

## **TITLE FOUR - Subdivision Regulations**

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### **CHAPTER 1220 General Provisions and Definitions**

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#### **CROSS REFERENCES**

- Plat and subdivision defined - see Ohio R.C. 711.001
- Original plats - see Ohio R.C. 711.01 et seq.
- Vacating plats - see Ohio R.C. 711.17 et seq.
- Revision of plats - see Ohio R.C. 711.28 et seq.
- Planning Commission - see CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210
- Subdivisions in flood hazard areas - see B. & H. 1444.07(a)(4)

#### **1220.01 TITLE.**

These regulations are the "Land Planning and Subdivision Regulations of the City of Strongsville".

(Ord. 1967-163. Passed 12-18-67.)

#### **1220.02 PURPOSE AND INTENT.**

The purpose of these Regulations and the intent of the legislative body, in their adoption, is to guide and control the planning, subdividing and development of land and to provide procedures for the administration thereof in order to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the City and to achieve, among others, the following objectives:

- (a) To encourage the orderly development and redevelopment of land to obtain harmonious and stable neighborhoods;

(b) To provide for the reservation and dedication of land for safe and convenient pedestrian and vehicular circulation and public open spaces for schools, recreation and other public purposes;

(c) To provide for the construction of streets and utilities which will be adequate and economical to maintain;

(d) To assure the accurate surveying of land and preparing and recording of plats, and

(e) To provide for the coordination of land development in accordance with the objectives of the Comprehensive Plan, the Major Thoroughfare Plan, the Community Facilities Plan and the City Zoning Code.

(Ord. 1967-163. Passed 12-18-67.)

### **1220.03 RELATION TO OTHER LAWS.**

The provisions of the Land Planning and Subdivision Regulations shall supplement any and all laws of the State, ordinances of this Municipality or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of such Subdivision Regulations.

(Ord. 1967-163. Passed 12-18-67.)

### **1220.04 INTERPRETATION.**

In interpreting and applying the provisions of the Land Planning and Subdivision Regulations, such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and the objectives set forth throughout these Regulations. Except as specifically provided herein, it is not intended by the Subdivision Regulations to repeal, abrogate or annul any existing provisions of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the planning and subdivision of land and the construction of improvements thereon.

(Ord. 1967-163. Passed 12-18-67.)

### **1220.05 VALIDITY.**

Should any section or provision of these Land Planning and Subdivision Regulations be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of these Land Planning and Subdivision Regulations as a whole, or any part thereof, other than the section or provision so declared to be invalid, nor shall the decision affect its application to different facts or circumstances.

(Ord. 1967-163. Passed 12-18-67.)

### **1220.06 DEFINITIONS.**

(a) Interpretation. Words in these Land Planning and Subdivision Regulations are normally used in their ordinary English usage. Certain terms are, however, defined in this chapter and wherever used in these Regulations, they shall have the meaning as set forth in the sections and subsections of this chapter, except where the context clearly indicates a different meaning.

(b) General Terms.

(1) The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; "should" is to be interpreted as expressing that the application of such criteria or standard is desired and essential unless commensurate criteria or standards are achieved.

(2) All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

(3) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

(4) "Regulations" means the Subdivision Regulations of the City, being Title Four of Part Twelve of these Codified Ordinances.

(5) "Code" means the Planning and Zoning Code of the City, being Part Twelve of these Codified Ordinances.

(6) "Standard" means a test, measure, model or example of quantity, extent or quality.

(7) "Criterion" means a principle by which the planning of a development area shall be guided.

(8) "City" or "Municipality" means the City of Strongsville.

(9) "Commission" means the City Planning Commission.

(10) "Council" means the legislative body of the City.

(11) "Commissioner" means the Building Commissioner of the City.

(12) "County" means the County of Cuyahoga, Ohio.

(13) "Engineer" means the Engineer of the City.

(14) "Person" means an individual, firm, association, corporation, trust or any other legal entity, including his or its agents.

(15) "Developer" means a person commencing proceedings under this Code to effect the development of land for himself or for another.

(c) Specific Terms.

(1) Grades.

A. "Established street grade" means the elevations established by the Engineer, at the roadway, center line or curb in front of the lot.

B. "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

C. "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.

(2) Lot, parcel and land.

A. "Lot" means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map or by metes and bounds.

B. "Lot of record" means land designated as a separate parcel on a plat map or deed in the records of Cuyahoga County, Ohio.

C. "Corner lot" means a lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

D. "Lot line" means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

E. "Front lot line" means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street. Unless the context clearly indicates the contrary, it shall be construed as synonymous with "street line".

F. "Rear lot line" means a lot line parallel or within forty-five degrees of being parallel to the front lot line.

G. "Side lot line" means a lot line which is neither a front nor rear lot line.

H. "Lot depth" is the mean horizontal distance of a lot measured between the front and rear lot lines.

I. "Lot width" means the horizontal distance of a lot measured along the building line at right angle to the mean lot depth line. Width at front lot line is measured along the street line.

J. "Area of lot" means the total horizontal area within the boundary lines of a lot.

K. "Building line" means a line established by the Zoning Code, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground except as may be provided in such Code.

L. "Private land" means land in a subdivision or development area which shall be adjoining, attached and assigned to a one-family, two-family or townhouse dwelling, to be held as an open space in ownership with the dwelling in the subdivision or development area, and which shall be identified as such on subdivision and development plans submitted to the City.

M. "Common land" means land in a subdivision or development area not owned as private land or occupied by dwellings created for common usage by restrictions, easements, covenants or other conditions running with the land, and which is held for the use and enjoyment by or for the owners or occupants of the dwellings in a subdivision or development area.

N. "Homes association" means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a development area is a member, and each lot is subject to charges for a proportionate share of the expenses for the organization's activities such as maintaining the common property.

(3) Maps, plans and plats.

A. "Map" means a drawing showing geographic, topographic or other physical features of the land.

B. "Plan" means a drawing of a proposed design or of work to be performed.

C. "Plat" means a map of a lot, parcel, subdivision or development area on which the lines of each element are shown by accurate distances and bearings.

D. "Comprehensive Plan" means the plan and statement of the objectives and recommendations prepared by or for the Planning Commission and

adopted by it, indicating the general location and extent of desirable future land development, community facilities and street plans for the City.

E. "Community Facilities Plan" means the plan and recommendations prepared by or for the Planning Commission and adopted by it, indicating the location and extent of existing and planned parks, playgrounds, public land and buildings and other public facilities for the City adopted separately or as a part of the Comprehensive Plan.

F. "Major Thoroughfare Plan" means the plan and recommendations prepared by or for the Planning Commission and adopted by it, indicating the general location and extent of existing and planned streets and other transportation facilities for the City, adopted separately or as a part of the Comprehensive Plan.

G. "Official map" means any zone map adopted by Council, together with modifications thereof or amendments thereto, and any map prepared by or for the Planning Commission and adopted by Council, which shows the accurate location of the lines of existing streets, streets shown on adopted mapped street plats, streets shown on lawfully recorded subdivision plats, existing public open spaces and proposed streets and public open spaces which are in conformity with the Comprehensive Plan.

H. "Preliminary plat" means a drawing prepared by a developer indicating the proposed layout of streets, lots, utilities and other features of a proposed subdivision in relation to existing conditions, including topography submitted to the Planning Commission for the purpose of obtaining approval for a proposed subdivision of land, which, if approved by the Commission, provides the basis for proceeding with the preparation of the final plat of a subdivision.

I. "Final plat" means the final plat for record prepared by a developer based upon the conditionally approved preliminary plat of a proposed subdivision, which consists of detailed drawings, specifications, cost estimates and agreements for the construction of the site improvements which is presented to the Planning Commission for final approval and to Council for acceptance of dedications, and thereafter to the County Recorder for recording.

(4) Minimum standards and improvements.

A. "Minimum standards" means the details of construction, design and specifications, including construction methods and materials and design criteria, approved by the Planning Commission and adopted by separate ordinance by Council, which are required for all improvements, including storm sewers and other drainage facilities, sanitary sewers, pavement, curbing, gutters, headwalls, culverts, sidewalks and appurtenances to each, constructed and installed in any public or private place in the Municipality.

B. "Improvements" means street pavements, with or without curbs or gutters, sidewalks, water mains and appurtenances related thereto, sanitary and storm sewers and appurtenances related thereto, street trees, structures, equipment and landscaping in common areas and sites, as submitted to and approved by the City in accordance with Section 1232.08, and other appropriate items.

(5) Streets. "Street" means a public way for purposes of vehicular travel including the entire area within the rights of way. The term includes, but is not

limited to, avenue, alley, boulevard, drive, highway, road and freeway. Streets shall be classified and further defined as follows:

A. "Freeway" means a divided arterial highway for through traffic to which access from the abutting properties is prohibited and all street crossings are made by grade separated intersections.

B. "Major arterial street" means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

C. "Industrial street" means a street designed and constructed to service both truck and bus movements within an industrial area. Abutting property will have free access; on-street parking and loading is prohibited.

D. "Collector street" means a street located outside or bounding neighborhoods supplementary to and connecting the major arterial street system to local collector streets.

E. "Local collector street" means a street which collects internal traffic movements within a large subdivision or neighborhood and connects such areas with the collector and/or major arterial street system.

F. "Local street" means a street, primarily for access to abutting residential properties and to serve local needs.

1. "Cul-de-sac" means a street, one end of which connects with another street and the other end of which is a dead end which allows space for turning of vehicles.

2. "Marginal access street" means a local street providing access to lots which abut or are adjacent to a limited-access highway or major street.

G. "Private street" means a street held in private ownership.

H. "Street line" means the street right-of-way line.

I. "Right of way" means all of the land included within an area which is dedicated, reserved by deed or granted by easement for street purposes.

1. "Roadway" means that portion of a right of way available for vehicular travel, including parking lanes.

2. "Tree lawn" means that portion of a right of way lying between the exterior line of the roadway and the outside right-of-way line.

J. "Sidewalk" means that portion of the street right of way, outside the roadway not including tree lawn or planting strip which is paved for use by pedestrians.

K. Other rights of way as follows:

1. "Pedestrian way" means a public or private right of way solely for pedestrian circulation.

2. "Easement" means the right of a person to use common land or private land owned by another for a specific purpose.

(6) Subdivision. The term "subdivision" means:

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. However, 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; and

B. The improvement of one or more parcels of land for residential, commercial or industrial purposes 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.

(Ord. 2005-161. Passed 11-21-05.)

## **CHAPTER 1222**

### **Administration, Enforcement and Penalty**

1222.01	Method of adoption or amendment.
1222.02	Notice of and revocation of preliminary plat approval.
1222.03	Application of Regulations.
1222.99	Penalty.

#### **CROSS REFERENCES**

Plat and subdivision defined - see Ohio R.C. 711.001  
Original plats - see Ohio R.C. 711.01 et seq.  
Vacating plats - see Ohio R.C. 711.17 et seq.  
Revision of plats - see Ohio R.C. 711.28 et seq.

#### **1222.01 METHOD OF ADOPTION OR AMENDMENT.**

In adopting or amending platting ordinances or regulations for the City, the procedure shall be as follows:

(a) Such ordinance or regulation shall be introduced before Council, shall be publicly read at a duly convened meeting thereof and shall be referred to the Planning Commission and Engineer for their consideration and recommendations. Within thirty days after such ordinance or regulation has been filed with the Secretary and the Engineer, the Planning Commission and Engineer shall evaluate such ordinance or regulation and shall furnish to Council their detailed report and recommendations with respect thereto. Council shall then proceed to act upon such ordinance or regulation as provided in Section 12 of Article III of the Charter. Amendments to such ordinance or regulation may be made by Council at any reading thereof.

(b) Council shall have power, from time to time, to provide in the specific platting ordinances or regulations for notification to the public provided that the same shall not be in derogation of the provision of subsection (a) hereof.

(c) Any platting ordinance or regulation pending at the time this section becomes effective shall be subject to and affected by the provisions of this section.

(Ord. 1967-163. Passed 12-18-67.)

### **1222.02 NOTICE OF AND REVOCATION OF PRELIMINARY PLAT APPROVAL.**

The Clerk is authorized and directed to mail written notice of the passage of Ordinance 1967-163 and of the effect of such notice, as hereinafter set forth, to the owner, subdivider or agent of any subdivision preliminary plat or tentative sketch which has been tentatively or conditionally approved by the Planning Commission prior to the effective date of these Regulations.

If, within six months after the mailing of such notice, detailed construction plans for the subdivision improvements heretofore required by these Regulations have not been submitted to and approved by the Engineer as being in compliance with the minimum standards, as previously adopted by Council, for such improvements and if such improvements are not contracted for and actually commenced, and the plat for record submitted therefor, any previously obtained tentative or conditional approval of a subdivision preliminary plat or tentative sketch shall be revoked and the provisions of these Regulations, as amended, shall affect and be binding upon such subdivision. However, the Planning Commission may grant an extension of such time as it deems necessary not to exceed three months upon a showing in writing of extreme undue hardship or practical difficulty on the part of the subdivider or owner. (Ord. 1967-163. Passed 12-18-67.)

### **1222.03 APPLICATION OF REGULATIONS.**

These Regulations (as enacted by Ordinance 1967-163, passed December 18, 1967), shall affect and be binding upon any proposed subdivision or resubdivision for which the preliminary plat or tentative sketch plan has not been at least tentatively or conditionally approved by the Planning Commission upon the effective date of these Regulations. (Ord. 1967-163. Passed 12-18-67.)

### **1222.99 PENALTY.**

(a) Any person who is the owner or subdivider or agent of the owner or subdivider of any land within the Municipality, who offers for sale, enters into a contract for sale or sells transfers or otherwise disposes of any lot, parcel or tract of land or any part thereof from or in accordance with a plat or map of the subdivision or allotment of all or a part of such lands, before such plat or map has been approved in accordance with the provision of these Regulations, or in accordance with the provisions of an ordinance, statute or regulation previously applicable to the subdivision of such land, except as such approval is revoked or expires pursuant to the provisions of these Regulations and before such plat or map has been recorded in the office of the County Recorder, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each lot or part of a lot or parcel offered or contracted for sale, sold, transferred or otherwise disposed of in violation of these Regulations. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the penalties provided herein. Each day during which any violation of these Regulations continues shall be deemed to constitute a separate offense. Any person who otherwise violates, neglects, fails or refuses to comply with any provision of these Regulations, for which no

penalty is otherwise provided, shall, for the first offense, be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and, for the second and subsequent offenses, be fined not more than five hundred dollars (\$500.00). Each day's continued violation shall constitute a separate offense.

In addition to such penalties, the Municipality shall also have the right by appropriate action in law or equity to enjoin, correct, restrain and abate any such violation. (Ord. 1967-163. Passed 12-18-67.)

(b) Whoever violates any of the provisions of Section 1228.09 is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred dollars (\$100.00). For each subsequent offense such person is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.  
(Ord. 1978-181. Passed 9-18-78.)

## **CHAPTER 1224**

### **Deposits, Bonds and Fees**

1224.01	Deposit for investigation.
1224.02	Cash deposit, insurance and contractor's performance bond.
1224.03	Bond for improvement(s) upon dedication or acceptance.
1224.04	Planning Commission fees.
1224.05	Deposit of fees for engineering inspection.
1224.06	Fees for recreational development.

### **CROSS REFERENCES**

City Planning Commission - see CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210
Plat and subdivision defined - see Ohio R.C. 711.001
Original plats - see Ohio R.C. 711.01 et seq.
Fee of designated public land to vest when plat recorded see Ohio R.C. 711.01, 711.07
Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.11
Plat acknowledgment and recording - see Ohio R.C. 711.06
Vacating plats - see Ohio R.C. 711.17 et seq.

### **1224.01 DEPOSIT FOR INVESTIGATION.**

At the time the plans and specifications for any improvements are submitted to the Engineer for approval, there shall be deposited with the Treasurer, an amount of money which is sufficient in the opinion of the Engineer, and not less than three percent of the estimated cost of all improvements to be installed, to cover the cost and expense of such investigation as may be necessary to determine whether such proposed subdivision conforms to these Regulations and whether its improvements have been made or are being installed in accordance with the requirements of these Regulations and the plans and specifications approved by the Engineer as being in accordance with the minimum

standards. The cost and expense of such investigation, made by the Engineer or his assistants, shall be paid from such deposit upon itemized bills rendered by the Engineer. In case of such expenditures exceeding such deposit, the excess shall upon demand be paid forthwith into the Municipal Treasury. In case the deposit exceeds such expenditure, the balance will be refunded to the applicant within a reasonable time after the completion of such investigation.  
(Ord. 1967-163. Passed 12-18-67.)

#### **1224.02 CASH DEPOSIT, INSURANCE AND CONTRACTOR'S PERFORMANCE BOND.**

Any owner, subdivider or agent who shall install or cause to be installed any of the improvements required by Section 1228.01, or who shall provide for the installation of such improvements pursuant to Section 1228.03, shall comply with the following before any such installations begin and shall continue to comply therewith as hereinafter indicated:

(a) Such owner, subdivider or agent shall, before such installation begins, deposit with the Director of Finance five hundred dollars (\$500.00) or such other larger amount recommended by the Engineer and approved by Council either in cash or by means of a certified check. The amount so deposited shall be paid out on order of the Engineer to the Municipality or to a contractor selected by the Engineer to remove dirt, silt or any other accumulation from any street or any conduit for the drainage of sewage or water or to repair the permanent pavement or the property of the Municipality or private property if the owner, subdivider or agent neglects or refuses to remove such accumulations or to make such repairs when so ordered by the Engineer. When more than half of the amount shall have been used by the Municipality for such purpose, the owner, subdivider or agent shall deposit sufficient additional funds to bring the balance again to the amount established in accordance herewith. Failure to maintain such balance upon request of the Engineer shall constitute authority for the Building Commissioner to halt the work upon the improvements being installed. When the improvement has been completed, any balance in the fund not then needed for the purposes aforesaid shall be returned to the subdivider, owner or agent who deposited it.

(b) Such owner, subdivider or agent shall, before such installation begins, furnish and keep in full force and effect at all times during the period required to install the improvements and for a period of one year thereafter, a policy of insurance written by a solvent insurance company authorized to do business in the State of Ohio. Such policy shall be in form and amount satisfactory to the Law Director and shall insure and indemnify the Municipality against any legal liability incurred as a result of damage to persons or property arising out of the acts or omissions of the owner, subdivider or agent, or any of his contractors, subcontractors, agents or employees in connection with the installation or construction of such improvements or arising out of the unimproved condition of the streets being improved.

(c) Such owner, subdivider or agent shall require such contractors or subcontractors as he may engage for the purpose of installing such improvements to furnish a performance bond before the contractors or subcontractors begin work. Such bond shall have a compensated surety company as surety and shall be in such form as the

Law Director approves and such amount as the Engineer approves and shall be furnished to the Municipality before such installation begins.  
(Ord. 1967-163. Passed 12-18-67.)

### **1224.03 BOND FOR IMPROVEMENT(S) UPON DEDICATION OR ACCEPTANCE.**

(a) Upon the completion of any improvement of any proposed public street or right of way within the Municipality, by constructing or installing water mains, storm sewers, sanitary sewers, paving, grading, curbing or other improvement therein, the person, firm or corporation offering the same for acceptance, shall give or secure to be given a bond to the Municipality issued by a surety company authorized to do business in the State of Ohio as surety conditioned upon the maintenance of the improvement or improvements to be dedicated or accepted, for a period of not less than two years from and after dedication or acceptance by Council of such improvements, as may be required by the circumstances of the particular case of improvement.

(b) When Council, in its sole discretion, finds and determines that it is in the public interest to accept a proposed public easement or right of way within the Municipality prior to the completion of all required improvements therein, then Council may accept such easement or public right of way provided that the person, firm or corporation offering the same for acceptance shall give a bond to the Municipality issued by a surety company authorized to do business in the State of Ohio as surety conditioned upon the full completion of the improvements to be constructed and/or installed in such easement or right of way within a time period fixed by Council and conditioned upon the maintenance of such improvements for a period of not less than two years from and after the date of acceptance of such completed improvements by Council, as may be required by the circumstances of the particular case of improvement.

(c) Any bond issued under this section shall be in a form approved by the Law Director and in such amount as may be determined by the Engineer to be required in each particular case, to protect the interests of the Municipality and its inhabitants or property owners in the improvement or improvements concerned, provided that any bond securing or guaranteeing the completion of such improvements shall be no less than one hundred percent (100%) of the estimated cost of completing any such improvements as determined by the City Engineer, and any bond securing or guaranteeing the maintenance of such improvement(s) shall be no less than ten percent (10%) of the cost of such improvement(s). Upon approval by Council, a person, firm or corporation offering or dedicating land or improvements shall have the option of depositing in escrow with the Director of Finance, money in the amount fixed as hereinabove provided, in lieu of giving a required bond. The conditions of any bond or other approved form of security hereunder may be joined in a document with other conditions which assure or guarantee other commitments or duties of a developer to the Municipality.

(d) Nothing in these regulations shall be construed to limit or impair the right of the Municipality to require such bonds, in such amounts and containing such terms, provisions and conditions as may be deemed necessary by Council, in instances of any

improvements constructed or installed by the Municipality, under the direction of the officials charged by law with the responsibility therefor.  
(Ord. 1992-173. Passed 2-16-93.)

**1224.04 PLANNING COMMISSION FEES.**

The owner or developer or the agent of either, making application to the Planning Commission for review, study or recommendation or approval of development plans and plats shall be charged a fee in accordance with the following schedule:

- (a) Residential.
  - Parcel split or consolidation \$ 100.00
  - Subdivision (sketch, preliminary, final) 5.00/lot
  - Cluster area (single-family detached and cluster) 20.00/unit
  - Multi-family facility, apartment, townhouse or condominium 20.00/unit
  - Motel or hotel 20.00/unit
  - Nursing home or assisted living facility 20.00/room
- (b) Commercial (Retail-Office).
  - 50,000 sq. ft. or less 250.00
  - 50,001 sq. ft. and greater 500.00
- (c) Industrial.
  - 50,000 sq. ft. or less 250.00
  - 50,001 sq. ft. and greater 500.00
- (d) Single Sign 25.00
- Multiple sign program 100.00
- (e) Zoning Change. 100.00
- (f) Conditional Use Permit. 50.00

An application to the Planning Commission or the Clerk of Council shall be accompanied by a certified check in the amount of the fee prescribed above, made payable to the City. All fees shall be nonrefundable.

In addition to the foregoing fees, when the development plans for any project propose an exterior lighting plan, the applicant shall deposit with the City a sum equal to the reasonable cost for review of the lighting plan by the City's lighting consultant, which shall be a minimum of three hundred dollars (\$300.00).

(Ord. 1999-17. Passed 4-19-99.)

**1224.05 DEPOSIT OF FEES FOR ENGINEERING INSPECTION.**

(a) All applicants at the time of filing an application for approval of any land planning and/or development plan or plat with the Planning Commission and/or Council shall deposit with the City a fee as hereinafter set forth to cover the cost and expense of inspection and investigation by the City Engineer and his assistants as may be necessary to determine whether such proposed development, subdivision, resubdivision or other plan or plat conforms to the Zoning Code and the Subdivision Regulations of the City.

(1) In single, two-family and townhouse residential districts (R1-100, R1-75, R2F, PDA):

Sketch and Preliminary Review

4 or less plat units	\$ 50.00
5 to 25	125.00
25 to 100	250.00
More than 100	400.00

Final Review and Inspection 50.00/lot

(2) In any Multi-Family-1, Senior Residence, Public Facilities, Business, Research-Service-Industrial-Aviation Field District, or other use District not specifically identified in this chapter, and for any Planned Development Area-2 apartment:

First 1,000 square feet of land occupied by structures	\$ 210.00
Each additional 1,000 sq. ft. or fraction thereof	35.00

(3) For work not covered by the above schedule in this section, fees shall be based upon the wages and benefits per hour, per each employee's time spent on the job

(4) In addition to these fees, where the City Engineer determines that it is necessary to employ the services of a consultant for the purposes of such inspection and investigation, the consultant's review fees shall be paid in full to the City before the issuance of a building permit.

(5) In addition to the foregoing fees, there shall be paid by the owner, subdivider or agent of either prior to approval of a final plat, the sum of fifteen cents (\$.15) per running foot of street or highway within or fronting upon such plat, for the cost of the determination and assignment of house numbers to the subplot for residential development.

(b) The Engineer shall keep a separate itemized account of the work performed upon the site plans, and actual field inspections and surveys, or any other work necessary. All charges to this account by the Engineer shall be based upon the same amount charged to the City for similar work. The Engineer shall present to the Clerk of the City monthly itemized invoices covering all work performed under this section. The Clerk is hereby directed, upon receipt of each invoice, to pay to the Engineer the amount indicated therein within the month the invoice is received. When all work is completed pertaining to each application, the Engineer shall submit to the Clerk a final invoice indicating thereon the complete engineering charges, and further indicating which of those charges have been paid and which charges remain unpaid. In the event such charges shall exceed the deposits set forth in subsection (a) hereof, the additional charges shall be paid by the applicant. If such expenditures are less than the deposit set forth in subsection (a) hereof, the balance shall be refunded to the applicant.  
(Ord. 1989-119. Passed 7-24-89.)

**1224.06 FEES FOR RECREATIONAL DEVELOPMENT.**

(a) No building permit shall be issued for a dwelling unit to any owner, subdivider, or the agent of either, until a fee of eight hundred dollars (\$800.00) is paid to the City for each such dwelling unit to be constructed, which fee is to be used for City

recreational purposes. Each such fee shall be deposited in a separate City Recreation Capital Improvement Fund and shall be used for recreational capital improvements.

(b) Any owner or subdivider, or the agent of either, of a subdivision, single family detached and cluster development or multifamily complex, may also provide private recreation facilities for a specific development in accordance with the following:

(1) The owner or subdivider, or the agent of either, submits a detailed plan and estimates of cost of construction for a recreational facility to the Planning Commission for its review and approval;

(2) The detailed plan and estimates of cost of construction are approved by the Planning Commission as sufficient to serve the recreational needs of the population intended to reside in the subdivision or multifamily complex;

(3) The estimated cost of construction of the recreational facility shall equal at least eight hundred dollars (\$800.00) times the number of dwelling units proposed to be constructed in the subdivision or multifamily complex. Estimated cost of construction shall mean an estimate by an architect or engineer of the price for material to be used and labor to be furnished to construct the facility based upon current prevailing material and labor costs in Northeast Ohio on or about the date of submission of the estimate. Cost shall not include grading, seeding, utilities or landscaping expenses; and

(4) The owner, subdivider or the agent of either, completes the construction of the recreational facility as approved by the Planning Commission prior to the issuance of any building permits for residences within the subdivision or multifamily complex, or, at the time of approval by Council for record purposes of the first plat of lands within the subdivision, secures the completion of the entire recreation facility, or secures the completion of construction of the recreational facility as approved by the Planning Commission within a time period fixed by the Planning Commission through a cash deposit or a surety bond issued by a compensated surety or other form of security approved by the Director of Law and Council. It shall be a condition of any such security that it shall remain in full force and effect until the entire recreation facility is complete. In no event shall actual construction costs in excess of the estimated cost of construction or increases in the estimated cost of construction relieve, alter or modify an obligation of an owner, subdivider, the agent of either, his or its successors or assigns, or his or its surety to complete an approved proposed recreational facility for which security has been provided.

(5) Where an owner, subdivider, the agent of either, or his or its successors or assigns propose any alteration or modification to a recreational facility plan previously approved by the Planning Commission, such alteration or modification shall be submitted to the Planning Commission for its review, and its determination that the proposed change(s) will serve the recreational needs of the population intended to reside in the subdivision or multifamily complex and do not constitute a significant reduction in the nature and scope of the recreational facilities previously approved.

(6) The owner or subdivider may propose recreation improvements less than eight hundred dollars (\$800.00) times the number of dwelling units proposed; however, in that event the owner or subdivider shall pay into the City recreational capital improvement fund the difference between the estimated cost and the eight hundred dollars (\$800.00) per unit requirement.

(c) The Director of Finance is hereby directed to submit reports to Council by the first regular meeting of December of each even numbered year, setting forth:

(1) The amount of funds paid, under the provisions of this section, into the Recreational Capital Improvement Fund for the preceding twenty-four month period; and

(2) The amount and value of any equipment furnished, repaired or replaced, or improvements made, or City land provided or current payments made for land or improvements previously built for any new or existing public recreational facility paid from the General Fund or other fund during the same preceding twenty-four month period. Council shall, from such report, compare the amounts described in paragraphs (c)(1) and (2) hereof, and shall, by the next regular meeting in December, appropriate from the General Fund, if necessary, to the Recreational Capital Improvement Fund, an amount substantially equal to the difference between the amounts described in paragraphs (c)(1) and (2) hereof. If Council finds, from the reports described herein, that the City has contributed or paid, from sources other than the Recreational Capital Improvement Fund for the items set forth in paragraph (c)(2) hereof, an amount greater than the funds received under this section, then Council shall carry over the excess amount for credit for the City contribution in the next twenty-four month period.

(d) The additional fee requirements of this section shall not be applicable to those dwelling units in a subdivision where the recreational facilities have already been approved by the Planning Commission and have been installed or secured by the owner or subdivider to be installed pursuant to Section 1224.06(b)(4) prior to the effective date of this section, which recreational improvement cost included the dwelling unit(s) for which the applicant is seeking a building permit. (Ord. 2002-124. Passed 4-21-03.)

## **CHAPTER 1226 Procedure**

1226.01	Intent.
1226.02	Plans and plats required.
1226.03	Frontage splits on existing, improved and dedicated streets.
1226.04	Preliminary plat approval.
1226.05	Final subdivision plat.
1226.06	Notice of subdivision application and plan.

### **CROSS REFERENCES**

City Planning Commission - see	CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210
Plat and subdivision defined - see	Ohio R.C. 711.001
Original plats - see	Ohio R.C. 711.01 et seq.
Fee of designated public land to vest when plat recorded see	Ohio R.C. 711.01, 711.07
Cornerstones and permanent markers - see	Ohio R.C. 711.03, 711.11

Plat acknowledgment and recording - see Ohio R.C. 711.06  
Vacating plats - see Ohio R.C. 711.17 et seq.  
Plans and plats - see P. & Z. 1222.02, Ch. 1228, Ch. 1230

#### **1226.01 INTENT.**

Procedures are herein established for achieving effectiveness, efficiency and uniformity in the administration of these Subdivision Regulations, including:

- (a) Procedures whereby a developer may obtain information, plan land developments, make application for review, record plats and construct land improvements;
- (b) Procedures whereby the Planning Commission may review, study, make recommendations, approve plans and plats and otherwise administer these Regulations;
- (c) Procedures for planning and developing land consistent with procedures for planned development areas as set forth in Chapters 1266 and 1268 of the Zoning Code, and in accordance with the objectives of the Comprehensive Plan.

(Ord. 1967-163. Passed 12-18-67.)

#### **1226.02 PLANS AND PLATS REQUIRED.**

Before any owner or developer or agent of either shall transfer or contract for the transfer of or offer to transfer any subdivisions of land or any part thereof, which is laid out wholly or partially, within the corporate limits of the City, or within three miles thereof in cooperation with other municipalities, such owner or subdivider, or agent of either, shall file a preliminary plat and final plat of a subdivision together with detailed plans and specifications for all required improvements and appurtenances thereto with the Planning Commission and obtain the approval thereof as hereinafter provided.

(Ord. 2005-161. Passed 11-21-05.)

#### **1226.03 FRONTAGE SPLITS ON EXISTING, IMPROVED AND DEDICATED STREETS.**

If the subdivision is a simple frontage split abutting upon an existing dedicated street with permanent pavement and all other required improvements installed therein and involves no more than five lots after the original tract has been completely subdivided, and the opening, widening, improvement or extension of any street or the installation of any public utility is not involved, such proposed parcel split may be approved by the Planning Commission and the preparation and submission of a preliminary and final subdivision plat is not required. City Council approval is not required for a parcel split.

(Ord. 2005-161. Passed 11-21-05.)

#### **1226.04 PRELIMINARY PLAT.**

A developer may prepare a preliminary plat of a subdivision, together with improvement plans and other supplementary material as specified in Section 1230.03 of these Regulations.

Sixteen copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission with a written application for approval at least fourteen days prior to the meeting at which time it is to be considered.

Upon receipt of the application, preliminary plat and other supplementary material as specified in these Regulations, the Secretary shall transmit a copy of all submissions to the City Engineer for his review, report and recommendation. The Engineer shall, within thirty days from the date of receiving the preliminary plat and supplementary material, provide and furnish to the Planning Commission a report covering his respective jurisdiction.

Following the review of the preliminary plat together with other material submitted for conformity thereof to these Regulations, the Engineer's report, and the completion of all negotiations with the developer on changes deemed advisable by the Engineer as to the kind and extent of improvements to be made, the Planning Commission shall within sixty days after receiving the preliminary plat and supplementary material, either approve the preliminary plat, disapprove it with reasons, or conditionally approve it subject to such modifications as may be required. The action of the Planning Commission shall be noted on all three copies of the preliminary plat, referenced and attached to any conditions specified. One copy shall be returned to the developer, one copy forwarded to the Engineer and the remaining copy retained by the Planning Commission.

Approval thereof by the Planning Commission shall be limited to general lot arrangement and street location only. It shall be deemed as an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and Council, and used for recording upon fulfillment of the requirements of these Regulations and the conditions of the approval, if any.

No action of Council is required for the approval of a preliminary plat unless requested by the owner or subdivider, in which case approval may also be given by Council and, if given, shall be similarly limited to general lot arrangement and street location only and approval of such other matters as Council may desire. In no case shall the approval by the Planning Commission or Council be construed as an acceptance of dedication of streets and public places shown thereon, nor shall it entitle the owner, subdivider or agent to place such plat on record.

Approval of any preliminary plat or any part thereof shall expire and become ineffective for all purposes one year after the date of Planning Commission approval unless: the plans and specifications and details required in Chapter 1228 of these Regulations for the improvements required have been submitted to and approved by the Engineer; the necessary easements for such improvements have been granted to and accepted by the Municipality in accordance with these Regulations and such improvements have been placed under contract and actually commenced, and the final plat for record submitted. The Planning Commission may, however, grant an extension of such time as it deems necessary not to exceed six months upon a showing in writing of undue hardship or practical difficulty on the part of the owner or subdivider. (Ord. 2005-161. Passed 11-21-05.)

#### **1226.05 FINAL SUBDIVISION PLAT.**

Following the approval by the Planning Commission of a preliminary plat, and subject to the provisions of these Regulations, the owner, subdivider or agent shall

prepare for record purposes and for dedication of public streets, utilities and other public places a final plat of the proposed subdivision.

The final plat of a subdivision shall conform to the preliminary plat as approved, and if desired by the developer, may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided such portion conforms to all the requirements of these Regulations.

Application for approval of the final plat of a subdivision in writing and sixteen copies of the final plat, improvement plans, supplementary material and other exhibits required for approval as specified in Section 1230.03 of these Regulations shall be submitted to the Planning Commission at least fourteen days prior to the meeting at which it is to be considered.

In addition to the foregoing requirements of the final plat for record, there shall be filed with the Engineer, profiles of the streets to be dedicated, showing existing surface elevations on the center line and the proposed finished grade of such streets and the existing surface elevations at the proposed right of way, side lines and at the building line, and the identification, location and description of U.S. mail receptacles to be installed for the deposit or receipt of mail.

(Ord. 2005-161. Passed 11-21-05.)

#### **1226.06 NOTICE OF SUBDIVISION APPLICATION AND PLAN.**

(a) When a subdivision application and plan are filed by an applicant with the Planning Commission for approval, and after review by the appropriate City officials, notice, by regular mail, shall be given by the Secretary of the Planning Commission to the property owners within five hundred (500) feet of any portion of the land proposed to be subdivided, that such a plan has been submitted and is available for inspection and comment at the Planning Commission office.

(b) In order to effectuate the provisions of this section, the applicant, at the time of submittal of the application and subdivision plan, shall submit to the Planning Commission a certified list of all such property owners of record, and their mailing addresses, in a form acceptable to the Planning Commission. The list shall be prepared by a title insurance company as defined in Ohio R.C. Section 3953.01(C), and the list shall be dated no more than fifteen (15) days prior to the filing of the application with the Planning Commission.

(c) Any written comments received from the property owners shall be considered by the Planning Commission in their review of the proposed subdivision plan.

(d) This section is applicable to all subdivisions involving more than five (5) sublots after the original tract has been subdivided.

(Ord. 2002-125. Passed 9-16-02.)

## CHAPTER 1228

### Final Plat Approval; Easements; Dedication; Building Permit

- 1228.01 Subdivision improvements required before final approval.
- 1228.02 Required submission and approval of plans and specifications.
- 1228.03 Approval when not all improvements installed.
- 1228.04 Approval of Planning Commission.
- 1228.05 Council approval of plat for record.
- 1228.06 Easements and street dedication; warning signs required.
- 1228.07 Council acceptance of dedication; title insurance.
- 1228.08 Conditions for issuance of building permit.
- 1228.09 Mandatory posting requirements of plats and plans.

### CROSS REFERENCES

- City Planning Commission - see CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210
- Plat and subdivision defined - see Ohio R.C. 711.001
- Original plats - see Ohio R.C. 711.01 et seq.
- Fee of designated public land to vest when plat recorded see Ohio R.C. 711.01, 711.07
- Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.11
- Plat acknowledgment and recording - see Ohio R.C. 711.06
- Vacating plats - see Ohio R.C. 711.17 et seq.

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### 1228.01 SUBDIVISION IMPROVEMENTS REQUIRED BEFORE FINAL APPROVAL.

Before approval will be given upon any final plat for record, the following fees shall be paid and the following improvements shall be installed in the subdivision shown on such plat.

- (a) Water mains must be installed together with all necessary appurtenances such as hydrants, valves and curb connections at each lot within the subdivision, all meeting the approval of the City Engineer and the Engineer of the City of Cleveland, Division of Water and Heat.
- (b) Storm sewers, together with all necessary appurtenances and curb connections for each lot in such subdivision, shall be designed and installed in accordance with the minimum standards adopted therefor and adequate for the drainage of the streets, the lots fronting thereon and the natural drainage intercepted by such street.
- (c) Sanitary sewers together with all necessary appurtenances and curb connections for each lot in the subdivision shall be designed and installed in accordance with the minimum standards adopted therefor. Where Municipal sanitary sewer facilities are not available, the subdivider shall construct and install such sanitary sewers, septic systems and sewage treatment facilities as are deemed necessary by Council, the Engineer and/or the Cuyahoga County Department of Health. The design, installation, method of construction and materials must be approved by the Engineer, the Cuyahoga County Department of Health and any other authority having jurisdiction. The approval by the Engineer and his decision deeming the sewers and treatment facilities necessary,

shall be based upon a determination of the adequacy of the proposed facilities relative to the natural contours and topography of the area, the proposed population density of the subdivision and the effect of the facilities upon abutting and adjacent properties and upon the public health, safety and welfare of the entire Municipality.

(d) No sewer, whether storm or sanitary, shall be approved or installed which is used or designed to be used for the discharge of both storm water or roof drains and the discharge of septic tanks or other sanitary effluent. All sewers, excluding house laterals, shall be installed in dedicated streets or in easements granted to the Municipality in legal form satisfactory to the Law Director, shall have proper outlets approved by the Engineer, shall serve all lots and lands in the subdivision, and shall go to the boundaries of the subdivision.

(e) All street compactions, grades, subgrades, curbs, curb drains, pavements and all other aspects of street improvement shall be designed, installed, constructed and improved in accordance with plans and specifications therefor submitted to and approved by the Engineer. All street plans and specifications shall at least meet minimum standards adopted therefor by Council, unless a deviation from minimum standards is granted or permitted pursuant to subsection (i) hereof.

(f) Sidewalks of Portland cement concrete or similar material approved by the Engineer shall be installed upon both sides of each street; except that the Planning Commission, in its discretion, may approve sidewalks on one side of the street in cluster developments. Sidewalks shall be at least four feet in width along local streets, five feet along local collector streets and six feet along collector and major arterial streets. Pavement thickness shall be four inches and not less than six inches in thickness across driveways.

(g) Common area and site improvements shall be shown on plans and specifications submitted by the developer and approved by the City in accordance with the Planning and Zoning Code.

(h) The developer or entity requesting any type of subdivision shall pay to the City a fee of two hundred fifty dollars (\$250.00) per tree based upon one tree being required for each forty-five linear feet of lot frontage on a public street. The fees shall be placed in the Tree Fund Account and the City shall utilize the funds to purchase and install trees in subdivisions pursuant to the provisions of Chapter 1023. The fee shall be paid by the developer or entity requesting the subdivision prior to final approval of any plat for record purposes.

(i) The Planning Commission may permit, as to any of the specific improvements or installations in this section, deviation from the minimum standards after receiving the recommendation of the Engineer as to the proposed deviation. The Planning Commission in granting such permission, and the Engineer in making his recommendation, shall base their decision and recommendation on either:

(1) The improvement under the proposed deviation from the minimum standards will be equally effective, safe, adequate and desirable as the improvement would be under such standards, and that the improvement under the proposed deviation will perform the same function as and have a life of usefulness equal to the improvement made pursuant to such standards; or

(2) The strict application of the minimum standards to improvements which are under construction or which have been fully planned and contracted for at the

time this section becomes effective would cause extreme undue hardship or practical difficulty.

However, no deviation under subsection (h)(1) or (2) hereof shall be approved that is not in harmony with the general purpose and intent of these regulations or which will interfere with the public health, safety or general welfare.

Any permission granted by the Planning Commission to deviate from the minimum standards required for all subdivision improvements must be confirmed by Council before such permission to deviate is final.

(Ord. 2005-161. Passed 11-21-05.)

### **1228.02 REQUIRED SUBMISSION AND APPROVAL OF PLANS AND SPECIFICATIONS.**

Separate plans and specifications including all necessary details, profiles and cross-sections for each improvement, specified in Section 1228.01, must be submitted to the Engineer and his approval obtained thereon after conditional approval of the preliminary plat and prior to the installation or construction of each such improvement and prior to any action of the Planning Commission or Council to approve the final plat for record. Such plans and specifications must have been prepared by a registered professional engineer on tracing cloth or an equivalent, upon sheets measuring approximately twenty-four inches in width and thirty-six inches in length to scale with the signature and seal of the registered engineer affixed thereto. If the plans and specifications submitted to the Engineer show compliance with the minimum standards and with the other requirements of these Regulations, and with the conditionally approved preliminary plat for the subdivision, the Engineer shall approve such plans and specifications.

(Ord. 2005-161. Passed 11-21-05.)

### **1228.03 APPROVAL WHEN NOT ALL IMPROVEMENTS INSTALLED.**

No plat for record shall be approved for record purposes until the Engineer certifies that all utility plans required in Section 1228.01 have been approved in accordance with the requirements of these Regulations and until the preliminary plat, plans and specifications have been approved in accordance with Section 1228.02. Should it not be desirable or possible to install any or all of the improvements prior to the submission of the final plat to the Planning Commission and Council for approval, then such plat may nevertheless be approved for record purposes, but not for the purpose of accepting the dedication of any streets thereon, only after the improvements required by Section 1228.01 have been installed or one of the following procedures has been complied with by the owner, subdivider or agent with respect to such improvements:

(a) When after approval by a majority vote of all the members of Council elected thereto, funds in an amount deemed by the Engineer sufficient to pay the cost and expense of all improvements not installed are placed on deposit with the Director of Finance for the purpose of the installation of such improvements by the Municipality at such time and in such manner as Council may determine or the installation thereof by the owner, subdivider or agent at such time and manner and in accordance with an escrow agreement, executed by the owner, subdivider or agent, in a form satisfactory to the Law Director and approved by Council.

(b) When after approval by a majority vote of all the members of Council elected thereto, there has been provided to the Director of Finance a written agreement of any bank or savings and loan institution, the main office of which is situated in Cuyahoga County, which agreement is executed by an officer of the bank or savings and loan institution and by the owner, subdivider or agent, and contains the following assurances, guarantees, commitments and other terms and conditions:

(1) That there are on deposit in such bank or savings and loan institution, in an escrow account, funds in an amount deemed by the Engineer sufficient to pay the cost and expense of installing all of such improvements.

(2) That the bank or savings and loan institution will act as sole disbursing agent for the funds and will, upon receipt of appropriate certificates of completion furnished by the Engineer, have the sole responsibility for and will pay directly all just bills for services or materials in connection with the installation of such improvements submitted to it by any contractor, subcontractor or material man. It shall be understood that the responsibility of engaging such contractors, subcontractors and material men is that of the owner, subdivider or agent, and not that of the Municipality or the bank or savings and loan institution.

(3) Such other terms and conditions as shall be required by the Law Director or Council, not inconsistent with the above, in order to properly safeguard the Municipality and the inhabitants thereof from litigation and to insure the prompt, complete and correct installation of such improvements.

(c) When after approval by a three-fourths vote of all of the members of Council elected thereto, the subdivider, owner or agent has posted with the Director of Finance, a bond with a compensated surety company as surety, which bond shall assure the completion of the installation of the necessary improvements within the time fixed by Council in an amount sufficient to pay the cost and expense of installing such improvements as estimated by the Engineer, and shall be in such form as the Law Director approves.

(Ord. 2000-37. Passed 5-15-00.)

#### **1228.04 APPROVAL OF PLANNING COMMISSION.**

No final plat for record or dedication shall be accepted by Council until it has been finally approved by the Planning Commission. There will be no charge for the approval of a final plat by the Planning Commission if the charge for the preliminary plat approval has been paid. If the Planning Commission disapproves a preliminary plat, no further action by any officer or by Council shall be necessary to make such disapproval final.

(Ord. 2005-161. Passed 11-21-05.)

#### **1228.05 COUNCIL APPROVAL OF PLAT FOR RECORD.**

The final plat for record when approved by Council shall have such approval endorsed thereon, and when approval has only been given pursuant to Section 1228.03 for such plat to be recorded for record purposes and not for dedication the approval endorsed thereon shall so state. The final plat for record, after the appropriate approval of Council has been endorsed thereon, shall be retained by the Municipality until it is

delivered to the County Recorder. All fees required in connection with the recording of such map or plat shall be paid by the property owner causing same to be made. (Ord. 1967-163. Passed 12-18-67.)

#### **1228.06 EASEMENTS AND STREET DEDICATION; WARNING SIGNS REQUIRED.**

None of the improvements required by Section 1228.01(a) through (c) shall be installed or constructed and no construction work relative thereto shall be performed until after:

(a) The owner has shown compliance with the provisions of Section 1228.08 to the satisfaction of the Law Director.

(b) Appropriate easements therefor are granted to the Municipality, in form approved by the Law Director, accepted by Council and caused to be filed for record by the Clerk of Council, at the owner's expense. The acceptance of such easements shall bind the Municipality only as to the location, width and termini of any proposed streets or other public places, with which such easements are conterminous, and shall not be construed as an acceptance of dedication of any proposed streets or other public place.

(c) Street dedication-warning signs have been erected. The street dedication warning signs shall be caused to be erected and maintained by and at the sole expense of the owner of the subdivision and shall be located at the entrance of each proposed street being developed by the installation or construction of any of the improvements required by Section 1228.01. Such signs shall warn the general public that the proposed street is not an accepted dedicated Municipal street, that the Municipality is not responsible for the maintenance of the street or any improvement therein. Such signs may not be removed until after the dedication of the street has been accepted by ordinance of Council and until after the recording of the plat for record.

(Ord. 1967-163. Passed 12-18-67.)

#### **1228.07 COUNCIL ACCEPTANCE OF DEDICATION; TITLE INSURANCE.**

After a plat for record has been approved for record purposes only and has been so recorded, and after all of the specified improvements have been completed to the satisfaction of Council, acting upon the advice of the Engineer that such improvements have been constructed in accordance with the plans and specifications approved by him, Council may enact an ordinance accepting the dedication of the streets, roads, parks, playgrounds and other public places shown thereon and thereafter cause to be entered upon such plat appropriate clauses evidencing the acceptances of dedication. Any acceptance by the Municipality of the dedication of streets, roads, parks and playgrounds and other public places, shall, however, be conditioned upon the owner, subdivider or agent furnishing to the Municipality title insurance in the amount of at least one thousand dollars (\$1,000) in form meeting the approval of the Law Director, covering all lands to be dedicated to public use and showing title to the same to be in the Municipality free and clear of any easements, taxes, liens, assessments or other encumbrances of any kind whatsoever except the easements required by these Subdivision Regulations. In the event that the lands to be dedicated include lands to be used for other than street purposes, the amount of insurance shall be such as in the opinion of Council will adequately insure the Municipality against possible defects in the title thereof. Such title insurance shall be

furnished before the clauses are entered upon the recorded plat to evidence the acceptance of such dedication. There shall also be deposited with the Municipality such sum as shall be required to pay any existing taxes, liens or other assessments which are a lien upon any lands to be dedicated. Preliminary evidence of title may, upon recommendation of the Engineer or Law Director, be required before the preliminary plat is approved by the Planning Commission.  
(Ord. 1967-163. Passed 12-18-67.)

#### **1228.08 CONDITIONS FOR ISSUANCE OF BUILDING PERMIT.**

No building permit shall be issued for any lot in the subdivision by the Building Commissioner prior to the completion of all the improvements specified in Section 1228.01, or prior to compliance with Sections 1228.03 and 1224.02. If there is any failure to comply with or maintain continuing compliance with the applicable provisions of Sections 1228.03 and 1224.02, then future building permits in the subdivision may be denied and previously issued building permits may be revoked and any work in progress pursuant to such issued permit shall cease and desist.  
(Ord. 1967-163. Passed 12-18-67.)

#### **1228.09 MANDATORY POSTING REQUIREMENTS OF PLATS AND PLANS.**

(a) No developer of a subdivision, or builder constructing buildings within a subdivision, or person, firm or corporation being the agent of a developer or builder in the sale of lots within a subdivision, shall sell a lot or construct a building without first having posted within a designated sales office or within a temporary construction office of such builder or developer the following:

- (1) A copy of the final plat of the subdivision which has been approved for recording purposes only by the Planning Commission, Council and other required administrative officials of the City;
- (2) A topographical map clearly showing thereon grades, elevations, easements, open ditches, swales, creeks, walkways and any other land characteristics of the subdivision that may be of concern to a prospective purchaser;
- (3) A copy of all declarations of covenants and deed restrictions which have been recorded with the Cuyahoga County Recorder and which run with the land;
- (4) A copy of any homeowners' association code of regulations, by-laws, charter, rules and regulations, if any, which may be applicable to the homeowners within the subdivision; and
- (5) A statement for each lot to be sold specifying the type and amount of charge or charges to be paid to the City by any prospective buyer, or agent for the prospective buyer, for any sanitary fee or other charge respectively, before a building permit can be issued for construction on each lot.
- (6) Identification, location and description of U.S. mail receptacles to be installed for the deposit or receipt of mail.

(b) Every developer of a subdivision, or builder constructing buildings within a subdivision, or person, firm or corporation being the agent of a developer or builder in the sale of lots within a subdivision, shall require that all prospective purchasers of lots and/or buildings within the subdivision execute and sign a certificate stating therein that

such prospective purchaser has been shown and has reviewed all of the plats, plans and documents specified in subsection (a) hereof and has received a copy of the documents specified in subsection (a)(3) and (4), before entering into an agreement for the sale of a lot or building in the subdivision. Such certificate(s) shall be filed with the Building Commissioner as follows:

(1) If the developer or builder has entered into an agreement for the sale of a lot prior to the issuance of a building permit for a structure on such lot, then the certificate shall be filed prior to the issuance of such building permit; or

(2) If the developer or builder has entered into an agreement for the sale of a lot after the issuance of a building permit for a structure on such lot, then the certificate shall be filed prior to the issuance of any certificate of occupancy for the premises.

(Ord. 2003-68. Passed 7-7-03.)

## **CHAPTER 1230**

### **Plats and Data**

- 1230.01 Purpose.  
1230.02 Preliminary plat and data.  
1230.03 Final plat and data.

#### **CROSS REFERENCES**

- City Planning Commission - see CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210  
Plat and subdivision defined - see Ohio R.C. 711.001  
Original plats - see Ohio R.C. 711.01 et seq.  
Fee of designated public land to vest when plat recorded see Ohio R.C. 711.01, 711.07  
Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.11  
Plat acknowledgment and recording - see Ohio R.C. 711.06

#### **1230.01 PURPOSE.**

The general purpose of this chapter is to assure that the proper information is included in the preparation of preliminary plats and final plats of a subdivision for submission to the Planning Commission, Council and the Engineer for their review and approval.

(Ord. 2005-161. Passed 11-21-05.)

#### **1230.02 PRELIMINARY PLAT AND DATA.**

Plats and data shall include the following:

(a) **General Subdivision Information.** The general subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required in this section. This information shall include data on existing covenants, land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as the

number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas; proposed protective covenants, proposed utilities and proposed street arrangement and improvements.

(b) Location Map. The location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. It shall include the development name and location; scale; north point and date; main traffic arteries; public transportation lines; and where applicable the location of existing shopping areas, schools, parks and playgrounds, hospitals, churches and other community facilities.

(c) The data required as a basis for the preliminary plat shall include existing conditions as follows except when otherwise specified by the Planning Commission:

(1) Boundary lines: bearings and distances.

(2) Easements: location, width and purpose.

(3) Streets on and adjacent to the tract: name, distances to and right-of-way width and location; type, width and elevation of roadway; any legally established center line elevations; walks, curbs, gutter, culverts, etc.

(4) Utilities on and adjacent to the tract: location, size, invert elevation and directional flow of existing and proposed subdivision sanitary and storm sewer and sewers connecting with existing and proposed Municipal interceptors, outlet or trunk sewers outside of the subdivision, and the area and location of easements to be granted to the Municipality for such proposed sewers. However, if the proposed subdivision is to be served temporarily by a subdivision sewerage treatment plant, the location of such easements as are necessary to connect the subdivision sewers with the temporary treatment plant and such easements as are necessary to bypass the treatment plant and connect with a proposed Municipal interceptor or trunk sewer shall also be shown. The location and size of water mains, location of gas lines, fire hydrants, electric and telephone poles and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest facility, showing invert elevation of sewers.

(5) Ground elevations on the tract, based on a datum plane approved by the City Engineer at a contour interval of not more than two feet.

(6) Subsurface conditions on the tract, if required by the Planning Commission or City Engineer: location and results of tests made to ascertain subsurface soil, rock and ground water conditions.

(7) Other conditions on the tract: watercourses, wetlands, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, dwellings, buildings and other significant features.

(8) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land for adjacent platted land refer to subdivision plat by name, recorded date and number, and show approximate percent completed, typical lot size and dwelling type.

(9) Photographs, if required by the Planning Commission: camera locations, directions of views and key numbers.

(10) Zoning, on and adjacent to the tract.

(11) Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract.

(12) Title and certificates: present tract designation (permanent parcel number) according to official records in the office of the County Auditor; and Recorder title under which proposed subdivision is to be recorded, with names and addresses of owners, and developers, notation stating acreage, scale, north point, datum, benchmarks, certification of registered civil engineer or surveyor and date of survey and name of site planner, engineer or surveyor who prepared the preliminary plat.

(d) The preliminary plat at a scale of 100 feet to one inch showing all existing conditions required under subsection (a) hereof, and shall show all proposals including the following:

- (1) Streets: names, right-of-way and roadway widths, approximate grades and gradients.
- (2) Other rights of way or easements: location, width and purpose.
- (3) Location of utilities, if not shown on other exhibits.
- (4) Lot lines and lot numbers.
- (5) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses, or sites to be used for common area.
- (6) Sites, if any, for multifamily dwellings, shopping centers, churches, service and industrial uses or other nonpublic uses.
- (7) Minimum front and rear building setback lines.
- (8) Site data, including number of residential lots, typical lot size and acres in parks, etc.
- (9) Title, scale, north point and date.
- (10) Approval paragraph, for execution by the Chairman and Secretary of the Planning Commission to evidence the approval of the Commission, the date thereof and the period of effectiveness of the approval in accordance with these regulations.

(e) Other Data. The preliminary plat shall be accompanied by profiles showing existing ground surface and proposed streets grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plans of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer.

(f) Draft of protective covenants whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(g) A draft of the proposed plan of the developer to assure compliance with Chapter 1442 of the Codified Ordinances regulating maintenance of undeveloped lots during development of the lots within the subdivision, which shall include the following:

- (1) The developer's estimates of the time for completion of development of all lots in the proposed subdivision.
- (2) The means and methods by which the developer proposes to comply with the provisions of Chapter 1442 applicable to undeveloped lots during the time periods for completion of development of all lots, and a method of guaranteeing and securing such compliance in the event of default by the developer for the approval by the City.

(Ord. 2005-161. Passed 11-21-05.)

**1230.03 FINAL PLAT AND DATA.**

Final plats and data prepared for final approval and recording shall include:

(a) The final plat drawn in ink on tracing cloth on sheets twenty-four inches wide by thirty-six inches long at a scale of 100 feet to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision at an appropriate scale. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission and City Engineer. The final plat shall show the following:

(1) Primary control points, approved by the City Engineer, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.

(2) Tract boundary lines, right-of-way lines of streets, easements, and other rights of way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.

(3) Name and right-of-way width of each street or other right of way.

(4) The location of the termini of existing and proposed streets on adjoining property with such dimensions as are necessary to show their relation to streets being dedicated in the proposed subdivision.

(5) Location, dimensions and purpose of any easements.

(6) Number identification of each lot or site.

(7) Purpose for which sites, other than residential lots, are dedicated or reserved.

(8) Minimum front and rear building setback line on all lots and other sites in accordance with the City Zoning Code.

(9) Location and description of all monuments used or established in determining the boundaries, as well as those set at boundary corners and the locations of street monuments which shall later be set by the owner, subdivider or his agent.

(10) Names of record owners of adjoining unplatted land.

(11) Reference to recorded subdivision plats of adjoining platted land by record name, date, volume and page numbers as recorded.

(12) Certification by surveyor or engineer preparing plat, verifying the data shown thereon, and definitely identifying the lands proposed to be dedicated for public use, with proper dedicatory clauses as provided by law.

(13) Certification of title showing that applicant is the land owner.

(14) Statement by owner dedicating streets, rights of way and any sites for public uses and acceptance by Council.

(15) Title, scale, north arrow and date.

(16) Final form of all covenants and deed restrictions.

(17) Approvals from all required governmental bodies, including but not limited to, the Army Corps of Engineers, the Ohio EPA and the Cleveland Water Department.

(18) Final approval paragraph for execution by the Planning Commission, with dates and the signature of the Chairman and Secretary; a paragraph for acceptance by Council with ordinance or resolution number, date and signature of

Council President and Clerk. Unless all of the improvements herein required in these Regulations have been installed, the clause reciting the approval of Council shall state clearly that the plat for record is approved by Council for record purposes only and that such approval does not constitute the acceptance for public use of any streets or other lands which the plat indicates shall be dedicated to such use.

(b) Cross-sections and profiles of streets to be dedicated showing existing surface elevations on the center line and the proposed finished grade of such streets, and the existing surface elevations at the proposed right-of-way side lines and at the building line. The profiles shall be drawn to City standard scales and elevations and shall be based on a datum plane approved by the City Engineer.

(c) A certificate by the City Engineer certifying that the developer has complied with one of the following alternatives:

(1) All improvements have been installed in accord with the requirements of these Regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat, or

(2) A bond or other form of security which has been posted in accordance with Section 1228.03, which is available to the City, and in sufficient amount to assure such completion of all required improvements.

(d) Protective covenants in form for recording.

(e) A certificate by the City Engineer that the developer has complied with the approved method of guaranteeing and securing compliance with the developer's approved plan for maintenance of undeveloped lots during development of the subdivision.

(f) Other data, certificates, affidavits, endorsements or deductions as may be required by the Planning Commission in the enforcement of these regulations.  
(Ord. 2005-161. Passed 11-21-05.)

## **CHAPTER 1232 Design Standards**

- 1232.01 Continuation of streets and improvements.
- 1232.02 Streets.
- 1232.03 Street right-of-way, pavement, curb and sidewalk dimensions.
- 1232.04 Schedule of right-of-way, pavement, curb and sidewalk dimensions and types.
- 1232.05 Easements.
- 1232.06 Blocks.
- 1232.07 Lots.
- 1232.08 Public sites and open spaces.
- 1232.09 Monuments.
- 1232.10 Street name signs.
- 1232.11 Culverts, bridges and drains.
- 1232.12 Underground communication, electric power and street lighting.

## **CROSS REFERENCES**

- City Planning Commission - see CHTR. Art. IV, Sec. 6; P. & Z. Ch. 1210
- Plat and subdivision defined - see Ohio R.C. 711.001
- Original plats - see Ohio R.C. 711.01 et seq.
- Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.01, 711.07
- Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.11
- Plat acknowledgment and recording - see Ohio R.C. 711.06
- Vacating plats - see Ohio R.C. 711.17 et seq.

### **1232.01 CONTINUATION OF STREETS AND IMPROVEMENTS.**

Where land in a proposed subdivision adjoins unplatted land capable of being subdivided, the streets and all improvements required in these Regulations for such proposed subdivision shall be carried to the boundaries thereof in order that the proposed street and improvements may be conterminous to the extent possible with the future development of the adjoining unplatted land.

In order that proposed streets may be conterminous with existing streets in adjoining subdivisions, provision shall be made for the continuation of all existing streets which extend to the boundaries of a proposed subdivision. In the case of adjacent subdivisions separated by existing thoroughfares the Planning Commission may require that provision be made for continuing such existing street through the proposed subdivision.

(Ord. 1967-163. Passed 12-18-67.)

### **1232.02 STREETS.**

(a) The arrangement, character, extent, width and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Where such streets are not shown on the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission.

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

(d) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets and controlled access points (see Appendix I); reverse frontage with screen planting contained in a nonaccess reservation along the rear property line; deep lots with rear service access, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the Planning Commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land for park or open space purposes in residential districts, or for commercial or industrial purposes in other appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(f) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the City under conditions approved by the Planning Commission, Engineer and Law Director.

(g) Street jogs with center line offsets of less than 125 feet (see Appendix II) shall not be permitted.

(h) A tangent at least 100 feet long shall be introduced between reverse curves on major arterial and collector streets.

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than sixty degrees.

(j) Right-of-way lines at street intersections shall be rounded with a radius of twenty feet, or of a greater radius where the Planning Commission may deem it necessary.

(k) Cul-de-sac streets, designed to be so permanently, shall not be longer than 550 feet unless topography or other circumstances beyond the developers control necessitate longer streets, and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty-four feet, and a street property line diameter of at least 120 feet (see Appendix II).

(l) Street names for a proposed subdivision shall be selected by the owner which will not duplicate or be confused with the names of existing streets in Cuyahoga County irrespective of modifying terms such as street, avenue and boulevard. Streets that are or will eventually be continuations of existing or platted streets shall be of the same name.

Street names shall be subject to the approval of the Planning Commission and wherever possible shall be in accordance with the following system:

General Direction	Long Continuous	Short Disconnected
North-South	Streets	Places
East-West	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or circles

(m) Street grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Grade (Percent)
Major arterial	5
Industrial	5
Collector	5
Local collector	10
Local	10

(n) No street grade shall be less than 0.5 percent unless approved by the Engineer.

(Ord. 1967-163. Passed 12-18-67.)

**1232.03 STREET RIGHT OF WAY, PAVEMENT, CURB AND SIDEWALK DIMENSIONS AND ADDITIONAL MINIMUM STANDARDS.**

(a) In addition to all other requirements in the Codified Ordinances, the requirements as specified in the October 13, 1988 revision of the “Standard Drawings-Pavement and Right-of-Way Details” prepared by the City Engineer and on file with the Clerk of Council and the City Engineer, are incorporated and made a part of the Codified Ordinances in their entirety, and such requirements shall represent minimum standards for materials, design, installation, construction and improvement of streets.

(b) Except as provided in Section 1232.03(c) to the contrary, the minimum right of way, pavement, sidewalk and curb standards shall be as set forth in Section 1232.04 and as illustrated in Appendix III, provided that streets serving a development area in an Estate Residential zoning district may be constructed as private asphalt drives requiring no curbs, sidewalks or piped storm drainage system and are not required to meet the minimum right-of-way width, so long as the Planning Commission and Council with the advice of the appropriate administrative officials, find and determine that:

(1) The developer's plat and improvement plans provide that each one family lot in such area shall be accessible by means of a private drive to all service and emergency vehicles;

(2) The developer's improvement plans provide for construction methods, standards and materials for private drives which meet accepted engineering practice;

(3) The developer's improvement plans provide for the location, design and construction of all utilities on private land or common land and meet accepted engineering practice;

(4) Documents recorded in the office of the Cuyahoga County Recorder are in a form which assure the preservation and maintenance of all private drives and utilities on private land by firm commitment of the abutting owners;

(5) Each such development area is served by a central water distribution and sanitary sewer system or comparable systems approved by the City Engineer; and

(6) Any deviations approved by the Planning Commission and Council from the strict standards of the Subdivision Regulations shall not be detrimental to the public health, safety and welfare.

(c) (1) The minimum right-of-way width for the cluster areas in single-family developments shall be not less than 50 feet.

(2) Mountable curbs may be permitted by the Planning Commission in all cluster areas in single-family developments.

(d) In case of conflict between street and sidewalk standards of this Code, the stricter provision shall prevail and apply except as set out in subsection (b) and (c) hereof. (Ord. 2005-202. Passed 12-5-05.)

**1232.04 SCHEDULE OF RIGHT OF WAY, PAVEMENT, CURB AND SIDEWALK DIMENSIONS AND TYPES.**

**PAVEMENT DETAILS**

Classification

Minimum R.O.W. (ft.)

Back to Back of Curbs (ft.)

Type of Curbs R.P.C. Concrete Pavement Thickness (inches)

Pavement Type Asphalt Pavement Thickness (inches)

Pavement Type

Sidewalk Width (ft.)

Local	60	Min. 25	Barrier (Note 6)	7	(Note 1)	12	(Note 3)
	4						

Special Type Development Local Collector (Note 2)

70	28 to 36	Barrier (Note 6)	7	(Note 1)	12	(Note 3)
	4					

Collector	80	36 to 40	Barrier (Note 6)	7	(Note 1)	12
	(Note 3)	4				

Industrial	66 to 80	36 to 40	Barrier (Note 6)	9"	451
6"	310 (Note 4)	19	(Note 5)	4	

One Side

Major Arterial	80 to 100	1 @ 62
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2 @ 25 plus Median Barrier (Note 6) 9" 451  
6" 310(Note 4) 19 (Note 5) 5

State Highway As recommended by State and approved by Council.

(1) Pavement shall consist of Portland cement concrete with steel reinforcing meeting the standards of Item 451 Reinforced Portland Cement Pavement of the State of Ohio Department of Transportation.

(2) Any type of development not conforming to standard practices shall be subject to special approval by the Planning Commission and Council.

(3) Pavement shall consist of bituminous asphalt concrete with aggregate base meeting the standards of State of Ohio Department of Transportation Item 404, 402, 301 and 304.

(4) Pavement shall consist of reinforced Portland cement concrete with aggregate base meeting the standards of the State of Ohio Department of Transportation Items 451 and 310.

(5) Pavement shall consist of bituminous asphalt concrete with aggregate base meeting the standards of State of Ohio Department of Transportation Items 404, 402, 301 and 310. Item thickness shall be 2.5" of 404, 2.5" of 402, 8" of 301, and 6" of 310.

(6) Barrier curb shall of O.D.O.T. Type 2-A for R.P.C. concrete pavement and O.D.O.T. Type 2 for asphalt pavement.

(Ord. 1988-202. Passed 5-1-89.)

#### **1232.05 EASEMENTS.**

(a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve feet wide.

(b) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(Ord. 1967-163. Passed 12-18-67.)

#### **1232.06 BLOCKS.**

(a) The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

(b) Block lengths in residential subdivisions shall not exceed 1,500 feet, or be less than 400 feet.

(Ord. 1967-163. Passed 12-18-67.)

### **1232.07 LOTS.**

(a) The lot size, width, depth, shape and orientation, and the minimum building set back lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Lot dimensions and building setback lines shall conform to the requirements of the Zoning Code for the respective use district.

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated in accordance with the requirements of Chapter 1270.

(c) In R1-75 Residence Districts, corner lots for residential use shall have a minimum width of ninety feet to permit appropriate building setback from and orientation to both streets.

(d) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

(e) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet across which there shall be no right of access (Appendix I) shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

(f) Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 1967-163. Passed 12-18-67.)

### **1232.08 PUBLIC SITES AND OPEN SPACES.**

(a) Where a proposed park, recreation field, playground, school or other public use shown on the Comprehensive Plan is located in whole or in part in a proposed subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision in those cases in which the Commission deems such requirements to be reasonable.

(b) Where deemed essential by the Planning Commission, upon consideration of the particular type or development proposed in the subdivision, and especially in large scale planned development areas not anticipated or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks and other neighborhood purposes.

(c) Where the Planning Commission determines that it is essential for open space areas or sites to be reserved for park, recreational, playground or similar common neighborhood use, and such common areas and sites are not proposed or approved for

conveyance or dedication to a public entity for development by it, the developer shall submit with and as a part of his improvement plans for the subdivision, the following:

(1) Detailed plans and specifications of all improvements proposed for such common areas and sites;

(2) A time schedule for the completion of construction of each element of such improvement; and

(3) Evidence of conveyance of or a firm commitment to convey such common areas or sites to the private entity which will maintain and operate them for the benefit of the subdivision or neighborhood residents. Such conveyance or commitment to convey shall include provisions which obligate the developer to construct proposed improvements in and upon the common areas or sites in accordance with plans and specifications, and in compliance with the time schedule for the completion of construction as approved by the Commission.

Upon approval of such terms by the City Engineer, the Law Director and the Commission, the work described in the approved detailed plans and specifications shall be deemed "improvements" and "minimum standards" as those terms are defined in Section 1220.06(c)(4), and shall be subdivision improvements required before final approval under Section 1228.01(g).

The detailed plans and specifications of all improvements proposed for the common areas and sites and the time schedule for the completion of the same, as set forth in this subsection, shall not be final until approved by Council. The Building Commissioner shall be responsible for administering the requirements of this section by ensuring that all improvements are installed pursuant to the detailed plans and specifications approved by the Commission and Council and by ensuring that all such improvements are installed in a timely manner, pursuant to the time schedule approved by the Commission and Council.

(Ord. 1986-85. Passed 6-16-86.)

### **1232.09 MONUMENTS.**

Adequate monuments to indicate street lines shall be placed by the owner of the proposed subdivision at street intersections, at points of change in alignment, and at the ends of streets. Iron pins may be used. The top of the monument shall be set so that the top will be about ten inches below the established grade of the street and covered with a cast iron "Monument Box", so marked, with removable cover.

(Ord. 1967- 163. Passed 12- 18- 67.)

### **1232.10 STREET NAME SIGNS.**

Street name signs shall be furnished and installed by the owners of the proposed subdivision. The letters and numerals shall be white and four inches in size set on a green reflecting base six inches by twenty-four inches. The signs shall be mounted at a minimum height of eight feet above the top of curb. Placement of signs shall be in accord with the manual on "Uniform Traffic Control Devices", by the Ohio Department of Transportation, as revised and placed on diagonally opposite corners, on the far right-hand side of the intersection for traffic on the more important street, and as close to the corner as possible.

(Ord . 1967-163. Passed 12-18-67.)

### **1232.11 CULVERTS, BRIDGES AND DRAINS.**

All culverts or bridges necessary within the limits of the streets to be dedicated, all box culverts and drainage necessary to carry surface drainage, all of the work necessary in the intersections of the proposed street including the repaving of such intersections and providing catch basins at such locations shall be done by the owners of the proposed subdivision, or land proposed for dedication and all to the satisfaction and approval of the Engineer.

All surface water originating within the boundaries of the subdivision and surface water originating outside the subdivision from a water shed not exceeding 100 acres shall be conveyed to the appropriate discharge point in underground conduits unless existing open drainage courses are authorized to remain in their natural, undisturbed location and physical condition by the Planning Commission and Council upon the recommendation of the Engineer.

(Ord. 1967-163. Passed 12-18-67.)

### **1232.12 UNDERGROUND COMMUNICATION, ELECTRIC POWER AND STREET LIGHTING.**

In all new residential subdivisions requiring the opening, widening, improvement or extension of any street or the installation of any public improvement; electric, telephone and all other utility facilities shall be installed underground by the subdivider unless, upon the recommendation of the City Engineer, Council determines that special conditions warrant overhead distribution systems.

In all new subdivisions as described above:

(a) A copy of the preliminary plat of the subdivision shall be submitted to all utility companies serving the subdivision.

(b) Each subdivider shall sign separate agreements with each utility company defining in detail the responsibilities of the subdivider and each utility.

(c) Utility easements twelve feet in width for communication and electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines as required by the utility companies. Such easements shall be recorded on the subdivision plat and private easements for public utilities.

(d) Prior to receiving final approval of a subdivision plat, the subdivider shall have installed or shall have furnished an adequate bond approved by the Engineer and utility company for the installation in accordance with the requirements of the Electrical Code (Chapter 1406 of these Codified Ordinances) of the following:

(1) Underground communication cables.

(2) Underground distribution cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system.

(3) Adequate provision of street light lamps and standards in accordance with a design approved by Council.

(e) Council may authorize a variance from these Regulations when undue hardship may result from strict compliance. In granting any variance, Council shall prescribe only conditions that it deems necessary or desirable for the public interest and

provided that it finds there are special circumstances or conditions affecting such property such that the strict application of the provisions of these Regulations would deprive the owner of the reasonable use of his land.

(f) Installation of all underground service shall be in accordance with all applicable requirements and procedures of the particular utility and shall be approved by the City Engineer.

(g) The subdivider shall bear the increase in costs, if any, over the normal mode of construction or communication or electrical lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations of such telephone or electric company.

(Ord. 2002-255. Passed 2-3-03.)