

Rules and Regulations Of the Cincinnati City Planning Commission For the Subdivision of Land

Chapter 1, Definitions

Chapter 2, Subdivision Improvement Plan and Process

Chapter 3, Plat of Subdivision and Process

Chapter 4, Design Standards

Chapter 5, Required Public Improvements

Chapter 6, Division of Land Process

Chapter 7, Variances

Appendix A, Typical Access Drive Section

**Appendix B, Permanent Access, Utility Easement
And Maintenance Agreements**

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CHAPTER 1 DEFINITIONS

SEC. 100.0. **GENERAL DEFINITIONS.** The definitions provided in Sections 101 through 126 contain general terms used throughout the Subdivision Regulations.

SEC. 101.1. **ALLEY.** A minor right-of-way used primarily for vehicular access to the rear or side of properties otherwise abutting on a street.

SEC. 101.2. **AREA OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard are those identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Cincinnati, Ohio, Hamilton County". This Study, with accompanying Flood Boundary and Floodway Maps and Flood Insurance Rate Maps effective October 15, 1982, as may be revised, is hereby adopted by reference and declared to be a part of Chapter 1109 COBBC. The Flood Insurance Study is on file in the office of the Director of City Planning and Buildings and the Storm water Management Division of the Metropolitan Sewer District.

SEC. 101.3. **ASSURANCE OF COMPLETION.** A contract secured by a bond in an amount and with surety satisfactory to the City Manager guaranteeing completion of public improvements which are shown on the Subdivision Improvement Plan as the responsibility of the sub divider.

SEC. 102.1. **BASE FLOOD.** Flood having a one percent chance of being equaled or exceeded in any given year.

SEC. 102.2. **BUILDING SETBACK LINE.** The lines indicating the minimum horizontal distance between the street line and buildings or any projection thereof, other than steps and uncovered porches.

SEC. 102.3. **BUILDING SITE.** The portion of a lot on which a principal building could be erected in compliance with the yard requirements of the Zoning Code.

SEC. 103.1. **CROSSWALKWAY.** A right-of-way used primarily for pedestrian travel through or across any portion of a block.

SEC. 103.2. **CUL-DE-SAC.** A short, minor street, having but one end open for motor traffic, the other being permanently terminated by a vehicular turnaround.

SEC. 104.0. Definitions beginning with the letter "D". NONE.

SEC. 105.1. **EASEMENT.** A grant by a property owner of the use, for a specific purpose or purposes, of a designated strip of land to the general public, a corporation, or other individuals.

SEC. 105.2. **EXPRESSWAY.** A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

SEC. 106.1. **FLOOD PLAIN OR FLOOD PRONE AREA.** Any land area susceptible to being inundated by water from any source.

SEC. 106.2. **FLOODWAY FRINGE.** Encompasses the portion of the flood plain that could be completely obstructed without increasing the water surface elevation of the base flood more than 1.0 foot at any point.

SEC. 106.3. **FREEWAY.** An expressway with full control of access.

SEC. 107.0. Definitions beginning with the letter "G". NONE.

SEC. 108.0. Definitions beginning with the letter "H". NONE.

SEC. 109.0. Definitions beginning with the letter "I". NONE.

SEC. 110.0. Definitions beginning with the letter "J". NONE.

SEC. 111.0. Definitions beginning with the letter "K". NONE.

SEC. 112.1. **LOT.** A unit area of land within a subdivision intended for transfer of ownership or for building development.

SEC. 112.2. **LOT, DOUBLE FRONTAGE.** A lot with opposite ends abutting on streets.

SEC. 112.3. **LOT, PANHANDLE.** A lot whereon the portion of the lot between the building site and its frontage on a street is more than 60 feet in length and less than 30 feet in width at a point.

SEC. 113.1. **MASTER PLAN.** The comprehensive plan made and adopted by the City Planning Commission indicating the general location recommended for freeways, parks and other public open spaces, public building sites, public utilities, and the character and extent of neighborhood and community development.

SEC. 113.2. **MOTORWAY.** A principal arterial route designated on the Master Plan as an expressway, modified expressway or thoroughfare.

SEC. 114.0. Definitions beginning with the letter "N". NONE.

SEC. 115.0. Definitions beginning with the letter "O". NONE.

SEC. 116.1. **PANHANDLE.** The portion of a panhandle lot less than 30 feet in width connecting the building site and the street.

SEC. 116.2. **PLAT OF SUBDIVISION.** A map showing the division of any tract of land into two or more parcels, and prepared for the purpose of recording. (See Sections 310.1, 310.2 and 310.3 for the items of information that the plat normally includes.)

SEC. 116.3. **PROTECTIVE COVENANT.** A restriction on the use of private property within a subdivision for the purpose of providing mutual protection against undesirable aspects of development.

SEC. 116.4. **PUBLIC IMPROVEMENTS.** Any of the following: roadway pavement, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers and other appurtenant construction as related to the Subdivision Improvement Plan.

SEC. 117.0. Definitions beginning with the letter "Q". NONE.

SEC. 118.1. **REGULATORY 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 1.0 foot.

SEC. 118.2. **RIGHT-OF-WAY.** The entire strip of land lying between the property line of a street, alley, cross walkway or easement.

SEC. 118.3. **ROADWAY.** The portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SEC. 118.4. **ROWHOUSE.** A single-family dwelling unit that is a part of a roughhouse building.

SEC. 118.5. **ROWHOUSE BUILDING.** A building containing a row of two or more attached row houses, each row house being separated from the adjoining row house in each story by fire resistive walls without openings and each row house having independent access to the exterior of the building in the ground story.

SEC. 118.6. **ROWHOUSE LOT, EXTERIOR.** A lot that is or is intended to be a site for a row house with a similar rowhouse attached on only one side.

SEC. 118.7. **ROWHOUSE LOT, INTERIOR.** A lot that is or is intended to be a site for a row house with a similar row house attached on each side.

SEC. 119.1. **SIDEWALK.** The portion of a street between the curb line, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians and all elevated public walkway systems and concourses in both public right-of-way and private easements, and all vertical means of access and egress including, but not limited to, stairways, escalators and elevators.

SEC. 119.2. **STREET.** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel including the traveled portion of roadways in city parks, recreation grounds or in the other areas owned or operated by the city.

SEC. 119.3. **STREET, IMPORTANT NEIGHBORHOOD.** A street designed to serve as an important traffic-way for a neighborhood, or as a feeder to a thoroughfare. The determination of such street classification in any specific instance shall rest with the City Planning Commission.

SEC. 119.4. **STREET, MINOR.** Any street other than a freeway, expressway, thoroughfare, or important neighborhood street.

SEC. 119.5. **SUBDIVISION.** (As defined in Section 711.01 of the Ohio Revised Code): (a) the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or (b) the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the divisions 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 utilities.

SEC. 119.6. **SUBDIVISION IMPROVEMENT PLAN.** A drawing showing a proposed subdivision of land together with the public improvements that are to be installed therein. Such drawing is not recordable. (See Sections 210.1, 210.2 and 210.3 for the items of information that the plan normally includes.)

SEC. 120.1. **THOROUGHFARE.** A street of considerable continuity designed as a major traffic way and designated as such in the Master Plan. This category does not include a freeway or expressway.

SEC. 121.0. Definitions beginning with the letter "U". NONE.

SEC. 122.0. Definitions beginning with the letter "V". NONE.

SEC. 123.0. Definitions beginning with the letter "W". NONE.

SEC. 124.0. Definitions beginning with the letter "X". NONE.

SEC. 125.0. Definitions beginning with the letter "Y". NONE.

SEC. 126.1. **ZONING.** Regulation by districts of the height, area, and use of buildings, use of land, and density of population as provided in the "Zoning Code of the City of Cincinnati."

CHAPTER 2
SUBDIVISION IMPROVEMENT PLAN AND PROCESS

SEC. 200.0. SUBDIVISION IMPROVEMENT PLAN PROCESS. The Subdivision Improvement Plan is intended to precede and supplement the Plat of Subdivision that is to be recorded. Its purpose is to show all facts needed to enable the City Planning Commission and the administrative officers of the city to determine whether the proposed layout of the land in question and the proposed public improvements are satisfactory from the standpoint of the public interest. The procedure for securing approval of a Subdivision Improvement Plan is specified in Sections 200.1 through 200.7.

SEC. 200.1. PLAN CONSIDERATIONS. The developer shall:

(a) Discuss the proposed plan of subdivision, while still in sketch form, with the staff of the Department of City Planning and Buildings, noting:

- (1) Relation of the tract to the Master Plan and other official plans.
- (2) External factors having a significant relation to the subdivision design.
- (3) Availability of sewer and water mains.
- (4) Relation of the tract to the area of the base flood and the regulatory floodway.

(b) Discuss proposed methods of providing public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage, showing how:

- (1) All new and replacement water supply systems will be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) New and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (3) On-site waste disposal systems will be located to avoid impairment to them or contamination from them during flooding.
- (4) All subdivision proposals will have adequate drainage provided to reduce exposure to flood hazards.

Discussion regarding water supply shall be at the Water Works office; discussion regarding sanitary sewage disposal shall be at the Metropolitan Sewer District (MSD); discussion regarding storm drainage shall be the Storm water Management Division of MSD and all of the other above considerations shall be at the Cincinnati offices of the Department of City Planning and Buildings and the City Engineer.

(c) Prepares a tentative layout, giving consideration to the items noted above, and transmits 5 prints to the Department of City Planning and Buildings office for preliminary study and reply within 20 days.

(d) Incorporates in the Subdivision Improvement Plan the items agreed on after study of the plat and transmits 15 sets of corrected prints at a size of 24" x 36" and a non-refundable subdivision review fee of \$100 to the Department of City Planning and Buildings office.

SEC. 200.2. PLANNING REVIEW. The Department of City Planning and Buildings staff shall review the plans for compliance with these regulations and submit 14 prints to the City Engineer for reports from appropriate agencies on sanitary sewers, storm drainage, flooding considerations, highway engineering factors, cut and fill requirements and water supply requirements.

SEC. 200.3. **ENGINEERING REPORT.** The City Engineer sends a written report to the Department of City Planning and Buildings office including an indication that the proposed subdivision is in compliance with the “Rules and Regulations for Engineering Design of Structures in Private Subdivision or Street Development and Procedure for Obtaining Approval and Acceptance Thereof.”

SEC. 200.4. **CITY PLANNING COMMISSION APPROVAL.** Within 30 days after the submission of the completed Subdivision Improvement Plan, or within such further time as the applying party may agree to, the City Planning Commission, after study and consideration of the staff report thereon, shall take action to determine whether the development should be approved and authorized to proceed in accordance with the provisions of the subdivision Improvement Plan. If the Commission approves the plan, it shall so inform the developer, and request 18 sets of prints and two sets of mylars of the plan. These are stamped in accordance with the Commission’s action and distributed as follows:

- 16 sets and the mylar sets to the Department of Transportation and Engineering,
- 1 set to the Department of City Planning and Buildings – Zoning Administration
- 1 set to the Department of City Planning and Buildings files.

The developer may then apply to the City Engineer for a permit to install public improvements within the subdivision.

SEC. 200.5. **CITY PLANNING COMMISSION DISAPPROVAL.** If within 30 days after the submission of the completed Subdivision Improvement Plan, or within such further time as the applying party may agree to, the City Planning Commission fails to authorize the development to proceed, the developer is so informed by letter noting reasons thereon, including citation of or reference to the rules and regulations violated by the plan.

SEC. 200.6. **AUTHORIZATION TO PROCEED.** The authorization to proceed, as set forth in SEC. 200.4, shall remain in effect for a period of three years, after which time the Subdivision Improvement Plans shall be subject to review by the City Planning commission prior to the renewal of such authorization for an additional three-year period. Provided, however, that the three year periods of authorization referred to above shall immediately terminate in the event any change is made in the physical features, other than those depicted on the Subdivision Improvement Plan at the time said plan was approved.

SEC. 200.7. **PLAN CHANGES.** Any changes proposed to the physical features included in the approved Subdivision Improvement Plan shall be resubmitted for approval by the City Planning Commission before proceeding with such changes.

SEC. 210.1. **TITLE.** The following items pertaining to the title are normally required on a Subdivision Improvement Plan:

- (a) Proposed name of the subdivision, which shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in Hamilton County.
- (b) Location by section, township, range, county, state.
- (c) Names and addresses of owner, developer and the engineer responsible for engineering details.
- (d) Scale of the plan at 1 inch = 50, 40, 30 or 20 feet.
- (e) Date.
- (f) North point and bearing reference.

SEC. 210.2. **GRAPHICS.** The following items pertaining to the graphics are normally required on a Subdivision Improvement Plan:

- (a) Boundary of the proposed subdivision accurately indicated by a heavy, solid line and the acreage comprised therein.
- (b) Location, widths and names of all existing or platted streets or other public ways; railroad and utility right-of-ways; parks and other public open spaces; permanent buildings; and section or corporation lines within or adjacent to the tract.
- (c) The identity, location and dept of all underground utility facilities including, but not limited to, all operational pipes, sewers, tubing, conduits, cables, valves, lines, wires, manholes and attachments.
- (d) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land shown by dotted lines.
- (e) Zoning districts.
- (f) Existing contours with intervals of not more than five feet. Elevations shall be based on sea-level datum.
- (g) Drainage channels and any other significant physical items.
- (h) Description of benchmark used.
- (i) Indication, of whether any part of a proposed subdivision is within an area of special flood hazard and, where applicable, the location of the regulatory floodway. Base flood elevation data shall be provided for subdivision proposals that contain at least 50 lots or five acres, whichever is more restrictive. Information regarding the area of special flood hazard is available at the offices of the Department of City Planning and Buildings and the Storm water Management division of MSD.
- (j) Vicinity sketch, at legible scale, showing relation of the proposed development to its general surroundings.

SEC. 210.3. **ENGINEERING.** The following engineering items pertaining to the proposed development are normally required on a Subdivision Improvement Plan:

- (a) Layout of streets, including names and widths of proposed streets and widths of alleys, cross walkways and easements. Proposed streets on the plat shall be shown with connections to existing or proposed streets and alleys in neighboring subdivisions. In case the plat forms only a part of an ownership holding, all of the latter shall be shown, with a tentative street layout for the remainder of the tract shown by dashed lines.
- (b) Proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other street in Hamilton County and shall be one word containing not more than 13 letters.
- (c) Layout, numbers and approximate dimensions of lots.
- (d) Parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved by deed covenant for use of all property owners in the subdivision, and the conditions, if any, of such dedication or reservation.
- (e) Typical street cross-sections or half-sections at a scale not smaller than ¼ inch = 1 foot showing widths of roadways, including curbs and location and width of sidewalks. Where considerable cut and fill are involved or wherever grading will affect adjacent properties, several actual cross-sections showing proposed grading may be required and their locations indicated on the plan.

- (f) Profile of each street with tentative grades, including any proposed sewer lines and manholes. This includes any adequate extension, where necessary, beyond the subdivision boundaries. Scale: Horizontal, same as plan; vertical, 1 inch = 10 feet.
- (g) Plan and profiles of proposed sanitary and/or storm water sewers, with grades and pipe sizes. These shall include connections to outlets that might be beyond boundaries of subdivision. (Items 210.3(e) and 210.3(f) may be shown on a separate drawing.)
- (h) A 20 scale drawing of public or private improvements or other details within and adjacent to the street right-of-way as required by the City Engineer.
- (i) Statement that water mains and appurtenances will be installed in accordance with the rules and regulations and under the supervision of the Water Works.
- (j) Building setback lines shall be shown graphically and dimensioned along all streets, wherever such setbacks are greater than those required by prevailing zoning.
- (k) Indication of any lots on which a use other than residential is proposed by the developer.
- (l) Proposed finished contours with intervals of not more than five feet. Elevations shall be based on sea-level datum.
- (m) Proposed buildings, parking lots, drives and the complete drainage system for all group-housing subdivisions.
- (n) Location, size and type of all trees planted within the street right-of-way. Approval of said specifications shall be from the Urban Forestry Section of the Park Department.

CHAPTER 3
PLAT OF SUBDIVISION AND PROCESS

SEC. 300.0. PLAT OF SUBDIVISION PROCESS. No subdivision as defined in Section 711.001, Ohio Revised code, shall be made of land within the jurisdiction of this City Planning commission without the preparation and recording of a Plat of Subdivision as defined in Chapter 1 of these Rules and Regulations and in accordance with the provisions of such Rules and Regulations; except as exempted from such platting by chapter 6 of these Rules and Regulations, or by Section 711.131, Ohio Revised code. The Plat of Subdivision is the official record plat. It may be submitted concurrently with the Subdivision Improvement Plan or at any time following the Commission's authorization to proceed under the provisions of the Subdivision Improvement Plan for so long as such authorization is in effect. The Plat of Subdivision shall not be approved by the Commission prior to the completion or assurance of completion of all public improvements shown on the Subdivision Improvement Plan. The procedure for securing approval of a Plat of Subdivision is specified in Section 300.1 through 300.4.

SEC. 300.1. PRELIMINARY PLAT REVIEW. The developer submits 5 prints to the Department of City Planning and Buildings staff which are examined by Planning, Engineering, MSD and its Storm water Management Division and Water Works as to their conformity with the City Planning Commission Rules and Regulations, other reviewing agencies regulations and if applicable, the Subdivision Improvement Plan upon which the development was authorized.

SEC. 300.2. PLAT APPLICATION. A corrected print is returned to the developer who submits the corrected original, boundary closure, 5 prints, and a non-refundable subdivision review fee of \$100 to the Department of City Planning and Buildings office.

SEC. 300.3. ENGINEERING REPORT. The Department of City Planning and Buildings staff transmits the original, closure and 10 prints to the City Engineer for review and report as to whether all public improvements shown on the Subdivision Improvement Plan have been completed according to city specifications and regulations, or if assurance of completion has been given. The City Engineer then sends the plat, together with a written report to the Department of City Planning and Buildings office.

SEC. 300.4. CITY PLANNING COMMISSION ACTION. The City Planning Commission takes final action on the plat after study and consideration of the staff report thereon.

- (a) If the plat is approved:
 - (1) The Director of the Department of City Planning and Buildings signs a certification of such approval on the plat.
 - (2) The Department of City Planning and Buildings staff transmits the signed original to the City Engineer for necessary reproduction and return of original to developer.
- (b) If the plat is disapproved, the developer is so informed by letter, noting reasons thereon, including citation of or reference to the rules and regulations violated by the plat.

SEC. 310.0. PLAT OF SUBDIVISION CONTENT. A qualified technician, trained in the layout of subdivisions, must make the plat of Subdivision. All required engineering and surveying work must be performed by or under the supervision of a registered engineer or surveyor, as the case may be, registered in accordance with the provisions of the Engineers and surveyors Registration Act of the Ohio Revised Code. The Plat shall contain the applicable information required in Sections 310.1 through 310.3.

Every plat shall be superimposed on a survey of the lands of the dedicators from which such plat is drawn and shall contain an accurate background drawing of any metes and bounds descriptions of the lands of the dedicator from which such plat is drawn. See ORC 711.01(B).

SEC. 310.1. **TITLE.** The following items pertaining to the title are normally required on a Plat of Subdivision:

- (a) Name of subdivision.
- (b) Location by section, township, range, county, state.
- (c) Names and addresses of owner and engineer.
- (d) Scale of the plan at 1 inch = 50, 40, 30 or 20 feet.
- (e) Date.
- (f) North point and bearing reference.

SEC. 310.2. **GRAPHICS.** The following items pertaining to the graphics are normally required on a Plat of Subdivision:

- (a) Boundary of the plat, with accurate distances and bearings, acreage of the subdivision and the zone districts.
- (b) The names and deed book reference of adjoining subdivisions and the owners of all adjoining parcels including Auditor's Pat Book, Page and Parcel reference.
- (c) Bearings and distances to the nearest established street lines, political subdivision boundaries, section or patent corners, or other political monuments.
- (d) Exact location, width and name of all streets, alleys and crosswalk ways within and adjoining the plat. The names of new streets shall not duplicate or too closely approximate, phonetically, the name of any other street in Hamilton County. Street names shall be one word and shall contain not more than 13 letters.
- (e) Lengths of all arcs, radii, internal angles, point of curvature and tangent bearings.
- (f) All easements for right-of-ways provided for public services or utilities and any limitations of such easements.
- (g) All lot numbers and lines, with accurate dimensions in feet and hundredths, with bearings or angles related to street, alley or cross walkway lines.
- (h) Accurate description of location, material and size of all monuments. There shall be no less than four monuments. Completion of construction necessary to the improvement of land and the setting of required markers shall be completed prior to the approval of the record plat or release of performance bond.
- (i) Accurate outlines of any areas to be dedicated for public use with the purposes indicated thereon and of any area to be reserved by deed covenant for common use of all property owners in the subdivision.
- (j) Building setback lines shall be shown graphically and dimensioned along all streets wherever such setbacks are greater than those required by prevailing zoning.
- (k) The following notice shall appear on any plat of land within an area of special flood hazard:

“A portion of this subdivision is within an area of special flood hazard – consult the Cincinnati offices of the Department of City Planning and Buildings and the Storm water Management Division of MSD.”
- (l) Vicinity sketch, at a legible scale, showing relation of the subdivision to its general surroundings.

SEC. 310.3. **NOTES AND JURATS.** The following notes and jurat's pertaining to the plat are normally required on a Plat of Subdivision:

- (a) Notation regarding protective covenants, if any.
- (b) Certification by a registered surveyor to the effect that the plat represents a survey made and closed by him and that all the monuments shown thereon actually exist and that their location, size and material are correctly shown.
- (c) A signed and notarized certification by the owner or owners of adoption of the plat and dedication of streets, easements and any other public areas.
- (d) Notation giving deed reference of last transfer of title to owner making dedication.
- (e) Description of restrictions on sewer easement and water main easements if such easements are involved.
- (f) Signature line on each page for "Sewers Chief Engineer (M.S.D.)" when applicable.
- (g) Space for statement of approval by the City Planning Commission with lines for signature of the Director of the Department of City Planning and Buildings and approval date.

CHAPTER 4 DESIGN STANDARDS

Each individual sub divider's blueprint of today becomes a permanent part of the community tomorrow. It is the objective of the City Planning Commission to see to it that the combination of many such blueprints will not result in a formless patchwork, but rather in a unified pattern for an attractive, economical, durable neighborhood. In order to achieve this purpose, it is necessary for the Commission to adopt and administer design standards for subdivisions as set forth in this chapter.

SEC. 400.0. GENERAL DESIGN STANDARDS. The general design standards for subdivisions are specified in SEC. 400.1 through SEC. 400.14.

SEC. 400.1. MASTER PLAN. Streets shall conform substantially to the Master Plan adopted by the City Planning Commission and any revisions or amendments thereto. Whenever a tract to be subdivided includes any part of a street indicated as a thoroughfare on the Master Plan, the sub divider shall dedicate such part of such street, except as provided below. This required dedication shall also apply to the widening of existing bordering streets except in cases where the proposed subdivision is limited to a tier of lots fronting on such bordering street and where the sub divider owns or controls no adjoining land beyond the rear line of such tier of lots. In no case shall the required dedication exceed 40 feet in width as measured from the centerline of the bordering street. If a thoroughfare within a proposed subdivision has a recommended width in excess of 80 feet, the City Planning Commission will recommend to Council that such additional width be acquired by the City of Cincinnati by purchase or by appropriation proceedings. If within a maximum of 90 days thereafter, Council has not indicated its intention of proceeding with such acquisition, either by authorizing the City Manager to purchase such property at a price agreed to by the sub divider and the city, or by the passage of a resolution declaring its intent to appropriate such property to public use, then the recommendation by the City Planning Commission for a width in excess of 80 feet will not be used as a ground for disapproval of either the Subdivision Improvement Plan or the Plat of Subdivision. Whenever a tract to be subdivided includes any part of a freeway or expressway wherein the right of access is denied the sub divider, then the City Planning Commission will recommend to Council that the right-of-way for such freeway or expressway be acquired by the City of Cincinnati by purchase or appropriation proceedings. If within a maximum of six months thereafter Council has not indicated its intention of proceeding with such acquisition, either by authorizing the City Manager to purchase such property at a price agreed to by the sub divider and the city, or by the passage of a resolution declaring its intent to appropriate such property to a public use, then the recommendation by the City Planning Commission for such right-of-way will not be used as ground for disapproval of either the Subdivision Improvement Plan or the Plat of Subdivision. In the case of either a thoroughfare in excess of 80 feet or a freeway or expressway, if Council advises the City Planning Commission prior to the maximum time limits set out above that it has no intention of proceeding with the desired acquisition, then the Commission will consider a design for the subdivision which does not deny the immediate lawful use of the property within such proposed right-of-way but recognizes a possible future acquisition of such right-of-way and provides accordingly for a minimum degree of resultant disruption to the remaining streets and lots of the subdivision.

SEC. 400.2. PUBLIC OPEN SPACES AND SITES. Where, as indicated by the Master Plan, a proposed subdivision contains, wholly, or in part, a proposed public open space or a proposed site for a public building, the City Planning Commission will immediately notify the public authority concerned (Council, Board of County Commissioners, Park Board, Board of Education, etc.). If within thirty days thereafter, the Commission is not advised that such property has been acquired by negotiation and agreement, or within a second period of thirty days after such notification that such authority has commenced the necessary procedure to acquire such property by appropriation, then the Commission will not require that such open space or site be reserved or included in the subdivision plan.

SEC. 400.3. NEIGHBORHOOD PLAN. If a tentative plan has been prepared by the City Planning Commission for the neighborhood of the proposed subdivision, the street system of the latter shall conform in general thereto.

SEC. 400.4. PHYSICAL FEATURES. Streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features that would enhance attractive development.

SEC. 400.5. **EXISTING STREETS.** Existing streets, constructed or recorded, in adjoining territory shall be continued at equal or greater width and in similar alignment by streets proposed in the subdivision, unless variations are recommended by the Department of City Planning and Buildings staff.

SEC. 400.6. **CIRCULATION.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubsidized land, as may be required by the City Planning Commission. Minor residential streets should be so planned as to discourage their use by non-local traffic. Where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turnaround may be required.

SEC. 400.7. **UNSUBDIVIDED PORTION OF TRACT.** If the plat to be submitted includes only part of the tract owned by the sub divider, the Department of City Planning and Buildings staff may require a sketch of a tentative future street system for the unsubsidized portion.

SEC. 400.8. **CUL-DE-SACS.** Cul-de-sacs which are no longer than 350 feet in length and which provide legal frontage for 12 lots or less for single-family home sites and which lots are at least 70 feet wide at the building line, after complete subdivision of the property, shall have a minimum right-of-way width of 40 feet with a T-type turnaround. Cul-de-sacs shall not be longer than 800 feet, unless necessitated by topography or other circumstances beyond the sub divider's control. Cul-de-sacs that are longer than 350 feet shall have a pavement width and a right-of-way width as specified in the "Rules and Regulations for Engineering Design of Structures in Private Subdivisions or Street Developments and Procedure in Obtaining Approval and Acceptance Thereof."

SEC. 400.9. **ALLEYS.** Except where justified by special conditions, alleys will not be approved in residential districts. At an intersection of alleys, a 10-foot radius shall round each corner. Dead-end alleys are prohibited.

SEC. 400.10. **HALF-STREETS.** The street layout shall be planned to avoid half-streets, if possible. Where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the City Planning Commission.

SEC. 400.11. **SUBDIVISION ON EXISTING PRIVATE STREETS.** Any person who desires to establish a subdivision on a private street must submit, with the application for subdivision, a certificate of access. A certificate of access shall consist of a letter from an attorney experienced in real estate matters certifying that there is legal access to the property across the private street for the owners and subsequent purchasers of the subdivided property and that the street is open to emergency vehicles. (See Sec. 410.1(d).)

SEC. 400.12. **PROPOSED PRIVATE STREETS.** The developer of a subdivision is not required to dedicate a new street to public use; however, the right-of-way width, pavement width, and construction requirements for a street that will remain undedicated are the same as for a dedicated street. The developer must obtain all required Public Works permits and make the necessary deposit of funds for inspection. Following approval of the Plat of Subdivision, the developer shall record an agreement providing for regular maintenance of streets and sidewalks, weed and grass cutting, and snow removal. The developer shall execute and cause to be recorded a covenant which shall run with the land that any private streets built pursuant to the approval of a subdivision shall be kept open to emergency vehicles, safe and free from nuisance.

SEC. 400.13. **WATER MAINS.** Section 401-19 of the Cincinnati Municipal Code specifies that no water main extension shall be constructed in private property or easements except in the case of approved plans for: garden apartments, shopping centers, condominiums, cluster housing, planned developments or certain panhandle lot arrangements.

SEC. 400.14. **UTILITY EASEMENTS.** Where utilities are located outside of street right-of-way lines, easements shall be provided. Easements along rear or side lot lines are preferable where possible.

SEC. 410.0. **STREET DIMENSIONAL STANDARDS.** The standards for street design in subdivisions are specified in SEC. 410.1 through SEC. 410.4.

SEC. 410.1. **MINIMUM RIGHT-OF-WAY WIDTHS.** The minimum street right-of-way widths are as follows:

- (a) Freeways, expressways and thoroughfares, as indicated by the adopted Master Plan.
- (b) Important neighborhood streets and state roads: 60 feet.
- (c) Minor streets: 60 feet for pavements 44 and 36 feet in width or 50 feet for pavements, 30 feet or less in width. Cul-de-sacs shall terminate in a circular area with a minimum diameter of 80 feet. T-turnarounds are permitted on residential streets if the abutting lots have a depth of no more than 110 feet from the normal street right-of-way line. T-turnarounds are recommended for industrial subdivisions and shall measure 110 feet by 60 feet.
- (d) Existing private streets: The subdivision, by plat, of lots fronting on an existing private street is permitted if the right-of-way is a minimum of 21 feet wide with an 18 foot wide pavement constructed to meet requirements of Section 1229-13 of the Cincinnati Fire Prevention Code. (See Sec. 400.11)
- (e) Alleys: 20 feet.
- (f) Cross walkways: 10 feet.
- (g) Easements: Four feet on each side of the designated center line, or such width as may be required by the utility involved.

SEC. 410.2. **MINIMUM PAVEMENT WIDTHS.** The minimum pavement width of streets shall be in accordance with Section IV of the "Rules and Regulations for Engineering Design of Structures in Private Subdivisions or Street Developments and Procedure in Obtaining Approval and Acceptance Thereof", as published by the Division of Engineering of the Department of Transportation and Engineering of the City of Cincinnati.

SEC. 410.3. **INTERSECTION REQUIREMENTS.** Streets shall intersect as nearly at right angles as possible. At the intersection of two streets, an arc of 14-foot radius shall round the property line corners.

SEC. 410.4. **BLOCK STANDARDS.** The standards for blocks are as follows:

- (a) Length: Normal maximum length for blocks is 1800 feet. In a block over 900 feet long, a cross walkway may be required.
- (b) Width: The width of a block shall normally be sufficient to allow two tiers of lots of appropriate depth.
- (c) Irregular shape: Irregular shaped blocks (including super blocks) indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking space, will be acceptable when properly designed and covered by agreements as to maintenance of such park areas.
- (d) Orientation on thoroughfares: If frontage on a thoroughfare is involved, the long dimension of the block shall preferably front thereon, in order to create as few intersections as possible with the thoroughfare.
- (e) Business or industrial: Blocks intended for business or industry shall be of such length as may be considered most suitable for their prospective use, including adequate provision for parking and deliveries.

SEC. 420.0. **LOT DIMENSIONAL STANDARDS.** The size, shape, or orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The appropriateness of a lot shall be determined by the character of lot development established on the adjacent properties as exhibited by the prevailing lot widths, lot depth, and lot line arrangements.

SEC. 420.1. **LOT PROJECTIONS.** No lot shall be shaped so as to have a projection whose function is to meet the minimum lot area and is not otherwise necessary to comply with the Zoning Code and Subdivision Regulations. This does not pertain to the handle of a panhandle lot or the required side or rear yards of the structure on the lot.

SEC. 420.2. **DEPTH AND WIDTH RATIO.** Each lot or portion thereof constituting the minimum lot area required by the Zoning Code shall have an average lot depth not in excess of four times the average lot width; this does not pertain to the handle on panhandle type lots and row house lots.

SEC. 420.3. **FRONTAGE.** Every lot shall front on a developed public or private street legally accessible from the lot by vehicular traffic.

SEC. 420.4. **DOUBLE FRONTAGE.** Lots with double frontage shall be avoided as far as possible.

SEC. 420.5. **SIDE LOT LINES.** Side lines of lots shall be approximately to right angles or radial to the street line unless, in the opinion of the City Planning Commission, a variation from this rule will give a better street and lot plan.

SEC. 420.6. **CORNER LOTS.** These lots shall have an extra width sufficient to meet the required side yard setbacks referred to in the Zoning Code.

SEC. 420.7. **PANHANDLE LOT, RESIDENTIAL.** A panhandle lot intended for residential use shall conform to the following requirements:

- (a) The applicable dimension standards in the following table:

NUMBER OF PANHANDLE LOTS	LOT DIMENSIONS		ACCESS DRIVEWAY DIMENSIONS	
	MAXIMUM PANHANDLE LENGTH (ft.)	MINIMUM PANHANDLE WIDTH (ft.)	PERMANENT EASEMENT WIDTH (ft.)	DRIVEWAY PAVEMENT WIDTH (ft.)
1	500	15	N/A	8
2	500	10 each	20	8
3	500	10 each	30	16*
4	500	7.5 each	30	18
5	500	6 each	30	18
6	500	5 each	30	18

* 18 feet if a water main is installed.

- (b) Zoning standards:

- (1) The panhandle may not provide more than ten percent of the minimum lot area required by the Zoning Code.
- (2) In a group of three or more panhandle lots, the plat of subdivision or survey drawing shall declare the location of the front lot line for each lot.
- (3) The front lot line of all lots in the panhandle lot group shall uniformly face either the street connected to the panhandle, or if access is provided by a common driveway, that access driveway.

- (c) Access driveway standards for three or more panhandle lots:

- (1) Access to the building site of a panhandle lot may be provided over a driveway not more than 500 feet long within an irrevocable permanent easement for ingress, egress and utilities. The driveway easement need not coincide with the panhandles.

- (2) An access driveway serving three or more panhandle lots with a water main installation shall be built to the construction standards set out in Appendix A to these Regulations. Water Works, the Metropolitan Sewer District and the City Engineer shall first approve plans.
- (3) A plat of subdivision or other instrument creating three or more panhandle lots with a water main installation served by an access driveway may not be approved unless an agreement for the continuing maintenance of the driveway, similar in substance to the model agreement set out in Appendix B to these regulations, is either contained in the text of the plat of subdivision or recorded as a separate document prior to approval of the deeds which must contain the recording reference to the maintenance agreement.

SEC. 420.8. **PANHANDLE LOT, NON-RESIDENTIAL.** Panhandles that are 50 feet or more in width are permitted for non-residential lots. Panhandles of less than 50 feet in width but not less than 20 feet in width are permitted where access to the building site is blocked by severe topography or by existing surrounding development.

SEC. 420.9. **RESIDENTIAL LOT AREA.** Residential lots shall comply with the setback requirements and the lot area or density requirements specified in the Zoning Code.

SEC. 420.10. **LOTS NOT SERVED BY A PUBLIC SEWER.** Lots that are not served by a public sewer cannot be subdivided unless 1) the proposed building on the lot does not require plumbing; or 2) a private sewer system is approved by the Cincinnati Health Department or the Ohio Environmental Protection Agency. (See also Section 1151-39 of the Cincinnati-Ohio Basic Building Code.)

SEC. 420.11. **ROWHOUSE LOTS, (5 lots or less.)** A designated representative of the City Planning Commission may approve a row house development of five lots or less by placing a stamp of approval on the deeds. All lots shall comply with the Zoning Code and have frontage on an existing public street. The following steps shall be followed to obtain approval:

- (a) Discuss the proposed subdivision with the designated representative of the City Planning Commission for concept approval.
- (b) Submit a building permit application and plans showing the proposed interior property lines consistent with the concept approval to the Department of City Planning and Buildings.
- (c) After completion of construction of the row houses, submit for review and approval a survey drawing to the designated representative of the City Planning Commission accurately showing the dimensions and lot area for all lots and the location of each row house.
- (d) Pursuant to Section 600.1, submit deeds consistent with an approved survey and the foregoing requirements for stamping such deeds.

SEC. 420.12. **ROWHOUSE LOTS, (more than 5 lots.)** A row house development of more than five lots or any row house development having frontage on a proposed new street requires plat approval by the City Planning Commission. All lots shall comply with the Zoning Code. The following steps shall be followed to obtain approval:

- (a) Discuss the proposed subdivision with the designated representative of the City Planning Commission for concept approval.
- (b) Pursuant to SEC. 200.0 submit a Subdivision Improvement Plan to the designated representative of the City Planning Commission for authorization to construct the row houses and any public improvements.
- (c) Submit a building permit application and plan for the construction of the row houses to the Department of City Planning and Buildings.

- (d) After completion of the construction of the row house and any public improvements, submit a Plat of Subdivision pursuant to SEC. 300.0 to the designated representative of the City Planning Commission for City Planning Commission approval.

SEC. 420.13. **DEVELOPMENT LOTS.** Irrespective of the minimum lot area otherwise required, lots within an approved cluster housing or planned development district used as a principal building site for attached or detached structures including but not limited to single-family, two-family, row-house, or multi-family dwellings need no lot area beyond the land underlying the structure and need not front on a street. The developer shall first obtain approval for a plan of the area being subdivided from the Director of the Department of City Planning and Buildings pursuant to Chapter 1403, Cluster Housing or from the City Planning Commission pursuant to Chapter 1429 Planned Development Districts of the Zoning Code. Further, the developer shall have caused all covenants as required by the applicable chapters to be recorded.

CHAPTER 5
REQUIRED PUBLIC IMPROVEMENTS

SEC. 500.0. **RESPONSIBILITY.** All Public Improvements shown on the Subdivision Improvement Plan are the responsibility of the sub divider, unless otherwise expressly indicated.

SEC. 500.1. **PUBLIC IMPROVEMENTS.** All public improvements shall be installed or constructed in accordance with the "Rules and Regulations for Engineering Design of Structures in Private Subdivision or Street Developments and Procedure in Obtaining Approval and Acceptance Thereof", as published by the Division of Engineering of the Department of Public Works of the City of Cincinnati.

SEC. 500.2. **STREETS.** Streets shall be constructed in accordance with the requirements of Chapter 721 of the Cincinnati Municipal Code. All streets and alleys within the limits of the subdivision shall be graded the full width between street property lines and all roadways shall be paved. Sidewalks shall be constructed in all cross walkways and on both sides of all streets within the subdivision.

SEC. 500.3. **SANITARY SEWERS.** Sanitary sewers, combined sewers, certain drainage ways or detention facilities shall be constructed in accordance with the requirements of Chapter 719 of the Cincinnati Municipal Code.

SEC. 500.4. **STORM SEWERS.** Storm sewers, certain drainage ways or detention facilities and erosion control shall be constructed in accordance with the requirements of Chapter 720 of the Cincinnati Municipal Code.

SEC. 500.5. **EXCAVATION AND FILL.** The excavation and fill of land within a subdivision shall be performed in accordance with the requirements of Chapter 1134 of the Cincinnati-Ohio Basic Building Code.

CHAPTER 6
DIVISION OF LAND PROCESS

SEC. 600.0. SUBDIVISION FOR WHICH NO PLAT IS REQUIRED. The Ohio Revised Code provides in Section 711.131 that “a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the authority having approving jurisdiction of plats under the provisions of Section 711.05, 711.09 or 711.10 of the Revised Code for approval without plat. If such authority acting through a properly designated representative thereof is satisfied that such proposed division is not contrary to applicable platting, subdividing, or zoning regulations it shall within seven working days after submission approve such proposed division and, on presentation of a conveyance of said parcel shall stamp the same ‘ approved by (planning authority) ‘No plat required’ and have it signed by its clerk, secretary or other official as may be designated by it. Such planning authority may require the submission of a sketch and such other information as is pertinent to its determination hereunder.”

SEC. 600.1. DEED STAMPING PROCESS. A deed or deeds for a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to a representative designed by the City Planning Commission for the purpose of reviewing such proposed division. If such representative is satisfied that such proposed division is not contrary to applicable platting, subdividing or zoning regulations, he shall within seven working days after submission of such proposed division approve the same, and, on presentation of a deed or deeds of conveyance of said parcel, stamp the same “Approved by the City Planning Commission, City of Cincinnati, no plat required.” Such representative shall require the submission of a plat prepared by a surveyor and such other information as is pertinent to his determination hereunder.

SEC. 600.2. OTHER EXCEPTIONS TO PLATS. Plats of subdivision will not be required for subdivisions as defined in paragraph (a), Section 711.001, Ohio Revised Code, for subdivisions not involving the opening or extension of any street or easement of access and in which past subdivision and development has so far proceeded that the preparation and recording of a plat would serve no public or planning purpose. The representative authorized to approve conveyances without a plat under the authority of Section 711.13, Ohio Revised Code, shall likewise be authorized to approve conveyances without a plat in such cases as are excepted herein. In case of doubt, such representative may refer the question to the City Planning Commission, if such representative refuses approval for a subdivision without a plat, the applicant may appeal to the City Planning Commission.

SEC. 600.3. FLOOD HAZARD NOTATION. For all subdivisions for which no plat is required, the following notice shall appear on a conveyance of a parcel if said parcel is within an area of special flood hazard:

”A portion of this subdivision is within an area of special flood hazard – consult the Cincinnati offices of the Department of City Planning and Buildings and the Storm water Management Division of MSD.”

**CHAPTER 7
VARIANCES**

SEC. 700.0. **APPLICATION.** A person seeking approval of a subdivision that does not conform to the standards of these Rules and Regulations and the provisions of the Zoning Code may apply in writing to the City Planning Commission for a variance. The applicant shall state with particularity the standard or provision from which relief is sought and the reasons why the Commission should grant relief.

SEC. 700.1. **PROCEDURE.** The Director of the Department of City Planning and Buildings shall send notice of the application for a variance to all owners of record of land abutting the proposed subdivision and to appropriate community organizations. The application shall be considered by the City Planning Commission within 45 days of the date of application or at the third following regularly scheduled meeting of the Commission, whichever is sooner.

SEC. 700.2. **VARIANCES FROM DESIGN STANDARDS.** The City Planning Commission may grant variances from the design standards set forth in Chapter 4 of these regulations when it finds:

- (a) Exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same district or vicinity; and
- (b) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same district or vicinity; and
- (c) The variance will not be materially detrimental to the public welfare or injurious to the interests of other owners of property in the vicinity.

SEC. 700.3. **VARIANCES NOT INVOLVING NEW BUILDING SITES.** The City Planning Commission may grant variances from these regulations or from the requirements of the Zoning Code for subdivisions of lands occupied by two or more principal buildings provided that:

- (a) The subdivision does not result in the creation of building sites for additional buildings; and
- (b) The buildings were constructed prior to February 13, 2004, or in accordance with the provisions of the Zoning Code in effect at the time of their construction; and
- (c) The variance will not be detrimental to the public welfare or injurious to the interests of other owners of property in the vicinity.