

**TITLE TWO—PLANNING  
CHAPTER 1208 ALLOTMENT & SUBDIVISION REGULATIONS**

**PREAMBLE**

**PURPOSE AND INTENT**

1. To insure that land subdivision will be in accordance with the approved land development policies and objectives of the Land Use Plan and Zoning Code, as well as the standards herein provided.
2. To insure for the most appropriate arrangement of streets for traffic safety and circulation and to provide each lot with adequate accessibility and to make provisions for the movement of firefighting and other emergency equipment.
3. To provide for the adequacy of the size, convenience, and location of all utilities and space for other public uses; also, to prevent the overtaxing of the capacity of the existing public or private utilities.
4. To insure that the City of Akron (and its citizens) are protected from the burden of excessive or undue costs of improvements for which the lot buyer or developer has financial responsibility. Also, to prevent the untimely or ill-advised subdivision, which with the above item add to the general tax burden.
5. To promote desirable living conditions.
6. To encourage home ownership in appropriate areas.
7. To avoid undue concentration of population.
8. To prevent overcrowding of land.
9. To provide for proper drainage and other features to insure safe and desirable surroundings for homes.
10. To encourage the subdivision and development of land which contributes to a healthy and diversified economy.
11. To provide for the assurance that the subdivision improvements are adequate and are properly installed and completed in accordance with the standards herein provided.
12. To provide within the allotment regulations the flexibility to explore and consider innovative development techniques which will not have an adverse effect on the purpose and intent of these regulations.

The seller, the prospective lot purchaser, and the general public all are interested parties in having allotments well planned. The information to be furnished by prospective subdividers will give a background for the City authorities to decide if the interest of all parties are properly protected.

It is necessary, therefore, to establish comprehensive regulations, standards, and procedures controlling all new land subdivision and development, so that the public peace, convenience, and prosperity, health, safety, and general welfare will be protected and that coordinated, efficient, and economic development of the City (and surrounding area) can be achieved. To that and the following regulations, minimum standards and rules for preparation of plats are hereby established.

**TABLE OF CONTENTS**

|                                                                                                   | <b>PAGE</b>  |
|---------------------------------------------------------------------------------------------------|--------------|
| <b>I. 1208.02 TITLE, SCOPE &amp; JURISDICTION</b> . . . . .                                       | <b>1</b>     |
| <b>A. Title</b> . . . . .                                                                         | <b>1</b>     |
| <b>B. Administration</b> . . . . .                                                                | <b>1</b>     |
| <b>C. Jurisdiction</b> . . . . .                                                                  | <b>1</b>     |
| <b>D. Relation to other laws</b> . . . . .                                                        | <b>1</b>     |
| <b>E. Amendments</b> . . . . .                                                                    | <b>1</b>     |
| <b>F. Separability</b> . . . . .                                                                  | <b>1</b>     |
| <br><b>II. 1208.04 DEFINITIONS</b> . . . . .                                                      | <br><b>3</b> |
| <b>A. Interpretation of Terms or Words</b> . . . . .                                              | <b>3</b>     |
| <b>B. Defintions</b> . . . . .                                                                    | <b>3-8</b>   |
| <br><b>III. 1208.06 PROCEDURES FOR SUBDIVISION APPROVAL</b> . . . . .                             | <br><b>9</b> |
| <b>A. Preapplication meeting</b> . . . . .                                                        | <b>9</b>     |
| (1) Preapplication sketch . . . . .                                                               | <b>9</b>     |
| (2) Submission to Director of the Ohio Department of Transportation . . . . .                     | <b>9</b>     |
| <b>B. Preliminary Plan Approval</b> . . . . .                                                     | <b>9</b>     |
| (1) Preliminary plan . . . . .                                                                    | <b>9</b>     |
| (a) Preliminary Plan Form . . . . .                                                               | <b>10</b>    |
| (b) Preliminary Plan Contents . . . . .                                                           | <b>10-12</b> |
| (c) Supplementary Information . . . . .                                                           | <b>12-13</b> |
| (2) Filing Fees . . . . .                                                                         | <b>13</b>    |
| (3) Public Hearing . . . . .                                                                      | <b>13</b>    |
| (4) Approval of Preliminary Plan . . . . .                                                        | <b>13</b>    |
| (5) Approval period . . . . .                                                                     | <b>13</b>    |
| <b>C. Final Plat Approval</b> . . . . .                                                           | <b>13</b>    |
| (1) Final Plat . . . . .                                                                          | <b>13</b>    |
| (a) Final Plat Form . . . . .                                                                     | <b>13-14</b> |
| (b) Final Plat Contents . . . . .                                                                 | <b>14-15</b> |
| (2) Improvements required . . . . .                                                               | <b>15</b>    |
| (3) Supplementary information . . . . .                                                           | <b>15-16</b> |
| (4) Filing . . . . .                                                                              | <b>16</b>    |
| (5) Approval by Planning Commission . . . . .                                                     | <b>16</b>    |
| (6) Acceptance of dedication of street, highway or other ways, or open space by Council . . . . . | <b>16</b>    |
| (7) Transmittal of copies and recording . . . . .                                                 | <b>16</b>    |
| (8) Variation to procedures for sub-divisions outside the corporate limits . . . . .              | <b>16-17</b> |
| <b>D. Minor Subdivisions (Lot splits)</b> . . . . .                                               | <b>17</b>    |

**TABLE OF CONTENTS—CONT'D.**

|                                                                                  | <b>PAGE</b> |
|----------------------------------------------------------------------------------|-------------|
| <b>IV. 1208.08 SUBDIVISION DESIGN STANDARDS</b> . . . . .                        | <b>19</b>   |
| <b>A. General Statement</b> . . . . .                                            | 19          |
| <b>B. Streets</b> . . . . .                                                      | 19-21       |
| <b>C. Blocks</b> . . . . .                                                       | 21          |
| <b>D. Intensity of Land Use</b> . . . . .                                        | 21          |
| <b>E. Lots</b> . . . . .                                                         | 22          |
| <b>F. Building Lines</b> . . . . .                                               | 22          |
| <b>G. Easements</b> . . . . .                                                    | 22          |
| <b>H. Pedestrian Lanes or Walks</b> . . . . .                                    | 22          |
| <b>I. Flood areas and storm drain ditches</b> . . . . .                          | 22-23       |
| <b>J. Public sites, open space and natural features</b> . . . . .                | 23          |
| <br>                                                                             |             |
| <b>V. 1208.10 REQUIREMENTS FOR CONSTRUCTION AND IMPROVEMENTS</b> . . . . .       | <b>25</b>   |
| <b>A. General statement</b> . . . . .                                            | 25          |
| <b>B. Grading</b> . . . . .                                                      | 25          |
| <b>C. Storm sewers</b> . . . . .                                                 | 25          |
| <b>D. Sanitary sewers</b> . . . . .                                              | 25          |
| <b>E. Water supply and fire protection</b> . . . . .                             | 26          |
| <b>F. Utility distribution lines</b> . . . . .                                   | 26          |
| <b>G. Paving and curbs</b> . . . . .                                             | 26          |
| <b>H. Sidewalks</b> . . . . .                                                    | 26          |
| <b>I. Street signs</b> . . . . .                                                 | 27          |
| <b>J. Street trees</b> . . . . .                                                 | 27          |
| <b>K. Monuments</b> . . . . .                                                    | 28          |
| <b>L. Oversize improvements</b> . . . . .                                        | 28          |
| <b>M. Bond in lieu of performance</b> . . . . .                                  | 28          |
| <br>                                                                             |             |
| <b>VI. 1208.12 MISCELLANEOUS AND REALTED</b> . . . . .                           | <b>29</b>   |
| <b>A. Variations</b> . . . . .                                                   | 29          |
| <b>B. Street dedications</b> . . . . .                                           | 29          |
| (1) Vacant land . . . . .                                                        | 29          |
| (2) Developed land . . . . .                                                     | 29-30       |
| <b>C. Planned Unit Development; Planned Development District (UPD)</b> . . . . . | 30          |
| <b>D. Exceptions</b> . . . . .                                                   | 30          |

**1208.02 TITLE, SCOPE & JURISDICTION**

**A. Title.**

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

**B. Administration.**

These regulations shall be administered by the Akron City Planning Commission.

**C. Jurisdiction.**

These regulations shall be applicable to all subdivisions of land within the City and the territory within three miles of the corporate limits thereof as provided in Section 711.09 of the Ohio Revised Code. The City Planning Commission shall have the power of final approval of the plats except as provided herein.

**D. Relation to other laws.**

The provisions of these regulations shall supplement any and all laws of the State of Ohio, ordinances of the City, or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of these regulations. Whenever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

**E. Amendments.**

These regulations may be amended, after public hearings and other requirements as specified in the appropriate sections of the Ohio Revised Code.

**F. Separability.**

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.

## 1208.04 DEFINITIONS

- A. **Interpretation of Terms or Words:** For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:
- ( 1 ) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - ( 2 ) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
  - ( 3 ) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
  - ( 4 ) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
  - ( 5 ) The word "lot" includes the words "plot" or "parcel".
- B. **Definitions:** The following definitions are to be used in the administration of these regulations and are in addition to those placed elsewhere in the Codified Ordinances of The City of Akron, Ohio, 1975.
- ( 1 ) Alley: See Thoroughfare
  - ( 2 ) Alloter or Subdivider: See Developer.
  - ( 3 ) Allotment: See Subdivision.
  - ( 4 ) Block: An area of land enclosed by streets and occupied by or intended for buildings; or one side of such an area of land.
  - ( 5 ) Building Line: See Setback Line.
  - ( 6 ) Covenant: A written promise or pledge.
  - ( 7 ) Culvert: A transverse drain that channels under a bridge, street, or driveway.
  - ( 8 ) Dead-end Street: See Thoroughfare.
  - ( 9 ) Density: A unit of measurement: the number of dwelling units per acre of land.
    - (a) Gross Density—the number of dwelling units per acre of the total land to be developed.
    - (b) Net Density—the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
  - (10) Density, Low Residential: Total land to be utilized for residential purposes, including public housing units, which does not exceed three (3) dwelling units per acre.
  - (11) Density, Medium Residential: Total land to be utilized for residential purposes, including public housing, which does not exceed nine (9) dwelling units per acre.
  - (12) Density, Medium-High Residential: Total land to be utilized for residential purposes, including public housing, which does not exceed fifteen (15) dwelling units per acre. For the purposes of street design requirements, the medium-high density residential classification shall be considered as high density.

- (13) **Density, High Residential:** Total land to be utilized for residential purposes, including public housing, which exceeds fifteen (15) dwelling units per acre.
- (14) **Developer:** Any individual, allotter, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.
- (15) **Dwelling Unit:** Space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family, as defined in the Zoning Ordinance.
- (16) **Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- (17) **Engineer:** Any person registered to practice professional engineering by the State Board of Registration as specified in Section 4733.14, Ohio Revised Code.
- (18) **Highway Director:** The director of the Ohio Department of Transportation.
- (19) **Improvements:** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the converting of raw land into building sites.
- (20) **Land Use Development and Guide Plan:** The Akron Land Use Development and Guide Plan is a major component of the City of Akron's Comprehensive Plan. It is a two-part document consisting of a Policy Plan and a Citywide Land Use Plan Map. The Policy Plan sets forth development goals and objectives which provide both a reference point and strategy for combining new growth and existing development in an orderly manner. The Land Use Plan Map outlines the desired pattern of development including the location, type, and density of land use activities, with the intent of promoting land development which is safe, efficient, compatible, and economically viable.
- (21) **Location Map:** See Vicinity Map.
- (22) **Lot:** For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements, in accordance with the Land Use Development and Guide Plan, for use, coverage and area, and to provide such yards and other open spaces as are required herein and in other sections of the Code. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
- (a) A single lot of record;
  - (b) A portion of a lot of record;
  - (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or portions of lots of record.
- (23) **Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.
- (24) **Lot, Area of:** The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

- (25) Lot Measurements: A lot shall be measured as follows:
- (a) Depth of a lot shall be considered to be the mean distance, measured at right angles or radially, between the street line and the lot line farthest from the street line.
  - (b) Width of a lot shall be the distance between the side lines of the lot measured along the building setback line. The distance between the points where the side lines intersect the street line shall not be less than 80% of the required lot width.
- (26) Lot Lines: Except for unusual street layout, as approved by the Planning Commission, all lots shall have four (4) sides or lines, as follows:
- (a) Front line is that side of the lot adjacent to or abutting the street right-of-way.
  - (b) Rear line.
    1. For an interior lot the rear lot line shall be that side of the lot line that does not intersect the street right-of-way.
    2. For a through lot the rear lot line may be either of the sides adjacent to or abutting the street right-of-way as determined by the owner.
    3. For a corner lot the rear lot line may be either of the sides not adjacent to or abutting the street right-of-way as determined by the owner.
  - (c) Two (2) side lines are the sides of the lots that extend between the street right-of-way to the rear lot line. Any lot line not a rear line or a front line shall be deemed a side line.
- (27) Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (28) Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:
- (a) A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
  - (b) An interior lot is a lot other than a corner lot with only one frontage on a street.
  - (c) A through lot is a lot other than corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
  - (d) A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- (29) Thoroughfare or Transportation Plan: Part of the City of Akron's Comprehensive Plan indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits of the City and surrounding area.
- (30) Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by a planning authority according to Section 711.131, Ohio Revised Code. Also known as Lot Split.

- (31) **Monuments:** Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including boundary lines, corners, and points of change in street alignment.
- (32) **Open Space:** An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.
- (33) **Park and Open Space Plan:** The part of the City of Akron's Comprehensive Plan which indicates the location recommended for all neighborhood, community and regional park, recreational and open space needs.
- (34) **Performance Bond or Surety Bond:** An agreement by a developer with the City for the amount of the estimated construction cost guaranteeing the completion of improvements according to plans and specifications within the time prescribed by the developer's agreement.
- (35) **Planned Unit Development; Planned Development District (UPD):** An area of land, in which a variety of housing types and/or related business and industrial facilities are accommodated in a pre-planned environment under specified standards and conditions.
- (36) **Plat:** A map of a tract or parcel of land.
- (37) **Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
- (38) **Right-of-way:** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally includes the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.
- (39) **Service Director:** The City of Akron Director of Public Service.
- (40) **Setback Line:** A line established by the subdivision regulations and/or Zoning Ordinance generally parallel with, and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings or structures may be located above ground, except as may be provided in said Codes. (See Yards)
- (41) **Sewers, Central, or Group:** 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.
- (42) **Sidewalk:** That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See Walkway).
- (43) **Street:** See Thoroughfare.
- (44) **Subdivider:** See Developer.
- (45) **Subdivision:**
- (a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, 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 division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange does not create additional building sites, shall be exempted; or

- (b) The improvement of one or more parcels of land for residential, business or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities (See also Minor Subdivision).
- (46) Surveyor: Any person registered to practice surveying, by the Ohio State Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.
- (47) Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly, or hillside for street design purposes. The classifications are as follows:
- (a) "Level" is that land which has a gross slope range of four (4) percent or less;
  - (b) "Rolling" is that land which has a gross slope range of more than four (4) percent but not more than eight (8) percent;
  - (c) "Hilly" is that land which has a gross slope range of more than eight (8) percent but not more than fifteen (15) percent;
  - (d) "Hillside" is that land which has a gross slope range of more than fifteen (15) percent
- (48) Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
- (a) Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting another street.
  - (b) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route
  - (c) Collector Street: A thoroughfare, whether within a residential, business, industrial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
  - (d) 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.
  - (e) Dead-end Street: A street, for the purposes of these regulations, having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future shall contain a temporary turn around at the terminus.
  - (f) Expressway: This class of facilities is devoted entirely to the task of traffic movement, and performs little or no land service function. Thus, it is characterized by at least some degree of access control. Except in rare instances, this classification should be reserved for multilane, divided roads with few, if any intersections at grade. Expressways provide for large volumes of traffic at relatively high speed and are primarily intended to serve long trips.
  - (g) Local Street: A street primarily for providing access to residential, business, or other abutting property.

(h) **Loop Street:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

(i) **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street).

(49) **Through Lot:** See Lot Types.

(50) **Vicinity Map:** A drawing located on the plat 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 Summit County in order to better locate and orient the area in question.

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

(52) **Watershed:** The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

(53) **Yards:** The yards herein defined are subject to the exceptions and variances permitted in Title 12 and Title 19 of the Codified Ordinances of the City of Akron, Ohio, 1975

(a) A "front yard" is an open, unoccupied space, on the same lot with a building, between the front line or wall of the building and the front line of the lot.

(b) A "rear yard" is an open, unoccupied space, on the same lot with a building, situated between the building and the rear line of the lot. On a corner lot, the owner may determine which of the lot lines, not a street line, shall be regarded as the rear line.

(c) A "side yard" is an open unoccupied space, on the same lot with a building, situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or front line shall be deemed a side line.

## 1208.06 PROCEDURES FOR SUBDIVISION APPROVAL

### A. Preapplication meeting

The developer shall meet with the City of Akron Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Land Use Development and Guide Plan, the Thoroughfare Plan, the Parks and Open Space Plan, the Zoning Ordinance, and the drainage, sewerage, and water systems for the City of Akron, Ohio.

#### ( 1 ) Preapplication sketch

The developer shall submit to the City Planning Commission a sketch plan, legibly drawn at a suitable scale and containing the following information:

- (a) The proposed subdivision in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features such as soil types, vegetation, contours, and utilities in the neighboring area
- (b) The layout and acreage of streets, lots, and any non-residential sites such as business, manufacturing, school or recreational uses within the proposed subdivision.
- (c) The location of utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.
- (d) The scale and title of the subdivision, a north arrow, and the date.
- (e) Name, address and phone number of owners and developers.

#### ( 2 ) Submission to Director of the Ohio Department of Transportation

If the land of the proposed subdivision is located within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Highway Director within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Highway Director shall be notified by registered or certified mail of the proposed subdivision. The plat for the subdivision shall not be approved for 120 days from the date the notice is received by the Highway Director. If the Highway Director gives notice that he shall proceed to acquire the land needed, the plat shall not be approved. If the Highway Director gives notice that acquisition at this time is not in the public interest or on expiration of the 120 day period or any extension thereof agreed upon by the Highway Director and the property owner, the plat may be approved if in conformance with all provisions of these regulations.

### B. Preliminary Plan Approval

If Section 1208.06 A (2) does not apply to the land or if the land is subject to approval for subdivision under the conditions of said Section, the developer may submit an application for the approval of the preliminary plan in conformance with this Section.

#### ( 1 ) Preliminary plan

The developer shall submit five (5) copies of the preliminary plan and the supplementary information listed below to the City Planning Commission at least fifteen (15) days before a scheduled meeting of the Commission. The application shall not be considered as submitted if the preliminary plan or supplemental information is incomplete.

**(a) Preliminary plan form**

The preliminary plan shall be drawn at a scale of either one hundred (100) feet to the inch or fifty (50) feet to the inch and shall be on one or more sheets 24 X 36 inches in size. (It is recommended that the preliminary plan be the same scale as the final plat).

**(b) Preliminary Plan Contents**

The preliminary plan shall contain the following information and shall be divided into designated topics as follows:

**1. Identification**

- a. The proposed name of the subdivision, which shall not duplicate or too closely approximate the name of any other subdivision in the county
- b. Location by township name, tract, and lot number.
- c. Property ownership lines and limits of proposed subdivision.
- d. Acreage to be subdivided, a scale of the plat, a north point, and date of the survey.
- e. Names, addresses, and telephone numbers of the owner, developer, and the professional engineer, surveyor, or party who prepared the plat, and appropriate registration numbers and seals.
- f. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, the location of their boundary lines, and zoning

**2. Availability of Services**

A map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it shall accompany the proposed subdivision plan. Except as noted, this map should show the area for at least 1/2 miles radius from the subdivision. This map shall show the following detail:

- a. Locations, widths, and names of existing streets and any non-existing but proposed streets that are shown on the master thoroughfare plan. At least one street in each allotment shall connect to an existing public street.
- b. Location of nearest schools, fire stations, shopping centers, bus lines and railroads if within a mile from any point of the proposed subdivision.
- c. The present availability of and right-of-way or easements for:
  - (1) Gas for domestic use into or near the proposed subdivision.
  - (2) Electricity (transmission and major distribution lines).
  - (3) Available storm and sanitary sewers, culverts and other underground structures, their size, location and gradient, connection with existing system.
  - (4) Existing water mains, location and size.

### 3. Physical Features-Existing and Proposed

Upon the map as identified in subsection 2 of this Section, the developer shall also show the following in detail:

- a. The following existing man-made features in or near the proposed Subdivision such as:
  - ( 1) Junk yards or auto wrecking yards.
  - ( 2) Blasting Activities.
  - ( 3) The existence and sources of unusual noise, vibration, explosive or fire hazard, chemical fumes, smoke or odors.
  - ( 4) Heavy vehicular traffic.
  - ( 5) Airports or heavy air traffic.
  - ( 6) Outdoor movies.
  - ( 7) Unsightly views visible from the subdivision.
  - ( 8) Dilapidated or poorly developed residential areas nearby.
  - ( 9) Radio towers.
  - (10) Cemeteries.
  - (11) Public institutions and churches.
  - (12) Parks, golf courses, and playgrounds, etc
- b. The following Existing Natural Features within the proposed subdivision.
  - ( 1) Existing cover. All trees 12" or more in diameter except in wooded areas, which shall be delineated as "wooded areas" on the plan.
  - ( 2) If within the proposed subdivision there are any areas of land subsidence, periodic inundation or overflow, swamps or marsh, rock outcrop or any other unusual natural or cultural feature or condition, all such items shall be shown on the plans.
- c. The following Proposed Physical Features within the Proposed Subdivision.
  - ( 1) Topography, Streets, Building Lines, Lots and Utilities.
    - (a) Contours at five foot intervals or less to U.S. Datum (City topography is available for most of the City), with water courses, ditches and soil erosion conditions.
    - (b) Street locations, width and names. (Names shall not too closely approximate the name of any other street in Summit County, except for extension of coterminous streets).
    - (c) Pedestrian Lane or Walk or other easements for convenience access.

- (d) Layout, numbers, and approximate dimensions of each lot.
  - (e) Proposed building set-back lines.
  - (f) The general location and size of proposed sanitary and storm sewers, the location of which meets the approval of the Director of Public Service.
  - (g) The location and size of water mains in or adjacent to the proposed subdivision.
  - (h) All parcels of land intended to be dedicated or reserved for public use or set aside in the deeds or otherwise, for the use in common of all property owners in the subdivision. The proposed use should be indicated as for example "site for pumping station," "park land," "school site," etc
- ( 2) Sewer, Water and Paving Data.

The developer shall furnish the following with the preliminary plans:

- (a) Profiles of proposed streets to a scale of 1" = 4' vertically and 1" = 40' horizontally on 20" profile cloth. The profiles shall show the ground line at the center and at each side of all proposed streets. Proposed grades of each street (curb grade) shall be shown with appropriate vertical curves and percent of grades. The Director of Public Service will review and establish the final grades. Submission of soil tests and boring data to show type of sub-grade along proposed streets shall be furnished if required.
- (b) Preliminary paving plans in accordance with City Highway Division Standards.
- (c) A preliminary plan showing line, profiles, and approximate pipe sizes separately for sanitary and storm drainage. The sewer system of other adjacent government units shall be shown on the plans if to be involved in the waste disposal system.

( 3) Revised Topography.

Where there are extensive cuts or fills for streets or in cases in which major moving of earth to change the surface is contemplated, plans showing proposed revised contours are to be furnished.

(c) Supplementary Information.

The following information shall be submitted along with the preliminary plan by the developer:

1. A copy of Private Restrictions or Protective Covenants, which the developer expects to impose, is to be furnished in duplicate. These restrictions and covenants shall be no less restrictive than the Zoning Code and Subdivision Regulations of The City of Akron and be consistent with the Laws and Constitution of the State of Ohio.
2. Rezoning. In case any area to be subdivided is to have zoning classification other than the existing one, a petition to rezone such area must be submitted by the property owner with the preliminary plan as provided in Chapter 1232 of the Codified Ordinances of the City of Akron.

- 3 For business and industrial development, the location, dimensions, and approximate grade of proposed parking and loading areas, alleys, pedestrian walks, streets, and the points of vehicular ingress and egress to the development
4. The developer shall furnish such other data as the Director of Planning or Planning Commission may request in order to judge the suitability of the land for subdivision purposes.

( 2) Filing fees.

"A non-refundable fee of one hundred twenty-five dollars (\$125.00) shall be prepaid to the City to assist in off-setting the cost of investigation, research and advertising incident to each request for an approval of a subdivision or street dedication plat."

( 3) Public Hearing.

The City Planning Commission shall, prior to acting on a preliminary plan of of a subdivision, hold a public hearing thereon at such time and upon such notice as the Commission may designate. The developer or his engineer should attend the public hearing.

( 4) Approval of Preliminary Plan

The City Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. These shall include at least the Directors of Public Service and the City Health Department, and shall also include any other department or agency that the Planning Commission deems appropriate in any given case. After receipt of reports from such officials and agencies, the City Planning Commission shall determine whether the preliminary plan shall be approved, approved with modifications or disapproved. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. The City Planning Commission shall act on the preliminary plan within thirty (30) days after filing unless such time is extended by agreement with the developer. When a preliminary plan has been approved by the City Planning Commission, the chairman shall sign all copies and return one (1) to the developer for compliance with final approval requirements. Approval of the preliminary plan shall also be conditional upon compliance with all other applicable statues, and ordinances (resolutions and regulations) of the City.

( 5) Approval period.

The approval of the preliminary plan shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes to these regulations.

C. Final Plat Approval.

( 1) Final plat.

The developer, having received approval of the preliminary plan of the proposed subdivision, shall submit a final plat of the subdivision and drawings and specifications of the improvements required therein. The final plat shall have incorporated all changes in the preliminary plan required by the City Planning Commission. Otherwise it shall conform to the preliminary plan, and it may constitute only that portion of the approved preliminary plan which the developer proposes to record and develop at the time. The formal plat shall conform to those sections of regulations entitled "Final Plat Form & Final Plat Contents".

(a) Final Plat Form.

The final plat shall be legibly drawn in waterproof ink on tracing cloth or other material of equal permanence. It shall be drawn at a scale of not less than one hundred (100) feet to the

inch, and shall be one (1) or more sheets 18 X 24 inches in size, preferably the same scale used on the preliminary plan. If more than one (1) sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown

(b) Final Plat Contents.

The final plat shall contain the following information, based on and in conformance with the section of these regulations entitled "Subdivision Design Standards".

1. To be in ink on tracing linen, sheet size 18" X 24", scale 1" = 50' or 1" = 100'. If the plat consists of more than one sheet, a small scale plan delineating the sheet arrangement and streets should appear on the first sheet of the plat.
2. Subdivision name Developer's name. The Ohio Registered Surveyor's name and address. State, City, County, Township, Section, Tract, Lot, Political subdivision, or other appropriate land identification. Scale. North point.
3. The heaviest weight line on the map shall be the subdivision boundary. The boundary must be to accurate scale, based on a field survey and the traverse must show angles to 10" (seconds) or less and lineal measurements to feet and hundredths.
4. The names of all adjoining subdivisions and the book and page where recorded shall be shown. Also names of adjacent owners where land is unallotted.
5. Length of tangents, radius, arcs, chords, and central angles for all centerline curves on streets shall be given. Dimensions shall be in feet and hundredths and angles to 10" (seconds).
6. Tangents, chord, arc, radius and central angle at all block (street) corners shall be given.
7. Chord lengths, arcs, central angles, radius and tangents shall be given for each lot fronting on a curve.
8. Railroad, utility or other rights-of-way which are encumbrances or easements across or adjacent to the proposed subdivision.
9. Streets, their names and widths; also streets if dedicated but not opened or existing private streets, all with widths, if in or adjacent to the subdivision.
10. A number for each lot and the dimensions of each side and all interior angles may be shown by notation.
11. Drainage ditches, creeks or rivers
12. Private restrictions
13. Certifications as follows with witnesses where appropriate, to be shown on Exhibit "A".
  - a. Registered Surveyor's Certificate.
  - b. Surveyor's Notarization.
  - c. Owners of land showing their having adopted the plat with dedication of public places, street widening, etc. Marital status of land owner of an individual or individuals must be shown, and if married, spouse must also sign plat and release dower or courtesy interest in public places.

- d. Owner's witnesses and notarization.
  - e. Release by mortgage holder if any, duly witnessed and notarized This may be a separate document
  - f. City Planning Commission's approval
  - g. City Council acceptance.
  - h. Provide spaces suitably labeled for the Auditor's and Recorder's certifications.
14. Designation by distinct symbols of Monuments found, Monuments set and Monuments to be set
  15. Existing deed restrictions or easements affecting the property or those given in connection with the subdivision for sewers, storm drainage, public utilities or for other purposes are to be shown with suitable dimensions and designations of use, terms, ownership, etc
  16. Only contiguous land shall be included in any one plat

**( 2) Improvements required.**

The Planning Commission has the authority to require certain improvements as listed in the regulations entitled "Requirements for construction and improvements" These improvements must be made prior to the final approval of the plat. In lieu of the completion of these improvements, the developer may furnish an acceptable bond to guarantee the ultimate installation and the initial maintenance of the improvements.

**(a) Improvement plans and specifications**

In addition to the final plat referred to above, the developer shall submit the final plan drawings and specifications of the improvements required in the regulations The final plan drawings and specifications of improvements shall be a set of construction and utility plans drawn by a registered professional engineer. The plans shall include typical sections, plan and profile views, construction details and estimates of quantities The final plan drawings and specification of improvements shall be to the satisfaction and shall be approved by the Director of Public Service.

**( 3) Supplementary information.**

**(a) Abstract of title.**

The developer shall submit an Abstract of Title to accompany the plat showing marketable title is held by the subdivision owner and that all taxes are paid on any streets or other lands being dedicated to public use This abstract must be approved by, and be acceptable to, the City Director of Law before the Commission will give final approval of the subdivision

**(b) Closure of plat**

To insure the mathematical correctness of the final plat, the developer shall submit proof of closure of the outside boundary of the subdivision, and a closure of each block and lot within the subdivision This proof may consist of the mathematical calculations of the surveyor preparing the plat or a certification of an independent surveyor having checked the plat

(c) Zoning or Land Use change.

If a zoning change or land use variation is involved, certification from the City Zoning Administrator shall be required indicating that the change or variance has been approved and is in effect

( 4) Filing.

An application containing the final plat, approved improvement drawings and specifications and the supplementary information shall be filed with the City Planning Commission not later than twelve (12) months after the date of approval of the preliminary plan; otherwise, it will be considered void unless an extension is requested by the developer and granted in writing by the City Planning Commission.

( 5) Approval by Planning Commission.

The City Planning Commission shall approve or disapprove the final plat within thirty (30) days after it has been filed. Failure of the Commission to act upon the final plat within such time shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of said record shall be forwarded to the developer. The Commission shall not disapprove the final plat if the developer has done everything that he was required to do and has proceeded in accordance with the conditions and standards specified in the approved preliminary plat. If disapproved the Developer shall make the necessary corrections and resubmit the final plat within thirty (30) days to the Commission for its final approval. If a plat is refused by the Commission, the person submitting the plat which the Commission refused to approve may file a petition within ten (10) days after such refusal in the Court of Common Pleas of the county in which the land described in said plat is situated to reconsider the action of the Commission.

Approval of the final plat by the City Planning Commission is not an acceptance by the public of the dedication of any street, highway, or other public way or open space shown upon the plat, such acceptance requiring action by the legislative authority of the City. Accordingly, the Planning Commission in granting approval of the final plat may grant a deferment of the submission of the approved improvement drawings and specification and the installation of the improvements (or the bond to guarantee the installation of the improvements) until such time as the legislative authority of the City is prepared to accept the dedications shown on the final plat.

( 6) Acceptance of dedication of streets, highways, or other public ways or open space by Council

After all requirements have been met, an Ordinance will be presented to Council for acceptance of the streets, public ways, easements and dedicated open space. After a public hearing by the Planning Committee of Council, the Council may act on the Ordinance.

( 7) Transmittal of copies and recording.

Upon passage of the acceptance ordinance by Council duly signed by the Mayor, the Council President and Clerk will sign the final plat. The original tracing of the final plat shall be returned to the developer for filing with the County Recorder. After recording, the original tracing shall become a part of the permanent Planning Commission records.

( 8) Variations in procedures for subdivisions located within the jurisdiction of the City Planning Commission but outside the corporate limits of the City

In case the property being subdivided is located outside the corporate limits of the City but within the territory in which the City Planning Commission has subdivision authority under Section 711.09 of the Ohio Revised Code, the procedures are varied only to the extent that

improvement plans and specifications shall be approved by the County Engineer and the County Sanitary Engineer, and any reference to City Council shall be changed to the County Commissioners.

**D. Minor Subdivision (Lot Splits).**

Approval without a plat of a minor subdivision may be granted by the City Planning Commission, acting through a properly designated representative, if the proposed division of a parcel of land meets all of the following conditions:

- ( 1) The proposed subdivision is located along an existing public road and involves no opening, widening, or extension of any street or road;
- ( 2) No more than five (5) lots are involved after the original parcel has been completely subdivided;
- ( 3) The proposed subdivision is not contrary to applicable subdivision, land use, or zoning regulations;

The duly designated representative is acting under limited authority delegated by the Planning Commission and may require a sketch, drawing, or survey of the property and may withhold approval to seek an opinion, advice or directive from the Planning Commission

## 1208.08 SUBDIVISION DESIGN STANDARDS

### A. General Statement.

The regulations in this section shall control the manner in which the streets, lots, and other elements of the subdivision are arranged on the land. These designed controls shall help insure convenient and safe streets, creation of usable lots, provision of space for public utilities, and reservation of land for recreational uses. No final plat of land within an area for which an existing Land Use Development and Guide Plan and/or an existing Zoning Ordinance is in effect shall be approved unless it conforms with such Plan and/or Ordinance.

If the City Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, inadequate water supply, schools, transportation facilities, and other such conditions which may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the developer for solving the problems that will be created by the development of the land.

### B. Streets.

The arrangement, character, extent, width, grade, construction, and location of all streets shall conform to the Master Thoroughfare Plan of the City of Akron, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The street pattern shall discourage through traffic in the interior of a subdivision. The developer shall provide within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Master Thoroughfare Plan.

- ( 1 ) Major arterials or collectors shall be not less than 60 feet in width and the Planning Commission may require up to 150 feet if deemed desirable. Local residential streets shall be 50 or more feet wide and shall be arranged to discourage through traffic.
- ( 2 ) Streets shall be located with a view to suitable and economic installation of sewers and drainage facilities.
- ( 3 ) When a proposed subdivision adjoins or contains for a considerable distance a major arterial or a railroad, a parallel access street or streets shall be provided. A series of cul-de-sacs, the end lots of which shall abut said Main Thoroughfare, without having vehicular access thereto, may be substituted for a parallel access street. Whenever a series of cul-de-sacs are used, consideration shall be given to:
  - (a) The advisability of providing a pedestrian lane or walk between the end of the cul-de-sac and the Main Thoroughfare
  - (b) The need for easements for utility lines that might be extended to the major arterial
  - (c) The need for a drainage easement when the terrain slopes toward the major arterial.

Consideration should be given to the distance required for approach grades and interchanges to future grade separations.

- ( 4) All new streets when coterminous with existing streets, shall be of the same or greater width and have the same name. If not coterminous there shall be a jog of at least 160 feet, providing that topography and existing property lines permit such an arrangement. Any two street intersections shall be separated 160 feet or more.
- ( 5) Streets shall intersect each other at as nearly right angles as possible.
- ( 6) Cross streets shall be located at intervals of not over 1200 feet nor less than 400 feet.
- ( 7) A tangent of at least 100 feet shall be introduced between reversed curves in street alignment.
- ( 8) Grades of all streets shall be the minimum possible except that no grade shall be less than 1/2 of 1%. Major arterials shall have no grade in excess of 5% and the grade of residence streets shall not exceed 10%. The sight distance shall be not less than 300 feet on Main Thoroughfares and not less than 200 feet on residential streets.
- ( 9) Block corners at intersecting streets shall be rounded by a radius of 20 feet or more
- (10) Dead-end or cul-de-sacs shall not be over 400 feet long. At the end of every dead-end street or cul-de-sac a turning circle of minimum radius of 50 feet on the property lines shall be provided. If such a dead-end street is of a temporary nature and a future extension into adjacent land is anticipated then said turning circle beyond the normal street width shall be in the nature of an easement over the premises included in said turning circle, but beyond the boundaries of the street proper. Such easements shall be automatically vacated to abutting property owners, when said dead-end street is legally extended by dedication or otherwise into adjacent lands.
- (11) At the end of all streets which terminate at unallotted lands, a reservation strip shall be provided to prevent access to the street. This reservation shall remain in effect until said street is extended by a dedicated street. No permanent reserve strip at ends of streets or laterally to a street shall be permitted. Equitable means for future removal of such temporary reserved strips along minor streets must be provided for on the plat. However, a permanent reserve strip to prevent access to major arterials may be permitted
- (12) Dedication of new half-streets shall not be permitted. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
- (13) Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be required in business or industrial areas if other provisions cannot be made for adequate service access. The minimum width for alleys shall be 20 feet for the right-of-way and 18 feet for the pavement width

(a) Streets for Business Subdivisions.

Streets serving business developments and accessory parking areas shall be not less than 60 feet wide and shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of the arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Commission may require marginal access streets to provide maximum safety and convenience.

(b) **Street for Industrial Subdivisions.**

Collector streets for industrial subdivisions shall be not less than 60 feet wide and shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas with arterial or collector streets shall not be less than one hundred (100) feet from the intersection of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Commission finds such extension is not in accord with the approved plan of the area.

**C. Blocks.**

The following regulations shall govern the design and layout of blocks:

- ( 1) The arrangement of blocks shall be such as to conform to the street planning criteria set forth above and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in these Subdivision Regulations, the Land Use Development and Guide Plan or the Zoning Ordinance and to provide for the required community facilities.
- ( 2) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located and if the maintenance of interior public spaces is covered by agreements.
- ( 3) No block shall be longer than fifteen hundred (1500) feet and the block width shall accommodate two (2) tiers of lots, except where unusual topography or other exceptional physical circumstances exist.
- ( 4) Where blocks are over nine hundred (900) feet in length, a crosswalk easement not less than ten (10) feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers, and other facilities.

**D. Intensity of Land Use.**

- ( 1) The intensity of land use for residential development shall be determined from the Land Use Development and Guide Plan and the Zoning Ordinance of the City of Akron, as follows:
  - (a) If the zoning ordinance identifies the area as U1, H1, A1 Single Family Residential Use District and the Land Use Development and Guide Plan recommends low density residential, the maximum number of dwelling units permitted shall be 3 per acre.
  - (b) If the zoning ordinance identifies the area as being a U1, H1, A1 or U1, H1, A2, or a U2 Use District and the Land Use Development and Guide Plan recommends medium density residential, the maximum number of dwelling units permitted shall be 9 per acre.
  - (c) If the zoning ordinance identifies the area as being a U2, Apartment House Use District and the Land Use Development and Guide Plan recommends medium high density residential, the maximum number of dwelling units permitted shall be 15 per acres.
- ( 2) The intensity of land use for all other uses is controlled by the development standards of the zoning ordinance.

#### **E. Lots.**

- ( 1) No lot shall have a depth which is more than three and one-half (3 1/2) times its average width, nor shall it have a depth of less than two (2) times its average width.
- ( 2) No corner lot shall have a width at the building line of less than eighty (80) feet
- ( 3) In an area for which the Land Use Development and Guide Plan recommends low density residential use the minimum width of a lot shall be eighty (80) feet.
- ( 4) Lots in all other areas shall have a minimum width of sixty (60) feet.
- ( 5) Each residential lot shall have a minimum area of 7,200 square feet. Business and industrial lots may be of other sizes as local conditions may dictate.
- ( 6) Lots with double frontage shall be avoided except where the Planning Commission determines that it is essential to provide separation of residential development from arterial streets.
- ( 7) All side lot lines shall be at right angles to street lines or radial to curved street lines, except where the Planning Commission determines that a variation to this rule would provide a better design.
- ( 8) All lots shall conform to or exceed these regulations, the Land Use Development and Guide Plan and the Zoning Ordinance, requirements for the district in which they are located and the use for which they are intended.

#### **F. Building Lines.**

The minimum setback of a building line shall be 25 feet from the nearest street line and more than 25 feet may be required for depth of lots as neighborhood conditions may warrant; however, if the shorter side of a corner lot is less than 100 feet, a building line of 15 feet may be approved.

#### **G. Easements.**

Easements at least 10 feet in width centered along rear and side lot lines shall be provided where necessary for public and private utilities; however, no lot shall have utilities along both sides. This easement requirement shall be indicated on the plat but may be placed as a special note. Easements to the City for public sewers (storm or sanitary) or for surface drainage water courses shall be provided as needed.

#### **H. Pedestrian Lanes or Walks.**

Easements or dedications for pedestrian lanes, 10 feet or more in width, may be required where the Commission deems them advisable.

#### **I. Flood areas and storm drain ditches.**

- ( 1) In order to protect the health, safety, and general welfare of the people, the City Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the developer agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the subdivider shall furnish a surety or certified check covering the cost of the required improvements.

( 2) Flood control or storm drainage facilities shall be provided as follows:

- (a) Access to flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than thirty (30) feet in width, exclusive of the width of the ditch, or channel, and an easement of this type shall be provided on one (1) side of a flood control or storm drainage ditch, channel, or similar type facility;
- (b) Flood control or storm drainage easements containing underground facilities shall have a minimum width of twenty (20) feet;
- (c) Whenever a flood control or storm drainage ditch or channel has a depth of five (5) feet or more, a bank slope of two (2) feet horizontal to one (1) foot vertical or steeper, a five (5) foot high masonry wall or a five (5) foot high chain link fence may be required by the Commission.

**J. Open Space, Public Sites, and Natural Features.**

In connection with every subdivision plat or street dedication plat (the developer) or those dedicating the street shall give to the City, or suitable public authority, 5 to 10% of the gross area of proposed subdivision as determined by the Planning Commission. Where the Park and Open Space Plan identifies a park, playground, school, or public access to water frontage which is located in whole or in part within the proposed subdivision, the Planning Commission shall request the dedication of such area within the proposed subdivision. If there are no such areas within the proposed subdivision that would be consistent with the plans, policies and goals of the Park and Open Space Plan, the Planning Commission shall request money equivalent to 5 to 10% of the value of the land in the subdivision before improvements. This value may be determined by the cost of the land to the developer or from tax records assigning the tax value as being 30% of the value of the land. Any moneys received under this requirement shall be deposited in the park and open space trust fund (Account No. 175-530).

In case of a dedication of a street if no land is acceptable to dedicate for park, recreation and open space, the dedicators may substitute payment in cash (or the amount of the substitute payment may be combined with improvement charges at the discretion of the Commission) in the amount of \$1 per front foot of land abutting on any street so dedicated. This money shall also be put into the above trust fund. The money in this trust fund shall be used by the City for the purpose of acquisition of open space only after approval by the Planning Commission.

The Commission shall wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large wooded areas, water courses, beaches, areas of historical significance, and similar irreplaceable assets.

## 1208.10 REQUIREMENTS FOR CONSTRUCTION AND IMPROVEMENTS

### A. General Statement.

No subdivision in the City shall be given final approval by the Planning Commission and Council unless and until the improvements specified in this chapter have been completed by the developer. However, a Performance Surety Bond, cash, certified check or negotiable security may be posted in lieu of the completion of such improvements as hereinafter provided.

Before work on any improvement is begun, the developer must secure such permits as may be required by law and notify the Director of Public Service or other department heads so that the appropriate City Inspector may see that the work is done in conformance with City standards and requirements.

### B. Grading.

- ( 1 ) Streets must be graded the full width and slopes must be graded beyond the street line where necessary to comply with the City Highway Engineering Division Standard Grading Plan. The grading is to be done to the profile cross-section established by the Director of Public Service.
- ( 2 ) Sodding and seeding, when needed to prevent erosion, shall be done on cuts or fills made under the above grading requirement.
- ( 3 ) Guardrails shall be installed on fills or at culverts where they are of such size or so located as to justify this type of protection, in the opinion of the City Highway Engineer.

### C. Storm Sewers.

Storm sewers shall be provided for the disposal of surface water, shall be installed in advance of paving and shall be connected to existing and adequate storm trunks. If, in the opinion of the Sewer Engineer, a connection to an existing storm trunk is not practical, storm water may be temporarily discharged into suitable ditches, drainage courses, rip-rap, grass swales and the like, as the soil, topography and physical conditions may permit. The right to discharge any storm water by such temporary means at any point within the City shall terminate upon the construction of a storm or combination trunk to which a connection is practical, and in the event such trunk sewer is constructed by assessment of the cost or any part thereof against land benefited thereby, land thus temporarily drained shall be subject to assessment for a share of such cost.

### D. Sanitary Sewers.

- ( 1 ) When a public sanitary sewer outlet is available, the subdivider shall provide sanitary sewers (and laterals from the sewer to the property line) to connect with the public sanitary sewerage system. Such sewers and laterals shall be of an approved size and shall be in all respects in conformity with the standard plans and specifications of the Bureau of Engineering and are to be installed before paving is done.
- ( 2 ) In every case in which a public sanitary sewer outlet is not available because of lack of such facilities, distance or for any other cause, the allottee, before effective approval of the allotment can be secured, must build and operate a complete and adequate sewage waste collection and disposal system for the allotment. Such a system shall be designed and constructed to the standards of the City (either now existing or later adopted with the approval of the Director of Public Service) and shall comply with all City, County and State Health Department rules and regulations for such facilities. Such a system shall be designed for later incorporation into the City sanitary sewerage system.

In lieu of the completion of such sewage facilities, a bond shall be placed in the same manner as for other public facilities that are not completed when the allotment is approved and recorded.

**E. Water Supply and Fire Protection.**

Prior to the approval of the final plat, the developer shall have made the necessary arrangements to provide the subdivision with a complete water distribution system, including a connection to each lot and appropriately spaced fire hydrants. The water distribution system shall be installed in accordance with the City Bureau of Water Supply's Standard Specifications and Rules and Regulations, before the pavement is installed.

**F. Utility Distribution Lines.**

- ( 1 ) In all new subdivisions or rerecordings thereof, all utility lines, including those for street lighting, shall be installed underground. All owners or petitioners for the subdivision of land shall grant easements for such lines and areas as are needed by the utility companies for installation, maintenance and replacement of their lines and needed equipment, including street lighting. Street lighting shall be installed by the utility company when ordered by the Director of Public Service. However, in all new subdivision allotments street lights shall be installed prior to completion of the development and release of the developers bond
- ( 2 ) Prior to the approval of the final plat, the developer shall have filed with the Director of Public Service:
  - (a) Agreements with the utility companies (which, together with their successors and assigns, are hereafter referred to as the "companies"), made on terms satisfactory to the companies and providing for the installation of the electric and natural gas distribution lines and communication (telephone and television) lines in the Subdivision according to the plan filed; and
  - (b) Statements by the companies indicating that the developer has granted to the companies, in form satisfactory to the companies, all easements necessary for installation, operation and maintenance of service, including street lighting, in the subdivision

**G. Paving and Curbs.**

All streets shall be provided with pavements and curbing at least equal to those shown on Akron Highway Division Construction Standards A-5400 or the latest revisions thereof. The widths of pavements shall be in accordance with the standards and the recommendations of the City Highway Engineer.

**H. Sidewalks.**

Sidewalks shall be required in all areas except those zoned Heavy Industry (U6). The width and depth of the sidewalks shall be in accordance with Akron Highway Division Construction Standards A-5400 or the latest revisions thereof except as follows:

- ( 1 ) In outlying subdivisions which have lots with widths exceeding 90 feet and a dwelling density potential of three or less homes per acre, thirty to forty-eight inch sidewalks shall be permitted. If the street in this type of subdivision is a "cul de sac" and is under 400 feet in length without likelihood of any extension, it need not have sidewalks.
- ( 2 ) New subdivision lots ranging in size from 60 feet to 90 feet with a dwelling density potential of two to four homes per acre shall have walks not less than 36 inches in width.
- ( 3 ) The lateral location of the sidewalk in new subdivisions shall be optional with the Planning Commission

**I. Street signs.**

Two street signs conforming to Akron Highway Division standards shall be placed at each cross street and one sign at each other intersection.

**J. Street Trees.**

Trees shall be provided by the developer in all subdivisions in accordance with the standards and specifications contained herein. Existing trees should be retained in new subdivisions wherever possible.

- ( 1) The developer shall furnish plans prepared by a Registered Landscape Architect showing location, spacing, size, variety and other pertinent data concerning street trees. Also, the developer shall install them in an approved manner in conformity with the approved plan. Such plans and installation shall be done with the approval and cooperation of the City Landscape Architect.
- ( 2) The developer is also required to furnish a bond and agreement with the City covering the purchase, installation and maintenance through three growing seasons of such trees, to assure compliance. Release of bond shall be contingent upon final inspection and acceptance by the City Landscape Architect not more than ten days before the end of the three year period and following written notice to the Planning Director requesting inspection. At the time of inspection all trees shall be in a thriving and uniform condition.
- ( 3) The amount of bonds to assure installation shall be \$50 per tree. The minimum bond shall be \$500. An inspection fee of \$.50 per tree is to be paid by the developer before effective subdivision approval.
- ( 4) New trees in any subdivision shall be species which are resistant to damage and disease and which do not cause interference with underground utilities, street lighting, or visibility at street intersections. A listing of both suggested and prohibited varieties of trees shall be maintained by the Planning Commission and be made available to the developer upon request.
- ( 5) When trees are planted in the space between the sidewalk and the curb and the distance between building lines is less than 75 feet, it is advised that trees with an ultimate height of less than 40 feet be used.
- ( 6) No tree should be planted which is less than 2½ inches in diameter one foot above the ground. Lowest branches should be not less than 7½ feet and no more than 9½ feet above the ground.
- ( 7) Trees should not be planted closer than 40 feet to each other. No tree should be planted closer than 25 feet to the squared sidewalk corner of a street intersection, preferably this distance should be 50 feet.
- ( 8) Present and probable future approaches to dwellings and garages should be considered in location of trees.
- ( 9) Best results will be obtained if planting is done during the months of April, May, October or November. Where conditions or type of soil is unfavorable to plant growth, a volume of not less than 2 cubic yards of good soil should be placed around the roots.
- (10) Trees should be mulched and artificially watered at least during the first two years after planting. Watering may be accomplished by means of tile drain leading from surface at tree roots. No irrigation vents in curbing shall be permitted. It is urged that attractive tree guards be used for protection against mutilation and other injury and trees be guyed until well rooted.

#### **K. Monuments.**

A standard monument to conform to the Planning Commission's Standard Monument Plan shall be placed at each angle and point of curve in the perimeter of the subdivision and at other points of street intersection, points of curve and such other places as the Planning Director or the Commission may direct. As a general guide, in addition, one monument shall be placed at each angle point or at the beginning of a curve on at least one side of each street and at such other points as the grades of the street, street intersection and other practical surveying considerations may dictate as being needed. The top of these monuments shall conform to the final grade of the sidewalks or pavement or ground line as location dictates.

#### **L. Over-size Improvements.**

The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed of over-size and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Director of Public Service. However, the developer shall be required to pay for only that part of the construction costs for the improvements which are serving the proposed subdivision as determined by the Director of Public Service. The City shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas.

#### **M. Bond in Lieu of Performance.**

The developer may, in lieu of the actual completion of the improvements required by this chapter, furnish security satisfactory to the City in the form of cash, certified check, performance security bond or blocked savings accounts, guaranteeing to the City that improvements specified in this chapter will be completed within twenty-four months (or such lesser period of time as the City may specify) after the approval of subdivision. The amount of said bond or security shall be determined from the latest available cost experience of the City for improvements of the type and kind contemplated. If monuments referred to above have not been set when the Plat is ready to be accepted, the "Bond in Lieu of Performance" may include an item to cover the cost of setting said monuments at the rate of \$50.00 per monument. If said monuments have not been set within three (3) months after the expiration of the time limit fixed by the bond for grading and construction of the streets, the Commission may cause said monuments to be set and the cost thereof shall be assessed against the "Bond in Lieu of Performance" and said bond shall so provide. In lieu of covering the monuments in this bond, the developer may, at his option, give the Commission a certified check made payable to the City of Akron or a cash deposit to cover the setting of the monuments at the rate of \$50.00 per monument, which check or cash will be refunded upon the completion of the setting of the monuments within the three (3) months period as established above and the developer must make this deposit and execute an agreement with the City covering the setting of monuments before approval of the final plat. A similar but separate bond shall be given to the Akron City Water Works to guarantee water installations in accordance with the regulations of that division.

Said security or bond shall be released after the improvements for which the bond has been given have been inspected by the appropriate departments of the City and found to be satisfactory and according to specifications. The developer shall request inspections in writing of the appropriate City Department.

The developer shall maintain all public improvements constructed by him, for a period of 3 years after approval of the improvements by the City. He shall furnish a bond satisfactory to the Service Director not to exceed 10% of the actual or estimated cost to guarantee that said improvements shall be maintained in a safe and satisfactory condition and that any defects due to workmanship, materials, or settlements of fills or trenches or abuse due to misuse by the developer or his agent during this period will be corrected by the developer. During this period of 3 years, the City will accept no responsibility for, nor maintain any facility constructed in accordance with the provisions of this chapter.

## 1208.12 MISCELLANEOUS AND RELATED

### A. Variations.

"In a specific case when a tract is to be subdivided and it is of unusual size or shape or surrounded by unusual topography, soil or other natural conditions so that the strict application of the requirements in this chapter would result in hardships or injustices, only then the Commission may vary, by increasing or otherwise modifying such requirements so that the property may be developed in an appropriate manner, in keeping with the public welfare and interests of the City and adjacent areas and also the general intent and spirit of these regulations.

Nothing contained in these regulations shall prevent the developer from developing any required item to a higher construction standard if such a higher standard meets the approval of the Planning Commission.

The planning for an ultimate development of a large area is to be encouraged and required and it then may be subdivided a section at a time, but each section should be of a size that all improvements are installed or bond given for them and not subdivided in such large units that improvements cannot be installed or the bond financed."

### B. Street Dedications.

Any petition to dedicate land as a public street must be signed by 100% of the owners of the land in and abutting the proposed right-of-way.

#### ( 1) Vacant land.

For the purposes of this section, the land shall be considered vacant if the land abutting the proposed street contains 3 or less inhabited or habitable dwellings and if 25% or more of the land abutting the street, by frontage, is vacant. Such an area of land may be dedicated as a public street by one of the following procedures:

- (a) The approval of a final street dedication plat according to the requirements and conditions of Section 1208.06 C of these regulations, including the installation of all improvements
- (b) A petition to dedicate a private street on vacant land shall be accompanied by a valid petition to install all improvements such as engineering services, curb, gutter, paving, water, sewers, sidewalks, tree, etc., as required by a regular subdivision and to assess the cost of these improvements against the property.

Monuments shall be set the same as for a subdivision. Engineering services and similar charges normal to a subdivision may be assessed, along with the cost of improvements.

Plan standards, monuments, building lines and other details similar to a subdivision will be required on such street dedication plats. Fees, deposits and bond incidental thereto shall be the same as for a subdivision.

#### ( 2) Occupied Land.

For the purposes of this section, the land shall be considered occupied if the land abutting the proposed street contains 4 or more inhabited, or habitable dwellings and no more than 25% of the land abutting the proposed street, by frontage, would become building sites upon dedication. Building sites shall be either (1) a parcel of vacant land that is recorded, separately, in the Summit County Record of Deeds and meets the area requirements of The Zoning Code, or (2) a

parcel of vacant land that can be created by subdivision under the conditions of Chapter 711.131 of The Ohio Revised Code with a minimum of 50 feet of street frontage and 5,000 square feet of land area, except that such new building sites shall not be smaller than the existing lots on which dwellings are located on the same private street.

Such an area of land may be dedicated as a public street, regardless of width, by following procedure.

A petition containing 100% of the signatures of the owners of the land abutting the proposed street shall be submitted to the Planning Commission for consideration. If the Planning Commission approves the street for dedication, the Highway Engineering Division shall prepare a street dedication plat meeting the requirements for final approval and the Department of Public Service and the Department of Planning and Urban Development shall make an investigation to determine which, if any, improvements should be made before Council considers the petition. These improvements may include, but shall not be limited to:

- (a) Surface improvements especially designed to fit the existing conditions, financed under the conditions of the Equal Assessment Ordinance as it now exists or is hereafter amended.
- (b) Sanitary sewers—property owners to pay \$7.00 per front foot, remainder to come from the Sewer Service Fee account.
- (c) Water mains and appurtenances.
- (d) Street lights.
- (e) Storm sewers—property owners to pay \$7.00 per front foot, remainder from Capital Improvements Budget.

**C. Planned Unit Development; Planned Development District (UPD); Zero Lot Lines.**

The land containing these types of developments requires approval of the use of the land in accordance with procedures outlined in the Zoning Code. If the land is to be subdivided for disposition, by plat, the modifications necessary to accomplish the objectives and standards of the development may be approved in the action of Planning Commission and Council during consideration of the change in land use.

The approval of a final plat which incorporates the modifications so approved, may be approved concurrently under the procedures of these regulations.

**D. Exceptions.**

In case the property being subdivided is located outside the corporate limits of the City but within the territory in which the City Planning Commission has subdivision authority under Section 711.09 of the Ohio Revised Code, all improvements listed in Chapter 1208 hereof shall be required. However, the plans, specifications, and bonds for such improvements shall be approved by the appropriate county official.

Bonds in lieu of the completion of the improvements shall be posted with the appropriate county official.