chapter 1117.

1121.07 STREET SUBGRADE.

The subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two feet below the finished surface. The subgrade shall be properly rolled, shaped, and compacted, and shall be subject to the approval of the City Engineer.

1121.08 STREET BASE COURSE.

The developer has the option of using any of the following base courses, based upon recommendations of the City Engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphaltic concrete, waterbound macadam, Portland Cement concrete, or equally suitable base course. Thickness shall be determined by the City Engineer, based upon the physical properties of the base course used and the physical properties of the roadbed.

1121.09 STREET SURFACE COURSE.

Upon the expiration of the established maintenance period for the base course, the surface course shall be constructed using either asphaltic concrete, bituminous mix, or Portland Cement concrete. Specific material and thickness recommendations shall be determined by the City Engineer, based upon traffic conditions.

1121.10 PORTLAND CEMENT CONCRETE PAVEMENT.

If the subdivider elects to construct streets totally out of Portland Cement concrete or if such pavement is required by the City Engineer, thickness of six (6) inches for local and collector streets and seven (7) inches for arterial, commercial, and industrial streets shall be required. The Planning and Zoning Commission may require pavement of greater thickness, upon the recommendation of the City Engineer, based upon his evaluation of the subgrade, traffic, and wheel load conditions.

1121.11 FULL-DEPTH ASPHALT PAVEMENT.

If streets are to be constructed out of "full-depth" asphalt, an asphalt pavement in which asphalt-aggregate mixtures are used for all courses above the subgrade, careful inspection of the subgrade may be necessary to determine pavement thickness. For local streets, pavements may vary from four (4) to six (6) inches depending upon subgrade conditions. For collector streets, pavements shall vary from five (5) to nine (9) inches, and for arterial and industrial streets, from six (6) to 11 inches. Final design thickness shall be approved by the City Engineer.

1121.12 STREET CURBS AND GUTTERS.

The requirement for curbs and gutters will vary according to the character of the area and the density of the development. Curbs shall be required on all streets for residential developments, while curbs and gutters shall be required for all developments where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds two (2) dwelling units per acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs and gutters shall be required. Curbs, combined curbs, and gutters shall be constructed in conformance with the most current "Construction and Material Specifications" of the City of Columbus.

No natural drainage course shall be altered and no fill, buildings or structures shall be placed in it, unless provisions are made for the flow of water in a manner satisfactory to the City Engineer. An easement shall be provided on both sides of any existing important surface drainage course adequate for the purpose of protecting, widening, deepening, enclosing or otherwise improving such stream for drainage purposes. (Ord. 2002-3423. Passed 3-4-02.)

1121.13 DRIVEWAYS.

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

1121.14 STREET NAME SIGNS AND STREET NAMING.

(a) Street name signs, of a type approved or in use throughout the City, shall be erected by the subdivider at all intersections before building permits can be issued on said streets.

(b) Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.

(c) Whenever a street alignment changes direction more than 75 degrees without a return to the original alignment within a distance of 500 feet, then the name of the street shall be changed at the point of curvature.

(d) Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersection street shall apply to the cul-de-sac.

(e) To avoid duplication and confusion, the proposed names of all streets shall be approved by the Planning and Zoning Commission and City Engineer prior to such names being assigned or used.

1121.15 STREET AND WALKWAY LIGHTING.

(a) Subdividers shall provide for and arrange for the installation of the City Standard post-type electric street light within every subdivision, one at each intersection, with all electric service to such lights located underground.

(b) Subdividers shall provide for or shall by deed restriction or other means require builders to provide for permanently installed front yard pole-type lights in accordance with the following:

- (1) Design, style, and specifications for such lights shall be submitted to Planning and Zoning at the time of preliminary plat review.
- (2) There shall be one light per lot, single-family dwelling unit, or 125 linear feet of frontage, whichever measurement results in more lights.
- (3) All such lights shall be controlled by photo-electric switch and shall not be switchable from inside the residence except from the circuit panel.
- (4) The electricity for all such lights shall be furnished from the property on which the light is located.

(c) Subdividers shall provide for deed restrictions which require the continued maintenance, lighting and periodic replacement of worn out fixtures.

1121.16 STREET TREES.

The following regulations shall govern the retention of existing trees and the planting of all required street trees.

- (a) All trees having a circumference (as measured 4 and ½ feet from the ground) of 24 or more inches shall, unless otherwise authorized by the Planning and Zoning Commission, be preserved whenever a proposed subdivision has been submitted for approval.

- (b) In order to better protect trees and their respective root systems from possible damage during the construction of a subdivision, no earth shall be permitted to be moved or blacktop or concrete poured, within two feet of the base of all trees having a circumference of less than 36 inches. Similarly, no earth shall be permitted to be moved or blacktop or concrete poured within four feet of the base of all trees having a circumference of between 36 and 59 inches; six feet of the base of all trees having a circumference of between 60 and 83 inches; and eight feet of the base of all trees having a circumference of 84 inches or more. In addition, wooden staking or brick barriers shall completely surround such a preservation zone in order to further protect against potential harm from construction equipment. Further, no fill dirt shall be permitted to be placed within such a preservation zone in order to help prevent possible root damage.
- (c) Unless authorized by the Planning and Zoning Commission, no construction equipment shall, during the earth-moving process, be permitted to interfere with the integrity of a tree's branching system.

1121.17 WATER SUPPLY IMPROVEMENTS.

The following requirements shall govern water supply improvements:

Where a public water supply is required, the subdivider shall be provided a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution shall meet the requirements of the Ohio Environmental Protection Agency, the City of Pataskala, and the Southwest Licking Community Water and Sewer District (where applicable).

1121.18 FIRE PROTECTION.

Fire hydrants with two and one-half (2 1/2) inch outlets and one (1) large pumping connection shall be provided by the subdivider in all subdivisions. The hydrant should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.

1121.19 SANITARY SEWER IMPROVEMENTS.

The following requirements shall govern sanitary sewer improvements:

Where the public water and wastewater system is installed, they shall be installed to adequately serve all lots, including lateral connections to the public system. Public water and wastewater system extensions shall meet the Ohio Environmental Protection Agency standards and the City of Pataskala requirements in addition to the standards of the Southwest Licking Community Water and Sewer District where applicable. Any combinations of sanitary sewers and storm sewers shall be prohibited.

1121.20 DRAINAGE IMPROVEMENTS.

The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the City Engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed four (4) feet per second in soil ditches or six (6) feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility.

1121.21 STORM SEWERS AND STORM WATER DRAINAGE.

Where an adequate public storm sewer is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer and approved by the Planning and Zoning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 1121.20 of these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

1121.22 CULVERTS AND BRIDGES.

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

- (a) All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined approved by the City Engineer. The minimum diameter of a culvert pipe shall be 18 inches. Depending on existing drainage conditions, head walls may be required.
- (b) Driveway culverts shall have a minimum length of 40 feet, and a minimum diameter of 12 inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

1121.23 ELECTRIC, GAS, TELEPHONE, AND CABLE TELEVISION IMPROVEMENTS.

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

(b) Overhead utility lines, where permitted, shall be located at the rear of all lots. The width of the easement per lot shall be not less than five (5) feet and the total easement width shall be not less than ten (10) feet.

(c) Whenever a sanitary sewer line, electric Cable TV, and/or telephone line is each placed underground in the same utility easement, the following provisions shall be applicable:

- (1) The total easement width shall be not less than 20 feet.
- (2) The sanitary sewer line shall be installed within three (3) feet of one side of the easement, and the electric and/or telephone lines shall be installed within three (3) feet of the opposite side of the easement.
- (3) The sanitary sewer and the water supply lines shall always be at least four feet (4') apart.

1121.24 OVER-SIZED AND OFF-SITE IMPROVEMENTS.

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed to include any "oversized and/or extensions", necessary to serve nearby land which is an integral part of the neighborhood services or drainage area as determined by the City Engineer, Department of Utility Services and/or Planning and Zoning Commission.

1121.25 COST OF OVER-SIZED IMPROVEMENTS.

The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, storm drains, water and wastewater lines which are serving the proposed subdivision as determined by the City Engineer and Department of Utility Services and approved by the Planning and Zoning Commission. The City shall provide the Subdivider with a contract, agreeable to the City and the Subdivider, providing some type of recipient for the "oversized, extensions, or excess capacities" that may be required of the Subdivider for the proposed subdivision and improvements to service the surrounding areas specified in Section 1121.24.

1121.26 EXTENSIONS TO BOUNDARIES.

The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as recommended by the City Engineer, Department of Utility Services and determined by the Planning and Zoning Commission.

1121.27 OFF-SITE EXTENSIONS.

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

1121.28 FINAL INSPECTION.

Upon completion of all the improvements, the subdivider shall request, in writing, a final inspection by the City Engineer, as required under Ohio R.C. 711.091.

1121.29 PROCEDURE FOR ACCEPTANCE - OFFICIAL REPORTS.

After completion and final inspection and approval of all improvements, the City Engineer shall make a report thereon to the Planning and Zoning Commission and then to the City Council, indicating whether the improvements comply with the requirements of these regulations. In case of noncompliance, the subdivider shall be so notified, and requested to make the further improvements as necessary.

In case of community water supply and sewage disposal systems, the report of the City Engineer shall be accompanied by a favorable report on such installations, by the State Board of Health, Ohio Environmental Protection Agency, or other appropriate authority.

1121.30 CONDITIONS FOR ACCEPTANCE.

When a report has been received from the official engineer or other official involved, certifying that the improvements comply with applicable standards, the City Council shall accept such improvements for public maintenance and operation. Such acceptance shall not be given until the developer has signed a contract guaranteeing that, if construction defects occur within a period of one (1) year, said developer will correct such defects to the satisfaction of the official engineer without cost to the City or the County. The City retains the right to require additional time beyond one year in the event of special circumstances or difficulties during the period of construction.

If succeeding phases of an approved subdivision will be using an existing road for access an additional surety may be required to cover any damage to the pavement. The Engineer shall make an evaluation of the road prior to the start of any construction activities. An evaluation may be made at the completion of each phase to determine damage. The City Administrator shall determine the adequacy of a surety.

CHAPTER 1123
Administration and Enforcement

<p>1123.01 Recording of plat.</p> <p>1123.02 Revision of plat after approval.</p> <p>1123.03 Sale of land within subdivisions.</p> <p>1123.04 Schedule of fees, charges and expenses.</p>	<p>1123.05 Variances.</p> <p>1123.06 Right to appeal.</p> <p>1123.99 Penalty.</p>
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CROSS REFERENCES

Violation of rules and regulations - see Ohio R.C. 711.101

1123.01 RECORDING OF PLAT.

No plat of any subdivision shall be recorded by the County Recorder of Licking County or have any validity until said plat has received final written approval by the Planning and Zoning Commission and has been signed by the Chairperson in the manner prescribed in these regulations.

1123.02 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after written approval has been given by the Planning and Zoning Commission and has been signed by the Chairperson, or authorized person, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning and Zoning Commission.

1123.03 SALE OF LAND WITHIN SUBDIVISIONS.

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

1123.04 SCHEDULE OF FEES, CHARGES AND EXPENSES.

The City Council upon recommendation of the Planning and Zoning Commission shall establish a schedule of fees, charges, and expenses, and a collection procedure for same, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Director of Finance, and may be altered, or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1123.05 VARIANCES.

The following regulations shall govern the granting of variances:

- (a) Where the Board of Zoning Appeals finds that extraordinary and unnecessary hardship may result from strict compliance with these regulations, due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purposes of these regulations or the desirable development of the neighborhood and community. Such variations shall not have the effect of nullifying the intent and purpose of these regulations, the comprehensive plan, or the Zoning Ordinance, if such exists.
- (b) In granting variances or modifications, the Board of Zoning Appeals may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

1123.06 RIGHT TO APPEAL.

Any person who believes he has been aggrieved by a decision of the Zoning Inspector may appeal the matter to the Board of Zoning Appeals. All appeals shall be made via application available through the Zoning Clerk, who will cause the latter to be placed on the agenda of the next regularly scheduled meeting of the Board of Zoning Appeals which has space available on said agenda. At the scheduled meeting, the Board of Zoning Appeals shall either affirm, reverse, or modify a decision of the Zoning Inspector. Any appeal of a Board of Zoning Appeals decision shall be made through the applicable Court of Common Pleas.

1123.99 PENALTY.

The following penalties shall apply to the violations of these regulations:

- (a) Whoever violates any rule or regulation adopted by the City Council for the purpose of setting standards and requiring and securing the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance. Whoever violates these regulations shall be charged with a misdemeanor of the first degree and upon conviction be imprisoned for no more than six months and fined no more than \$1,000.00.
- (b) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than \$500.00 nor more than \$1,000.00 to be recovered with costs in a civil action by the City Law Director in the name and for the use of the City.
- (c) Whoever, being the owner or agent of the owner of any land within a City corporation, transfers any lot, parcel, or tract of land from or in accordance with a plat of a subdivision before the plat has been recorded in the office of the County Recorder, shall be charged with a misdemeanor of the first degree and upon conviction be imprisoned for no more than six months and fined no more than \$1,000.00. The description of the lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from this provision.
- (d) Each day during which any of the above violations continue shall be deemed a separate offense and punishable under the terms of this section.