

## RESOLUTION ARB2020-0004

### *Approval of Amendment to Cuyahoga County Land Development Regulations, Article 1. Subdivision Platting Rules for the Unincorporated Areas of Cuyahoga County, Ohio*

Whereas, County entities may adopt, amend, rescind, and administer rules on matters within their respective jurisdictions, as established by the County Charter, the County Code, or general law; and

Whereas, Section 711.10 of the Ohio Revised Code authorizes county planning commissions to adopt regulations and procedures governing the proposed divisions of land to review and approve, approve with conditions, or to disapprove the proposed layouts of new subdivisions of land, and to amend such regulations (Cuyahoga County Subdivision Regulations or Subdivision Regulations); and

Whereas, the Cuyahoga County Planning Commission adopted such Subdivision Regulations governing the proposed divisions of land in 1941 and has amended these Subdivision Regulations three times since, with the last amendment occurring in 2010; and

Whereas, per section 113.02(A) of the Cuyahoga County Code, a county entity seeking to adopt, amend, or rescind a rule shall submit a request, including the specific language or the rule, to the Clerk of the Administrative Rules Board in accordance with the procedures and deadlines established by the Board for such submissions; and

Whereas, per section 113.02(G) of the Cuyahoga County Code, the Administrative Rules Board is given approval authority over rules promulgated by County entities based on a determination of: (1) whether the requesting entity has the authority to adopt, amend, or rescind the rule and (2) whether the proposed rule conflicts with the County Code; and

**NOW, THEREFORE, BE IT RESOLVED BY THE ADMINISTRATIVE RULES BOARD OF CUYAHOGA COUNTY, OHIO:**

**Section 1.** The Cuyahoga County Land Development Regulations, Article 1. Subdivision Platting Rules for the Unincorporated Areas of Cuyahoga County, Ohio, as attached, are hereby amended.

**Section 2.** This Resolution shall go into immediate effect and remain in full force and effect until rescinded by the Administrative Rules Board.

**Section 3.** It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were passed in an open meeting of this Board and that all deliberations of this Board that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

*The foregoing resolution was duly adopted on August 18, 2020.*



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Jonathan Stone McGory  
Clerk of the Board



**EXHIBIT A**

**CUYAHOGA COUNTY  
LAND DEVELOPMENT  
REGULATIONS**

**ARTICLE 1.  
Subdivision Platting Rules for the  
Unincorporated Areas of  
Cuyahoga County, Ohio**

Adopted November 8, 2007  
Effective November 16, 2007  
Amended \_\_\_\_\_, Effective \_\_\_\_\_

**Prepared by the  
Cuyahoga County  
Subdivision Review Task Force**

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# **CHAPTER 101. GENERAL PROVISIONS**

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## **SECTION 101.1 TITLE**

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

## **SECTION 101.2 PURPOSE**

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The purpose of these Regulations is to regulate the subdivision of land in the unincorporated portions of Cuyahoga County. These regulations are intended to:

- A. Promote and protect the public health, safety, and general welfare of the community by establishing standards for logical, sound and economical development and the construction of all public improvements.
- B. Provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger and to prevent population congestion and overcrowding of the land.
- C. Promote the efficient use of land to provide for the orderly expansion and extension of community services and facilities.
- D. Secure and provide for the proper arrangement of streets in relation to those existing or planned to encourage the safe and convenient circulation of pedestrians and vehicles, including access of public safety and public service equipment, and to provide for the most beneficial relationship between use of land, buildings, traffic and pedestrian movements.
- E. To incorporate elements of complete streets design.
- F. Plan for the provision of adequate and convenient recreation and open space facilities.
- G. Ensure that lots are developed with adequate site improvements including street surfacing, curbs and sidewalks, water supply, sewage disposal systems, drainage facilities as well as other health related requirements.
- H. Ensure that subdivisions are planned, designed and constructed to take advantage of and respect the natural features of the site in order to: minimize the amount of grading, destruction of trees and removal of topsoil; protect the total environment, including the prevention of air, water, light and noise pollution and the prevention of soil erosion; and establish and preserve natural systems required for the proper management of water and biological diversity.
- I. Coordinate land development in accordance with applicable township regulations, local thoroughfare plans and other regulations of the township in which the subdivision is located, Cuyahoga County, the State of Ohio and the federal government to ensure that unbuildable lots are not created.

- J. Provide for necessary utility easements and the dedication of public ownership and maintenance of the rights-of-way for transportation.
- K. Ensure the accurate surveying, preparing and recording of plats and subdivisions of land, and the equitable review of all subdivisions and plats by providing standards and uniform procedures for both the approving authority and subdivider.

### **SECTION 101.3 JURISDICTION**

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These regulations shall apply to all subdivisions of land, as defined herein, in the unincorporated areas of Cuyahoga County, and shall be administered pursuant to the provisions hereof.

### **SECTION 101.4 AUTHORITY**

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The authority for the preparation, adoption, and implementation of these Regulations is derived from Chapter 711 of the Ohio Revised Code, as may be amended, which authorizes the Cuyahoga County Executive, Cuyahoga County Council and the Cuyahoga County Planning Commission to adopt uniform rules and regulations governing the subdivision of land and the construction of improvements.

### **SECTION 101.5 SEVERABILITY**

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If, for any reason, any clause, sentence, paragraph, section or other part of these Regulations should be decided by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of these Regulations as a whole, or any part thereof, other than the part so held to be invalid. These Regulations shall not abate any legal action pending under prior subdivision regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

### **SECTION 101.6 INTERPRETATION AND RELATION TO OTHER LAWS**

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- A. In their interpretation and application, these Subdivision Regulations shall be held to be the minimum requirements necessary for the promotion of the public health, safety and general welfare, unless otherwise specifically stated. They shall be liberally construed to further the purposes and objectives set forth herein.
- B. These regulations shall be administered in conjunction with the current Cuyahoga County Engineer's Township Subdivision Street Design Standards and Improvement Plan Requirements, herein referred to as County Engineer's Improvement Requirements, the County Water Management and Sediment Control Regulations, the Cuyahoga County Engineer's "Minimum Construction Standards for Township Subdivision Streets (Local)", the Cuyahoga County Rules and Regulations Governing the Installation of Water and Sewerage Improvement, and Uniform Standards for Sewerage Improvements, which standards and specifications are incorporated herein by reference.

- C. The provisions of these Regulations shall be supplementary to and read in conjunction with all other provisions of the federal, state and local laws, regulations, ordinances, resolutions and orders in which the subdivision is located pertaining to but not limited to health, engineering, sanitation, and stormwater management and sediment control promulgated pursuant to the authority thereof relating to the purpose and scope of these Regulations and all applicable township regulations.
- D. Whenever the requirements of these Regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolution, the most restrictive or that imposing the higher standards shall govern, except as provided herein or unless otherwise required by law. In the case of these Regulations conflicting with state statutes, the state statutes shall govern.
- E. All proposed subdivisions shall meet the requirements of all applicable township regulations, as well as the provisions of these Regulations. Nothing contained in these Regulations, nor in any approval granted hereunder, shall be considered as issuing, constituting, waiving, promising or guaranteeing the issuance of any township permit, certificate or variance as may be required by virtue of the authority granted to townships in the Ohio Revised Code.

#### **SECTION 101.7 EFFECTIVE DATE**

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These regulations and amendments thereto, shall take effect and be in full force and effect from and after the earliest period allowed by law following approval by the Cuyahoga County Executive and the Cuyahoga County Council of Cuyahoga County, Ohio and adoption by the Cuyahoga County Planning Commission. Upon the adoption of these Regulations, according to law, Article 1. Subdivision Platting Rules for the Unincorporated Areas of Cuyahoga County, Ohio, of the Cuyahoga County Land Development Regulations, adopted January 22, 1941, and, and as thereafter amended, are hereby repealed. These Regulations shall in no way affect any subdivision having received Preliminary Plan approval prior to the effective date of these Regulations or any amendment thereto, provided however that no changes to the Preliminary Plan, as approved, are introduced by the subdivider subsequent to the effective date of these Regulations.

#### **SECTION 101.8 SAVING PROVISION**

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These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Regulations.

## **SECTION 101.9 DISCLAIMER OF LIABILITY**

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In no case shall the submission of a plan or plat under the provisions herein, approval of a plan or plat by the County Planning Commission, nor compliance with the provisions of these Subdivision Regulations, relieve any person from responsibility for damage to any person or property that is otherwise imposed by law. Moreover, the approval of a plan or plat by the County Planning Commission does not warranty the quality or accuracy of the plans nor guarantee such to be free of errors and omissions.

# CHAPTER 102. DEFINITIONS

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## SECTION 102.1 INTERPRETATION AND DEFINITIONS OF TERMS OR WORDS

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- A. For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:
1. The words "Commission" and "Planning Commission", unless another local government agency having jurisdiction over a proposed subdivision is specifically mentioned, shall be construed as being the Cuyahoga County Planning Commission or its successor organization.
  2. The word "County" shall be construed as being Cuyahoga County, State of Ohio. For example, County Executive shall mean the Cuyahoga County Executive, County Public Works shall mean the Cuyahoga County Department of Public Works, and County Law shall mean the Cuyahoga County Department of Law.
  3. The term "these Regulations" shall mean the Subdivision Regulations of Cuyahoga County, Ohio.
  4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
  5. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
  6. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
  7. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
  8. The word "lot" includes the words "plot" or "parcel".
  9. The term "business day" means a day of the week excluding Saturday, Sunday, or a legal holiday as defined in ORC § 1.14.

B. Definitions of Terms or Words:

**Applicant:** The owner(s) of land proposed to be subdivided and developed or his/her/their representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises. A Developer or Subdivider may also be an "applicant" as defined herein provided it has the express written authority to act on behalf of the owner.

**Arterial Street:** See Street, Road or Thoroughfare.

**Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or boundary lines of a municipality or township.

**Building:** Any structure having a roof supported by columns or walls and built for the support, shelter, enclosure or protection of persons, animals, chattels or property.

**Building Setback Line:** A line established by the township zoning resolution in effect for the area proposed to be subdivided which is generally parallel with and measured from the street right-of-way line or other lot line and which defines the area of the lot in which no building shall be located.

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

**Central Water System:** An approved water treatment, distribution and supply system which is owned and operated by a municipality, county or a public or private utility system approved by the Ohio Environmental Protection Agency, and which provides piped water for human consumption to a single development, community or region.

**Collector Street:** See Street, Road or Thoroughfare.

**Common Driveway:** A private way that provides vehicular access to at least two but not more than four dwelling units.

**Comprehensive Storm Water Management Plan (SWMP):** A set of coordinated plans regarding water management, including a Post-Construction Water Quality Plan and a Construction Site Conservation Plan, that are developed for the same site, and which serve as the Storm Water Pollution Prevention Plan (SWP3) required by the Cuyahoga County Water Management and Sediment Control Regulations and the Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

**County Council:** The Cuyahoga County Council is the legislative body of Cuyahoga County government, made up of 11 elected representatives from across the County. It is a co-equal branch of the County government with the executive branch.

**County Executive:** The Cuyahoga County Executive, defined by Chapter 302 of the Ohio Revised Code, who shall be the chief executive officer of the county.

**County Public Works:** The Cuyahoga County Department of Public Works houses infrastructure engineers including highway, bridge, and storm and sanitary engineers. The Public Works Department is established pursuant to the Code of Cuyahoga County Section 202.04.

**County Engineer:** The registered professional engineer within County Public Works, designated by the Director of County Public Works, to be the county engineer as provided in the Code of Cuyahoga County Section 202.04, Paragraph C.

**Cuyahoga County Engineer's Township Subdivision Street Design Standards And Improvement Plan Requirements and Cuyahoga County Engineer's Minimum Construction Standards for Township**

**Subdivision Streets (Local):** Regulations promulgated by the Cuyahoga County Public Works office that set forth standards for the construction of streets in the unincorporated areas of Cuyahoga County and including all amendments thereto adopted subsequent to the effective date of these Regulations, and referred to as the “County Engineer’s Improvement Requirements” throughout these regulations.

**County Department of Law and Law Director:** The department of law shall be administered by a director of law who shall be an attorney-at-law admitted to the practice of law in this state. The director of law shall exercise all powers, duties, and responsibilities as set forth in Cuyahoga County Code 202.05 and the Cuyahoga County Charter.

**County Planning Commission:** The Cuyahoga County Planning Commission, which consists of three county representatives and a representative of the county’s eight planning regions. Regional representatives are mayors or alternates of one of the communities in each region. The County Planning Commission is assisted by County Planning Commission staff.

**County Planning Director:** The Cuyahoga County Planning Commission Executive Director designated to assist the County Planning Commission in administering the Cuyahoga County Subdivision Regulations. Duties of the County Planning Director may also be performed by a designated agent.

**County Sanitary Engineer:** The Registered Professional Engineer within County Public Works, designated by the Director of County Public Works, to perform duties of the County Sanitary Engineer, defined in ORC §6117.01.

**County Thoroughfare Plan/Major Thoroughfare Plan:** The officially adopted and endorsed Cuyahoga County Thoroughfare Plan, if in existence.

**Covenant:** A written promise or pledge.

**Cul-de-sac:** See Street, Road or Thoroughfare.

**Cuyahoga County Transfer and Conveyance Standards:** Rules and regulations adopted in accordance with Ohio Revised Code Sections 315.251, 317.22, 319.203, 711.101, 2113.61, 5301.252, 5302.17, and 5311.10 and Ohio Administrative Code 4733-37 governing the preparation and approval of survey plats and legal descriptions for the purpose of preparing and recording conveyances of real property in Cuyahoga County and including all amendments thereto adopted subsequent to the effective date of these Regulations.

**Dead-end Street:** See Street, Road or Thoroughfare.

**Dedication:** The appropriation of land, or an easement therein, for the use of the public and accepted for such use by or on behalf of the public.

**Density:** A unit of measurement which indicates the number of dwelling units per acre of land.

**Developer or Subdivider:** The following apply

1. A person having an interest in land and who causes it, directly or indirectly, to be divided into a subdivision.
2. A person who engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plat in a subdivision.
3. A person who is the authorized agent of any of the foregoing.

**Dwelling Unit:** A structure that is used in whole or in part as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household, and the facilities and appurtenances in it.

**Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property, created by grant, prescription, or necessity.

**Engineer:** A person registered to practice professional engineering by the State Board of Registration, as specified in Chapter 4733 of the Ohio Revised Code.

**EPA:** Environmental Protection Agency

**Final Plat:** The map upon which an applicant's plan of subdivision is presented to the County Planning Director and Commission, when required, to the County Executive and County Council for approval, which after gaining such approval may then be presented to the County Fiscal Office for the purpose of recording in accordance with these Regulations.

**Floodplain:** Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. For the purposes of this regulation, the 100-year floodplain shall be defined by FEMA or a site-specific Floodplain Delineation in conformance with standard engineering practices and approved by the County.

**Health Department:** The Cuyahoga County Board of Health.

**Improvement:** Public and private street pavement or resurfacing, curbs, gutters, sidewalks, walkways, water lines, sewer lines, storm drains, street lights, street trees, flood control and drainage facilities including stormwater retention, detention and water management controls, home sewage and water systems, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

**Improvement Plan:** The maps, plans and drawings showing the specific location and design of improvements to be installed in a proposed subdivision in accordance with the requirements specified in these Regulations.

**Lot:** For the purposes of these Regulations, a division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat or a recorded survey for purposes of sale, lease, purchase, agreement or separate use.



**Maintenance Guarantee:** An instrument provided by an applicant for the benefit of the County, the Township, and a Homeowners Association (when applicable) for a portion of the amount of the actual construction cost of an improvement required by these Regulations and guaranteeing the maintenance of the improvements in accordance with Section 105.1 of these regulations.

**Master Subdivision Plan:** A plan for the overall division of land indicating proposed development of a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one overall plan.

**Modification:** A waiver of the strict terms of a requirement set forth in these Regulations.

**Monuments:** Permanent concrete, stone or iron markers placed on the tract of land to be subdivided and used to establish definitely all lines on a Final Plat of a subdivision, including all lot corners, boundary lines, corners and points of change in a street alignment.

**Natural Feature:** An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, or energy costs.

**Northeast Ohio Regional Sewer District:** The District is responsible for wastewater treatment facilities, stormwater management, and interceptor sewers in the greater Cleveland Metropolitan Area, including all or portions of 61 suburban municipalities in Cuyahoga, Summit, Lake and Lorain Counties. The Northeast Ohio Regional Sewer District is a reviewing agency for Preliminary Plans, Improvements Plans and Final Plats of Major Subdivisions.

**North Olmsted:** City of North Olmsted. North Olmsted will be included as a reviewing agency when the new subdivision falls within the North Olmsted sanitary sewer service area.

**NPDES Permit:** A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the United States EPA, and derived from the Federal Clean Water Act.

**On-Site Sewage Treatment System:** An approved household sewage treatment system which services a one, two, or three family dwelling and provides treatment of domestic sewage for an individual property.

**Original Tract:** A tract of land as it existed on the effective date of these Subdivision Regulations, 11/16/07; when the regulations were amended in accordance with Sub S.B. 115 amendment to ORC §711.131 (B), effective 4/15/05.

**OAC:** Ohio Administrative Code, and including all amendments thereto adopted subsequent to the effective date of these Regulations.

**Ohio EPA or OEPA:** The Ohio Environmental Protection Agency.

**ORC:** Ohio Revised Code, and including all amendments thereto adopted subsequent to the effective date of these Regulations.

**Performance Guarantee:** An instrument provided by an applicant for the benefit of the County, the Township, and a Homeowners Association (when applicable) for the amount of the estimated construction cost guaranteeing the completion of physical improvements required by these Regulations within the time prescribed by the guarantee in accordance with Section 105.2 of these regulations.

**Plat:** A map of a tract or parcel of land.

**Person:** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.

**Preliminary Discussion Sketch:** A scaled, informal map of a proposed subdivision that is submitted to the County Planning Director for the purpose of discussion and initial review with the County Public Works' office and County Law Director's office to identify existing or potential site problems and opportunities.

**Preliminary Plan:** The plan or plans as submitted to the County Planning Commission for preliminary approval that indicate the proposed layout of a subdivision together with all data as required in Section 104.5 of these Regulations.

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

**Record, to:** To put a document or plat into the official records of Cuyahoga County Fiscal Office in accordance with the ORC and the procedures established by the Cuyahoga County Fiscal Office.

**Reserve Strip:** A strip of land abutting the end of a dead-end street or temporary cul-de-sac which controls access from the end of the street to adjacent property.

**Reviewing Entities:** County, Township, and Regional and State agencies, officials, and staff involved in reviewing for compliance and safety the Preliminary Plans and Final Plats of major subdivisions. These agencies include County Public Works Department (County Engineer, Sanitary Engineer), County Board of Health (if subdivision involves septic tanks), the Cuyahoga Soil and Water Conservation District, Township Trustees, Township Fiscal Officer, Zoning Commission Chair and/or Secretary, Township Building Department and Township Zoning Inspector, Township Fire Department, Township Police Department, O.D.O.T., the Northeast Ohio Regional Sewer District, and the City of North Olmsted (when the new subdivision falls within the North Olmsted sanitary sewer service area).

**Right-of-Way:** A strip of land taken or dedicated for use as a public way.

**Rules And Regulations Governing The Installation Of Water And Sewerage Improvements:** Rules and regulations adopted, and as may be amended, by the County Executive and/or County Council as applicable.

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

**Street, Private:** A local private way that provides vehicular access to more than four residential structures, which is located in a recorded easement for use by residents of the development in which the private way is located, which shall be owned and maintained by an Association, management organization or other private entity.

**Street, Public:** A public way that provides vehicular access to land, is located in a right-of-way shown on the plat or other conveyance of dedication, the dedication of which has been approved by the County Executive and/or County Council as applicable and is either a county road maintained by Cuyahoga County or a township road maintained by the Township.

**Street, Road or Thoroughfare:** The full width between property lines bounding every public way or private way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows. For the purposes of these regulations, "street" shall be synonymous with "road".

1. **Arterial, Principal:** A general term denoting a highway emphasizing a high level of mobility for through traffic carrying heavy loads and large traffic volumes usually on a continuous route that collects and distributes traffic to and from minor arterials. Land access is subordinate to this primary function.
2. **Arterial, Major:** A street that interconnects with and augments the principal arterial; serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials; distributes traffic to connector streets; provides more land access than principal arterials without penetrating identifiable neighborhoods; and provides urban connections for rural collectors.
3. **Collector:** A street, whether within a residential, industrial, commercial or other type of development, that primarily distributes and channels traffic from local streets to arterial streets and penetrates residential neighborhoods.
4. **Collector, Minor:** A street spaced at intervals to collect traffic from local roads and bring all developed areas within reasonable distance of a collector; which provides service to smaller communities not served by a higher-class facility; and which connects locally important traffic generators with rural hinterlands.
5. **Cul-de-sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
6. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
7. **Local Street:** A street, either a township road or a private road, which is used primarily for providing direct access to residential, commercial or other abutting property between

collector streets. Travel speeds, distances, and volumes are generally low, and through traffic is usually discouraged.

8. Loop Street: A type of local street that has its only ingress and egress on the same collector street.
9. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial street, providing access to abutting properties from arterial streets.

**Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, signs, oil and gas well heads, tanks, separator units and pipelines, culverts and bridges.

**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.

**Subdivision, Major:** Any one of the following:

1. Where one parcel is divided into two (2) or more parcels and involves 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 or as easements for the extension and maintenance of public or private sewer, water, storm drainage or other similar facilities.
4. Where there is a development of dwelling units involving the creation of more than five (5) new taxable properties.
5. Any other division of land determined to be a subdivision but which is not otherwise classified as a minor subdivision.
6. 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.

(See Illustrations 1 and 2 for examples.)

**Subdivision, Minor:** A division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any public street, and involving no more than five lots, any one of which is less than five (5) acres, after the original tract has been completely subdivided. (See Illustrations 1 and 2 for examples.)

**Sublot:** See Lot.

**Surveyor:** Any person registered to practice professional surveying by the State of Ohio Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.

**SWCD:** The Cuyahoga Soil and Water Conservation District.

**Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Tract:** The entire land area proposed for subdivision by the applicant.

**Uniform Standards for Sewerage Improvements:** Standards adopted by the County Sanitary Engineer governing the minimum requirements for design and construction of sewerage and stormwater facilities in Cuyahoga County, and including all amendments thereto adopted subsequent to the effective date of these Regulations.

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

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

**Water Management Regulations:** Rules that establish management and conservation practices that govern stormwater, water quality, water quantity, erosion and sediment control, and including all amendments thereto adopted. These specifically include:

1. *Cuyahoga County Water Management and Sediment Control Regulations (WMSC Regulations):* Water Management Regulations adopted by the County Executive and County Council.
2. *Comprehensive Storm Water Management Plan Including Construction Site Storm Water Control Regulations and Post Construction Storm Water Management in New Development and Redevelopment Regulations:* Water Management Regulations adopted by the Township.

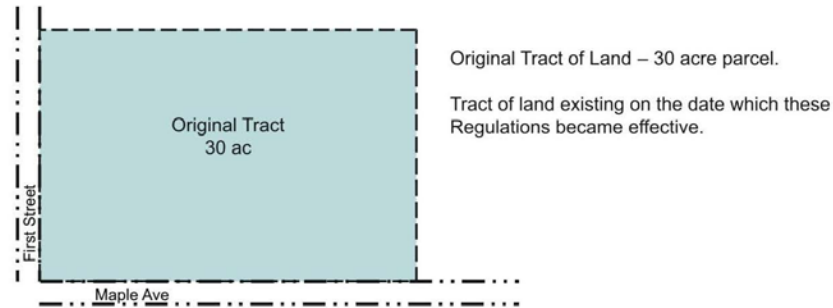
**Watercourse:** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water, as shown on the Cuyahoga County Soils Map or County Topography Map.

**Wetland:** An area of land as defined by the U.S. Army Corps of Engineers.

## SECTION 102.2 EXAMPLES OF TERMS AND SUBDIVISION TYPES

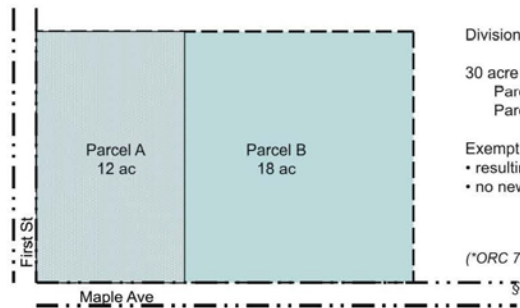
Original Tract, Minor Subdivision and Major Subdivision -(these drawings are for illustrative purposes only and are not intended to be regulatory)

Illustration 1. Evolution of the division of a 30 Acre Parcel: Need new graphic—perhaps refence parent parcel as baseline for all subdivision



Original Tract of Land – 30 acre parcel.

Tract of land existing on the date which these Regulations became effective.



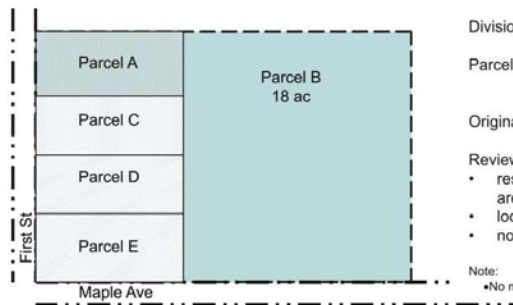
Division 1

30 acre parcel (Original Tract\*) subdivided into two parcels:  
Parcel A = 12 acres  
Parcel B = 18 acres

Exempt from County Planning Commission review because:

- resulting parcels are larger than 5 acres, and
- no new street is created.

(\*ORC 711.10 amended in 5/05)



Division 2

Parcel A subdivided into four parcels:  
Parcels A, C, D and E = 3 acres each

Original Tract has now been subdivided into five lots.

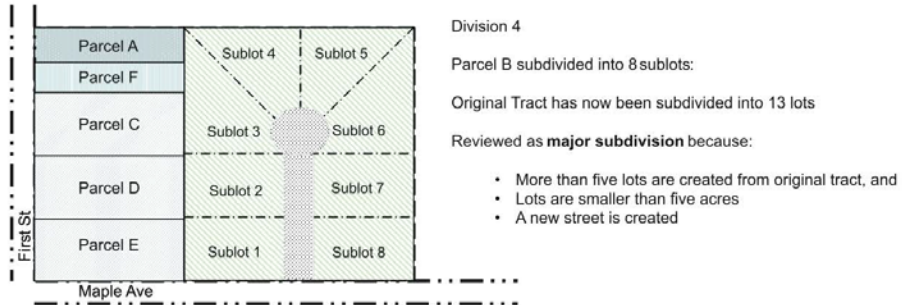
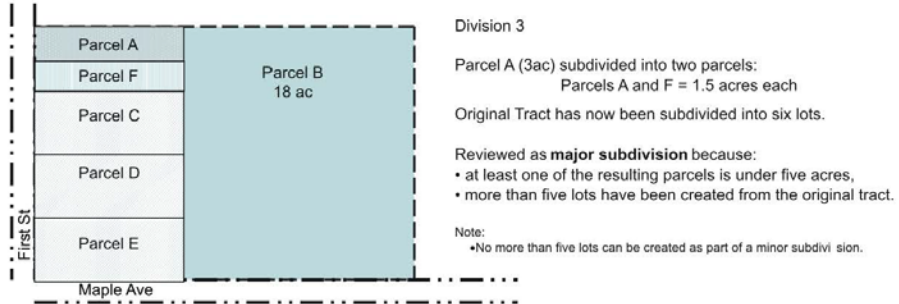
Reviewed as **minor subdivision** because:

- resulting parcels are under 5 acres and not more than five lots are created
- located along an existing street,
- no new street is created.

Note:

- No more than five lots can be created as part of a minor subdivision.

Illustration 2. Evolution of the division of a 50 Acre Parcel





# **CHAPTER 103. MINOR SUBDIVISIONS**

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## **SECTION 103.1 PURPOSE**

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The purpose of this Chapter is to establish the procedures that shall be followed for the review, approval and recording of subdivisions which, based on the number of lots involved, the area of the lots created, and the absence of improvements being constructed, warrant a simplified review process according to the ORC §§711.131 and 711.133, as may be amended.

Only minor subdivisions, as herein defined and which according to these Regulations shall be located along an existing public street, not involving the opening, widening, or extension of any street or road, shall be eligible for review according to these review procedures.

## **SECTION 103.2 GENERAL REQUIREMENTS**

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- A. Prior to submitting a Minor Subdivision application to the County Planning Commission, the applicant must submit written proof that the minor subdivision has been approved by the local authority. This approval shall state that the minor subdivision complies with all township zoning and other applicable regulations.
- B. Original tracts divided by a public road right of way shall be considered as separate parcels for the purpose of these Regulations.
- C. Each lot shall be buildable in conformance with the requirements of these Regulations and all other applicable regulations.
- D. Each lot shall abut a public street for the required minimum lot frontage for the zoning district where the lots are located.
- E. If any lot abuts a street right-of-way that does not conform to the design specifications of these Regulations, or the County Engineer has established additional right-of-way requirements on the County Thoroughfare Plan, such deficiency or planned right-of-way shall be taken into consideration at the time the application is submitted.
- F. The division of a parcel of land as a minor subdivision shall not include more than five lots after the original tract has been subdivided. Further subdivision of such original tract of land may require the applicant to submit a plat in accordance with requirements for major subdivisions set forth in these Regulations.
- G. Each lot shall comply with all township regulations, or the applicant shall have obtained any necessary variance(s) from the Township Board of Zoning Appeals, and the Township Zoning Inspector shall affix his/her signature to the drawing of the subdivision as part of the submission of an application for minor subdivision.

- H. All corners of the proposed lot(s) shall be temporarily staked prior to submitting an application to the County Planning Director so that the required review agencies can easily identify the location of the proposed lot(s).

### **SECTION 103.3 DETERMINATION OF COMPLETENESS**

All subdivision applications shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

If the application is deemed insufficient, the applicant shall be notified of the deficiencies.

When the application is determined complete and all applicable fees have been paid, the application shall be considered submitted and ready for review.

### **SECTION 103.4 SUBMISSION REQUIREMENTS**

The application for Minor Subdivision Review shall include the maps, plans, and supplementary documentation itemized below. The information submitted shall include the following, submitted on a sheet no smaller than legal size (8 ½" by 14") and drawn to a scale no larger than 1" = 100' so as to be clear and legible:

- A. Completed Application Form along with the application fee (fee schedule found in the Appendix hereof).
- B. A proposed land division vicinity map or copy of the tax map for that area.
- C. A survey and legal description prepared in accordance with OAC Chapter 4733-37 and the current Cuyahoga County Transfer and Conveyance Standards.
- D. A plan prepared by an engineer or surveyor. The Plan may be combined with the survey or may be a separate drawing. The Plan shall include the following:
  - 1. All existing and newly created lot lines for all proposed lot(s) and the residual and noting their dimensions and acreage and showing the required building setbacks;
  - 2. All adjoining public streets, including the dimensions of the street right-of-way;
  - 3. All existing above ground structures (including rakes and overhangs) located on the parcels and on adjacent parcels within 100 feet of the parcel lot line.
  - 4. Any existing points of access.

5. The location of all easements and other areas where the construction of a structure is restricted.
  6. The Federal Insurance Rate Map (FIRM) Number, Effective Date, and Flood Zone Designation (for each proposed lot).
  7. The State, County, Township, Range, Township Name, and Section Number.
  8. Notarized and dated signature of each property owner, and including the notary's seal, indicating that the owner(s) of the parcel(s) being divided accept the proposed partition shown on the survey.
  9. Signature(s) of the Township Trustees, or their designated agent, indicating the proposed subdivision complies with township zoning and other applicable township regulations.
- E. A separate plan prepared by an engineer or surveyor shall contain the following information, not to be included on the plat or survey:
1. Utilities on and within 200 feet of the subdivision - location and size of sanitary and storm sewers (both mainline and connections) location and size of water mains (both mainline and connections), location of existing stormwater management features, location of gas lines, fire hydrants and utility poles.
  2. The location of all watercourses and wetlands and their required setbacks, determined by a professional wetlands consultant.
  3. Water quality BMPs and other permanent features required by any agency or law that will reduce the buildable area of any lot.
- F. Any other material or information the County Planning Director finds necessary for the review of the minor subdivision, such as a long-term operations and maintenance manual for any proposed water quality BMPs (SCMs), if applicable

## **SECTION 103.5 REVIEW OF APPLICATION**

Once a determination of completeness has been made according to Section 103.3, the County Planning Director shall:

- A. Forward copies of the complete application to the proper agencies, departments or other appropriate individuals or organizations for review and report. Such agencies, departments, individuals or organizations shall review the application and submit a recommendation to the County Planning Director within the required time from the date the application is deemed complete. These agencies may have additional requirements, in addition to these Regulations, if the agency determines such requirements are necessary to promote the public health and safety.
  1. The County Engineer within the Public Works Department shall review all proposed minor subdivisions.

2. The Sanitary Engineer within the Department of Public Works shall review a proposed minor subdivision when the proposed subdivision is to be serviced by public water and/or public sewer.
  3. The Health Department shall review a proposed minor subdivision where existing public water and/or sewer services are not provided to determine whether or not the proposed lot(s) are adequate for on-site water and/or sewer system(s).
- B. Review the proposed subdivision and reports submitted by the above entities to determine whether or not the subdivision is contrary to applicable platting, subdividing, zoning, health, sanitary, or access management regulations or regulations adopted by the County Executive and County Council under ORC § 307.37 regarding existing surface or subsurface drainage, including, but not limited to rules governing household sewage disposal systems.

### **SECTION 103.6 DESIGN STANDARDS**

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- A. All minor subdivision shall conform to applicable Township regulations and standards.
- B. If a minor subdivision occurs within a larger subdivision, all lots within that minor subdivision shall conform to the design standards and Home Owners Association requirements approved within that larger subdivision.

### **SECTION 103.7 COUNTY PLANNING DIRECTOR ACTION**

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- A. If the application is found in compliance with these regulations, the County Planning Director shall approve the proposed subdivision within the applicable timeframe listed in Division B. of this Section and, on presentation of a conveyance of the parcel, shall stamp the conveyance "Approved, Cuyahoga County Planning Commission, No Plat Required" and shall sign the conveyance.
- B. A proposed minor subdivision subject to approval in accordance with this Chapter shall approve or disapprove within seven (7) business days after submission of a complete application.
- C. An approved and stamped conveyance shall be returned to the applicant.
- D. If an application is disapproved, the applicant shall be notified in writing by the County Planning Director as to the reasons for disapproval.

### **SECTION 103.8 RECORDING**

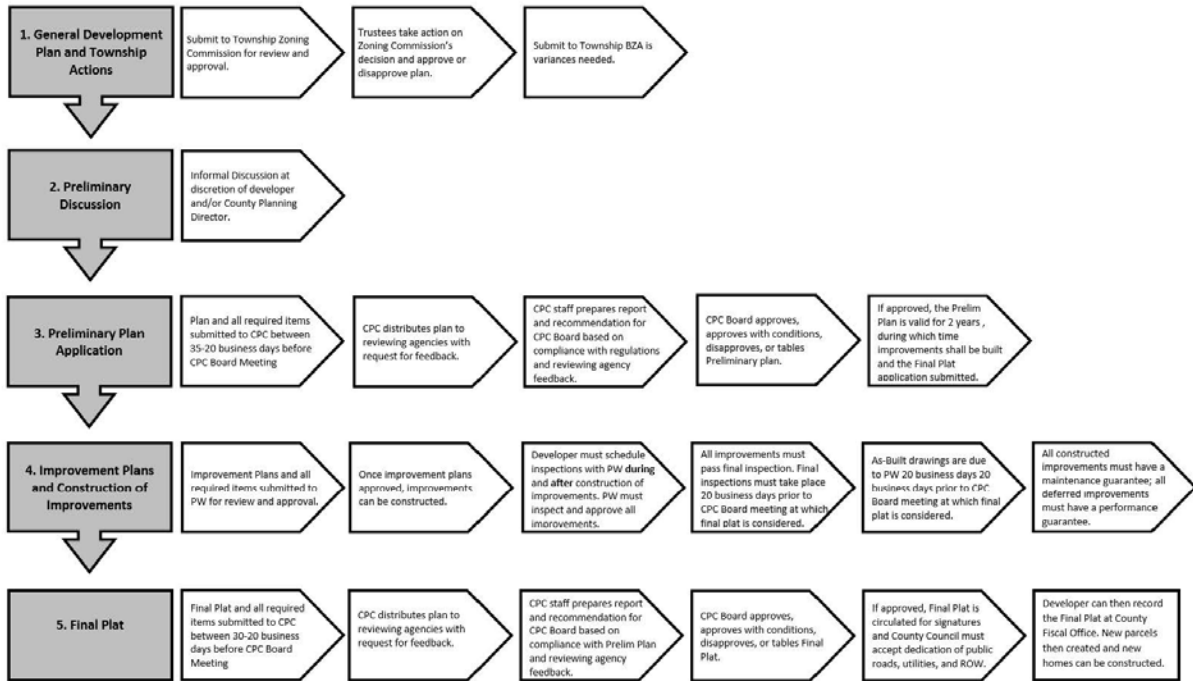
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The applicant shall record the approved and stamped conveyance with the Cuyahoga County Fiscal Office within thirty (30) days from the date of approval; otherwise the Final Plat of the subdivision shall be updated before it is recorded to comply with County Conveyance standards if there have been any changes in ownership.

### **SECTION 103.9 FEES AND WITHDRAWAL PROCEDURE**

Once a complete application is submitted, fees shall be non-refundable. Prior to the County Planning Director's action, any submitted application may be withdrawn by written request. A withdrawn application shall become void, requiring a new application and fee for further consideration.

### Major Subdivision Flowchart



# **CHAPTER 104. MAJOR SUBDIVISIONS**

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## **SECTION 104.1 PURPOSE**

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The purpose of this Chapter is to establish procedures authorized by ORC §711.10, as may be amended, that shall be followed for the review, approval and recording of major subdivisions within the unincorporated portions of Cuyahoga County, and to ensure that all major subdivisions have the appropriate available supporting infrastructure and are consistent with all applicable zoning regulations, policies, standards, and applicable requirements of the township and the applicable requirements of County Public Works, including the County Engineer and the County Sanitary Engineer, County Health Department, and the County Planning Commission.

## **SECTION 104.2 ACTIONS GOVERNED BY SUBDIVISION CODE – SUMMARY OF REVIEW PROCEDURES**

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Major subdivisions as herein defined shall be reviewed in four steps: preliminary discussion, Preliminary Plan, Improvement Plan, and the Final Plat.

- A. The Preliminary Discussion allows the applicant to meet with appropriate reviewing authorities to discuss the proposed subdivision in relation to these Regulations, as well as existing conditions and future planning. Further Preliminary Discussion guidelines are contained in Section 104.4 hereof.
- B. The Preliminary Plan requires the applicant to present all information needed to determine that the proposed subdivision satisfies all of the requirements hereof and will serve the public interest. Further Preliminary Plan guidelines are contained in Section 104.5 hereof.
- C. The Improvement Plan requires the applicant to present improvement or construction plans to Public Works (for review of both the County Engineer and the County Sanitary Engineer), the township, the County Health Department as appropriate and other agencies deemed necessary by the County Planning Commission to obtain the needed approvals. Further Improvement Plan guidelines are contained in Section 104.6 hereof.
- D. The Final Plat requires the applicant to present all data needed to determine that the subdivision fully complies with these Regulations. Further Final Plat guidelines are contained in Section 104.7 hereof.

### **SECTION 104.3 DETERMINATION OF COMPLETENESS**

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- A. All subdivision applications at every stage, including the Preliminary Plan stage, the Improvement Plan stage, and the Final Plat stage shall be complete before acceptance for review and decision-making. A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.
- B. If the application is deemed insufficient, the applicant shall be notified of the deficiencies.
- C. When the application is determined complete and all applicable fees have been paid, the application shall be considered submitted and ready for review.

### **SECTION 104.4 PRELIMINARY DISCUSSION**

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#### **104.4 (I). Purpose**

Prior to submitting an application for preliminary plan review, a subdivider interested in subdividing land into a major subdivision is encouraged and may be required to submit to the County Planning Director a preliminary discussion sketch with the requisite number of copies for distribution as specified by the County Planning Director prior to the submission of a preliminary plan. The preliminary discussion sketch should contain all information listed in Section 104.4 (II) of these Regulations. At the request of the applicant, or at the discretion of the County Planning Director, the County Planning Director shall schedule a preliminary discussion meeting with appropriate subdivision review officials. Copies of the sketch, if any, will be sent to County Public Works, the County Health Department, the Cuyahoga Soil & Water Conservation District, and appropriate township officials. The purpose of the preliminary discussion meeting is to provide advice and assistance concerning the proposed subdivision so the subdivider may prepare the more detailed preliminary plan.

#### **104.4 (II). Preliminary Discussion Sketch**

The Preliminary Discussion Sketch should include sufficient information depicting the following:

- A. Location, tract boundaries, township, north arrow and scale.
- B. The boundaries of the entire property proposed to be subdivided and all contiguous parcels of land under the same ownership, and indicating the relationship to existing and planned highways and streets in the surrounding area.
- C. The proposed location of streets and lots within the area proposed to be subdivided.
- D. Sites for other uses such as multi-family dwellings, shopping facilities, churches, industry, or other uses, exclusive of single family dwellings, and the general location and identification of all



proposed or preserved features on the site labeled by proposed use, including areas for open space and water quality or quantity management areas.

- E. An indication of how sewage disposal and water supply will be provided.
- F. The location of existing utility transmission lines and easements on the proposed subdivision site as well as the location of existing utility transmission lines and easements located on parcels within 200 feet of the site that relate to the proposed site.
- G. The site's existing zoning district with information on the minimum lot size requirements.
- H. The existing topography from existing County topography records of the proposed subdivision site as well as the area within 200 feet of the site.
- I. A copy of the Cuyahoga County Soil Survey sheet covering the land area within the subdivision and the adjoining 200 feet.
- J. A copy of the National Wetlands Inventory Map, Ohio Wetlands Inventory or other county wetlands map, or a copy of a privately prepared wetland delineation for all the remaining areas, or its most recent replacement that covers the land area within the subdivision and the adjoining area within 200 feet of the proposed subdivision site.
- K. The location of all watercourses and potential wetlands and their required setbacks projected onto the preliminary discussion sketch.
- L. The name, address, and telephone number of the applicant.
- M. The name and address of the owner of the property to be subdivided.
- N. The date of preparation of the preliminary discussion sketch.
- O. All proposed modifications.

## **SECTION 104.5 PRELIMINARY PLAN**

The Preliminary Plan provides a review process by which County, Township and other appropriate agencies can ensure conformance with the Cuyahoga County Land Development Regulations, Township Zoning Regulations and other applicable legislation as it relates to lot layout, extension of public infrastructure, and conformance with County and Township stormwater control requirements.

Before any plat of lands will be considered or approved by the County Planning Commission, the applicant shall file with the County Planning Director a Preliminary Plan for review and action by the Cuyahoga County Planning Commission.

### **104.5 (I). Preliminary Plan Submission Procedure**

- A. The Preliminary Plan and all required forms and fees must be submitted at least 20 business days but not more than 35 business days before the scheduled meeting of the County Planning

Commission at which the Preliminary Plan will be considered. Completed applications submitted more than 35 business days before the next scheduled meeting shall not be accepted.

- B. The submission date shall be the date that a complete application is submitted for review according to Section 104.3. Once a determination of completeness has been established, the Preliminary Plan be placed on the County Planning Commission's agenda.
- C. The Preliminary Plan application, including required elements, shall be submitted in the form required by Section 104.5 (II) hereof, together with such other data that has been identified at the preliminary discussion stage as being necessary to review the subdivision proposal.
- D. The Preliminary Plan shall encompass the entire parcel, all contiguous parcels of land under the same ownership as the parcel on which the subdivision is proposed, and the adjoining area within 200 feet of the proposed subdivision site, except as otherwise provided in Section 104.9.

#### **104.5 (II). Preliminary Plan Submission Requirements**

- A. **Timeframe:** The Preliminary Plan and all required forms and fees must be submitted at least 20 business days but not more than 35 business days before the scheduled meeting of the County Planning Commission.
- B. **Forms and Fees:** A completed *APPLICATION FOR PRELIMINARY PLAN APPROVAL* form and application fee are due at the time of submittal to the County Planning Commission. Additional fees will be required at the Improvement Plan stage for review of Improvement Plans.
  - 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 of the registered surveyor platting the tract.
  - 2. The proposed name of the subdivision shall not duplicate the name of any other subdivision already in use in the County.
  - 3. The *APPLICATION FOR PRELIMINARY PLAN APPROVAL* form is set forth by the County Planning Director. The fee schedule is contained within the Appendix hereof.
- C. **Scale:** The Preliminary Plan shall be at a scale of 1" = 100'. The minimum sized sheet shall be at least 11" x 17" and the maximum sized sheet shall be 24" by 36". Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.
- D. **Copies:** Five paper copies and one electronic copy shall be submitted at the time of submittal.
- E. **Information included in the Preliminary Plan:** The Plan shall be accurately and clearly drawn showing the following:
  - 1. The entire parcel, all contiguous parcels of land under the same ownership as the parcel on which the subdivision is proposed, and the adjoining area within 200 feet of the proposed subdivision site, except for a phased subdivision as provided in Section 104.9.

2. Vicinity Map: A vicinity map showing the relationship of the proposed subdivision to the adjacent area.
3. Identification:
  - a) The proposed name of the subdivision, township, tract or original lot or Section number.
  - b) The names, addresses, and telephone numbers of the applicant, and the professional engineer or firm who prepared the plan.
  - c) The permanent parcel numbers of the property and the permanent parcel numbers and names of the owners of property contiguous to and directly across the street from the proposed subdivision.
  - d) Scale 1" = 100' (or otherwise authorized by Director), north arrow, date of Preliminary Plan and revisions, date of survey, with a sheet size of 22" by 34".
  - e) All adjacent property owned by the Applicant.
4. Existing Data. Data required for parcels that are adjacent to the proposed subdivision site shall be based on publicly available information:
  - a) Boundary Line Survey - showing bearings, distances, and acreage as surveyed by a Registered Surveyor.
  - b) Easements – showing the location, width, purpose and name of the party or parties that has/ have been granted easement rights, and the AFN number.
  - c) Streets on and adjacent to the subdivision - names, locations, right-of-way, and roadway width.
  - d) Utilities on and within 200 feet of the subdivision - location and size of sanitary and storm sewers (both mainline and connections) location and size of water mains (both mainline and connections), location of existing stormwater management features, location of gas lines, fire hydrants and utility poles.
  - e) Existing topography of the subdivision at two-foot contour intervals and based upon sea-level datum.
  - f) Subsurface conditions of the subdivision - any conditions that are not typical such as abandoned mines or wells.
  - g) Other conditions of the subdivision and of adjacent land within two hundred feet:
    - Waterbodies, watercourses, and associated riparian areas,
    - Wooded areas,
    - Structures and buildings,
    - Railroad lines,
    - Power lines and towers,
    - Land use and adjacent zoning district boundaries,
    - Owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, plat book, and pages),

- All land areas located in a 100 year floodplain without being limited to the FEMA maps,
  - Oil and/or gas wells, storage tanks and separator units; including the distances of these facilities from existing or proposed property lines, existing or proposed streets and existing or proposed habitable buildings.
- h) Soils and Wetlands. The following shall be identified and the boundaries generally delineated on the Preliminary Plan to the extent required by the Water Management and Sediment Control Regulations:
- detailed soils,
  - any jurisdictional wetland area(s) under the purview of the U.S. Department of the Army, Corps of Engineers and/or Ohio EPA,
  - The source(s) of information pertaining to detailed soils and wetlands (if any) within the subdivision shall be documented on the plan.
  - Such required information shall be based upon an on-site investigation conducted by a qualified professional pedologist (soils scientist), professional geotechnical engineer, or professional wetland scientist and a copy of the report(s) and other documentation prepared by the owner's consultant shall be submitted. Applicant shall obtain a Preliminary or Approved Jurisdictional Determination from the US. Army Corps of Engineers.
- i) The location and description of all existing benchmarks, monuments, iron pipes or pins found and those set in the subdivision.
- j) The name of the zoning district, minimum lot size, and setback requirements, including riparian and wetland setbacks as applicable.
- k) Planned public improvements -- highways or other major improvements planned by public authorities for future construction on or within 200 feet of the subdivision.
- l) The location of existing on-site sewage treatment systems and private water systems.
5. Proposals:
- a) Proposed streets identified by name or by a letter designation, right-of-way widths, pavement widths, and centerline geometrics.
  - b) Other rights-of-way or easements with location, width, and purpose.
  - c) Lots including number of each lot, dimensions, and area of all lots.
  - d) Front building setback lines as required by zoning.
  - e) Land within the subdivision not to be divided into lots, with indication of proposed use and designated by letter.
  - f) Sites for other uses such as multi-family dwellings, shopping facilities, churches, industry, or other uses, exclusive of single family dwellings.
  - g) Total site data including acreage, number of residential lots, typical lot size and acres in parks, open space, and other public uses.

- h) The approximate location of stormwater management, water quality and/or erosion and sediment control structures, including riparian and wetland setback areas, and other permanent BMPs and a description of control procedures.
  - i) The approximate location of storm and sanitary sewers and water lines.
  - j) The approximate location and size of drainage structures.
  - k) All areas where the natural topography is to be modified outside a public right-of-way.
  - l) The approximate location of any proposed on-site sewage treatment systems and private water systems.
- 6. Project Phasing Plan. A phasing plan and schedule identifying the separate phases of the construction and platting of the subdivision in compliance with Section 104.9 shall be submitted if there will be more than one Final Plat submitted for the entire subdivision.
- 7. Zoning Application. A copy of the application submitted to the township zoning department indicating that zoning review and action for the project is underway, if required.
- F. Preliminary Stormwater Management Plan as required in Article 2 Water Management and Sediment Control Regulations. A Preliminary Plan and calculations demonstrating the feasibility of compliance with the Cuyahoga County Water Management and Sediment Control Regulations and meeting the current EPA NPDES rules and regulations on the project site. Any and all Township Stormwater requirements should also be completed and submitted to the Township.
- G. If the Department of Public Works deems necessary to ensure the site is suitable for development proposed, Public Works may require a hydraulic study, such as a SWMM, to be submitted and reviewed prior to submitting a recommendation of approval, conditional approval, or disapproval to the County Planning Commission. This study shall be signed and sealed by a professional engineer in the State of Ohio.
- H. Preliminary Grading Plan. A plan showing conceptually how the site will be graded and the resulting relationship to the surrounding properties.
- I. Traffic Impact Study prepared by a registered professional engineer in the State of Ohio with experience in traffic impact studies, indicating the impact of future traffic on the existing and proposed roadway system, when required for the subdivision as determined by the County Engineer.
- J. Preliminary Documents Governing Maintenance and Control of Common Areas. For sites with land reserved for common use of property owners, a description of any proposed covenants, conditions and restrictions shall be submitted. Said description shall include:
  - 1. Documents providing for the establishment of any community association or homeowner's association with provision for association membership and responsibility as set forth in Section 104.8.

2. The construction, administration, and maintenance of all proposed common property, common facilities and common lands as set forth in Section 104.8.
  3. All elements of the subdivision proposed to be held in common ownership.
  4. A description of the enabling declaration; the declaration of covenants, conditions and restrictions, the articles of incorporation; and the corporate by-laws.
- K. Other information: Any other information identified at the preliminary discussion meeting necessary to review adequately the subdivision proposal.
- L. Field Review: The subdivider shall place a field stake at the right-of-way of the existing street, at its intersection with the center line of all proposed streets.
- M. Modifications: If a modification of any requirements of these Regulations is requested, then the applicant shall submit a formal request in writing to the County Planning Commission according to the provisions set forth in Section 107.4.

#### **104.5 (III). Administrative Review of Preliminary Plan**

- A. Within five calendar days of the submission of a complete application as defined by Section 104.3 and in accordance with the provisions of Section 104.5 (I) hereof, the County Planning Commission staff shall place the Preliminary Plan on the County Planning Commission's agenda and shall distribute the application and accompanying plans, as well as the County Planning Commission's meeting notice to the following agencies, officials, and staff (hereafter referred to as the Reviewing Entities) for their review and comment:
1. County Public Works office: County Engineer, Sanitary Engineer
  2. County Board of Health (if subdivision involves septic tanks)
  3. Cuyahoga Soil and Water Conservation District
  4. All Township Trustees, Township Fiscal Officer, Zoning Commission Chair and/or Secretary, Township Building Department and Township Zoning Inspector
  5. Township Fire Department
  6. Township Police Department
  7. ODOT, when applicable according to Section 104.5 (IV)
  8. The Northeast Ohio Regional Sewer District
  9. The City of North Olmsted, only if the new subdivision falls within the North Olmsted sanitary sewer service area
  10. Other officials, agencies, and utility providers who pursuant to ORC §711.10 may have an interest in the proposed subdivision development as determined by the County Planning Director.
- B. The notice shall include the date, time and location of the meeting at which the County Planning Commission will consider and act upon the Preliminary Plan application, and the date by which review comments shall be received for consideration in the County Planning Director's recommendation for action.

- C. The County Planning Commission staff shall review the Preliminary Plan application for compliance with these Regulations.
  - 1. Any Reviewing Entity receiving the Preliminary Plan application may submit comments to the County Planning Commission staff. If a Reviewing Entity does not provide written comments to the County Planning Commission staff within the time noted on the notice, the County Planning Commission staff shall note that such Reviewing Entity has submitted no response and the County Planning Commission may issue a decision without consideration of such Reviewing Entities' comments.
  - 2. During the course of its review, staff may meet with the applicant to review its evaluation, and the applicant may revise the Preliminary Plan in response to staff's comments.
  - 3. The County Planning Commission staff shall compile and summarize the comments received from Reviewing Entities.
- D. The County Planning Director shall submit a report and recommendation for action to the County Planning Commission.

#### **104.5 (IV). Referral to Ohio Department of Transportation**

- A. In compliance with ORC § 5511.01, before any plat is approved affecting any land within 300 feet of the centerline of a proposed new state highway or state highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (ODOT) or within 500 feet from the intersection of an existing public road with said centerline, the County Planning Commission at such time when the Preliminary Plan is filed shall give notice, by registered or certified mail, to the ODOT director.
- B. Notwithstanding Section 104.5 (V)F, the County Planning Commission shall not approve the plat nor shall any construction begin for a period of 120 days from the date the notice is received by the ODOT director.
- C. During the 120-day period or any extension agreed to by the ODOT director and the property owner, the Department of Transportation shall proceed to acquire any land needed for the highway improvement, or shall make a finding that acquisition, at such time, is not in the public interest.
  - 1. If the ODOT director notifies the County Planning Commission that ODOT has purchased or has initiated proceedings to appropriate the land needed, the Commission shall refuse to approve a plat that includes the land that the ODOT director has purchased or has initiated proceedings to appropriate.
  - 2. If ODOT determines that acquisition, at that time, is not in the public interest or after the 120-day period has elapsed, the County Planning Commission shall proceed to approve or disapprove the plat in the manner specified in these Regulations.
- D. If the applicant so desires, the County Planning Commission may give tentative approval and allow the applicant to proceed with development of a Final Plat. However, the applicant shall

acknowledge in writing that he/she proceeds at his/her own risk and the tentative approval will be withdrawn if the ODOT Director proceeds to acquire the land.

#### **104.5 (V). Public Meeting on Preliminary Plan: County Planning Commission Review and Action**

The County Planning Commission shall consider the application at a public meeting as provided by its rules and regulations for the holding of such meetings. The County Planning Commission shall notify the applicant in writing of the time and place of said meeting at least five calendar days prior thereto.

- A. The County Planning Director shall present the complete application, staff report and recommendation for action to the County Planning Commission at the public meeting. The applicant and the general public shall be permitted the opportunity to provide comments regarding the application. The County Planning Commission and the applicant may call experts to answer questions, address evidence presented at the public meeting and provide additional comment.
- B. Upon consideration of the planning standards contained herein, the recommendation of the County Planning Director, and evidence presented at the public meeting, the County Planning Commission shall take one of the following actions on the application:
  - 1. Approve the application as submitted,
  - 2. Approve the application with specific conditions or modifications,
  - 3. Disapprove the application, or
  - 4. Table the application at the request of the applicant to allow the applicant time to provide more information or to revise the application. The applicant shall agree in writing to waive the 35 business day time period set forth in Section 104.5 (V)F of these regulations.
- C. In order to approve a Preliminary Plan application, the County Planning Commission shall find that:
  - 1. The application meets the standards and requirements of the Subdivision Regulations.
  - 2. The Township has determined the application, including the phasing plan (if any), meets the requirements of all township regulations.
  - 3. The County Public Works Sanitary Engineering Division has determined the subdivision will be adequately serviced by central water and sanitary sewer subject to approval of detailed plans.
  - 4. The County Public Works Engineering Division has determined the Preliminary Plan for streets, stormwater management and natural drainage ways protection is acceptable subject to the approval of more detailed construction drawings; and that the subdivision



will be adequately serviced by central water and sanitary sewer subject to approval of detailed plans.

- D. If the County Planning Commission disapproves the application, the reasons for such disapproval shall be stated in writing.
- E. The County Planning Commission's decision shall be noted on the application form and on the submitted Preliminary Plan, and a copy returned to the applicant. The decision shall also be entered on the official records of the County Planning Commission and a copy of the Preliminary Plan and action taken shall be kept on file with the County Planning Commission. Notice of the decision shall be sent to all review agencies and the Township.
- F. The County Planning Commission's decision shall be issued within 35 business days from the date the application is submitted as a complete application, unless additional time is required according to Section 104.5 (IV), the applicant has agreed to an extension or is otherwise required by law.

#### **104.5 (VI). Effect of Approval**

- A. Approval by the County Planning Commission of any Preliminary Plan is revocable and shall not constitute acceptance of the Final Plat of the proposed subdivision, but is to be considered only as approval of the subdivision's proposed layout, with the understanding that the Reviewing Entities defined in 104.5 (III) will respectively examine the grades of streets and types of improvements, the layout of drainage and sewage systems, measures to manage and control water quantity, water quality and sediment, the water distribution system as proposed, and may direct any engineering or construction details, whenever required for the protection of the public interest.
- B. A Preliminary Plan approved by the County Planning Commission is a general plan and guide to the preparation of the more detailed Improvement Plans and Final Plat(s). The approval of the Preliminary Plan shall be effective for a period of two years (except as otherwise permitted in Divisions C and D of this section), during which time Improvement Plans shall be submitted and approved, and Improvements shall be installed and inspected according to Section 104.6. The approved plan shall not be affected by any changes in these Regulations during the approval period. (Res. 101209-C, effective 12/16/10)
- C. Final plat (see Section 104.7) approval shall be obtained during the two-year Preliminary Plan approval period, unless the County Planning Commission approves a written request for extension from the applicant filed prior to the Preliminary Plan expiration date.
  - 1. The County Planning Commission may at its discretion approve requests for extensions for up to two years provided that the existing township and/or county regulations applicable to the Preliminary Plan have not changed since the date the Preliminary Plan was approved. No more than two (2) extensions shall be approved for any Preliminary Plan.

2. Upon expiration of a Preliminary Plan approval, no approval of a Final Plat shall be given until the Preliminary Plan has been resubmitted and approved as a new Preliminary Plan. Such resubmission of an expired Preliminary Plan shall be subject to all zoning, subdivision and other regulations that are in effect at the time the new Preliminary Plan application is submitted. (Res. 101209-C, effective 12/16/10)
- D. For multi-phased subdivisions that are submitted and approved in accordance with Section 104.9, Final Plat approval for at least the first phase shall be obtained within two years of the Preliminary Plan approval of the first phase or overall plan. At the time of phase one Final Plat approval, approval of the next phase's Preliminary Plan may be extended by County Planning Commission resolution for up to two additional years to allow continued construction of the next phase of improvements according to the Preliminary Plan. (Res. 101209-C, effective 12/16/10) If more than 2 years occur between applications of Preliminary Plan for successive phases in a phased subdivision, the Master Subdivision and phasing plan will need to be renewed and may be subject to any new regulations that have been adopted in the interim.

## **SECTION 104.6 IMPROVEMENT PLANS**

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Once a Preliminary Plan is approved, the applicant shall submit Improvement Plans, including a comprehensive stormwater management and sediment control plan, for review. The Final Plat shall not be approved nor construction of any improvement begun until the Improvement Plans have been approved by the appropriate Reviewing Agencies according to the regulations set forth in this Chapter. The applicant shall follow the procedures below and in Chapter 105, and shall design improvements in accordance with Chapter 106.

### **104.6 (I). Improvement Plan Submission Procedure**

- A. The applicant shall submit an application for review, the initial County Public Works application fee, and the Improvement Plans for review to the County Public Works Department. The application form is set forth by the Department of Public Works. The fee schedule is contained within the Appendix hereof.
- B. Improvement plans may be submitted prior to the approval of a Preliminary Plan but will not be reviewed until the Preliminary Plan has been approved by the County Planning Commission and Improvement Plan fees have been submitted to Public Works. If Improvement Plans are submitted prior to approval of the Preliminary Plan, the 20-business day review period will begin one business day *after* County Planning Commission approval is given.

### **104.6 (II). Improvement Plan Submission Requirements:**

- A. Forms: For each set of Improvement Plans, an *APPLICATION FOR IMPROVEMENT PLAN APPROVAL* form shall be submitted.

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, the engineer, and the registered surveyor platting the tract.
  2. The *APPLICATION FOR IMPROVEMENT PLAN APPROVAL* form is set forth by the Department of Public Works.
- B. Fees: The fee schedules are available in the Appendix hereof. Fees are due to the County Department of Public Works at the time of submittal for each set of Improvement Plans.
1. An Agreement is necessary to be executed between the County and the Developer to obtain his or her concurrence regarding responsibilities of payment of the fees.
  2. Fees for Roadway, Roadway Drainage, Traffic Control, Site Grading, Landscaping, Sanitary Sewer Improvement Plans, and any other work necessary are to cover expenses incurred by County Public Works for the review of plans and post construction inspections, including maintenance guarantee inspection period as defined in Chapter 105, and coordination of repair work.
  3. Fee for Stormwater Management Plans is to cover plan review and field inspection as required in the Cuyahoga County Land Development Regulations, Article II (Water Management and Sediment Control Regulations), post construction inspection and coordination of required repair work related to the stormwater management and sediment control aspects of the proposed subdivision through the maintenance and/or performance guarantee periods, as defined in Chapter 105.
  4. An initial County Public Works fee based on a percentage of the certified construction costs of the entire proposed subdivision improvement (without the costs involved with any proposed sanitary sewer work) will be due with the "Application for Improvement Plan approval" form. As part of the determination of this fee, the developer shall provide a construction cost estimate signed and sealed by a professional engineer licensed in the State of Ohio. This initial County Public Works fee must be paid by the developer with a check or money order made out to the Cuyahoga County Treasurer.
  5. The Fees charged will be for the actual hourly rates of the individuals working on the subdivision plus fringe benefit cost. All other additional direct costs incurred beyond these hourly rates, such as professional services, other Governmental Agency Fees, etc. will be billed at actual county cost for those services.
  6. The County Public Works will prepare periodic summary of costs and will invoice those costs to the developer. The Developer shall be responsible to pay those invoices prior to approval of Improvement Plans, approval of the Final Plat, or the release of performance of maintenance guarantees. Initial funds deposited by the Developer will be used for payment of invoices first.

7. Any unused portion of deposit(s) collected shall be refunded to the Subdivider/Developer upon his or her completion or early termination of the subdivision activities.
  8. Once the initial deposit of funds from the developer have been depleted, then periodic invoices will be sent to the developer from County Public Works which are due upon receipt.
  9. As part of the fees due to County Public Works, the Developer will be responsible for any costs incurred after Final Plat approval for monitoring and enforcement of the Stormwater Management Plan, and the sediment control aspects of the proposed subdivision, monitoring and enforcement of the maintenance and performance guarantees, monitoring any construction activity and other subdivision related activities related to the completion of the Subdivision improvements. To recoup these costs, County Public Works will send a bill to the Developer on a quarterly basis until all monitoring and enforcement activities relative to the subdivision have been completed/finalized.
  10. All Fees to date must be paid prior to approval of Improvement Plans or approval of the Final Plat by the County Engineer. Costs invoiced after approval of the Final Plat shall also be paid by the developer prior to the release of performance or maintenance guarantees.
- C. Copies: Five paper copies and one electronic copy of each Improvement Plan shall be submitted for each set of Improvement Plans.
- D. Improvement Plans: Improvement Plans shall be submitted in the form specified by the County Engineer's Improvement Requirements, and shall be accurately and clearly drawn and include the following:
1. Title Sheet.
  2. Index: An index of the sheets contained in the Improvement Plans.
  3. Storm drainage, sanitary sewer and waterwork plans: all in accordance with the Uniform Standards for Sewerage Improvements and Uniform Standard Sewer Details latest edition.
  4. Plans and profiles: all in accordance with the County Engineer's Improvement Requirements.
  5. Stationing and benchmarks: all in accordance with the Cuyahoga County Conveyance Standards.
  6. Typical sections: all in accordance with the County Engineer's Improvement Requirements.
  7. Construction details and notes: all in accordance with the County Engineer's, County Sanitary Engineers' or any other governing agency's requirements/standards.
  8. Cross sections: all in accordance with the County Engineer's Improvement Requirements.

9. Traffic Control Plan indicating the type of traffic control devices to be erected and street markings to be made.
  10. Street Lighting Plan; in accordance with these regulations.
  11. Street Tree Planting Plan; in accordance with these regulations.
  12. Stormwater Management Plan and a Stormwater Pollution Prevention Plan: The applicant shall submit a Stormwater Management Plan and a Stormwater Pollution Prevention Plan to County Public Works, who will forward to the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District for review and approval. The Soil and Water Conservation District shall submit their recommendation for approval or disapproval of the Stormwater Management Plan and the Stormwater Pollution Prevention Plan to County Public Works and the County Planning Commission for consideration.
  13. Any and all Township Stormwater requirements must also be submitted to the respective Township.
- E. When a phasing plan has been approved as part of the Preliminary Plan, the improvements may be constructed in phases in accordance with the provisions set forth in Section 104.9.
  - F. All improvements, including water management controls, shall comply with the approved Preliminary Plan including approved phasing plan.
  - G. No construction shall commence for any improvement until all Improvement Plans have been approved in writing by the County Engineer and the County Sanitary Engineer.
  - H. Construction of the improvements required for Final Plat approval, as set forth in Section 104.7, shall be completed within the time frame of the approved Preliminary Plan. In the event construction of such improvements will extend beyond the approval period of the Preliminary Plan, a time extension for the Preliminary Plan approval shall be required in compliance with Section 104.5 (VI) C and D.

#### **104.6 (III). Administrative Review of Improvement Plans**

- A. Once each set of Improvement Plans, along with the appropriate application form and fee according to Section 104.6 (II), has been submitted, the plans will be circulated to appropriate staff within Public Works as well as third party consulting agencies (such as the Cuyahoga Soil and Water Conservation District).
- B. Within 20 business days of the submission of a complete Improvement Plan application as defined by Section 104.3, County Public Works staff will notify the applicant in writing if the Improvement Plan is approved or needs to be modified.
- C. If approved, the applicant may begin construction of the corresponding improvement.

#### **104.6 (IV). Inspection Of Improvements During Construction**

The subdivider or his or her contractor shall not proceed with any construction unless arrangements have been made with the Cuyahoga Soil and Water District or other agent designated by the local authority for matters of water management and sediment control, the County Sanitary Engineer's office in matters of storm and sanitary sewers and the County Engineer's office in matters of road and sidewalk improvements to have a County Inspector on the job during construction. The cost of such inspections shall be borne by the subdivider or his or her contractor according to the fee schedule adopted by County Public Works.

For multi-phased subdivisions, final approval of completed improvements will not be given to the subdivider until all the grading of the overall subdivision (as required/specified in the approved Improvement Plans) has been completed, inspected, and approved by County Public Works. This grading must be approved prior to any roadway infrastructure being constructed. The cost of any required inspection to approve this grading shall be borne by the subdivider or his/her contractor according to the fee schedule adopted by County Public Works.

#### **104.6 (V). Inspection of Completed Improvements and As-Built Submittal**

Upon completion of all improvements required to be constructed prior to Final Plat approval, the subdivider shall request, in writing, inspections by the County Engineer's office, the County Sanitary Engineer's office, and the Township. Such inspections may include core borings and related structural tests with respect to paving improvements, internal pipe inspection and/or performance tests, photography, and interpretation of the result thereof with respect to sewer improvements.

- A. Final inspections must occur at least 20 business days before the scheduled meeting of the Cuyahoga County Planning Commission at which the Final Plat will be considered.
- B. If such final inspections for street improvements are found to be in accordance with the specifications set forth on the approved Improvement Plans and Final Plat, and are in good repair, then such finding, endorsed on the plat by the County Engineer's office in the space provided, shall constitute that Office's approval of the street for dedication and acceptance by the County.
- C. Likewise, if such final inspections for storm and sanitary sewer improvements are found to be in accordance with specifications set forth on the approved Improvement Plans and Final Plat, and are in good repair, then such findings shall be endorsed on the Final Plat by the County Sanitary Engineer in the space provided.
- D. If County Public Works finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the approved Improvement Plans, the applicant shall be responsible for properly completing the improvements, including the permanent or temporary stabilization of disturbed areas.
- E. "As-Built" requirements:

1. Once the installation of the improvements is complete, and at least 20 business days before the scheduled meeting of the County Planning Commission at which the Final Plat will be considered, the subdivider shall furnish County Public Works office with a copy of "as-built" drawings that show the exact location of such improvements, and demonstrate that all public improvements are built in accordance with the approved Improvement Plans for the subdivision. Any drawings of the "as-built" utilities shall be certified as accurate by the subdivider. The subdivider shall also provide State Plane coordinates for all sanitary and storm manholes, storm catch basins and sanitary and storm tees to document their locations. Horizontal coordinates are to be Project Grid coordinates expressed in U.S. Survey feet based on the Ohio State Plan Coordinate System, north zone and reference the North American Datum of 1983 (NAD 83) and the 2011 Cors Adjustment. The County Public Works Department shall not recommend approval of the Final Plat until the subdivider has submitted the "as-built" drawings and the drawings have been determined to be acceptable.
  2. Principal items to be certified on the "as-built" drawings are to include: street grades, pavement compositions, bridges (construction, location, etc.), culverts, traffic control (street signage, striping, signalization), guard rail, sidewalks, storm sewer system (shall meet "County Water Management and Sediment Control Regulations"), stormwater management facilities, sanitary sewer system, water system, landscaping, roadway, seeding, site grading, survey monumentation, street lighting.
  3. If the "as-built" drawings differ from the original design of the corresponding approved Improvement Plans, County Public Works will evaluate the impacts of this difference on the subdivision and surrounding area. This evaluation will determine the acceptability of said "as-built" drawings.
  4. For all improvements that have been deferred until after Final Plat approval, as permitted in Section 105.2, "as-built" drawings must be submitted for review and approval by County Public Works prior to the release of any associated performance guarantees.
- F. In addition to requiring approval by County Public Works for public use, the right-of-way of all streets proposed to be dedicated for public use shall also be accepted by resolution by the County Council with such acceptance shown on the subdivisions Final Plat.

## **SECTION 104.7 FINAL PLAT**

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The Final Plat is the legal document that is recorded with the County Fiscal office. The sale of subdivided lots can only proceed after this recording. The primary purpose of the Final Plat is to delineate property boundaries and to describe and dedicate rights-of-way and easements.

Before any plat of lands will be considered or approved by the County Planning Commission, the applicant shall file with the County Planning Director a Final Plat for review and action by the Cuyahoga County Planning Commission.

#### **104.7 (I). Final Plat Submission Procedure**

- A. The Final Plat and all required forms and fees must be submitted to the County Planning Commission staff at least 20 business days but no more than 30 calendar days prior to the scheduled meeting of the County Planning Commission. Completed applications submitted more than 30 calendar days before the next scheduled meeting shall not be accepted.
- B. The submission date shall be the date that a complete application is submitted for review according to Section 104.3. Once a determination of completeness has been established, the Final Plat be placed on the County Planning Commission's agenda.
- C. The Final Plat application, including required elements, shall be submitted in the form required by Section 104.7 (II) hereof, together with such other data that has been identified during the Preliminary Plan stage and the Improvement Plan stage as being necessary to review the subdivision proposal.
- D. The Final Plat shall conform to the approved Preliminary Plan and shall address all conditions of Preliminary Plan approval.
- E. When a phasing plan has been approved as part of the Preliminary Plan, a subdivision may be submitted for Final Plat approval in consecutive phases in accordance with the approved phasing plan.

#### **104.7 (II). Final Plat Submission Requirements**

Following approval of the Preliminary Plan and Improvement Plans and the construction of improvements, the applicant shall submit an application for Final Plat Review.

- A. **Timeframe:** The Final Plat and all forms and fees listed below must be submitted at least 20 business days before the regularly scheduled meeting of the County Planning Commission.
  - 1. The submission date shall be the date that a complete application is submitted for review according to Section 104.3. Once a determination of completeness has been established, the Final Plat shall be placed on the County Planning Commission's agenda.
- B. **Forms and Fees:** A completed *APPLICATION FOR FINAL PLAT APPROVAL* form and application fee are due at the time of submittal.
  - 1. The Application form includes the same subdivision name that was filed in the approval of the Preliminary Plan.



2. The *APPLICATION FOR FINAL PLAT APPROVAL* form is set forth by the County Planning Director.
  3. The fee schedule is contained in the Appendix hereof.
- C. Scale: The Final Plat shall be at a scale of 1" = 100'. The Final Plat shall be sized at 36" by 42". Where necessary, the plan may be on several sheets accompanied by an index sheet showing the entire subdivision.
- E. Mylar and Copies: Five paper copies and one electronic copy of the Final Plat shall be submitted to the County Planning Commission. One copy of the Final Plat, drawn clearly and legibly in ink upon mylar (4 mil single matte), must also be submitted to the scale listed in this section upon approval and satisfaction of any conditions by the County Planning Commission.
- F. The Final Plat maps shall include a Title Page that contains the following:
1. The subdivision name or identifying title and the name of the original township or townships in which the subdivision is located; date; north arrow; bar scale of the plat; the name and address of the record owner and applicant; the name, license number and seal of the Registered Surveyor licensed to practice in the State of Ohio, as defined in Sections 4733-1 to 26 of the O.A.C.
  2. Notarized certification by the owner or owners of the subdivision and the offer of the dedication of streets and other public areas and that there are no taxes or assessments that are due and payable against the land contained in the plat.
  3. Notation for the following in the form prescribed in the *REQUIRED FINAL PLAT CERTIFICATIONS AND STATEMENTS* document as set forth by the County Planning Director:
    - a) Certification by the Health Department if an on-site sewage treatment system and/or a private water supply system are used.
    - b) Certification by the Cuyahoga County Sanitary Engineer if public (centralized) sewer or water systems, and/or water management or sediment control measures are used.
    - c) Certification by the Cuyahoga County Engineer.
    - d) Acceptance of offers of dedication by the Cuyahoga County Executive and County Council, when all improvements required to be constructed have been constructed and certified by the County Engineer. The Final Plat shall not be presented to County Council until all deficiencies are addressed, unless said deficiencies are covered by an approved performance guarantee.
    - e) Approval of plat by the County Planning Director.
  4. The certificate of dedication of such areas dedicated to the public use properly identified and the conditions thereof executed by the owner of the land or his duly authorized agent according to law, and shall also bear upon its face a certificate of approval of the County Law Director verifying that there are no liens or encumbrances.

5. A statement by the mortgagee or mortgagees of the land embraced within the proposed subdivision assenting to the dedication of such areas of land proposed to be dedicated to public use, land within a conservation easement and land within all other easements, and a properly executed release of same from the terms of its or their mortgage(s).
  6. Inspections and As-Builts: Written documentation that County Public Works has performed final inspection of and approved the completed improvements and is in receipt of the accepted as-built drawings of all improvements.
- G. The Final Plat submitted for approval and subsequent recording shall comply with the State Minimum Standards for Boundary Surveys in Chapter 4733-37 of the OAC and the current Cuyahoga County Transfer and Conveyance Standards and shall contain the following items:
1. The subdivision name or identifying title and the name of the original township or townships in which the subdivision is located; date; north arrow; bar scale of the plat; the name and address of the record owner and applicant; the name, license number and seal of the Registered and Professional Surveyor licensed to practice in the State of Ohio, as defined in Sections 4733-1 to 26 of the O.A.C.
  2. Vicinity map at a scale of 1" = 5,280' scale with a north arrow.
  3. The location of all existing easements and the location, right-of-way width, and names of all streets within and adjoining the plat.
  4. Areas to be dedicated for public use such as roads and easements shall be shaded or cross hatched upon the Final Plat in such a manner that the pattern does not obscure the image when the document is scanned or copied.
  5. Accurate and sufficient data acceptable to County Public Works and meets the following requirements:
    - a) All new parcels shown on a plat shall be referenced to an established point of beginning such as centerline intersections of streets or roads or record Section and/or quarter Section corners or lines, or recorded subdivision perimeter corners. Said point of beginning shall be further established as well known, industry standards, permanent monument, such as an iron pin, pipe, railroad spike or monument box of a design and style accepted by current County and State standards, whichever is applicable.
    - b) Each course of a new parcel shown on a plat shall contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and the decimal parts thereof, from point of origination to a point of termination of each course.
    - c) All references to streets, rivers, streams, railroads, etc. shall use current or existing names of record. Old or original names, enclosed in brackets, may also be shown if pertinent and related to research for the survey or as a deed call on a description.
    - d) Each new parcel shall show the names of current adjoining owners together with the recorded Deed Book and Page of Official Record for each. When a course being

described adjoins a recorded platted subdivision, a call for the plat volume and page will suffice.

- e) All adjoining metes and bounds parcels will require the current County Fiscal Office permanent parcel number to be shown on the plat.
  - f) All easements for public use, services or utilities and their dimensions and width.
  - g) The required minimum setback lines, including riparian setbacks and wetlands setbacks and the corresponding water body and wetland, with dimensions.
  - h) All parcels shall be identified by acreage and designated uses and shall include lot dimensions.
  - i) All lots shall be numbered consecutively in numerical units.
  - j) All new parcels shown on the plat shall give the area contained within its perimeter in acres and calculated to a minimum of three decimal places, as required by the County Fiscal Office. Total calculated square footage is also required for parcels that are one (1) acre or less.
  - k) Whenever a new parcel on a plat encompasses two or more taxing districts, or two or more parcels, a breakdown of total area shall be recited for each tax district or parcel.
  - l) All new parcels shown on a plat will be subject to computer verification as to the accuracy of the traverse closure. In all new deed descriptions and plats of survey, the lengths and directions of the lines shall be specified so that the mathematical error in closure of the property boundary does not exceed 0.02 feet in latitudes and 0.02 feet in departure.
  - m) Any course of a new parcel or a course tied to a new parcel which is a curve shall contain the direction of the curve, (right or left), the radius (in feet and decimal parts thereof), the long chord bearing and distance, the central angle and the arc length.
  - n) Any parcel, outlot or portion of a recorded lot or other designation shown on a plat, shall have an accurate, fully dimensioned image drawn to scale on the plat to enable the County Public Works office and County Fiscal Office to determine the accurate area of said parcel. If a balance or residue parcel is given a designation on a plat such as; "Parcel A" or "Sublot 1" etc., then that parcel will be considered as part of the survey and will require all the compliance items of O.A.C. Chapter 4733-37. In addition, the use for each parcel of land to be dedicated or reserved for public use or for easements shall be shown on the plat.
  - o) Each course shall show all other common lines such as centerline of roads, rivers, streams, quarter or half section lines, or any other pertinent common line of record interest as witnessed by the survey and used for establishment of the boundaries therein.
  - p) All lot corner markers shall be in accordance with O.A.C. 4733-37-03.
  - q) Permanent reference monuments shall be shown as a solid square ( □ ).
- H. Protective covenants, conditions and restrictions, if any, shall be recorded separately as a separate instrument, provided that the automated file number thereto is indicated on the plat.

Said covenants, conditions and restrictions shall include the requirements set forth in Section 104.8.

- I. Finalized maintenance and performance guarantees in compliance with Sections 105.1, 105.2 and 105.3. Prior to the submission of finalized guarantees, and before the Final Plat application is due, the notarized documentation indicating the actual construction costs of completed improvements and anticipated construction costs of any deferred improvements must be submitted for review and approval to County Public Works. The guarantees shall clearly identify the specific improvements covered by the guarantee, including the location and street name(s).
- J. The Final Plat shall conform to the approved Preliminary Plan and shall address all conditions of Preliminary Plan approval.
- K. When a phasing plan has been approved as part of the Preliminary Plan, a subdivision may be submitted for Final Plat approval in consecutive phases in accordance with the approved phasing plan.

#### **104.7 (III). Administrative Review of Final Plat**

- A. Within five calendar days of the submission of a complete application as defined by Section 104.3 and in accordance with the provisions of Section 104.7 (II) hereof, the County Planning Commission staff shall send copies of the Final Plat and a notice of the County Planning Commission meeting at which the Commission will hear and take action on the Final Plat to the Reviewing Entities as listed in Section 104.5 (II) for their review and comment. The notice shall include the date, time and location of the meeting at which the County Planning Commission will consider or act upon the Final Plat, and the date by which review comments shall be received for consideration in the County Planning Director's recommendation for action.
- B. The County Planning Commission staff shall review the Final Plat application for compliance with these Regulations.
  - 1. Any Reviewing Entity receiving the Final Plat application may submit comments to the County Planning Commission staff. If a Reviewing Entity does not provide written comments to the County Planning Commission within the time noted on the notice, the County Planning Commission may issue a decision without consideration of the Reviewing Entities' comments.
  - 2. During the course of its review, staff may meet with the applicant to review its evaluation, and the applicant may revise the Final Plat in response to staff's comments.
  - 3. The County Planning Commission staff shall compile and summarize the comments received from the Reviewing Entities.
- C. The County Planning Director shall submit a report and recommendation for action to the County Planning Commission.

#### **104.7 (IV). Public Meeting on Final Plat: County Planning Commission Review and Action**

The County Planning Commission shall consider the application at a public meeting as provided by its rules and regulations for the holding of such meetings. The applicant shall be notified in writing of the time and place of said meeting.

- A. The County Planning Director shall present the complete application, staff report and recommendation for action to the County Planning Commission at the public meeting. The applicant and the general public shall be permitted the opportunity to provide comments regarding the application. The County Planning Commission and the applicant may call experts to answer questions, address evidence presented at the public meeting and provide additional comment.
- B. Upon consideration of the planning standards contained herein, the recommendation of the County Planning Director, and evidence presented at the public meeting, the County Planning Commission shall take one of the following actions on the application:
  - 1. Approve the application as submitted,
  - 2. Conditionally approve the application as specified in Division F below.
  - 3. Disapprove the application.
  - 4. Table the application at the request of the applicant for reconsideration at such further time agreed to by the applicant. The applicant shall agree in writing to waive the 30-day review period set forth in Section 104.7(IV)(I) of these regulations.
- C. In order to approve a Final Plat, the County Planning Commission shall find that:
  - 1. The Final Plat fulfills the purpose and intent of these Subdivision Regulations.
  - 2. The Final Plat meets the standards and requirements of these Subdivision Regulations.
  - 3. The Final Plat is in conformity with the approved Preliminary Plan and conditions.
  - 4. The Township has determined that the Final Plat is in conformity with applicable township regulations.
- D. The County Planning Commission may grant conditional approval of the Final Plat by requiring the applicant to alter the plat or any part of it within a specified period after the end of the 30 calendar day review period, as a condition for final and unconditional approval.
- E. When the County Planning Commission approves or conditionally approves a Final Plat, the County Planning Commission shall, by resolution, authorize the County Planning Director to endorse its approval when the applicant has met all of the requirements hereunder, together with such additional requirements as may be designated by the County Planning Commission during the review process, and any conditions attached as part of the Commission's conditional approval.

- F. If the Final Plat is disapproved, the grounds for disapproval shall be stated in the records of the County Planning Commission including citation or reference to the rule violated by the plat and a copy of said record shall be forwarded to the applicant. If disapproved, the applicant may make the necessary corrections and submit a new application for Final Plat review in accordance with the filing requirements set forth in Section 104.7 (II).
- G. Before the County Planning Director endorses the Final Plat, the County Engineer and County Sanitary Engineer shall certify on the Final Plat that construction of the required improvements is complete. Prior to signing the plat, the County Engineer and the County Sanitary Engineer shall determine that all required improvements have been satisfactorily installed in accordance with the approved construction plans or a performance guarantee in compliance with Section 105.2 has been submitted.
- H. The approval or refusal to approve the Final Plat by the County Planning Commission shall be endorsed on the Final Plat by the signature of the County Planning Director, and no plat shall be recorded until it is signed by the County Planning Director indicating final and unconditional approval unless otherwise authorized by law.
- I. Except as herein otherwise provided, or as required by the Ohio Revised Code, the County Planning Commission shall make a decision on the Final Plat within thirty (30) calendar days from the date the complete Final Plat application was submitted, subject to Section 104.7(III)(A). Such time limit may be extended by a written agreement of the applicant.
- J. Pursuant to ORC §711.10(C), failure of the County Planning Commission to render a decision on the Final Plat within the time stated in Section 104.7(III)(A) shall cause the plat to be deemed approved, and the certificate of the Commission as to the date of the submission of the plat for approval under this division and the failure to take action on the plat within that time shall be sufficient in lieu of the written endorsement or evidence of approval required by this Section. In order to comply with the mandated timeframe to act, the County Planning Commission may approve a Final Plat without regard to an agency's comments if that agency fails to submit its written report as set forth in Section 104.7(III)(B).

#### **104.7 (V). Acceptance of Dedication**

After it approves the Final Plat, or once all conditions of approval have been met, the County Planning Commission shall refer the Final Plat to the Cuyahoga County Council for acceptance of dedication of land for any public street, highway or other public ways, open space, or public easement on the Final Plat.

County Council shall read the dedication proposal at a meeting of the full Council, at which point it will refer the dedication to a committee of its choosing. The committee shall review the proposed dedication of infrastructure and lands and make its recommendation back to County Council.

County Council will consider the recommendation of the committee and take action on the proposed dedication.

If the dedication of lands and infrastructure is accepted, the Clerk of Council shall sign the Final Plat and the Plat can be recorded and new parcels created.

#### **104.7 (VI). Recording of Final Plat**

After the Final Plat is approval by the County Planning Commission, endorsement by the Planning Director and acceptance of dedications by the County Council, when applicable, the County Planning Director shall make the signed plat available to the applicant. Offers of dedication will only be made to Cuyahoga County Executive and County Council once all improvements required to be constructed have been constructed, inspected, and certified by the County Engineer and found to have no deficiencies, unless said deficiencies are covered by an approved performance guarantee. The applicant shall record the approved Final Plat within thirty (30) days after the final date of acceptance with the County Fiscal Office; otherwise, the Final Plat shall be updated before it is recorded to comply with County Conveyance standards if there have been any changes in ownership.

The applicant shall pay all fees required in connection with the above process and costs of reproducing said Final Plat.

#### **104.7 (VII). Withdrawal of Submission**

The applicant may, by written notice to the County Planning Commission, withdraw an application at any time prior to the County Planning Commission taking action on the Final Plat.

#### **104.7 (VIII). Revision of Final Plat after Approval**

No changes, erasures, modifications or revisions shall be made in any Final Plat of a subdivision after approval has been given by the County Planning Commission and an endorsement is made in writing on a Final Plat, unless that Final Plat is first resubmitted and the changes approved by the County Planning Commission.

### **SECTION 104.8 OWNERS ASSOCIATIONS**

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Whenever a subdivision includes land and/or facilities that are to be owned in common, a homeowners association, community association, or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including but not limited to common open space, private streets and common driveways.

- A. The association's bylaws or code of regulations shall specify the following requirements:
  - 1. Membership in the association shall be mandatory for all purchasers of lots or dwelling units.

2. The association shall be responsible for maintenance, control and insurance of common areas and common facilities, and the association documents shall set forth a method to maintain the common areas and facilities in good condition.
  3. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common areas and facilities, shall establish a method of apportioning maintenance costs to current and future users, and shall have the power to place liens against individual properties for failure to pay assessments.
  4. The association shall have the authority to enforce reasonable rules and regulations governing the use and payment of assessments for the maintenance, control and insurance of common areas and facilities.
  5. The conditions and timing of transfer of control from the subdivider to the lot or unit owners shall be set forth in the association documents.
  6. A statement that the owners association shall perform an annual inspection with a written report each year on each Best Management Practice (BMP) for storm water, water quality, water quantity and erosion and sediment control features constructed on the site as required by the current County or township water management regulations. The written report shall be given to the Township by May 1st of each and every year after the BMP has been completed.
  7. The association fees shall be adequate to cover regular maintenance of all common areas of the association.
  8. Fees shall be collected and escrowed by either the developer or individual owners at the inception of the HOA to ensure fees are available.
  9. The association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including common open space, without (i) an affirmative vote of seventy-five percent of its members; (ii) having established a successor entity to take over said property; and (iii) the approval of the township.
  10. The association shall convey to the appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of inspections, maintenance or improvements affecting the public health, safety and welfare. The governmental body shall have the right, but not the duty, after proper notice, to make inspections and improvements and perform maintenance functions. In addition, the governmental body shall have the right, but not the duty, to proceed against the association for reimbursements of said costs, including the right to file liens against individual units, houses and vacant building lots.
- B. In the event a homeowners' association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to Divisions A.1 through 10 above, such amendment(s) shall be submitted to the County Planning Commission and the township for review and approval.



Failure to obtain approval of such amendment shall be deemed a violation of these Subdivision Regulations.

## **SECTION 104.9 PHASING OF SUBDIVISION**

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At the option of the subdivider, a subdivision may be constructed and platted in phases provided such phasing is done according to the following provisions.

- A. The purpose of this section is to ensure that any subdivision phase, in conjunction with previously developed phases, can to the extent practicable stand on its own as a subdivision with all improvements necessary to serve its residents.
- B. A subdivision that is to be constructed and recorded in phases shall require a Phasing Plan. The phasing plan shall be submitted and approved according to the following:
  - 1. For the purposes of these Regulations, the following definition of a "Phase" shall apply: A segment of development for a Preliminary Plan as indicated on the phasing plan submitted as part of the Preliminary Plan which typically corresponds to sequencing of the construction of improvements and submission of Final Flats.
  - 2. Subdivisions Governed by Flexible Zoning Regulations. Whenever development in a proposed subdivision is regulated by flexible zoning regulations, such as Planned Unit Development regulations, that allow varying types of housing units to be constructed at varying densities in different parts of the subdivision, that allow the permitted density of one or more parts to be dependent on the provision of open space and where the open space will be distributed in the different parts of the subdivision, the applicant shall prepare a Phasing Plan or Master Subdivision Plan prior to submission and approval of a Preliminary Plan.
    - a) The Phasing Plan or Master Subdivision Plan shall include the entire parcel of land or contiguous parcels of land under the same ownership.
    - b) The Phasing Plan or Master Subdivision Plan shall include the boundaries and progressive order of each phase of the Master Subdivision, and the submission for review shall include the elements set forth in Section 104.4 (II) for Preliminary Discussion Sketch, such that the first phase to be constructed will be Phase 1, then next phase 2, etc.
    - c) The Phasing Plan or Master Subdivision Plan shall establish a binding commitment to the overall street circulation plan including connections to adjacent land and circulation within the subdivision; the maximum number of dwelling units for each primary phase; and the areas and acreage of dedicated open space to be provided in compliance with zoning requirements.
    - d) Each phase shall have adequate provision for access and other public improvements to serve the development and adjoining property.

- e) Open space required in the Master Subdivision shall be reasonably proportioned in each phase.
  - f) Each phase shall be considered a separate subdivision; each requiring a Preliminary Plan application. Each Preliminary Plan shall be reviewed according to Division 3.b. below and may include phases for the construction of improvements and subdivision platting.
  - g) An applicant may submit a Preliminary Plan for subdivision of the first of the Master Subdivision simultaneously with the Master Subdivision Plan.
  - h) An approved Master Subdivision Plan shall remain valid so long as a valid Preliminary Plan remains in effect and continual progress is made on construction of public improvements.
3. Final Plat Submittals. The applicant, as part of Preliminary Plan approval, may propose to delineate on the Preliminary Plan two or more construction and Final Plat filing phases and establish the schedules of the same.
- a) The applicant shall submit a phasing plan that shows the boundaries, progressive order, and general time frame for completion and platting for each phase.
  - b) Each phase shall be fully capable of functioning with all the required improvements in the event future phases are not completed or are completed at a much later time.
  - c) A temporary turnaround may be required at the end of streets that are intended to be extended into a subsequent phase.
  - d) The Improvement Plans and corresponding Final Plats shall be submitted in phases and in progressive order according to the sequencing indicated on the approved phasing plan.
- C. The County Planning Commission may require a modification to the proposed boundaries of a subdivision phase or the phasing sequence proposed by the applicant or may permit a modification to the proposed boundaries of a subdivision phase or the phasing sequence upon the request of the applicant and the resubmission of the Master Subdivision Plan or the Preliminary Plan in accordance with these Regulations.
- D. The improvements in a subdivision shall be constructed in accordance with the progressive order of each phase as depicted on the Phasing Plan or Master Subdivision Plan.
- E. Each phase of a subdivision shall be recorded with the County Fiscal Office in accordance with the progressive order depicted on the Preliminary Plan accepted by the County Planning Commission unless for good cause shown the County Planning Commission approves otherwise.
- F. In the event that a phase of a Master Subdivision is removed from or is no longer associated with the other phases of the Master Subdivision, the newly independent phase will create its own Owners Association such that all common areas and other associated obligations within that phase will be transferred to that Owners Association.

# **CHAPTER 105. REQUIREMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS**

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## **SECTION 105.1 CONSTRUCTION AND GUARANTEE OF IMPROVEMENTS REQUIRED**

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All improvements required by these Regulations, including the construction of private streets and all temporary and permanent soil erosion, sediment, and other wastes controls and water quality practices shall be provided and installed by the subdivider in accordance with the provisions of these Regulations and other regulations of the County.

- A. Construction of Improvements Required. Except as permitted in Section 105.2 of these Regulations, all improvements shall be constructed prior to the granting of the Final Plat approval by the Commission.
- B. Maintenance Guarantee Required. The applicant shall furnish the County Planning Commission and local authority with a maintenance guarantee as part of the Final Plat application. The terms and language of the maintenance guarantee is subject to approval by the County Law Department, while the construction costs for the improvement guaranteed is subject to approval by County Public Works.
  - 1. The purpose of the maintenance guarantee is to insure that the improvements are in satisfactory condition after completion of construction, free from any and all defects in workmanship and materials, to insure that the improvements will hold up under actual conditions, to guarantee the maintenance of the improvements, and, in the case of temporary soil erosion and sediment control, to insure proper removal and remediation in a timely manner.
  - 2. The maintenance guarantee shall be for a period of not less than three years from the date the County Planning Commission adopts a resolution approving the Final Plat, or as otherwise set forth by the County Planning Commission. When determining the required length of the maintenance guarantee, the County Planning Commission shall take into consideration the anticipated improvement construction schedule of the subdivision, the anticipated housing construction completion, and the anticipated time at which final soil stabilization will occur as defined in Section 105.1(D)(2).
  - 3. The amount of the maintenance guarantee shall be equal to 20% of the actual construction cost of all improvements, as reported by the applicant by notarized statement, except that in the case of temporary soil erosion and sediment controls, the guarantee shall cover 100% of the cost to properly remove the temporary structures and

remediate the area. The construction cost of the improvement guaranteed must be submitted to and approved by County Public Works prior to the submission of the final guarantee.

4. The maintenance guarantee shall clearly describe all the improvements covered. The maintenance guarantee for the public street pavement shall also include the maintenance guarantee for all street trees planted in the public right-of-way in compliance with Section 106.3(G) except where the street trees are installed after the recording of the Final Plat, in which case a separate maintenance guarantee shall be required for the street trees.
  5. The maintenance guarantee shall include Cuyahoga County, the Township in which the subdivision is occurring, and when applicable for private streets and other guaranteed improvements that will become the ownership of a Homeowners Association, the Homeowners Association as obligees.
- C. The applicant shall furnish the local authority with locally-required bonding relating to construction or stormwater management.
- D. Maintenance Responsibilities. During the maintenance guarantee period, the applicant shall be responsible for the cost of all labor, materials, equipment and other incidentals required to maintain, repair and replace any or all of such improvements and to maintain them in good and proper condition, excluding ordinary wear and tear and damage by utility companies and/or building contractors, but including filling trenches and restoring lawns, yards, streets, sewers, waterlines, pipelines, and other original installations, repairing defects in materials and workmanship and replacing damaged, dead or diseased street trees.
- E. Procedures for Release of Maintenance Guarantee. The County Public Works Department and the Township shall inspect the improvements prior to expiration of the maintenance guarantee.
1. The applicant shall submit a written request to County Public Works and the Township to release the guarantee prior to its expiration date. Upon receiving this request, inspectors for the County and/or the Township will conduct an inspection of the improvement.
    - a) Each inspector shall file a detailed written report with the County Planning Commission indicating whether or not the improvement(s) have been maintained, or removed, in accordance with the requirements of these Regulations, listing the specific items that need repair, if any, and including a date by which the applicant shall repair the deficiencies.
    - b) Only once a favorable inspection report has been submitted to the County Planning Commission will the maintenance guarantee be released.
  2. Requirements for Release of Water Management Controls Guarantees:
    - a) Slow Release Devices: The guarantee shall be maintained on the temporary sediment removal slow release devices installed in detention and retention basins and temporary sediment basins until the entire site has reached final soil stabilization.

Final stabilization in single-family residential developments is when 90% of the homes are constructed with their lawns completely installed and any remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

- b) The maintenance guarantee shall not be released until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been removed or, when permitted by County Public Works to remain on site, stabilized.
  - 3. County Public Works shall notify the applicant in writing of the contents of the report and the date by which repairs shall be made.
  - 4. Subdivision inspection responsibility transfers from County Public Works to the Township after the performance and or maintenance guarantees expire and County Public Works has performed the inspection associated with the performance/maintenance guarantee and any noted deficiencies from said inspection have been addressed by the developer to the satisfaction of both County Public Works and the Township.
- F. Failure to Complete Improvements. In the event a maintenance guarantee has been posted and the required improvements have not been maintained according to the terms of such maintenance guarantee, and the applicant fails to make such maintenance, repairs or replacements by the date included in the written notice by County Public Works or in the event of an emergency which may endanger life or property, County Public Works may declare the principal to be in default of its obligations and make or cause to be made such maintenance, repairs or replacements. The funds of the maintenance guarantee shall be used to make such maintenance, repairs or replacements and County Public Works may make a claim against the maintenance guarantee surety.

## **SECTION 105.2 DEFERRAL OF CERTAIN IMPROVEMENTS**

Upon the request of the applicant, the Cuyahoga County Planning Commission may authorize deferment of the construction or installation of required improvements before approval of the Final Plat if, in the County Planning Commission's judgement, the deferral of the improvement will not negatively impact public health, safety and general welfare; and where the prior installation or construction of such improvement would constitute an undue hardship on the applicant. Improvements that may be deferred include required stormwater controls (if acceptable by County Public Works), street trees and/or other landscaping improvements, or as other items determined at the discretion of the County Planning Commission, or their designee.

- A. Performance Guarantee Required. In the event construction of such improvements is deferred, the County Planning Commission and local authority shall require and may accept in accordance with adopted standards performance guarantees ensuring that such deferred improvements will be properly constructed or installed as part of the Final Plat application. The terms and language

of the maintenance guarantee is subject to approval by the County Law Department, while the construction costs for the improvement guaranteed is subject to approval by County Public Works.

1. The performance guarantee shall stipulate the work to be performed by specific categories and locations so as to determine the exact extent of the work and the estimated value or cost of each category.
  2. The performance guarantee shall be in an amount not less than 120% of the estimated cost of construction and installation of the specified improvements. The cost estimate shall be prepared by a professional engineer and notarized. The construction cost of the improvement guaranteed must be submitted to and approved by County Public Works prior to the submission of the final guarantee.
  3. The performance guarantee shall stipulate an agreed completion date, not to exceed eighteen (18) months after the filing of such Final Plat, for all work to be completed. However, the performance guarantee must state that the guarantee will not be released until the work covered by the guarantee is completed and inspected by Public Works and the Township, as stated in 105.2(A)(5) of this section.
  4. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Commission, at the request of the applicant.
  5. The duration of the guarantee shall be until such time as the improvements are certified as satisfactory and complete and the bond is released according to division B of this section.
- B. The applicant shall furnish the local authority with locally-required bonding relating to construction or stormwater management, if any.
- C. Procedures for Release of Performance Guarantee.
1. Upon completion of all required improvements for which the performance guarantee has been provided, the applicant shall notify the County Planning Commission in writing of the completion of the improvements and shall send a copy to County Public Works office and the Township.
  2. County Public Works office and/or the Township shall inspect all improvements covered by the performance guarantee and shall file a detailed written report with the County Planning Commission indicating whether or not the improvement(s) have been constructed in accordance with the requirements of these Regulations, listing the specific items that need repair or are not completed, if any.
  3. Within 90 calendar days after receipt of the notice from the applicant of the completion of the improvements, the County Planning Commission shall notify the applicant in

writing of the contents of the report and if repairs are needed shall indicate the date by which such repairs shall be completed.

4. The performance guarantee shall remain in effect until the inspector determines the installation is complete.
  5. Prior to the release of the performance guarantee, the applicant shall post a maintenance guarantee in favor of the Township in accordance with the Township's requirements, if any.
  6. Subdivision inspection responsibility transfers from County Public Works to the Township after the performance and or maintenance guarantees expire and County Public Works has performed the inspection associated with the performance/maintenance guarantee and any noted deficiencies from said inspection have been addressed by the developer to the satisfaction of both County Public Works and the Township.
- D. Failure to Complete Improvements. In those cases in which a performance guarantee has been posted and the required improvements have not been installed within the terms of such performance guarantee, County Public Works may declare the principal to be in default of its obligations and require that all the improvements be installed regardless of the extent of the construction at the time the guarantee is declared to be in default. The funds of the guarantee shall be used to complete the improvements.

### **SECTION 105.3 FORM OF GUARANTEE**

Subject to the approval of the County Law Director, performance and maintenance guarantees shall be provided by one of the following means:

- A. Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the State of Ohio in a form satisfactory to the County Law Director. Bonds may be executed by either the applicant or contractor as principal. However, if the guarantee is posted by the contractor(s), it shall be made for the benefit of the applicant, the County, the Township and the Homeowners Association, if any.
- B. Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution in a form satisfactory to the County Law Director.
- C. Escrow account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value in escrow with a bank.

### **SECTION 105.4 INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION**

The subdivider or his contractor shall not proceed with any construction unless arrangements have been made with the Cuyahoga Soil and Water District for matters of water management and sediment control,

the County Sanitary Engineer's office in matters of storm and sanitary sewers and the County Engineer's office in matters of road and sidewalk improvements to have a County Inspector on the job during construction. The cost of such inspection shall be borne by the subdivider or his contractor according to the fee schedule provided in the Appendix hereof and as set forth by the Department of Public Works.

### **SECTION 105.5 STREET PAVEMENT, SIDEWALKS, AND CURBS**

All public and private streets shall be provided with street pavement, curbs, and sidewalks meeting or exceeding the construction standards established by the County Engineer for the type of subdivision (residential, commercial, or industrial) and street (local, collector or industrial). The current requirements of the County Engineer for local streets in subdivisions are indicated in the document entitled Cuyahoga County Engineer's Improvement Requirements.

### **SECTION 105.6 SANITARY SEWER IMPROVEMENTS**

- A. The subdivider shall first contact the County Sanitary Engineer's office to determine the feasibility of designing and installing a central sewage treatment facility or extending an existing sanitary sewer system and making connections to this system available to all parcels within the proposed subdivision. If the County Sanitary Engineer's office deems that a central sewage treatment facility or the extension of an existing sanitary sewer system is not feasible, the subdivider should then contact the County Health Department and propose the use of individual on-site sewage disposal systems.
- B. Wherever a public sanitary sewer is required, each lot in a proposed subdivision shall be served by and provided with a connection to a sanitary sewer system. Such system shall meet all material and design requirements contained in the documents entitled "Uniform Standards for Sewerage Improvements" and "Uniform Standard Sewer Details" as adopted by the County Sanitary Engineer. All sanitary sewers shall be connected to a wastewater treatment plant that complies with the standards of the County Sanitary Engineer's office and the Ohio EPA.
- C. This Section does not apply to subdivisions that have been approved for development with on-site sewage disposal facilities by the County Health Department. Nevertheless, all possible means of providing accessibility to a public sanitary sewer shall be exhausted prior to proposing an alternative method of sewage treatment and disposal for lots within a proposed subdivision.
- D. Sanitary sewer lines shall be constructed through all new subdivisions to promote the logical extension of public infrastructure to serve adjoining unsubdivided land, unless determined otherwise by the County Planning Commission.

### **SECTION 105.7 WATER SUPPLY IMPROVEMENTS**

- A. A suitable water supply system shall be assured for each lot in the proposed subdivision. In all cases where a public water source is readily available, connection shall be made thereto. All public



water supply facilities including extensions of existing water mains shall be installed in accordance with the construction and material specifications of the City of Cleveland Water Department or other applicable water authority. The location of water mains and appurtenances within the public right-of-way shall be subject to the approval of the Cuyahoga County Engineer's office and County Sanitary Engineer's office.

- B. Prior to proposing an alternative private water supply, all possible means of providing a public water supply for a proposed subdivision shall be exhausted. Any means of private water supply proposed for lots within a subdivision not having accessibility to a public water source shall meet the regulations and approval of the County Health Department.
- C. Water lines shall be constructed through all new subdivisions to promote the logical extension of public infrastructure to serve adjoining unsubdivided land, unless determined otherwise by the County Planning Commission.

### **SECTION 105.8 STORM SEWERS AND STORM WATER DRAINAGE**

A storm sewer system meeting all requirements of the Sanitary Engineer and local authority as expressed in the "Uniform Standards for Sewerage Improvements" shall be installed within the proposed subdivision. All other storm water drainage and control facilities shall be designed and constructed in compliance with the requirements of the County Water Management and Sediment Control Regulations, Article 2.

### **SECTION 105.9 MONUMENTS, MARKERS AND PINS**

- A. Capped iron rods at least 5/8 inch in diameter by at least thirty (30) inches long shall be accurately set and established at the intersections of all outside boundary lines of the subdivision, the intersection of outside boundary lines with all street lines, at the beginning and end of all curves, at points on curves where the radius or direction changes and at all other points within the subdivision as are necessary to establish definitely all lines of the plat.
- B. All centerline of right-of-way control monumentation shall be constructed in accordance with the current County Public Works' standard drawing #MB-1C, or if the monuments are to be cored in place after construction, standard drawing #MB-2C.

### **SECTION 105.10 CULVERTS AND BRIDGES**

Where natural or man-made watercourses intersect any proposed street right-of-way, it shall be the responsibility of the applicant to have satisfactory bridges and/or culverts constructed. Where bridges and/or culverts are required, they shall be subject to the approval of the County Engineer's and Sanitary Engineer's offices. Disturbance to waterways shall conform with USACE permitted guidance as required. In-stream work is to be limited. Effective erosion and sediment controls shall be used to minimize impacts to the water body.

- A. All culverts shall extend across the entire right-of-way width of the proposed street.
- B. The capacity of all culverts and the material utilized for the culvert shall be determined by the County Engineer's office based on individual conditions.
- C. Depending on existing drainage conditions, headwalls may be required by the County Engineer's office based on individual conditions.
- D. When crossing streams, the preferred order of construction chosen shall be:
  - 1. bridges,
  - 2. arch culverts,
  - 3. open bottom box culverts,
  - 4. closed bottom box culverts,
  - 5. pipe culverts.

#### **SECTION 105.11 OTHER PUBLIC UTILITY SERVICES**

All other necessary public utilities, including but not limited to electric service and telephone service, shall be provided to all lots within each subdivision. All wires, conduits, and cables associated with such services shall be placed underground.

#### **SECTION 105.12 EROSION CONTROL**

The subdivider shall install measures for erosion control in compliance with the County Water Management and Sediment Control Regulations set forth in Article 2 of the Cuyahoga County Land Development Regulations and in compliance with the regulations of the Ohio EPA and US Army Corps of Engineers.

#### **SECTION 105.13 GRADING**

The subdivider shall, as part of the improvement construction program, grade in order to establish street, block and lot grades in proper relation to each other as follows:

- A. Streets: Streets shall be graded across the full width of the right-of-way and any adjacent utility easements and shall be subject to the gradient requirements specified in the Cuyahoga County Engineer's Improvement Requirements.
- B. Blocks and Lots: Blocks and lots shall be graded to insure that water is diverted from anticipated building sites; to prevent standing water and soil saturation detrimental to structures and the use of lots; and to preserve desirable site features and grades for safe and convenient access to and around structures. Lot grading shall be designed so that surface water will drain onto grassed

lawns located away from residential construction and into either a drainage structure on the lot, a street gutter and storm sewer or a natural drainage way. Driveway grades shall not exceed ten (10) percent.

#### **SECTION 105.14 OVER-SIZE IMPROVEMENTS**

The County Planning Commission may, upon recommendation by the County Engineer or Sanitary Engineer, require the subdivider to construct improvements larger than those required to serve the proposed subdivision and/or additional improvements.

#### **SECTION 105.15 EXTENSIONS TO BOUNDARIES**

The subdivider shall be required to extend the utilities and other improvements required herein to the boundary of the proposed subdivision to serve adjoining unsubdivided land.

#### **SECTION 105.16 INSPECTION OF COMPLETED IMPROVEMENTS AND AS-BUILT SUBMITTAL**

Upon completion of all improvements required to be constructed prior to Final Plat approval, the subdivider shall request, in writing, inspections by the County Engineer's office, the County Sanitary Engineer's office, and the Township. Such inspections may include core borings and related structural tests with respect to paving improvements, and internal pipe inspection, photography and interpretation of the result thereof or hydrostatic tests with respect to sewer improvements.

- A. If such final inspections for street improvements are found to be in accordance with the specifications set forth on the approved Improvement Plans and Final Plat, and are in good repair, then such finding, endorsed on the plat by the County Engineer's office in the space provided, shall constitute that Office's approval of the street for dedication and acceptance by the County.
- B. Likewise, if such final inspections for storm and sanitary sewer improvements are found to be in accordance with specifications set forth on the approved Improvement Plans and Final Plat, and are in good repair, then such findings shall be endorsed on the Final Plat by the County Sanitary Engineer in the space provided.
- C. If County Public Works finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the approved Improvement Plans, the applicant shall be responsible for properly completing the improvements.
- D. Once the installation of the improvements is complete, the subdivider shall, as soon as practicable and in accordance with Section 104.6 (V).E of these regulations, furnish County Public Works Department with a copy of "as-built" drawings that show the exact location of such improvements and indicating that all public improvements are in accordance with the approved construction drawings for the subdivision. Any drawings of the as-built utilities shall be certified as accurate

by a certified Engineer or Surveyor. The County Public Works Department shall not sign the Final Plat until the subdivider has submitted the "as-built" drawings and the drawings have been determined to be accurate.

- E. In addition to requiring approval by County Public Works for public use, the right-of-way of all streets proposed to be dedicated for public use shall also be accepted by resolution by the County Council with such acceptance shown on the subdivisions Final Plat.

# **CHAPTER 106. SUBDIVISION DESIGN STANDARDS**

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## **SECTION 106.1 PURPOSE**

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The regulations in this Chapter shall control the manner in which streets, lots, and other elements of a subdivision are arranged on the land. These design controls shall protect the public health, safety and general welfare, and shall also help ensure convenient and safe streets, the creation of usable lots, the preservation of natural features and water quality, the provision of space for public utilities, and the reservation of land for recreational uses.

- A. The County Planning Commission has the primary responsibility for reviewing the design of each future subdivision. In conjunction with other designated public review authorities, the Commission shall ensure that all of the requirements of this article are met.
- B. No Preliminary Plan or Final Plat of land shall be approved unless the County Planning Commission has received proof that the Preliminary Plan or Final Plat conforms with all applicable township regulations.

## **SECTION 106.2 PHYSICAL CONSIDERATIONS**

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- A. Preservation of Natural Elements. Subdivisions shall be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to minimize destruction of trees and topsoil, to avoid areas of environmental sensitivity, and to preserve such natural features as watercourses, wetland areas, riparian areas, unusual rock formations, large trees over 10 inches diameter breast height, sites of historical significance and other assets which if preserved will add attractiveness and value to the subdivision and the community.
- B. Suitability of Land. If the County Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography, inadequate water supply, transportation facilities and /or other such conditions which may endanger health, life or property; and if from investigations by the designated public reviewing agencies, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the County Planning Commission may consider the impact on the land proposed for the subdivision and any adequate methods that should be advanced by the subdivider for solving the problems that will be created by the development of the land.

### **SECTION 106.3 STREETS**

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- A. Provision of Streets. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, snow removal, sanitation and road maintenance equipment and, to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards are hereby required:
1. Continuation of Roads: Proposed streets shall be extended to the boundary of the tract to be subdivided unless, in the opinion of the Commission, such extension is not necessary and, in which case, a proper cul-de-sac is proposed. A reserve strip preventing the continuation of a street shall be prohibited.
  2. Widening: The subdivider shall provide for the dedication of the necessary right-of-way for widening, continuance or alignment of such streets in conformity with the major thoroughfare plan for Cuyahoga County and with any policy plan of the Township applying to property within the boundaries of the subdivision plat.
  3. Layout: The arrangement, character, extent, width and location of all streets shall conform to the major thoroughfare plan for Cuyahoga County, any policy plan adopted by the Township applying to property within the boundaries of the subdivision plat, the Cuyahoga County Engineer's Improvement Requirements and the following layout standards. Such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety.
    - a) Single access subdivisions shall not have in excess of 50 dwelling units.
    - b) The maximum length of a cul-de-sac shall be 800 feet.
    - c) The minimum right-of-way width for all streets shall comply with the requirements of the Cuyahoga County Engineer's Improvement Requirements, County Thoroughfare Plan and township regulations, as applicable.
    - d) Half streets shall be prohibited.
    - e) Dead-end streets. Dead-end streets shall be permitted only as part of an approved Preliminary Plan and phasing plan when a subdivision is to be constructed in phases. In such cases, a temporary turn-around shall be constructed at the temporary end of the street. Said turnaround shall have a design approved by the County Engineer's office and shall be maintained by the subdivider. A Temporary Turnaround Easement, labeled "privately maintained", shall be shown on the Final Plat. When street construction resumes, the subdivider shall remove the turnaround at his expense.
- B. Design Principles. Street and driveway alignments should follow natural contours and be designed to conserve natural features. Locations of streets and driveways should be planned to avoid excessive storm water runoff and the need for storm sewers. The area of the subdivision devoted to streets, drives and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

1. Public Streets: Publicly dedicated streets meeting the requirements of the County Engineer's Improvement Requirements shall be required for the following:
  - a) For access to all sublots within the subdivision which are designed to be a part of a standard detached single-family subdivision.
  - b) For all major through streets in any subdivision that connect two existing public streets, or which are intended to provide a future continuing street system beyond the subdivision boundaries, and which are expected to accommodate pass-through traffic going to and from adjacent areas.
  
2. Private Streets: Streets that are not otherwise required to be public streets pursuant to Division B.1. shall be permitted to be private streets in compliance with the following regulations:
  - a) A private street shall not be planned or expected to be extended to serve property outside the subdivision.
  - b) The applicant shall demonstrate to the reasonable satisfaction of the County Planning Commission that the private streets will be properly controlled and maintained in perpetuity by a Homeowners Association or other means acceptable to the County Planning Commission.
  - c) All elements of a private street shall be constructed in accordance with the construction standards/street section requirements set forth for public streets in the County Engineer's Improvement Requirements.
  
3. Common Driveways/Access Drive. Common driveways shall be permitted in compliance with the following requirements:
  - a) A common driveway shall serve no more than four dwelling units.
  - b) A common driveway shall extend from a public or private street and shall not connect to any other existing or planned public or private street.
  - c) The applicant shall demonstrate to the satisfaction of the County Planning Commission that the common driveway(s) will be properly controlled and maintained in perpetuity by a Homeowners Association or other means acceptable to the County Planning Commission.
  - d) Rights-of-way are not required for common driveways; however utility easements may be required along the length of each common driveway.
  - e) The construction of common driveways shall comply with all applicable township requirements.
  - f) Address signs and street names shall be provided in accordance with township requirements and shall be coordinated with emergency officials. In addition, street names shall not duplicate the names of any existing public or private streets within the township in which the subdivision is located or within municipalities adjoining the township.

- C. Long-Term Maintenance. Once roads in a residential subdivision have been accepted for public use and following the expiration of the maintenance bond required by these Regulations, the responsibility for the maintenance and repair of such roads is governed by law, including without limitation, ORC Chapter 5535. This statute states that the public highways of the state shall be divided into three classes: state roads, county roads, and township roads.
- D. Street Names. To avoid duplication and confusion, the proposed names of all public and private streets shall be approved by the Township prior to such names being assigned or used.
  - 1. Street Extensions: Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as the existing street.
  - 2. Signs: Street name signs shall be designed in accordance with the applicable township regulations and shall be supplied and erected by the subdivider at all intersections within the new subdivision and at all intersections between new subdivision streets, both public and private, and existing roads. Signs shall be approved by the township and the approved signs shall be shown on the Improvement Plans.
- E. Traffic Control. Street signs and markings to control traffic within the subdivision and any traffic signals or turn lanes deemed necessary to control access to a subdivision from an existing street shall be supplied and erected by the applicant. All such necessary signs and markings shall be erected on public and private streets and shall conform to the current Ohio Manual of Uniform Traffic Control Devices, any supplemental regulations adopted by the township and the regulations of Cuyahoga County Public Works.
- F. Street and Walkway Lighting. Within each subdivision, the subdivider shall install street lights in accordance with township requirements.
- G. Street Trees. Shade trees with a minimum height of eight (8) feet shall be planted within the right-of-way of all public streets within and abutting the subdivision. See Section 106.5 for further regulations involving street trees.

#### **SECTION 106.4 CENTRALIZED MAILBOXES**

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It is the policy of the United States Postal Service that new subdivisions incorporate centralized mailboxes. Centralized mailboxes shall be reviewed by the County Planning Commission and County Public Works for design criteria, safety, and accessibility concerns.

Allocation of space for cluster mailboxes shall be incorporated on Preliminary Plans, in Improvement Plans, and on the Final Plat.



## **SECTION 106.5 STREET TREES**

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- A. One (1) tree shall be planted for every forty (40) feet of public street frontage, exclusive of driveways. Public streets abutting side lines of lots shall be considered frontage for the purpose of determining tree planting requirements.
- B. At least five different species of trees shall be planted throughout the sub-division to provide sufficient genetic diversity and avoid establishment of a mono-cultures.
- C. Trees planted shall be native species that are resistant to damage and disease and that do not cause interference with underground utilities and/or street lighting. Preferred species include but are not limited to the following: Hedge Maple (*Acer campestre*), Red Maple (*Acer rubrum*), Thornless Honey Locust (*Gleditsia triacanthos inermis*) and London Plane Tree (*Platanus acerifolia*). Undesirable species include: Silver Maple, Siberian Elm, Catalpa, Cottonwood, Horsechestnut, Willow, Poplar, Ailanthus and Box elder, Ash.
- D. All trees shall be properly guyed, wrapped and mulched, and the method to be used shall be included in the street tree plan required as part of the Improvement Plans. Binding twine should be completely removed. Planting cages and burlap wrappings should be removed at least half-way down the root ball. When feasible, the entire cage and burlap wrapping should be removed to promote root health.
- E. Street trees shall be maintained by the subdivider for three years after the trees are planted and such maintenance shall be guaranteed according to Section 105.1. 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.

## **SECTION 106.6 SIDEWALKS AND WALKWAYS**

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- A. Sidewalks shall be required on both sides of public and private streets, shall connect with existing sidewalks on streets adjacent to or within the land subdivided, and shall be placed to enable the eventual continuation with proposed or future sidewalks in the vicinity of the land subdivided.
- B. Sidewalks Along Existing Streets: Whenever the boundary of a subdivision is contiguous to an existing street, a sidewalk shall be required to be constructed along the portion of the existing street that adjoins the subdivision.
- C. Walkways and Bikeways.
  - 1. Whenever blocks are longer than 1,000 feet, a walkway dedication between parallel streets, not less than 10 feet in width, may be required near the center of the block.

2. In addition to required sidewalks within a street right-of-way, walkways and/or bikeways may be required by the County Planning Commission to link dwelling units with other dwelling units, the street, and on-site activity centers such as parking areas and recreational areas, as well as off-site facilities including shopping centers, schools, playgrounds and public building sites.
3. Walkways shall be constructed of the same materials as sidewalks.

### **SECTION 106.7 LOTS**

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The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of the surrounding development.

- A. Each lot shall have frontage on a public or private street.
- B. All lots shall conform to applicable township requirements.
- C. Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development from existing streets.
- D. All storm water management detention basins and retention basins shall be located entirely on one lot.

### **SECTION 106.8 DEDICATION OF LAND FOR PUBLIC USE**

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In order to provide proper open spaces for circulation of light and air and to avoid future congestion of the population that could be detrimental to the public health, safety and welfare, no subdivision plat shall be approved without the dedication of area for open space park and/or recreation purposes. A minimum of twenty percent (20%) of the area of the subdivision shall be set aside in perpetuity for open space and/or recreational purposes with adequate provisions established for the maintenance of such open space and recreational land. This dedicated area shall meet the requirements of the local authority and shall conform to the following standards and criteria:

- A. Suitability. The land to be so dedicated shall be reasonably suitable, in the judgment of the County Planning Commission, for use as a public park. Areas for passive as well as active recreation will be considered. In determining such reasonable suitability, the County Planning Commission shall consider the following:
  1. In general, land reserved for public purposes should have a contiguous area of at least 2.5 acres and dimensions larger than 70 feet in width at any point. When the percentage required would create less than 2.5 acres, the County Planning Commission may require that the public area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

2. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, shall be relatively level and dry and shall have adequate road access for the particular purposes envisioned by the County Planning Commission. To determine suitability, the County Planning Commission shall review the proposed site's topography, major physical characteristics, location with respect to the residents to be served, connections to existing or potential open space on adjoining parcels and other factors deemed relevant to the County Planning Commission.
  3. Land area devoted to storm water or water quality control facilities is not suitable for open space of public recreation purposes.
  4. A recreation site should have adequate frontage on one or more streets.
- B. Location. The County Planning Commission will consider any policy recommendations formally adopted by the Township.
  - C. Land set aside for open space purposes shall have a conservation easement placed on it and recorded as a separate parcel belonging to the HOA.

## **SECTION 106.9 RESOURCE PROTECTION REGULATIONS AND DESIGN GUIDELINES**

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- A. Purpose: Subdividers are encouraged to design subdivisions in a manner that conserves community resources and open space and protects certain natural features in order to protect the health and safety of the community. More specifically, the purposes of this Section are to:
  1. Minimize development on and destruction of certain natural resource areas;
  2. Reduce the quantity and improve the quality of storm water runoff from expected development;
  3. Maintain natural characteristics such as meadows, woods, natural vegetation, slopes, streams, wetlands, riparian areas and hedgerows, and their proper natural function;
- B. Wetlands Protection. Wetlands that are to be retained on site shall be protected by applicable wetlands setback requirements adopted by the Township. The wetlands and corresponding wetlands setbacks shall be depicted on the Final Plat.
- C. Conservation of Riparian Zones. Whenever watercourses on the parcel are required to have a riparian setback, such setbacks shall be provided in accordance with the applicable riparian setback requirements adopted by the Township. The riparian setbacks shall be depicted on the Final Plat.
- D. Supplemental Resource Protection Design Guidelines. Subdivisions should be designed with the following criteria to ensure that the subdivision is appropriate for the site's natural, historic and cultural features.

1. Conservation of Sloping Land. The road system and buildings should be located so as to minimize changes to the topography and the need for cutting and filling.
2. Conservation of Woodlands, Vegetation, and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats, to the greatest extent practicable.
3. Conservation of Wildlife Habitat Areas. Wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency and/or the Ohio Department of Natural Resources shall be protected to the extent required by law.
4. Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs shall be protected in compliance with all federal and state laws and should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barns, barn foundations, underground fruit cellars, earth mounds and burial grounds, to the greatest extent practicable.

# **CHAPTER 107. ADMINISTRATION AND ENFORCEMENT**

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## **SECTION 107.1 ADMINISTRATION**

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The County Planning Commission shall be responsible for the administration of these Subdivision Regulations, which are general rules of uniform application, governing plats and subdivisions of land falling within its jurisdiction, and delegates certain aspects of its authority in accordance with the Ohio Revised Code. The following entities shall assist the County Planning Commission in the administration of these Regulations:

- A. County Planning Director: The county planning director and staff, as delegated, shall be the County Planning Commission's designated representative and shall have the following powers and responsibilities:
  - 1. Receive process, accept, and certify applications as to completeness under these Regulations.
  - 2. Issue final approval or denial of Minor Subdivisions.
  - 3. Issue final administrative interpretation of the Subdivision Regulations.
  - 4. Provide recommendations to the County Planning Commission regarding applications for Preliminary Plan approval and Final Plat approval.
- B. The County Department of Public Works (including both the County Engineer's office and the County Sanitary Engineer's office), Health Department, County Law Director, and the Soil and Water Conservation District, or any other entity as deemed necessary by the County Planning Commission may assist the County Planning Commission and the County Planning Director in its review of all subdivision plans, Improvement Plans and Final Plats.
- C. The Cuyahoga County Council has the authority to:
  - 1. Accept the dedication of all public rights-of-way and all public easements.
  - 2. Adopt standards of construction and require and secure the construction of improvements shown on the Final Plats and plans required by this text.

## **SECTION 107.2 REVISION OF FINAL PLAT AFTER APPROVAL**

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No changes, erasures, modifications or revisions shall be made in any Final Plat of a subdivision after approval has been given by the County Planning Commission and an endorsement is made in writing on a Final Plat, unless that Final Plat is first resubmitted and the changes approved by the County Planning Commission.

### **SECTION 107.3 FEES**

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Fees are intended to fund the costs of administering these Subdivision Regulations.

- A. Subdivision Preliminary Plan and Final Plat Filing Fees. Non-refundable filing fees in the amount fixed by resolution of the County Council shall be paid to the County Planning Commission when the application is submitted. All applicable filing fees shall be paid in full at the time of submission of an application. Application packages shall be considered to be incomplete and will not be approved for placement on an agenda or otherwise processed until the required fees are paid in full.
- B. Improvement Plan Review and Approval and Field Inspection Fees. The subdivider shall pay all required fees established by County Council for reviewing and approving the Improvement Plans and conducting field inspections of the improvements. The guarantee(s) posted by the subdivider assures the payment of all inspection fees and no financial guarantees will be released until all inspection fees have been paid in full.
- C. Reinspection fees shall be assessed when having to perform a non-routine inspection due to the project being in a deficient status.
- D. A Fee Schedule for these services is found in the Appendix hereof and is available in the offices of the County Planning Commission and County Public Works.

### **SECTION 107.4 MODIFICATIONS**

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According to the ORC §711.10(C), the County Planning Commission may modify the requirements of these Subdivision Regulations in specific cases where unusual topographical or other exceptional conditions require such modifications, or in the case of improvements, where unusual or exceptional factors or conditions require such modifications.

- A. The County Planning Commission may permit such modification when it determines that such relief shall not be detrimental to the public interest and shall not impair the desirable development of the neighborhood and community.
- B. In granting a modification, the County Planning Commission may require such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements of these Regulations.
- C. An application for any such modification shall be submitted in writing by the subdivider for the consideration of the County Planning Commission. The application shall state fully the grounds for the modification requested and all the facts relied upon by the applicant.

## **SECTION 107.5 ENFORCEMENT**

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Appropriate legal and equitable actions and proceedings may be taken to prevent or remedy any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building, structure or premises as defined in Article 2 of the Cuyahoga County Land Development Regulations. Remedies may include, but shall not be limited to, the penalties described in Section 107.6.

## **SECTION 107.6 VIOLATIONS AND PENALTIES**

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- A. Whoever willfully violates any rule or provisions adopted pursuant to ORC §711.101 or fails to comply with any order pursuant thereto shall forfeit and pay not less than nor more than the amount authorized by ORC §711.102. Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas of Cuyahoga County by the legal representative of Cuyahoga County, in the name of the County and for the use thereof.
- B. Any person, whether the owner or agent of the owners, who transfers any lot, parcel or tract of such land from or in accordance with a Final Plat of a subdivision before such Final Plat has been recorded in the Cuyahoga County Fiscal Office, shall forfeit and pay the sum of not less than nor more than the amount authorized by ORC §711.13 for each lot, parcel or tract of land so sold. 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 forfeiture provided in this section.
  - 1. The sum may be recovered in a civil action, brought by the prosecuting attorney, other corresponding official, or the Cuyahoga County Planning Commission, in the name of the county and for the use of the road repair fund thereof.
  - 2. The sale of lots, parcels, or tracts from a Final Plat of a subdivision on which any and all areas indicated as streets or open grounds are expressly indicated as for the exclusive use of the abutting or other owners in the subdivision and not as public streets, ways, or grounds shall not serve to exempt the seller from the requirements of these Regulations or from the forfeiture provided in this section.
- C. Any person who disposes of, offers for sale, or lease for a time exceeding five years, any lot, or any part of a lot, in a subdivision with intent to violate ORC § 711.001 to ORC § 711.14 inclusive of the Ohio Revised Code, shall forfeit and pay the sum of not less than nor more than the amount authorized by ORC §711.15 for each lot or part of lot sold, offered for sale, or leased, to be recovered with costs, in a civil action, in the name of the County Treasurer for the use of the County.

### **SECTION 107.7 APPEALS**

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Any person submitting a plat which the County Planning Commission has refused to approve may, within sixty calendar days after the refusal, file a petition in the court of common pleas of Cuyahoga County in accordance with ORC §711.10(C), and the proceedings on the petition shall be governed by Section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat.

### **SECTION 107.8 AMENDMENTS**

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These regulations may be amended, after public hearing and other requirements, as specified in ORC §§ 711.10 and 711.132.

### **SECTION 107.9 EXPIRATION OR EXTENSION**

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Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and associated Planning Commission approvals. In accordance with Section 104.5 (VI) and before expiration, the subdivider may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The County Planning Commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.



# APPENDIX FEE SCHEDULE

## FEE SCHEDULE

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<b>MINOR SUBDIVISION:</b>	\$50.00 per lot*
<b>MAJOR SUBDIVISION:</b>	
<b>Preliminary Plan</b>	\$500.00 plus \$15.00 per lot*
Extension	\$250.00
Modification	\$500.00
<b>Improvement Plans</b>	The developer will be responsible for all plan review and inspection costs incurred by Public Works. An initial deposit of 2.50% of construction costs (approved by Public Works) is required at the time of submission for all improvements exclusive of sanitary sewer work. See Section 104.6 (II) for additional information.
	Fees for sanitary sewer Improvement Plans-Consult Sanitary Engineer's office (within County Public Works)
<b>Final Plat</b>	\$500.00 plus \$15.00 per lot*

\* Based on the number of lots created after the tract of land has been subdivided.