TITLE 7: SUBDIVISION REGULATIONS

Chapter

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CHAPTER 1177: DEFINITIONS

Section

1177.01 Definitions

Cross References:

§ 1177.01 DEFINITIONS.

(a) Subdivision: Shall include either of the following:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding general tax list and duplicate of real and public utility property, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the following are exempt:

A. The division or partition of land into parcels of more than five (5) acres not involving any new streets or new or existing easements of access, and

B. The sale or exchange of parcels between adjoining lot owners, where that sale or exchange does not create additional building sites

or

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

(b) Subdivision, Major: A division of land that meets the criteria and definition of a "subdivision" and includes any one of the following:

(1) Where one parcel is developed to include the opening of a new street, road or easement of access or the widening or extension of any street, road, or easement of access.

(2) Where an original tract of land along an existing public street is divided into more than five lots, any one of which is less than five (5) acres.

(3) Where there is a division or allocation of land as open spaces for common use by owners, occupants, or leaseholders.

(4) Where there is a division or allocation of land for easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.

(5) Where there is a development of dwelling units involving the creation of more than five (5) new taxable properties.

(6) Any other division of land determined to be a subdivision, but which is not otherwise classified as a minor subdivision.

(7) Cumulative parcel division will be taken into consideration when determining if a subdivision of land is a minor or a major subdivision, such that even minor subdivisions or lot splits to the parent parcel, over time, can become a major subdivision.

(c) Subdivision, Minor: A division of land along an existing public street that meets the criteria and definition of a "subdivision" that does not involve the opening, widening, or extension of any public street, and involves the creation of no more than five (5) lots, any one of which is less than five (5) acres, after the original tract has been completely subdivided.

CHAPTER 1179: SUBDIVISION REGULATIONS ESTABLISHED

Section

1179.01 Establishment of Subdivision Regulations

Cross References:

§ 1179.01 ESTABLISHMENT OF SUBDIVISION REGULATIONS.

(a) Purpose. The regulations set forth in this Chapter are established to regulate the subdivision of land and provide procedures which the Building Official and the Planning Commission shall use in the review and approval of subdivisions of land. These regulations are intended to:

(1) Promote and protect the public health, safety, and general welfare of the community by establishing standards for the logical and economical division of land and the construction of improvements as approved by the City Engineer.

(2) Ensure land subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(3) Ensure that subdivided land does not create parcels that are unbuildable or less than the minimum lot requirements established in the zoning regulations.

(4) Promote the orderly expansion and extension of community services and facilities.

(5) Ensure that existing and proposed improvements conform to all applicable regulations and standards.

(6) Ensure there is adequate and proper recording of all property and boundary lines to avoid boundary discrepancies in subsequent sales.

(b) Jurisdiction.

(1) The rules and regulations contained herein shall apply to all subdivisions of land within the corporate limits of the City, including:

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.

B. The improvement of one or more parcels of land for one or more structures and involving the opening, widening, or extension of any public or private street or streets.

C. The division or allocation of land as open spaces for common use by owners, occupants, or leaseholders.

D. The establishment of easements for the extension and maintenance of improvements including public or private sewer, water, storm drainage, gas or electric, or other public utilities or facilities.

E. The re-subdivision of land which involves the modification or elimination of one or more existing property lines with no creation of additional parcels.

(2) No existing parcel or subdivision shall be modified except in accordance with these regulations and other applicable City codes.

CHAPTER 1181: SUBDIVISION PROCEDURE

Section

1181.01 General Provisions for Subdivision Approval

1181.02 Minor Subdivisions

1181.03 Major Subdivisions

§ 1181.01 GENERAL PROVISIONS FOR SUBDIVISION APPROVAL.

The following general provisions apply to all major and minor subdivisions of land within the corporate limits of East Cleveland, as authorized and in accordance with §711 of the Ohio Revised Code.

(a) General Requirements and Procedure.

(1) A plat shall be required for every subdivision and all plats shall be reviewed by the Planning Commission.

(2) No plat of any subdivision shall be approved unless all proposed lots conform to minimum lot requirements as set forth in the applicable zoning district.

(3) No plat of any subdivision may be recorded in the office of the County Recorder or have any validity until it has received final approval according to the procedures set forth in these Subdivision Regulations. Any plat that is recorded without prior City approval shall be

considered invalid and the City Council may institute proceedings to have the plat stricken from the records of the County.

(4) No owner or agent of the owner of any parcel subject to these regulations shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or use of, a plat of a subdivision before such subdivision is recorded according to the procedures set forth in these Subdivision Regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer, or in other documents used in the process of selling or transferring, shall not exempt the transaction from these Subdivision Regulations.

(5) No building permit or certificate of occupancy shall be issued until the following have been completed:

A. The subdivision has been recorded according to the procedures set forth in these Subdivision Regulations.

B. The City Engineer states, in writing, that the improvements required by these Subdivision Regulations have been completed or their installation guaranteed.

(6) No building permit shall be issued for any unit served by a private street until the private street has been constructed and approved, so that all units to be served by the private street have access to a public street.

(7) If the subdivision involves public streets, improvements, utilities, or easements, dedication and acceptance of these shall occur before the subdivision plat may be recorded.

(8) Building and street design shall conform with relevant Design Guidelines.

(b) Determination of Completeness. For all required submissions involving the application for minor and major subdivision approvals, the Building Official shall determine if all the required items have been submitted and the application is complete. Only once all applications have been determined complete shall they be accepted for consideration and reviewed according to the procedures in this Chapter. If the application is deemed incomplete, the applicant shall be notified of the deficiencies. Only complete applications shall be reviewed.

§ 1181.02 MINOR SUBDIVISIONS.

In addition to the provisions set forth in Section 1181.01, review of a division of real property classified as a minor subdivision shall comply with the following procedures:

(a) Jurisdiction.

(1) Review of a minor subdivision shall be conducted when the proposed division of a parcel of land complies with all the following conditions:

A. The proposed subdivision is located along an existing public street and involves no opening of any new street or the widening or extension of any existing street.

B. The proposed division of a parcel involves the creation of no more than five lots from the original tract.

C. The proposed subdivision does not involve the division of land as open spaces for common use by owners, occupants, or leaseholders.

D. The property has been surveyed and a sketch plan with a legal description(s) of the property or properties is submitted with the application.

(2) Review of lot line adjustments or lot consolidations, considered "re-subdivisions", shall be conducted when:

A. The proposed re-subdivision is located along an existing public street and involves no opening, widening, or extension of any street.

B. No additional parcels are being created.

C. The property has been surveyed and a sketch and legal description of the property or properties is submitted with the application.

(b) Pre-Application Conference. To help minimize development planning costs, avoid misinterpretation and ensure compliance with the requirements of these Regulations, all applicants for minor subdivisions are encouraged to request a pre-application conference with the Building Official. At that time the Building Official shall determine whether the proposed subdivision qualifies as a minor subdivision. The Building Official may require the applicant to submit any additional information to make this determination and provide necessary feedback, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots subdivided from the original tract.

(c) Application Requirements. After determination by the Building Official that the proposal qualifies as a minor subdivision, applicants shall submit a formal application to the Building Official. The application for Minor Subdivision Review shall include the maps, plans, and supplementary documentation itemized below.

(1) Application Form. The application form shall be available at the Department of Building and Housing. The Application form includes the names and addresses of the applicant, the owners, and the registered surveyor or engineer of record responsible for completing the plat.

(2) Map(s). A map or maps, consisting of a single or multiple sheets of the same size, submitted on sheets no smaller than legal size (8 ½" by 14") and drawn to a scale no larger than 1" = 100' to be clear and legible, and shall contain the following information:

A. The location of the parcel or parcels to be subdivided by block and lot numbers.

B. The property owner and the name, stamp, and professional status of the designer of the subdivision, who shall be a licensed land surveyor or engineer, and the parcel numbers and owners' names of property located adjacent to the parcel or parcels to be subdivided.

C. The location of the following existing and proposed features, including those existing on lots adjacent to the parcel or parcels to be subdivided.

1. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that are new property lines shown as a solid line and clearly identified as a relocated or new property line.

2. Dimensions of all existing and proposed property lines and area of the lots, before and after the subdivision.

3. Existing contours, with intervals of one foot, and indicating the boundaries of the parcels to be subdivided.

4. Location and floor area of all existing structures on the site, and dimensions of setbacks from existing and proposed property lines.

5. Location of all existing and proposed connections with existing water, sewer, and other utility lines, and an indication of provision for and location of surface drainage facilities, if requested by the City Engineer.

6. Location, widths, and purpose of all existing and proposed easements, parks, and other public properties within the area to be subdivided. All areas proposed to be dedicated to public use shall be shown and so indicated, together with any conditions of such dedication.

7. Location and names of watercourses and other essential environmental features including, but not limited to wetlands, forests, irrigation ditches, seasonal marshes, forests, riparian habitats and other potentially sensitive natural areas.

8. Location, names, and widths of existing adjacent street(s) and points of access from such street(s). If a lot does not front on a street, the manner in which access is provided shall be indicated.

9. The limits of FEMA-designated floodplains and floodways and any riparian buffer setbacks, where applicable.

10. Indication of the existing zoning classification of each parcel.

(3) Proposed Improvements. An outline and description of the improvements to be provided and such preliminary drawings and information for said improvements required by the City Engineer.

(4) Legal Description and Survey Plat. A legal description, which shall be accompanied by a certified Title Search, and a map survey of the boundaries of the parcel or parcels to be subdivided, made and certified by a licensed land surveyor and prepared in accordance with the provisions of O.A.C. 4733-37-05 "Plat of Survey". The locations of all monuments shall be referenced to the nearest approved control point as directed by the City Engineer where and if such control points are in existence. In the absence of such a control point, the subdivider shall establish monuments for the subdivision to the satisfaction of the City engineer.

(5) Certificate of Ownership. A statement certifying ownership of all parcels involved in the subdivision. Property owners shall sign and date the following statement and include their addresses in no less than 12 font size:

- I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the City of East Cleveland, and that I freely adopt this plan of subdivision.
- Date:_____ Signature of Owner: _____
- Address: _____

(6) Development Agreement, if applicable.

(7) Additional Information, if applicable. Any additional conditions as imposed by the Building Official.

(d) Administrative Review.

(1) The Building Official shall determine completeness and take the following actions within ten (10) business days from the date that the application was submitted:

A. If the application is found to be incomplete, the Building Official shall notify the applicant of deficiencies.

If the application is found to be complete the Building Official shall forward to the City Engineer for review and comment

(2) Within ten (10) business days from the date the complete application was submitted:

A. The Building Official and City Engineer shall review the application for compliance with all applicable codes and regulations. Applications shall be reviewed for compliance with the following:

1. Sewage and storm sewers, water mains and other utilities are adequately provided for each house or building, as determined by the City Engineer, and such provisions are consistent with current standards and plans; and

2. The design, shape and orientation of the proposed lots are appropriate to the proposed use permitted by the existing zoning; and

3. The application complies with the relevant requirements of the East Cleveland Planning and Zoning Code.

B. The Building Official and the City Engineer shall forward review comments and recommendations to the Planning Commission Chair, or staff designee.

(e) Review and Action by Planning Commission Chair.

A. The Planning Commission Chair, or staff designee, shall review the application for compliance with all applicable zoning codes, design regulations, and these subdivision regulations. Applications shall be reviewed for compliance with the following:

1. The layout, design, shape, and orientation of the proposed lots are appropriate to the proposed use permitted by the existing zoning, and;

2. The application complies with the relevant requirements of the East Cleveland Planning and Zoning Code.

(2) Within 10 business days from the receipt of the completed application and comments from city staff, the Planning Commission Chair, or staff designee, shall act on the application for a minor subdivision by:

A. Approving the minor subdivision as submitted;

B. Approving the minor subdivision with modification(s) as agreed to by the applicant;

C. Disapproving the minor subdivision when the application does not demonstrate that the required standards and criteria have been met; or

D. Extend the review time as agreed on by the applicant.

(3) In making a decision, the Planning Commission Chair, or staff designee, shall consider the comments from city staff including, but not limited to, the Building Official and the City Engineer.

(f) Disapproval and Resubmittal. In the event, the minor subdivision is disapproved, city staff shall provide the reasons why the minor subdivision was disapproved and provide constructive next steps for resubmittal. Any resubmittal fees shall be at the discretion of the Building Official and in accordance with the latest adopted fee schedule, if applicable.

(g) Approval and Conveyance. In the event the application for a minor subdivision is approved, all owners of the property and/or properties being subdivided, the Planning Commission Chair, or staff designee, and the City Engineer shall sign and date the application and shall stamp the conveyance "approved by Planning Commission; no plat required".

(h) Recording. Once the application is signed, the applicant shall record the subdivision with the Cuyahoga County Recorder. The subdivider is responsible for paying the recording fee(s). Upon completion of recording, the applicant shall provide the Building Official with a copy of the recorded documents. The minor subdivision shall not be considered final until these documents have been provided to the City. If such plat is not recorded within 180 days from the date of approval, such approval shall automatically become void, unless the applicant requests an extension in writing to the Planning Commission Chair explaining the extenuating circumstances. The Planning Commissioner Chair has the authority to extend the plat approval for an additional 180 days.

§ 1181.03 MAJOR SUBDIVISIONS.

(a) Review of a division of real property classified as a major subdivision, as defined in 1177.01(b), shall comply with the following procedures:

(1) When a proposed subdivision requires or includes a conditional use, such review of the preliminary subdivision plat shall be combined with the review of the conditional use application.

(2) With respect to all plans, plats, and other documents required for review according to these subdivision procedures, the applicant shall submit the number of copies in the format and medium required by the Building Official or City Engineer.

(b) Pre-Application Conference; Review of Sketch Plan. Prior to application for preliminary approval of any major subdivision, all applicants shall prepare a sketch plan and attend a pre-application conference with the Planning Commission and the Building Official.

(1) Purpose. The sketch plan is intended to outline the basic scope, character, and nature of the proposed project; enable the applicant to discuss the location of proposed streets, parks, open space, and other planned improvements; familiarize the applicant with any adopted Land Use Plans deemed applicable to the project proposal, the requirements of the Planning and Zoning Code, and the drainage, sewerage, and water systems for the City; and enable the applicant to

obtain input from the Planning Commission and the Building Official in the formative stages of design.

(2) Application Requirements. At the conference, the applicant shall present the following:

A. A location map drawn to a scale of approximately 400 feet to an inch and showing the general relationship of the proposed subdivision to the surrounding area, including major streets, schools, parks, and other surrounding development which may be pertinent.

B. A sketch plan of the proposed subdivision drawn to a scale of approximately 100 feet to an inch and indicating the general layout of proposed streets and lots and the general location of existing utilities, structures, and other features affecting the development of the site. The sketch plan may be a freehand drawing but shall be of sufficient accuracy to reveal the general intention of the subdivider. Any freehand drawing must adhere to a basic level of architectural or engineering standards in detail.

(3) Additional Information. The Building Official or Planning Commission may require the applicant to submit any additional information deemed relevant to the proposal.

(4) No discussions, opinions, or suggestions provided on any aspect of the sketch plan shall bind the applicant, nor the City, nor be relied upon by the applicant to indicate subsequent approval or disapproval by the City.

(c) Preliminary Plat. After determination by the Building Official that the proposed subdivision is a major subdivision subject to review according to this Section and review of the sketch plan, an application for preliminary plat review shall be submitted to the Building Official.

(1) Application Requirements.

A. Application Form. The application form shall be available at the Department of Building and Housing.

1. The Application form includes the subdivision name under which the proposed subdivision is to be recorded and the names and addresses of the applicant, the owners, and the registered surveyor of the platting the tract.

2. The proposed name of the subdivision shall not duplicate the name of any other subdivision already in East Cleveland.

B. Map(s). A map or maps, consisting of a single or multiple sheets of the same size. Unless otherwise specified, all maps and plans shall be drawn at a scale of not less than 100 feet to an inch and shall include a north arrow and other information necessary for interpreting the material presented. All applications shall include the following documentation, unless specific items are determined by the Building Official to be inapplicable or unnecessary and the applicant is notified in writing:

1. The subdivision name under which the proposed subdivision is to be recorded. The name of the proposed subdivision shall not duplicate or closely approximate the name of any other existing subdivision within the City.

2. The location of the parcel or parcels to be subdivided by block and lot numbers.

3. The names, addresses, and signatures of all owners of the parcel or parcels to be subdivided, indicating the knowledge and consent of said owners to the proposed subdivision.

4. The name, stamp, and professional status of the designer of the subdivision, who shall be a licensed land surveyor or engineer of record.

5. The parcel numbers, names, and addresses of owners of property located within 200 feet of the parcel or parcels to be subdivided.

6. The location of the following existing and proposed features, including those existing on adjacent lots and located within 200 feet of the boundaries of the area to be subdivided:

    a. Existing contours, with intervals of one foot where the slope is 10% or less and intervals of not less than two feet where the slope is greater than 10%.

    b. The existing and proposed location, name and dimensions of streets and alleys, points of access from such street(s), location and dimensions of lots and building lines, the approximate area of each lot in square feet, and the proposed street centerlines. Proposed street names shall not duplicate or be confused with the names of existing streets in Cuyahoga County and shall be subject to the approval of the Planning Commission, the Police Department, the Fire Department, and the Post Office.

    c. Location and floor area of all existing structures on the site, and dimensions of setbacks from existing and proposed property lines.

    d. Location of all existing and proposed connections with existing water, sewer, and other utility lines, and an indication of provision for and location of surface drainage facilities.

    e. The location, invert elevation, and size of existing sanitary storm sewers, water mains, culverts, streetlights, and other utilities and underground structures within the tract or immediately adjacent thereto.

    f. Location, widths, and purpose of all existing and proposed easements, parks, and other public properties within the area to be subdivided. All areas proposed to be dedicated to public use shall be shown and so indicated, together with any conditions of such dedication.

    g. Location and names of watercourses and other essential environmental features including, but not limited to irrigation ditches, seasonal marshes, forests, riparian habitats and other potentially sensitive natural areas.

    h. The mapped boundaries of all jurisdictional wetlands and waters subject to Clean Water Act Section 404, shall be shown. Under separate cover, a copy of the Delineation Report, accepted for use by the U.S. Army Corps of Engineers and the Ohio EPA, shall be submitted. Copies of all Section 404 permits and Ohio NPDES permits shall also be submitted.

i. The limits of FEMA-designated floodplains, floodways, and any riparian buffer setbacks, where applicable.

j. Indication of the existing zoning classification of each parcel, including a summary table of the lot and setback requirements for each zoning classification shown.

k. Statement of proposed use of lots, giving types and number of dwelling units if known.

l. Typical cross-sections of the proposed grading of the subdivided area.

B. Preliminary Improvement Drawings. An outline and description of the improvements to be provided and such preliminary drawings and information for said improvements may be required by the City Engineer.

C. Draft Owners Association Documents. If applicable, an outline of the Owners Association's by-laws or code of regulations, identifying the provisions that address the use and maintenance of common areas within the subdivision.

D. Legal Description and Survey Plat. A legal description, which shall be accompanied by a certified Title Search, and a map survey of the boundaries of the parcel or parcels to be subdivided, made and certified by a licensed land surveyor and prepared in accordance with the provisions of O.A.C. 4733-37-05 "Plat of Survey". The locations of all monuments shall be referenced to the nearest approved control point as directed by the City Engineer where and if such control points are in existence. In the absence of such a control point, the subdivider shall establish monuments for the subdivision to the satisfaction of the City Engineer.

E. Traffic Impact Study. A traffic impact study indicating the impact of future traffic on the existing and proposed street system when required for the development as determined by the City Engineer.

F. Future Development, if applicable. If and when the subdivider holds undeveloped land adjacent to the proposed subdivision, or where such adjacent parcel does not front on any existing street, a sketch of a prospective future street layout for such adjacent parcel, which shall be shown on the same map as the proposed subdivision.

G. Development Agreement, if applicable. The City of East Cleveland may enter into a development agreement with any person having a legal or equitable interest in real property for the development of that property. The subject property shall be located within the incorporated boundaries of the City of East Cleveland. Contents of a development agreement may include, but are not limited to, the following provisions:

1. A description of the uses permitted on the property and any uses specifically prohibited;

2. The density or intensity of proposed uses, including the maximum size (floor area) and height of buildings;

3. Provisions for the reservation or dedication of land for public purposes;

4. The proposed timing and phasing of the construction of public improvements;

5. Assurances that adequate public facilities (including roads, water, sewer, schools, fire protection, and emergency medical services) will be available as they are needed to serve the development including a clear scheduled outline of improvement or engineering plans to be submitted;

6. Provisions to protect environmentally sensitive land on the property, and other measures to mitigate anticipated impacts from the development on the general public;

7. Provisions for public benefits or improvements in excess of what is required by current City policy or law;

8. The proposed timing and phasing of the development project;

9. The termination date of the development agreement, which in no case shall be later than ten years from the date of execution of the development agreement.

10. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; or

11. Terms, conditions, restrictions, and requirements for subsequent discretionary actions, provided such terms, conditions, restrictions, and requirements shall not prevent the development of the property for the uses and to the density and intensity of development set forth in the agreement.

(2) Administrative Review.

A. The Building Official shall determine completeness and take the following actions within ten (10) business days from the date that the application was submitted:

1. If the application is found to be incomplete, the Building Official shall notify the applicant of deficiencies.

2. If the application is found to be complete, the Building Official shall:

a. Forward the complete application to the City Engineer, or any other appropriate municipal department, for review and comment; and

b. Notify the Planning Commission of the submission of an application of a preliminary plat for a major subdivision and the need to schedule a public hearing to consider the approval of the application in accordance with the timeline prescribed in this section.

B. The preliminary plat and its supporting documentation shall be reviewed for compliance with all applicable codes and standards and any other adopted plans or studies adopted by the City.

C. During the course of its review, the applicant may meet with the Building Official and/or City Engineer to review the evaluation(s), and the applicant may revise the preliminary plat in response to staff's comments.

D. Any reports, comments, or expert opinions from the City Engineer, other City departments, and professional consultants shall be submitted to the Building Official.

E. The Building Official shall compile all investigations, facts, and findings in a written report, and shall submit the written report, the preliminary plat application, and all other supporting information to the Planning Commission no less than five (5) business days prior to the public hearing at which it will consider approval of the preliminary plat.

(3) Review by Planning Commission and City Council.

A. The Planning Commission shall not approve the preliminary plat application unless the applicant demonstrates:

1. All requirements of this section have been met.

2. The design and layout of the subdivision complies with the Planning and Zoning Code and other applicable City codes.

3. The design and layout of the subdivision conforms to Chapter 1183.

4. All standards, requirements, provisions, and conditions set forth for lots in the zoning district in which the subdivision is to be located have been satisfied and complied with.

5. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or that require special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions, or the area(s) have been protected through a conservation easement or other mechanism approved by the Planning Commission.

6. There is adequate provision for sufficient water supply and sewage disposal.

7. The developer has the financial ability to complete the proposed development, as evidenced by audited financial statements or certified evidence of developer equity, performance securities including bonds or letters of credit, escrow deposit accounts, or other equivalent financial instruments.

8. The subdivider has incorporated in the proposed subdivision the recommendations described in the approved traffic impact study, when such study is required, that are determined necessary by the Planning Commission.

9. All other specific conditions deemed necessary and appropriate by the Planning Commission to carry out the purpose of this Code, and the purpose of the zoning district in which such subdivision is to be located, have been met.

B. The Planning Commission may require a reduction in the number of lots proposed in a subdivision when it is determined necessary in order for the preliminary plat to comply with the requirements of all applicable City Codes.

C. The Planning Commission shall take into consideration any submitted staff reports, their comments, and expert opinions when reviewing the application.

D. Prior to taking action on the preliminary plat, the Planning Commission shall require the subdivider to obtain the approval of any other City agency as it may deem necessary regarding various aspects of the proposed subdivision.

E. In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed subdivision, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application for a time agreed upon by the applicant.

(4) Public Hearing. The Planning Commission shall consider and take action on the preliminary plat application at a public hearing.

A. The public hearing shall be held within sixty (60) calendar days of submission of the complete application to the Building Official. When the proposed subdivision requires or includes a conditional use, the public hearing shall be combined with the required public hearing for the conditional use application.

B. The Planning Commission shall schedule the date for the public hearing immediately upon notification of the preliminary plat application by the Building Official. Notices of the time and place of such public hearing shall be mailed by the Building Official to the applicant, to owners of all property within 200 feet of the site and to owners of any other property deemed by the Building Official to be affected upon scheduling the meeting. Owners and addresses shall be determined from the current records of the Recorder and/or the Fiscal Office of Cuyahoga County. The Building Official shall also cause notice of such public hearing to be published once a week for two weeks prior thereto in a newspaper of general circulation and any other relevant multimedia platforms within East Cleveland.

(5) Action on the Preliminary Plat Application.

A. The Planning Commission shall act on the preliminary plat application by:

1. Approving the preliminary plat and its supporting documentation as submitted; or

2. Approving the preliminary plat and its supporting documentation with specific modifications or conditions:

a. Conditions shall be set forth by the Planning Commission and agreed to by the applicant. Conditions of approval consist of items, information, or designs that were not included in the plan as submitted yet are determined necessary to further protect and improve the proposed and surrounding developments.

b. The applicant shall meet conditions and submit the revised preliminary plat to the Building Official. No final plat application will be processed until the revised preliminary plat is submitted; or

3. Tabling the approval of the preliminary plat until additional necessary information is provided so a determination of approval or approval with conditions can be made; or

4. Disapproving of the preliminary plat.

a. The reason(s) of refusal shall be stated upon the record of the commission.

b. Within sixty days thereafter action of the Planning Commission, the applicant of the disapproved plat may file a petition in the Cuyahoga Court of Common Pleas to review the action of the Planning Commission.

B. The Building Official shall indicate the approval, conditional approval with a full statement of conditions, or disapproval with the reasons for disapproval, and the date of such action by the Planning Commission, in writing on the application and on the preliminary plat. The Building Official shall notify the applicant in writing of the decision of the Commission and shall maintain a detailed report of the proceedings and decisions pertinent to the application.

(6) Concurrence of City Council. The preliminary plat approved by the Planning Commission shall be forwarded by the Law Director to the Clerk of Council requesting Council concurrence with the plan. City Council may concur with the plan by a simple majority vote, or, by a two-thirds vote of its members, may return the plan to the Planning Commission for correction or alteration of specific features identified by Council. If the City and the developer have decided to proceed with a Development Agreement, Council shall approve the agreement by ordinance.

(7) Significance of Approval.

A. Approval of the preliminary plat does not constitute an acceptance of the subdivision, but merely authorizes the developer to proceed with work on the final plat.

B. Receipt of notice from the Building Official of approval or conditional approval from the Planning Commission and City Council shall authorize the subdivider to proceed with the preparation of detailed plans and specifications for the improvements required in the subdivision regulations, and with the preparation of the final subdivision plat.

(8) Expiration of Preliminary Plat Approval. Approval of the preliminary plat shall remain valid for 2 years from the date of Planning Commission approval unless an extension of time is granted by the Planning Commission within that 2-year period and such extension has been so noted on the preliminary plat by the Building Official and/or a Development Agreement is in place.

(b) Improvement or Engineering Plans. Upon approval of the preliminary plat, the applicant shall submit detailed plans and specifications for all improvements to the City Engineer for review. Improvements and overall subdivision layout and design shall conform to Chapter 1183. Review and approval of the engineering plans and construction drawings shall occur before the applicant may begin grading and construction of roadway, storm and sanitary sewers, and other improvements.

(1) The following improvements shall be furnished and paid for by the subdivider:

A. Monuments;

B. Streets - grading and pavement with curbs;

C. Sidewalks;

D. Sanitary sewers;

E. Storm sewers and storm water management facilities;

F. Water distribution system as required by the Cleveland Water Division;

G. Street name signs;

H. Street trees;

I. Traffic signal installation and modifications to the existing streets to accommodate increased traffic flow;

J. Underground communication cables;

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

(2) All the above specified improvements shall be designed and drawn by a licensed engineer and shall be designed and installed in compliance with all standards, specifications and procedures established by the City Engineer, the Director of Service, the Director of Public Safety, the Planning Commission, and the City Council.

(3) Engineering plans and construction drawings shall show the exact location of all required improvements, including lot grading. The applicant shall include:

A. A construction cost estimate for the proposed improvements.

B. A written description of any engineering specifications for improvements from which the applicant requests a waiver.

C. A master grading plan showing the existing and proposed grading, with contours shown at not less than one-foot intervals. The proposed building footprint with finish floor, garage, and basement elevations shall be indicated on the plan. The plan shall be drawn at a scale not less than 1 inch = 30 feet.

(4) The City Engineer shall review the engineering plans and construction drawings to ensure compliance with Chapter 1183, applicable regulations set forth in this Zoning Code, and all other applicable City Standards.

A. In the event the applicant requests waiver from one or more engineering specifications, the City Engineer shall determine if such waiver(s) can be granted without impairing the intent of these regulations or the public good.

B. If the City Engineer determines the engineering plans and construction drawings comply with the City's construction and material specifications and any requested waivers can be granted without impairing the intent of these regulations or the public good, the City Engineer shall grant approval of the construction drawings.

(5) Upon approval of the engineering plans and construction drawings by the City Engineer, the subdivider may secure the necessary permits to proceed with construction of the required street, sanitary, water and drainage improvements.

(c) Final Plat. Within two years of Planning Commission and Council approval or conditional approval of a preliminary plat and after improvements have been constructed, inspected, and approved, an application for final plat review shall be submitted to the Building Official unless an alternative timeline is established between the City and the developer.

(1) Application Requirements.

A. Application Form. The application form shall be available at the office of the Building Official. The Application form includes the subdivision name, the applicant/developer name, the owners, and the project engineer, and the date that the preliminary plat was approved.

B. Table of Contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing).

C. Map(s). A map or maps, consisting of a single or multiple sheets of the same size. All maps shall include a north arrow and unless otherwise specified, shall be drawn at a scale of 50 feet or less to the inch from an accurate survey.

1. The final plat shall include all information and data as required for approval of the preliminary plat as set forth in Section 1181.03(c)(5), with all necessary dimensions shown, including the length of all lot and street lines, deflections, angles, radii, length of curves, tangent distances and tangent bearings for streets, and any necessary data for the location of any lot or street line in the field.

2. All dimensions shall be shown in feet and decimals of feet. The final plat shall be prepared in accordance with the provisions of Ohio Administrative Code (O.A.C) Chapter4733 Standards for Boundary Surveys, Rule-037.07 "Subdivisions", in a format acceptable to the Recorder of Cuyahoga County.

3. Maps shall include other information deemed necessary by the Building Official for interpreting the material presented.

D. Notarized Statements. Statements whereby the applicant/developer certifies:

1. The accuracy of the subdivision,

2. That the land shall be platted;

3. That the streets, parks, and other land indicated and described on the final plat as intended for public use, including easements for public utilities, shall be dedicated for public use, with appropriate space for signature of the subdivider and notary.

E. As-Built Drawings. As-built drawing shall be submitted for all completed site improvements, with certification from the City Engineer indicating that the required improvements have been completed in compliance with and to the satisfaction of the requirements of these regulations.

F. Certification of Approval by the Ohio Public Health Department, if required.

G. Covenants, Easements, and Restrictions.

1. Any supplemental materials shall be submitted for covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities; and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions.

2. For projects that include any area for common use of or to be maintained by multiple property owners, the owners association's bylaws or code of regulations shall be submitted and shall include provisions establishing that such association is responsible for the maintenance and control of common areas.

H. Financial Guarantees for Improvements.

1. Maintenance Guarantees. Maintenance guarantees in an acceptable form as identified in this section shall be posted in favor of the City of East Cleveland for completed improvements, including but not limited to roadway, storm and sanitary sewers, erosion and sediment controls.

   a. Purpose. Maintenance guarantees ensure that improvements installed and constructed at the time of final plat approval are of good quality and are maintained in an acceptable manner for the duration of building.

   b. Amount of Guarantee. The financial guarantee shall be in the amount equal to 20% of the approved estimated cost of the construction of the improvements. The guarantee shall serve as binding security that the developer and guarantor will repair or replace any infrastructure that fails due to defective materials, faulty workmanship, or improper design.

   c. Duration of the Guarantee. The guarantee shall remain in full force and effect for a duration of three (3) years, commencing exactly on the date the City formally accepts the public improvements. Should the City discover a defect during this period, it shall provide written notice to the developer. The developer shall have thirty (30) days from the date of notice to repair the defect to the City's satisfaction before the City may draw upon the guarantee funds, except in cases of emergency where public health or safety is at immediate risk.

   d. Terms of the Guarantee. The guarantee shall clearly identify the applicant, the subdivision name, the specific improvement guaranteed, the duration of the guarantee, and the financial guarantor (surety company or financial institution). Separate from the guarantee against defects, the agreement shall include an acknowledgment that the developer shall hold harmless the City, its officers and employees, from all claims and demands and causes of actions, of every nature and description, arising out of the construction and maintenance of improvements within the developer's subdivision, and all damages to neighboring property owners resulting from the maintenance of improvements therein, including without limitation damages resulting from increase in surface water flowing from the subdivision and all claims arising out of changes to natural ditches or watercourses.

   e. Approval from the Law Director. The guarantee language and the form of guarantee shall be reviewed and found acceptable by the City's Law Director.

   f. Release. At the end of the duration of the maintenance guarantee, the developer shall schedule a final inspection with the City. Once the City inspects the improvement and finds it in favorable condition, the City shall notify the bonding agency or bank that the guarantee can be released.

2. Performance Guarantees. Performance guarantees in an acceptable form as identified in this section shall be posted in favor of the City of East Cleveland for all deferred improvements, including but not limited to sidewalks, street trees, or streetlights. If the developer would like to defer other site improvements, that deferral must be approved by the Building Official. No improvement that impacts human health and safety may be deferred.

    a. Purpose. Performance guarantees ensure the proper installation of all deferred improvements.

    b. Amount of Guarantee. The performance guarantee shall be in an amount covering 120% of the cost of all incomplete and/or deferred improvements as set forth in the construction cost estimate submitted by the applicant and approved by the City Engineer. This construction cost estimate shall be calculated utilizing state prevailing wage rates to ensure the City has sufficient funds to complete the improvements in the event of default.

    c. Duration of Guarantee. All deferred improvements shall be installed and approved within 18 months after approval of the final plat, and shall provide that the City shall have the right, in the event that the improvement is not constructed, to install the required improvements, to proceed against the developer and against any surety on the bond for the cost of said improvement, and to draw from the performance guarantee funds to complete said improvement. Prior to drawing from the performance guarantee funds, the City shall provide the developer with written notice of default and a thirty (30) day period to cure such default.

    d. Terms of the Guarantee. The guarantee shall include the applicant, the subdivision name, the improvement guaranteed, the duration of the guarantee, and acknowledge that the developer shall hold harmless the City, its officers, and employees, from all claims and demands and causes of actions, of every nature and description, arising out of the performance/installation of improvements within the developer's subdivision, and all damages to neighboring property owners resulting from the installation of improvements.

    e. Approval from the Law Director. The guarantee language and the form of guarantee shall be reviewed and found acceptable by the City's Law Director.

    f. Release. At the end of the duration of the performance guarantee, or whenever the improvement has been installed, whichever comes first, the developer shall schedule a final inspection with the City. Once the City inspects the improvement and finds that the improvements have been satisfactorily completed in accordance with the approved plans, specifications, and City standards, the City shall notify the bonding agency or bank that the guarantee can be released. The developer may also request a partial release of the guarantee as discrete portions of the deferred improvements are completed. Once the City inspects the partially completed improvements and finds them in favorable condition, the City may notify the bonding agency or bank that the guarantee amount can be reduced. However, the City shall retain a guarantee

amount covering no less than 120% of the cost of the remaining, uncompleted improvements until all improvements receive final approval.

3. Acceptable Types of Guarantee. Maintenance and performance guarantees may be a surety bond from a surety bonding company authorized to do business in the State of Ohio, a letter of credit from a bank or other reputable institution, or cash escrow, cash deposited directly into a city-controlled account, each of which shall be reviewed and found to be in good financial standing by the City Law Director.

I. Letter of Determination and approval provided by the Northeast Ohio Regional Sewer District.

J. Approval of any modifications to the Development Agreement, if applicable.

(2) Administrative Review.

A. The Building Official shall determine completeness and take the following actions within ten (10) calendar days from the date that the application was submitted:

1. If the application is found to be incomplete, the Building Official shall notify the applicant of deficiencies.

2. If the application is found to be complete, the Building Official shall:

a. Forward the complete application to the City Engineer, other appropriate municipal departments, and, if determined necessary, professional consultant(s), for their review and comment; and

b. Notify the Planning Commission of the submission of an application of a final plat for a major subdivision and the need to schedule a public hearing to consider the approval of the application in accordance with the timeline prescribed in this section.

B. The final plat and its supporting documentation shall be reviewed for compliance with the approved preliminary plat and all applicable codes and standards. The Building Official shall determine if the final plat conforms in all essential respects to the preliminary plat.

C. Any reports, comments, or expert opinions that the applicant or others believe are relevant shall be submitted to the Building Official.

D. The Building Official shall compile all investigations, facts, and findings in a written report, and shall submit the written report, the final plat application, and all other supporting information to the Planning Commission thirty (30) calendar days after the submission of a complete final plat application.

(3) Review by Planning Commission.

A. The Planning Commission shall not approve the final plat application unless the applicant demonstrates:

1. All requirements of this section have been met.

2. The final plat is in conformance with the layout and design of the approved preliminary plat and all conditions and terms of such approval have been met.

3. All plans that involve ongoing construction, installation, or maintenance, such as the storm water management plan and landscaping and screening plans as described in Section 1181.03(d), have been approved.

4. A copy of the property owner's association's covenants and restrictions have been submitted and approved by the City Law Director, if applicable.

5. Improvements have been installed, inspected, and approved of by the City Engineer, and all maintenance and performance guarantees have been submitted to and approved by the City's Law Director.

B. The Planning Commission shall take into consideration any submitted staff reports, their comments, and expert opinions when reviewing the application.

(4) Public Hearing. The Planning Commission shall consider and take action on the final plat application at a public hearing.

A. The public hearing shall be held within sixty (60) calendar days of submission of the complete application to the Planning Commission.

B. The Planning Commission shall schedule the date for the public hearing immediately upon notification of the final plat application by the Building Official. Notices of the time and place of such public hearing shall be mailed by the Building Official to the applicant, to owners of all property within 200 feet of the site, and to owners of any other property deemed by the Building Official to be affected upon scheduling the meeting. Owners and addresses shall be determined from the current records of the Recorder and/or the Fiscal Office of Cuyahoga County. The Building Official shall also cause notice of such public hearing to be published once a week for two weeks prior thereto in a newspaper of general circulation and any other relevant multimedia platforms within East Cleveland.

(5) Action on the Final Plat Application.

A. The Planning Commission shall act on the final plat application by:

1. Approving the final plat as submitted; or

2. Approving the final plat with modification(s) or condition(s) as agreed to by the applicant; or

3. Disapproving the final plat when the application does not demonstrate that the required standards have been met.

a. The reason(s) of refusal shall be stated upon the record of the board.

b. Within 30 days after action of the Planning Commission, the applicant of the disapproved final plat may file a petition with the Cuyahoga Court of Common Pleas to review the action of the Planning Commission.

B. Approval shall be noted on the final plat by the signature of the Planning Commission Chairperson and the City Engineer. The Planning Commission shall retain one reproduction

of the final plat, as approved, to be filed with the Department of Building and Housing. The original drawings shall be returned to the subdivider for filing.

(6) Review by City Council. The final plat approved by the Planning Commission shall be forwarded by the Law Director to the Clerk of Council requesting Council approval of the final plat. City Council shall review the final plat with respect to the recommendations of the Planning Commission and shall make a decision to approve, approve with modifications, or disapprove the final plat, accordingly.

A. Significance of Approval. Council shall further take action on the following:

1. Acceptance of Publicly dedicated Property and Improvements by Council. If the final plat indicates land for public use, the plat shall be submitted to Council for acceptance of the dedication of any public land before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by a separate ordinance of Council. The responsibility for maintenance and improvement of such facilities shall not rest with the City until such acceptance.

2. Upon approval, the streets, highways, parks, and drainage easements shown on the final plat of the subdivision become part of the official records of the City. However, such streets, highways, parks, and drainage easements shall be deemed private until the plat has been recorded.

3. Approval of any modifications to the Development Agreement, if applicable.

(d) Combined Preliminary and Final Plat. These regulations establish procedures and requirements for the submission, review, and approval of a combined preliminary and final plat for subdivisions. This process is intended to streamline approvals while ensuring compliance with the subdivision regulations, herein, zoning, and infrastructure requirements.

A. Eligibility Criteria. The developer may, with the consensus of City staff, elect to combine the preliminary plat and final plat whenever the subdivision:

1. Involves the division or re-subdivision of a tract or parcel(s) into no more than 10 lots and does not require significant new public infrastructure.

2. The property is already properly zoned for the proposed use.

3. No variances, or zoning amendments are required.

4. The development will not adversely impact traffic, drainage, utilities, or public services beyond standard mitigation measures.

5. The proposed plat complies with all other applicable subdivision regulations and zoning requirements.

6. Each parcel so subdivided fronts on an existing street and the proposed subdivision shall not require the extension of an existing street or the extension, modification, or creation of municipal facilities and/or public improvements; and

7. The proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

B. Review and Approval. The same process for approval of a Final Plat shall be used for a Combined Preliminary and Final Plat in accordance with 1181.03(e).

(e) Recording. Once the plat is signed and public property and improvements have been accepted by City Council, the applicant shall record the original plat with the Cuyahoga County Recorder. The subdivider is responsible for paying the recording fee(s). Upon approval, the three reproductions of the original drawing become part of the records of the City of East Cleveland and the County. If such plat is not recorded within 180 days from the date of approval, such approval shall automatically become void. No changes, erasures, modifications, or revisions shall be made in any final plat after approval has been granted by the Planning Commission. If such are made, the plat shall be considered null and void and shall be stricken from the records of the City and the County.

(f) Revisions to Covenants, Easements and Restrictions. In the event a property owners' association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a subdivision, such amendment shall be submitted to the City for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of these Subdivision Regulations. Further, the city reserves the right to enter into individual maintenance agreements with the developer and any other owners of interest in the event privatization of utilities, access, or common areas take place.

(g) Extensions. Through a written request, the developer may seek an extension for filing the final plat, subject to Council approval, provided that there have been no regulatory changes affecting the subdivision.

(h) Modifications and Amendments. Any significant modifications to an approved final plat must be submitted as a new application or an amended plat, subject to the review and approval under these regulations. Minor changes that do not affect lot layout, public infrastructure, or zoning compliance may be approved administratively.

(i) Enforcement and Penalties.

A. No subdivision lots shall be sold or transferred before the plat is officially recorded.

B. Failure to comply with these regulations may result in enforcement actions, including fines, permit revocations, or legal proceedings.

CHAPTER 1183: SUBDIVISION DESIGN REQUIREMENTS AND IMPROVEMENT STANDARDS

Section

1183.01 Purpose and Applicability.
1183.02 General Design Requirements.
1183.03 Grading.
1183.04 Drainage.
1183.05 Lot Design and Layout.
1183.06 Block Design.
1183.07 Street Design and Standards.
1183.08 Community Facilities.

1183.09 Underground Communication, Electric Power, And Street Lighting.

1183.10 Easements.

1183.11 Monuments.

Cross References:

§ 1183.01 PURPOSE AND APPLICABILITY.

The subdivision of land is regulated in order to maintain orderly, efficient, and economic growth of the City that will promote the health, safety, and general welfare of the residents of East Cleveland. As such, the Building Official, City Engineer, Planning Commission, and other staff shall hold all preliminary plan applications and improvement plans to the design requirements and improvement standards contained in this Chapter during their review. Subdivision design requirements and improvement standards ensure that:

(a) Subdivisions are planned, designed, and constructed to take advantage of the natural features of the site and to minimize the amount of grading, destruction of trees and removal of topsoil.

(b) Lots have been laid out to promote efficient use of land and to assure that the subdivision will be compatible with the development pattern of the neighboring properties.

(c) Lots are developed with adequate site improvements, such as drainage, water, sewers, street surfacing, curbs, and sidewalks.

(d) Lands are not subdivided when the results of such subdivision will place a disproportionate burden on public funds in supplying public services.

(e) Proposed streets will form an orderly pattern that promotes the safety and connectivity of all users and meet the prospective transportation needs of inhabitants of the subdivision and the surrounding properties.

§ 1183.02 GENERAL DESIGN REQUIREMENTS.

Unless otherwise stated, every subdivision, both major and minor, shall conform to regulations set forth in this Chapter, and shall be planned and laid out in conformity with the following general regulations:

(a) The proposed subdivision and associated lots, structures, accessory structures, and improvements are designed to comply with the lot requirements of the applicable base or overlay zoning district.

(b) The proposed subdivision shall conform to a general development plan for the City or similar development guides and any portions or subsequent revisions thereof which have been adopted by the City.

(c) The proposed subdivision shall include adequate improvements. If adequate utilities and streets are not available at the boundary of the proposed subdivision, the developer may be required to extend improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land.

(d) Topographical conditions shall be utilized to promote natural surface drainage and economy in sewer construction and to minimize necessary grading and removal of topsoil. Trees, topography, and similar natural features shall become an integral part of the subdivision to enhance the attractiveness of the building sites and general neighborhood.

(e) The subdividing of land shall be such as to provide each lot with frontage on a public street, or on a private street when authorized by the Planning Commission.

(f) Natural water courses and wetlands shall not be altered or filled, and no structure shall be placed therein except when deemed necessary and acceptable to the Planning Commission and the City Engineer, and acceptable provision is made for underground storm drainage as approved by the City Engineer. Riparian areas adjacent to environmentally sensitive land shall maintain a minimum setback buffer of 30 feet. A reduction in the setback may be granted by the City Engineer only if the setback causes undue hardship.

(g) Each lot intended as a building site shall be suitable for such. Land that the Planning Commission finds to be unsuitable for subdivision due to improper drainage, rock formation, utility easements, or other features that will reasonably be harmful to the public health, safety, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided unless adequate methods are formulated to solve the problems created by the unsuitable land conditions. The City Engineer shall review the proposed methods and submit a recommendation to the Planning Commission on the effectiveness of such proposed methods.

§ 1183.03 GRADING.

Every subdivision shall be graded according to the following regulations.

(a) Grading shall be limited to the smallest area possible to minimize disruption to the natural contours and in compliance with the following requirements.

(b) Every subdivision shall be planned and laid out so that a maximum number of lots will be above the street grade. Where the topography is irregular, the subdivision shall be designed to avoid extensive cutting and filling and construction shall comply with specific grading requirements set forth herein.

(c) Each subdivision shall be planned and graded so that the surface water from each lot and associated building will not be discharged to adjoining lots or building envelopes and will drain onto a street, into a storm sewer, or into a natural or artificial drainageway, wherever possible.

(d) The grading of streets shall extend to the full width of the right-of-way of a public street or width of easement for a private street. Tree lawns shall be sloped at a gradient of not less than 3% toward the pavement. Sections which are in cut shall not exceed a ratio of 2:1 and sections which are in fill shall not exceed a ratio of 4:1 within the lot areas where necessary grading may be extended into lot areas to provide suitable house sites.

(e) Topsoil shall be stripped from all graded areas and replaced to a depth of four inches after completion of grading in conformance with the grading plan prepared by the subdivider's engineer and approved by the City Engineer. Tree lawns and other graded areas shall be fertilized, seeded, and mulched or otherwise protected against erosion to assure the proper growth of the turf. All excess topsoil stockpiled on the site shall be removed from the project limits.

§ 1183.04 DRAINAGE.

Every subdivision shall address drainage in the following manner.

(a) Unless watercourses or drainageways are enclosed, the lot design shall be adjusted so that rear lot lines are as nearly coincident as possible to the natural or relocated drainage course. Where such a design is not possible, the side lot line may be arranged coincident to an open drainage course only when each abutting lot is increased in width by at least half the width of the required easements.

(b) Low-lying areas, which are subject to flooding, and easements for drainage, shall not be allowed in the buildable area of the site or included in calculating the required lot area. Areas of inundation

shall maintain a minimum setback buffer of 30 feet. A reduction in the setback may be granted by the City Engineer only if the setback causes undue hardship.

(c) When a lot is traversed by a storm sewer or drainage swale, a utility easement of adequate width as determined by the City Engineer shall be provided.

(d) All drainage facilities shall be designed in accordance with the Cuyahoga County Uniform Standard for Sewerage Improvements and the Ohio Department of Transportation Location and Design Manual, Volume 2 and conform to all adopted state and local stormwater regulations.

§ 1183.05 LOT DESIGN AND LAYOUT.

Proposed new lots in every subdivision shall reflect the following:

(a) Lots shall comply with the requirements of the applicable base or overlay zoning district.

(b) Lot lines shall be located to form usable building sites such that triangular or other lot shapes that would restrict their use as a building site, shall be avoided.

(c) Lot lines that form “flagpole” shaped parcels are prohibited.

(d) For subdivisions of one-family or two-family dwellings fronting a local street, the lot depth shall not exceed four times its width. This depth-to-width ratio may be increased when the rear line of such a lot abuts upon a railroad right-of-way or other incompatible nonresidential land use or topographical feature which may otherwise cause hardship in the development of the site.

(e) Side lot lines shall be at right angles to straight streets or radial to curved street lines. Where a street terminates on another to form a "T" intersection, the side lot lines shall be planned so that the projected centerline of the terminating street shall not be within the buildable area of the lots at the extension of the said street centerline.

(f) Every lot shall have street frontage or appropriate means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(2) All driveway entrances and other openings onto streets shall be constructed so that interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(3) Driveways connecting onto primary thoroughfares should be minimized when possible and will be permitted only when found acceptable by the Building Official and Planning Commission upon review of the traffic impact study.

(4) Driveways may be shared by adjacent lots, provided an access easement is established and agreed to by all owners, if permitted by zoning.

(g) No land below the minimum lot size shall remain after subdividing unless the land is designated on the plat as common area or open space, or park land, and maintenance of the land is insured through the establishment of a property owners association, or the land is dedicated to the City.

§ 1181.06 BLOCK DESIGN.

All subdivisions blocks shall conform to the following:

(a) Blocks shall be designed to encourage traditional neighborhood design and walkability by reinforcing the grid and street pattern typical of older urban suburbs and cities.

(b) Blocks frontages shall be no more than 500 feet intersected by a minimum public right-of-way of 15 feet.

(c) When a parcel is too small to be laid out economically for the use intended and would result in fractional or odd-shaped lots or otherwise not conform to these planning principles, adjoining unsubdivided land should be included so that the entire block may be planned and developed as a unit.

§ 1183.07 STREET DESIGN AND STANDARDS.

(a) Applicability. The following planning principles and requirements shall apply to all subdivisions in which new streets are proposed, excepting Subsection 1183.07(e) Street Elements, which shall apply in certain cases to subdivisions proposed along existing streets in which no new street is created.

(b) Purpose. The following regulations are established in order to promote and protect public safety, convenience and general welfare. Moreover, the Planning Commission may be guided by these principles so that thoroughfares and streets are designed to serve their particular functions.

(c) Classification. Proposed streets shall conform to City standards based on their classification as a primary thoroughfare, secondary thoroughfare, local street, or marginal access drive as detailed in this section and shall also conform to all regulations set forth in Part 9: Streets and Public Services Code of the City's Codified Ordinances. In the instance that regulations set forth in Part 9 of the City Codified Ordinances differ from regulations set forth in this Section, the regulations set forth in this Section shall prevail.

(d) Street Pattern and Design.

(1) Arrangement. In order to maximize access and traffic flow, the arrangement of streets shall provide for the continuation or appropriate projection of existing principal streets in the surrounding areas and shall reinforce a grid-type development pattern typical of older urban and inner-ring suburban neighborhoods.

(2) Culs-de-sac streets. Culs-de-sac shall be permitted only as necessary to serve parcels isolated by surrounding developments, or where topography or other natural barriers restrict the development of through streets, or in order to limit through traffic.

A. Culs-de-sac should not exceed 600 feet in length; and

B. A permanent turn-around shall be provided having an outside roadway diameter of at least ninety-one feet and a street property line diameter of at least 125 feet.

(3) Access.

A. All subdivisions shall provide sufficient means of ingress and egress into an out of the subdivision, and conform to the following table:

SCHEDULE 1183.07(d) ACCESS	
Dwelling units	**Minimum required points of ingress/egress (#)**
25 or less	At least 1
26-50	At least 2
51-125	At least 3

126-225	At least 4
Over 226	At least 5, plus 1 additional access point for every additional 150 dwelling units above 226

B. All points of ingress/egress shall be for the general and daily use of those inhabiting the subdivision and their visitors and shall not traverse private property not associated with the subdivision.

C. Planning Commission may modify and reduce the number of access requirements provided adequate evidence is presented in the form of a traffic analysis.

(4) Temporary dead-end streets. Temporary dead-end streets may be permitted where a subdivision adjoins unsubdivided land and provision is made for future extensions of the street and utilities. A temporary turn-around shall be provided for each such street that is more than 200 feet in length if lots front thereon. If it is found that any or all of the temporary streets are not needed, there is a reversionary right in the abutting landowners for the excess right-of-way when the use of such right-of-way as a residential lot would be nonconforming with the provisions of the zoning district in which it is located.

(5) Reserve strips. Reserve strips of land meant to control access to streets or other land dedicated for public use shall be prohibited.

(e) Intersections.

(1) Streets shall be designed to intersect as near to ninety degrees as possible and shall not intersect at an angle less than sixty degrees.

(f) Width.

(1) Streets having widths less than that required by Schedule 1183.07 (f) may be permitted if the Planning Commission finds the proposed local street to adequately accommodate all users of the road as well as safety vehicles.

SCHEDULE 1183.07 (f)
MINIMUM STREET DESIGN STANDARDS

Street Category	Minimum/Maximum Pavement Width (feet)**	For each side of the Street			Total required right-of-way (feet)
		Curb Width (feet)	Tree Lawn (feet)	Sidewalk (feet)	
Primary Street	40/52	0.5	8	5 *	= Pavement width + 2(curb width) + 2(tree lawn) + 2(sidewalk) + 2 feet
Secondary Street	26/32	0.5	8	5 *	
Local Street	22/26	0.5	5	5	
Marginal Access or Alleyway	10/15	0.5			

*Or as wide as pre-existing sidewalk as it abuts the new subdivision, whichever is larger.
** Maximum Pavement Width may be increased if dedicated bike ways are included.

(2) Where land abuts a street whose width does not meet the requirements of these regulations or plans of the State or County Transportation Departments, the additional width shall be dedicated when the land is subdivided.

(3) Wider streets than specified in these regulations may be required when, upon recommendation of the Planning Commission, provisions for safe public travel make the wider streets necessary, or whenever any general plan for street development adopted by the Planning Commission or City Council requires the establishment of streets of greater width.

(g) Street Elements.

The following street elements shall be included for all proposed new streets within any subdivision, as well as those subdivisions that contain lots abutting an existing street, but only if proposed new lots comprise more than 50% of the length of the existing block on which that subdivision is to occur. For subdivisions of land that compromise 50% or less of the existing block on an existing street, the following elements shall mirror the elements that are currently in place. If one of these street elements does not exist on the subject street, the developer shall not be required to include that feature.

(1) Curbs. Only vertical curbs are permitted. Pavement width is measured from the inside face of the curbs, which is the gutter line.

(2) Sidewalks.

A. Sidewalks shall be required on both sides of a street and shall be of concrete that is at least four inches thick, six inches thick at driveways, and five feet in width and shall conform to Schedule 1183.07(f).

B. Sidewalks shall connect with existing sidewalks on streets adjacent to or within the land subdivided and shall conform to Schedule 1183.07(f).

C. In order to facilitate pedestrian access from the streets and sidewalks to schools, parks, playgrounds, open space, or other nearby streets, the Planning Commission may require public easements to ensure the perpetual unobstructed access to such facilities. Such easements shall be a minimum of ten feet and indicated on the subdivision plat.

(3) Street Trees and Tree Lawns.

A. Tree lawns. Every street shall have a tree lawn in accordance with Schedule 1183.07 (d). Tree lawns are to be situated between the roadway pavement and the sidewalk and are meant to buffer pedestrians and provide a space for street trees.

B. Street trees shall be required in conformance with the applicable base or overlay zoning district, but generally, street trees shall meet the following requirements:

1. At a rate of at least 1 street tree per 30 feet of roadway.

2. Street trees shall be at least 20 feet from street intersections and 10 feet from fire hydrants or utility poles.

3. Size. At the time of planting, trees shall be a minimum height of 8 feet and a minimum caliper of 3 inches shall be planted within the right-of-way of all public streets within and abutting the subdivision.

4. Species. At least 5 different species of medium or large shade trees shall be planted throughout the subdivision to provide sufficient genetic diversity and avoid establishment of a monoculture. Trees planted shall be native or naturalized species that are resistant to damage and disease and that do not cause interference with underground utilities and/or street lighting. A list of appropriate street trees can be found via the Metroparks Tree Selector Tool or Ohio Department of Natural Resource's Native Plant List.

5. All trees shall be properly guyed, wrapped and mulched. Binding twine, planting cages, and burlap wrappings shall be removed.

6. Street trees shall be maintained by the subdivider for three years after the trees are planted and such maintenance shall be guaranteed. Trees shall be watered regularly and, in a manner, appropriate for the specific plant species through the first growing season. During the guaranteed maintenance period, the subdivider shall replace any dead and dying plants no later than the next planting season. During construction no temporary buildings, structures, storage of materials, or parking of equipment shall be permitted under the drip line of any planted street tree.

7. All street tree planting plans, including size, species, and location, shall be submitted to the City Engineer for review and approval along with Improvement Plans.

8. Street Trees shall be located within the tree lawn. In the event that street trees cannot be placed in the tree lawn, trees shall be placed in the front yard of residences. In this case, an easement my be required to be granted to the City for tree maintenance.

C. Should these street tree and tree lawn requirements conflict with other zoning and overlay standards, the more restrictive regulation shall be used.

(4) Signs. Street signs shall be required at all intersections and shall be erected in accordance with the specifications of the City and approved by the Planning Commission.

(h) Dedication. The subdivider shall dedicate to the City all the land required for the right-of-way, as specified in Schedule 1183.06, of all public streets within the subdivision and for secondary and primary thoroughfares within or on the boundary of the subdivision. Necessary and proper drainage and utility easements shall also be provided.

(i) Subdivisions Abutting or Containing a Primary Thoroughfare.

(1) Whenever a subdivision abuts a primary thoroughfare the Planning Commission may require marginal access streets which may connect with such thoroughfare, through lots, or lots fronting on perpendicular local streets.

§ 1183.08 COMMUNITY FACILITIES.

The Planning Commission may require the reservation or dedication of sites within a subdivision for schools, parks, playgrounds, walkways or other public uses where it is found that such facilities are needed to promote and protect the public health, safety and welfare. Such land shall not be further subdivided, and such requirements shall not exceed ten percent of the total area of the subdivision.

§ 1183.09 UNDERGROUND COMMUNICATION, ELECTRIC POWER, AND STREET LIGHTING.

In all subdivisions of ten or more lots or building envelopes:

(a) The preliminary plat with respect to any new subdivision shall be submitted to all utility companies serving the subdivision as well as the Building Official and the Planning Commission.

(b) Utility easements for communication, 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 where necessary.

(c) Adequate provision for street light lamps and standards shall be made in accordance with a design approved by the Planning Commission.

(d) All utilities shall be installed underground in accordance with City codes and bonded according to Section 1181.03(e)I.

§ 1183.10 EASEMENTS.

Private and public utility easements shall be provided as needed for necessary access to the utility involved. Such easements shall be located along lot lines with equal distance on either side of such a lot line, except when, under special circumstances, the Building Official, City Engineer, or Planning Commission may require them in other locations.

§ 1183.11 MONUMENTS.

A monument shall be accurately placed at each corner, at changes in direction of the boundary at each street intersection, at points of curves of streets, at intermediate points and corners of lots and at other locations as may be required by the City Engineer. The monuments shall be either concrete six inches by six inches by 30 inches long with an iron pin in the center, or metal monuments, as approved by the City Engineer. The top of the monument shall be set at the finished grade upon the completion of the grading of the streets and lots. The monument shall not impede any lines of sight.