

CHAPTER 1111

Required Improvements

- 1111.01 Intent.
- 1111.02 Improvements required by developer.
- 1111.03 Grading.
- 1111.04 Drainage facilities (criteria).
- 1111.05 Sanitary facilities (standard).
- 1111.06 Water supply (standard).
- 1111.07 Electric and telephone service (standard).
- 1111.08 Gas fuel service (standard).
- 1111.09 Pavement, curbs and sidewalks.
- 1111.10 Monuments.
- 1111.11 Street trees.
- 1111.12 Street name signs.
- 1111.13 Performance guarantee of installation.
- 1111.14 Street maintenance.
- 1111.15 Insurance.
- 1111.16 Failure to complete improvements.
- 1111.17 Construction and occupancy.

1111.01 INTENT.

Regulations, standards and criteria are hereby established for designing, approving and constructing land improvements for subdivisions so as to achieve, among others, the following purposes:

- (a) The natural site assets, such as existing trees and topsoil, shall be preserved and the site graded to provide a system of drainage.

(b) All on-site and off-site extensions of street pavements and utilities shall be designed and constructed so as to complete the street and utility system for the affected area.

(c) To provide measures for enforcement thereof by withholding recording and transfer of land until the construction is satisfactorily completed.

(Ord. 58-73. Passed 7-23-73).

1111.02 IMPROVEMENTS REQUIRED BY DEVELOPER.

(a) The developer shall dedicate land for all local and secondary streets within his subdivision and dedicate land for the widening of major streets on the boundary of his subdivision; and he shall design, provide and install, at his expense, the improvements required herein.

(b) Utilities, pavements and other land improvements as herein required, shall be designed, furnished and installed as hereinafter set forth and they shall be of such sizes and capacities as are required for the development of the proposed subdivision, and as may be necessary to serve adjacent undeveloped land which is an integral part of the service area.

(c) The developer shall be required to extend improvements to the boundary of his proposed subdivision to serve adjoining undeveloped or unsubdivided land. Such improvements shall be sized to provide for service to adjoining land in accordance with the Master Utility Plan. However, the City shall reimburse the developer for that portion of the cost in excess of that which would be required to serve the proposed development.

(Ord. 58-73. Passed 7-23-73.)

1111.03 GRADING.

The developer shall prepare a grading plan for each subdivision in order to establish street grades, floor elevations of the building and a system of drainage for the street right of way and the private lots, all in proper relation to each other and to existing topography.

(a) Grading of Block (Criteria). The finished grading for the block shall be designed in accordance with minimum standards for lot grading design of the City and available through the Building Division.

The grading of the roadway shall be in accordance with the criteria set forth in Section 1109.04 and the Construction Standards of the City, and extend the full width of the right of way. Tree lawns should be graded at a gradient of not less than two percent (2%) or more than four percent (4%) upward from the curb to the sidewalk or property line.

(b) Lot Grading (Criteria). The floor elevation of each building shall be established in proper relation to the surrounding block grades, to the driveway and the street. There should be a minimum grade of two percent (2%) around each building so that water drains

to lower areas. Drainage swales shall have a minimum grade of 0.5 (one-half) percent. The lot drainage system shall be designed so that surface water, except that which should be retained for natural irrigation, shall drain onto the driveway, a drainage structure on the lot, a street gutter and storm sewer, or a natural drainage way.

The minimum grades of driveways shall be one-half percent (0.5%). Grading should be adjusted so there will be no abrupt grades in the front yards and along side lot lines. The grades of earth terraces shall not exceed a two and one-half (2-1/2) to one (1), slope.

(c) Topsoil and Trees (Criteria). The topsoil shall be stripped from the roadway and construction areas, piled separately and not removed from the site or used as spoil. The Commission may require that as many trees as can be reasonable utilized in the final development plan be retained, and the grading be adjusted to the existing grade around the trees.

(Ord. 58-73. Passed 7-23-73.)

1111.04 DRAINAGE FACILITIES (CRITERIA).

A drainage system shall be designed and constructed by the developer in accord with the Construction Standards of the City as required for the drainage of the surface water of the subdivision and each lot as follows:

(a) Enclosed Storm Sewer System (Standard). An enclosed storm sewer system shall be provided and connected to the existing storm sewer system and have a capacity to serve the subdivision and adjoining unsubdivided land as shown in the same drainage area on the City's sewer plans. The system shall include pipes, culverts, manholes, catch basins, drain inlets and a connection for each lot.

The storm water drainage system shall be designed by a registered engineer subject to the approval of the Building Division and in accordance with the most recent standards for engineering design of storm and sanitary sewerage and drainage facilities prepared by the City.

(b) Open Drainage System (Criteria). Subject to the approval of the Planning Commission, the developer may rechannel any watercourses through his property and may be required to deed in fee, dedicate or grant an easement to the City for a drainage channel not less in width than required by a plan prepared by a registered engineer and in accord with Construction Standards of the City.

(Ord. 58-73. Passed 7-23-73.)

1111.05 SANITARY FACILITIES (STANDARD).

Sanitary sewerage shall be designed and constructed by the developer in accordance with the most recent standards of the City, which, at its option, may elect to use standards

published by the Cuyahoga County Planning Commission or other competent authority, and in accord with the sewer plan of the City, for the proper disposal of wastes, including a house connection for each lot. The design shall be submitted for approval by the City Engineer.

(Ord. 58-73. Passed 7-23-73).

1111.06 WATER SUPPLY (STANDARD).

A public water supply system, including fire hydrants and a supply line for each lot, shall be designed and constructed by the developer of each subdivision in accordance with the rules and standards of the Division of Water and Heat of the City of Cleveland. The design shall be submitted for approval by the City Engineer of Rocky River and by the Division of Water of the City of Cleveland.

(Ord. 58-73. Passed 7-23-73).

1111.07 ELECTRIC AND TELEPHONE SERVICE (STANDARD).

The developer shall submit plans of the proposed subdivisions to the Cleveland Electric Illuminating Company and the Ohio Bell Telephone Company for designing their distribution system, and for submission by them to the City Engineer for approval.

(a) **Underground Service.** Underground communications, electric power and street lighting distribution systems shall be required for all new subdivisions. Telephone, electric power and street lighting wires, conduits or cables, along with equipment and necessary structures in the distribution system to serve lots in such subdivision shall be constructed in underground utility easements at least ten (10) feet (3.05m) wide, except that those wires, conduits or cables owned by or serving individual customers and located wholly on the customer's property, need not be located in easements.

All underground equipment and structures shall be installed in accordance with the standards required in Administrative Order No. 72 and other applicable regulations of the Public Utilities Commission of Ohio. Transformers shall be located in underground vaults under the public walk or in an approved location in a nearby easement.

(b) **Overhead Electric Service (Standard).** Where permitted, overhead electric and telephone service should be located in easements along interior lot lines, and, where necessary, along side lot lines. Easements shall be at least ten (10 feet (3.05m) wide, centered on rear lot lines and continuous from block to block. Street lighting service liens shall be extended along side lot lines to lighting fixtures along the street rights of way.

(c) **Street Lighting System (Criteria).** Wherever the subdivision will be served by underground electric service, underground structures shall be provided by the Utility Company for the eventual installation of street lighting fixtures on the streets of the subdivision in accordance with the recommendations of American Standard Practice for

Roadway Lighting. Until the lighting is installed, the wiring shall be safely insulated or de-energized.

In multifamily developments, exterior lighting shall be provided for walks, steps, parking areas, garages, driveways, streets and elsewhere as necessary for safety and convenience. Fixtures shall be shaded to screen the windows of habitable rooms from direct rays.

(Ord. 58-73. Passed 7-23-73.)

1111.08 GAS FUEL SERVICE (STANDARD).

The developer shall submit plans for a gas fuel distribution system for the proposed subdivision or development and service provided for each lot. The gas system shall be designed and constructed in accordance with the rules and standards of the East Ohio Gas Company, and the designs submitted for the approval of the Gas Company Engineer and the City Engineer. No above ground piping or meter shall be permitted in a front yard.

(Ord. 58-73. Passed 7-23-73).

1111.09 PAVEMENT, CURBS AND SIDEWALKS.

The pavement, curbs and sidewalks shall be designed and constructed by the developer as required and set forth in the schedules of these Regulations and the Construction Standards developed by the Building Division and approved by Council.

(a) Pavement (Standard). The dimensions, materials and construction of the pavement shall be in accordance with the Construction Standards of the City.

After the underground utilities and house connections are installed and backfilled and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted in accord with the Construction Standards proposed by the Building Division and approved by Council. The developer shall then construct the final pavement and curbs of such material and in accordance with designs and plans prepared by a registered engineer and approved by the City. Construction shall be of a quality at least as good as the City standard and such determination shall be at the discretion of a duly authorized engineer representative of the City and shall be completed before bonds are released or occupancy permits are granted.

(b) Curbs and Gutters (Criteria). Two (2) foot concrete roll-over curbs or straight curbs, used only with concrete pavement, poured monolithically with the pavement shall be constructed in accordance with the materials, dimensions and standards of the Construction Standards of the City. Straight curbs may be provided at Intersections where rolled curbs are used elsewhere.

(c) Driveways and Curb Cuts (Criteria). Driveways shall not be less than three (3) feet (.91m) from the side lot line or from another driveway. Private driveways shall be concrete

and a minimum of not less than four (4) inches thick; reinforcing shall be 6 x 6 x#10 welded wire fabric reinforcing. Driveways shall not be less than eight (8) (2.44m) or greater than twenty (20) feet (6.10m) in width in 1F-R1 and 2F-R2 districts, except where a three (3)-car garage exists or is proposed the driveway shall not exceed thirty two (32) feet in width. Curb cuts for straight curbs and the flare for rolled curbs of driveways shall be three (3) feet (.91m) to

five (5) feet (1.52m) wider than the driveway pavement on each side; the driveway grade of the apron shall not exceed three percent (3%) from the edge of the pavement to the property line. In 1F-R1 and 2F-R2 Districts, only one curb cut shall be permitted for any lot except that two curb cuts shall be permitted for any lot which meets all of the following conditions:

(d) Public Sidewalks (Criteria). Sidewalks shall be designed and constructed in accord with Construction Standards of the City, provided on both sides of the streets, and extended to connect with existing walks or to the boundaries of the subdivision. On corner lots, sidewalks shall be extended to the curb, shall have sufficient cross-slope to provide quick disposal of surface water, and shall not serve as drainage channels.

On local residential streets, sidewalks shall be five (5) feet (1.52m) wide and located in the public right of way so that the inner line is approximately one (1) foot (.31m) from the property line.

In multifamily residential developments, walks shall not be less than six (6) feet (1.83m) wide.

(Ord. 71-21. Passed 6-13-22.)

1111.10 MONUMENTS.

A monument shall be accurately placed by the developer at each street intersection or point of abrupt change of direction, at intermediate points and corners of lots and at such other locations as may be required by the City Engineer. The monuments shall be of concrete, six (6) inches by six (6) inches by thirty (30) inches (.15m by .15m by .762m) with an iron pin in the center, or a metal monument where concrete is impractical, as specified in the Construction Standards of the City. The top of the monument shall set not more than six (6) inches (.15m) below the finished grade upon the completion of the grading of the streets and lots.)

(Ord. 58-73. Passed 7-23-73.)

1111.11 STREET TREES.

The developer shall furnish and plant a tree or trees in each tree lawn of the species and size and at the locations shown on the Master Tree Planting Plan on file in the Safety-Service Director's Office. All such trees shall be planted and maintained as provided in

Chapter 945 of the Codified Ordinances of the City, entitled, "Tree Planting and Management".

(Ord. 58-73. Passed 7-23-73.)

1111.12 STREET NAME SIGNS.

Street name signs shall be furnished and installed by the developer in accord with the design standards of the City. Signs shall be placed on diagonally opposite corners, on the far right-hand side of the intersection for traffic on the more important street, and as near to the corner as practical.

(Ord. 58-73. Passed 7-23-73).

1111.13 PERFORMANCE GUARANTEE OF INSTALLATION.

The developer shall execute and file with the City, financial guarantees of actual installation of completion of the required improvements. Filing shall be concurrent with the application for approval of the final plat.

(a) Type of Guarantees. Such guarantees may be in the form of a performance of surety bond, a certified check or any other type of surety approved by the City. The terms of such guarantees shall be determined by the Commission. However, they shall not be for a longer period than two (2) years unless Council, by resolution, extends the time. Bonds shall be executed by the applicant as principal with a surety company authorized to do business in the State and acceptable to the City.

(b) Amount of Guarantee. The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the improvements as determined by the City Engineer. When any portion of an improvement has, upon inspection by the City Engineer, been found satisfactorily completed, a reduction in the bonds, or partial withdrawal of funds equal to the estimated costs of such complete improvements, may be authorized, notwithstanding the provisions of Section 1111.09 (a).

(c) Progressive Installation. The developer may apply for final approval and recording of only a portion of the entire subdivision. Under such a progressive unit development procedure, the installation of required improvements and sale or lease of lots may proceed only on that portion of the subdivision which has been approved and recorded.

(Ord. 58-73. Passed 7-23-73).

1111.14 STREET MAINTENANCE.

The developer shall guarantee the construction and materials of the street improvements for a twelve (12) month period after acceptance by the City, and in order to secure the guarantee, he shall deposit with the City an amount equal to two percent (2) of the total cost of the construction of street improvements in a maintenance fund, or he may provide in lieu thereof, a maintenance surety bond in like amount and in accordance with the provisions of Section 1111.13(a).

(Ord. 58-73. Passed 7-23-73).

1111.15 INSURANCE.

The developer shall agree to indemnify and save harmless the City against and from any and all loss, cost, damage, liability and expense on account of damage to property of the City or injury to or death of any of its employees, agents or representatives or any third person, caused by, growing out of or in any way whatsoever attributable to the construction of the improvements and the use of the street delineated on the subdivision plat during construction. The developer shall further agree, but without limiting its liability, to indemnify the City, to carry liability insurance contracts with any insurance company or companies acceptable to the Law Director during the period of the construction in the sum of Three Hundred Thousand Dollars (\$300,000) to Five Hundred Thousand Dollars (\$500,000) for injury to or death of persons, and in the sum of One Hundred Thousand Dollars (\$100,000) for damage to or destruction of property, which insurance contracts shall include the City as a named insured. The developer shall agree to maintain on file with the City during the period of such construction, certificates or memoranda of insurance evidencing that the insurance contracts are in force.

(Ord. 58-73. Passed 7-23-73).

1111.16 FAILURE TO COMPLETE IMPROVEMENTS.

In the event the developer fails to diligently pursue the work or complete the installation of all improvements to the land according to the terms and conditions of these Subdivision Regulations, the drawings and specifications, approved by Council, the performance bonds filed by him and/or other agreements or covenants made by him, the City may, upon thirty (30) days written notice to the developer, complete same in the manner required, and pay for the costs thereof from the deposits made by the developer or call upon the bonding company for performance.

(Ord. 58-73. Passed 7-23-73).

1111.17 CONSTRUCTION AND OCCUPANCY.

A building permit may be issued by the Building Division only after the following procedure has been satisfactorily completed with:

- (a) All necessary street improvement installations shall be completed by the owner in accordance with the provisions of this Chapter and accepted by the City; or
- (b) Performance bonds and/or cash placed in escrow, in amounts determined by the City Engineer and in a form approved by the Law Director, covering all improvement work remaining to be done in accordance with this Chapter has or have been furnished and evidence of same shall have been filed with and accepted by the Law Director; and
- (c) Street name signs, as required, have been erected.

(Ord. 58-73. Passed 7-23-73).