

SUBDIVISION RULES AND REGULATIONS

**VILLAGE OF RICHFIELD
SUMMIT COUNTY, OHIO**

Effective February 2016

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ARTICLE I LEGISLATIVE INTENT

- 1.1 Official Name**
- 1.3 Purpose**
- 1.5 Authority**
- 1.7 Interpretation**

1.1 OFFICIAL NAME

The official name of these Regulations shall be “The Subdivision Regulations of the Village of Richfield of Summit County, Ohio”, and shall be referred to herein as “these Regulations.”

1.3 PURPOSE

These Regulations are adopted to achieve the following objectives:

- A. The proper arrangement of streets or highways in relation to existing or proposed streets and highways and the thoroughfare plan.
- B. Adequate and convenient open spaces for traffic, utilities, drainage, access of police and fire-fighting apparatus, recreation, light and air, and the avoidance of congestion of the population.
- C. The orderly, efficient and appropriate development of land.
- D. The orderly and efficient provision of community facilities at minimum cost and maximum convenience.
- E. Safe and convenient vehicular and pedestrian movement.
- F. The promotion of public health, safety, comfort, convenience, prosperity, general welfare, and the protection of the environment.
- G. The accurate surveying of land and the preparing and recording of plats.
- H. The equitable processing of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and the applicant.
- I. Coordination of land development in accordance with the Planning and Zoning Code, the Land Use and Thoroughfare Plan, Comprehensive Land Use Plan, and other Plans of the Village.

1.5 AUTHORITY

The authority for the preparation, adoption and implementation of these Regulations is derived from the Charter of the Village of Richfield.

1.7 INTERPRETATION

These Regulations are minimum requirements and shall be interpreted to achieve their essential purposes.

ARTICLE II DEFINITIONS

- 2.1 Intent
- 2.3 General Terms
- 2.5 Specific Terms

2.1 INTENT

The following definitions shall apply throughout these Regulations.

2.3 GENERAL TERMS

- A. Words used in the singular include the plural and words used in the plural include the singular.
- B. Words used in present tense include the future tense.
- C. The word “shall” is mandatory and the word “may” is permissive and recommended.
- D. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- E. The word “lot” includes the words or “parcel”.
- F. Where a term is not defined in these Regulations, a definition in the Planning and Zoning Code may be applied.

2.5 SPECIFIC TERMS

Block: All of the property abutting one side of a street and located between the two nearest streets intersecting that street from the same one side.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or property.

Building Set Back Line: A line establishing the limits of a yard which abuts a street right of way.

Comprehensive Plan: The Comprehensive Plan as defined and established in the Planning and Zoning Code.

Council: The Council of the Village of Richfield, Ohio.

County Auditor: The Summit County Auditor.

County Recorder: The Recorder of Summit County.

County Tax Map Department: The Tax Map Department of Summit County.

Day: A normal working day for the agency under discussion.

Department of Environmental Services: The Department of Environmental Services of Summit County.

Director of Planning and Zoning: The Director of Planning and Zoning of the Village of Richfield.

Easement: Properly recorded authorization by a property owner for the use of any designated part of their property by the public, a corporation, or other person(s) for a specified purpose.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in Section 4733.14 of the Ohio Revised Code.

Village Engineer. The Village Engineer of the Village of Richfield.

Subdivider's Engineer. The Engineer engaged by a Subdivider to prepare improvement plans for a subdivision and to otherwise represent the Subdivider in the process of subdivision design, approval, and construction.

Floodplain: The regulatory floodplain as identified in the most current Flood Insurance Studies and Flood Insurance Rate Maps adopted in the Flood Plain Management Program administered by Federal Emergency Management Agency (FEMA). Generally, the floodplain is described as that area of land which is projected to experience a 100-year flood, that is, the flood event that has a one percent chance of occurring in any given year or, on the average, occurs once in a 100-year period.

Frontage: A lot line, or part of a lot line, which coincides with the boundary of a public street. The required or permitted frontage of a lot is defined by the specific requirements of these Regulations and of the Planning and Zoning Code.

Improvements: Physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities, street shade trees, and improvements to existing water courses.

Lot, Corner: A lot at the point of intersection of and abutting on two (2) intersecting streets.

Lot, Double-Frontage: A lot, other than a corner lot, that abuts more than one (1) street.

Lot, Flag: A lot having a buildable area set back from the public street and having access to and frontage upon the public street only by a narrow fee simple strip of land which is part of the lot. The strip typically does not conform to the width and frontage requirements of the zoning district in which it is located.

Lot, Interior: A lot abutting a public street on one (1) side, with the remaining sides not having access to a public street.

Lot Lines: The boundaries of a lot.

Lot, Parcel: A division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map, or by metes and bounds for purposes of sale, lease, or separate use.

Monument: A survey marker used to mark a permanent survey reference point, typically located at a street intersection, a start or end of a curve, a lot corner, an allotment corner, original lot corner, or section corner.

Open Space: An area of land reserved for purposes of recreation, buffering between land uses, preservation of natural features of the land, or protection of environmental functions in compliance with these Regulations and the Planning and Zoning Code.

Pedestrian Walkways: a dedicated public right-of-way limited to pedestrian use.

Performance Guarantee: Documents executed by a Subdivider which guarantee to the Village, in the amount of the estimated construction costs, that physical improvements will be completed according to plans and specifications within the time prescribed by the agreement with the Village.

Plat, Final: A final drawing of all or a portion of a subdivision with its complete survey information.

Plan, Preliminary: A drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.

Planning and Zoning Code, Zoning Code: The Planning and Zoning Code of the Village of Richfield.

Planning and Zoning Commission: The Planning and Zoning Commission of the Village of Richfield, Ohio.

Public Utility: Any person, firm, corporation, governmental agency, or board which has a public utility commission or regulatory body permit to furnish to the public, under regulations, electricity, gas, sewer, water, telephone, transportation, steam or other similar public services.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch easement, express 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.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, water and sewer lines, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Sewage Treatment System, Commercial: Any sewage disposal or treatment system or part thereof for other than a one, two, or three family structure not connected to a central sewage collection system and subject to approval by the Ohio Environmental Protection Agency.

Sewage Treatment System, Household: Any sewage disposal or treatment system or part thereof for a one, two or three family structure not connected to central sewage collection system and subject to approval by the County Board of Health.

Sewage, Centralized Systems: An approved wastewater disposal system which provides a collection network and a disposal system and central wastewater treatment facility for a single development, community, or region.

Shared Drive: A vehicular way providing access to a public street for two or more lots (which lots conform in all respects to these Regulations, including but not limited to requirements for lot frontage) in an easement upon one or more of those lots.

Sidewalk: An improved surface designed and constructed for pedestrian use and located within a road right-of-way.

Storm Water Management: The design of features and infrastructure in a subdivision to control storm water in a manner which minimizes erosion and flooding.

Stormwater Pollution Prevention Plan (SWP3): A plan for the management of Stormwater as required by Chapter 1169 of the Planning and Zoning Code.

Subdivider: Any individual, firm, association, corporation, trust or other legal entity, including their agents, commencing proceedings under these Regulations to subdivide land.

Subdivision: The division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

Subdivision, Major: A division of a parcel into two or more lots when such division involves the opening, widening or extension of any street or road, or the granting of easements for the extension and maintenance of sewer, water, storm drainage or other facilities.

Any division of a parcel into more than five (5) lots is a major subdivision.

Subdivision, Minor: A division of a parcel of land having frontage on an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving not more than five (5) lots.

Summit County Public Health: The Health District or Board of Health of Summit County, Ohio.

Summit Soil and Water Conservation District: The Soil and Water Conservation District of Summit County.

Surveyor: Any person registered to practice professional surveying by the state board of registration as specified in the Ohio Revised Code.

Thoroughfare Plan: A plan adopted by the Village for future street development.

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 other public purposes. In some instances, a thoroughfare, street, or road is located partially or completely within an easement having boundaries which are not property lines.

Types of thoroughfares, streets, or roads are designated as follows:

Alley: A minor street which is used primarily for vehicular service access to the back or side of properties abutting on another street.

Arterial Street: A street which brings traffic to and from expressways and other arterials, and serves those major movements of traffic within or through the Village not served by expressways. Arterials interconnect the principal traffic generators and high volume corridors that connect within the Village for long through traffic trips.

Collector Street: A street which serves the internal traffic movement within an area of the Village, such as a subdivision, and connects this area with the Arterial system. Collectors do not handle long through trips and are not, of necessity, continuous for any great length. The principal difference between Collector and Arterial streets is the length of the trip they accommodate. Collectors in an industrial area would properly carry truck movements which serve to terminate in that area.

Cul-de-sac Street: A local street which has one (1) end open to vehicular traffic and the other end permanently closed with a vehicular turn around.

Dead-end Street: A street which temporarily has only one (1) outlet for vehicular traffic, but intended to be extended or continued in the future.

Freeway. A divided arterial highway for through traffic to which access from abutting properties is prohibited and all street crossings are grade separated.

Local Collector Street: A street which serves the internal traffic movement within areas such as major subdivision, industrial areas and commercial areas and connects with other collector streets.

Local Street: A street which provides access to immediately adjacent land **and is designed to carry local traffic to collectors and other streets at low speeds and volumes.**

Marginal Access Street: A local or collector street parallel and adjacent to an arterial or collector street, which provides access to abutting properties and **separation** from arterial or collector streets.

Private Street: A street which is privately owned and maintained and that is used as the principal means of vehicular access to abutting lots.

Utilities: Public Utility means any person, firm, corporation, municipal department, board or commission duly authorized to furnish to the public under any Federal, State or Municipal regulations gas, steam, electricity, sewage disposal, communication, transportation, or water or such other public utilities as may be defined by law.

Village: The Village of Richfield.

Wetlands: Areas of land which meet the criteria for jurisdictional wetlands as specified by the U.S. Army Corps of Engineers. As currently defined, wetlands are "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

ARTICLE III MINOR SUBDIVISIONS

- 3.1 Purpose**
- 3.3 Determination of Minor Subdivision**
- 3.5 Minor Subdivision Procedures**
- 3.7 Minor Subdivision Application**

3.1 PURPOSE

This article specifies the procedures and requirements for creating minor subdivisions.

3.3 DETERMINATION OF MINOR SUBDIVISION

The Director of Planning and Zoning shall determine whether a proposed subdivision of land is a minor subdivision as defined in these Regulations. An application for a minor subdivision shall be processed in accordance with the procedures in this Article.

3.5 MINOR SUBDIVISION PROCEDURES

3.5.1 Application Procedure

Prior to submitting a formal application for minor subdivision, a property owner may confer with the Director of Planning and Zoning to obtain information about requirements for minor subdivision and to discuss potential minor subdivision of the owner's property.

A. Application

The applicant shall present all information as required in this Article, and all information subsequently requested by the Director of Planning and Zoning to determine whether the proposed layout complies with all applicable regulations.

B. Review by the Director of Planning and Zoning

1. If the application and documentation submitted do not comply with all applicable regulations, the Director of Planning and Zoning shall reject the application and inform the applicant in writing.
2. When the Director of Planning and Zoning receives a complete application, the Director shall determine whether the parcel or parcels comply with the requirements of the Planning and Zoning Code.
3. Within 10 days after receiving a completed application, the Director of Planning and Zoning shall either:
 - a. deny the application and notify the applicant in writing of the denial and the reasons therefor; or
 - b. certify in writing that the parcels created comply with the zoning code and subdivision regulations and sign and approve the submitted application.

If the Director of Planning and Zoning approves the transfer without a recorded plat, then the Director shall stamp the conveyance: "Approved for Transfer without Plat", and affix his/her signature and the date of approval. The approval shall expire within sixty (60) days, unless the conveyances are recorded in the office of the County Recorder by the applicant during said period.

3.5.2 Revision of Minor Subdivision

Any revision of a minor subdivision plat submitted and approved by the Director of Planning and Zoning, other than a correction by the surveyor, must be processed in accordance with these Regulations, as though it were a new application.

3.5.3 Lot Consolidation.

- A. An owner of land may consolidate lots or parts of lots provided that all lots or parts of lots which result from the consolidation comply with these Regulations and with the Planning and Zoning Code.
- B. When a property owner proposes to construct a building, parking lot, access drive or other substantial structure or improvement in a location which includes all or parts of two or more existing lots, then the owner shall submit an application for a lot consolidation or replat in the same manner as required for a minor subdivision application herein. The lot consolidation or lot reconfiguration shall result in a lot or lots which comply with these Regulations and with the Planning and Zoning Code.
- C. Lot consolidation may be approved by the Planning Commission and Village Council in the process of approving a major subdivision.

3.5.4 Appeal of Minor Subdivision Disapproval

- A. A minor subdivision disapproved by the Director may be appealed to the Planning Commission for review.
- B. The applicant for minor subdivision shall submit an appeal in writing to the Director within thirty (30) working days of receipt of the Director's written disapproval. The appeal shall state the provisions of these Regulations being appealed and explain why the applicant believes the Director's interpretation and application of the regulations to be in error.
- C. The Director shall submit the appeal to the Commission for consideration at its next regularly scheduled meeting.
- D. The Commission shall review the appeal and the applicable regulations; hear testimony from the appellant, Director, and other interested parties; determine the interpretation of these Regulations as applicable to the proposed minor subdivision; and order the Director to take action upon the application consistent with the Commission's interpretation.
- E. The Commission shall not authorize any minor subdivision which does not comply with these Regulations and the Planning and Zoning Code except as provided in these Regulations for modifications.

3.5.5 Report to the Planning and Zoning Commission

At each regular meeting of the Planning and Zoning Commission, the Director of Planning and Zoning shall report all minor subdivision applications received, approved, denied, or in process of review since the preceding report.

3.7 MINOR SUBDIVISION APPLICATION

At minimum, the following information shall be submitted and certified by the applicant and surveyor on an application for a minor subdivision:

- 3.7.1 Complete application form as required by the Director of Planning and Zoning.
- 3.7.2 Proof of ownership.
- 3.7.3 A survey and drawing as required for new parcels in the County of Summit, Ohio Standards for Approval of Plats and Legal Descriptions Used in Real Property Conveyances .
- 3.7.4 Total area (in square feet) of each lot resulting from the minor subdivision
- 3.7.5 Dimensions of all property lines
- 3.7.6 Width of each lot measured at the minimum front building setback line, in compliance with the requirements of the Planning and Zoning Code
- 3.7.7 Zoning district of all lots as established in the Planning and Zoning Code
- 3.7.8 The locations of above-ground and underground features which may inhibit or prohibit the location of a main structure or structures on the lot in conformance with these Regulations and the Planning and Zoning Code. The features to be identified and located include but are not limited to the following:
 - A. Easements
 - B. Underground utilities or structures
 - C. Wells
 - D. Rock outcroppings
 - E. Slopes in excess of 15%
 - F. Natural and man-made watercourses, ditches, swales, ponds, lakes and other water features
 - G. Existing above-ground structures
- 3.7.9 Wastewater System. A statement and signature of approval by an authorized agent of Summit County Public Health which confirms one of the following:
 - Proposed lot is approved for building site:
 - a. public sewer available;
 - b. individual sewage system has been approved;
 - or
 - Approved for transfer; no building site authorized.
- 3.7.10 Any additional information required by the Director of Planning and Zoning to determine compliance with applicable laws of the Village.
- 3.7.11 Minor Subdivision fees as required by Village ordinance.

ARTICLE IV PROCEDURES for MAJOR SUBDIVISIONS

- 4.1 Purpose**
- 4.3 Subdivision Classification and Application Requirements**
- 4.5 Pre-Application Sketch Plan**
- 4.7 Preliminary Plan Procedure**
- 4.9 Final Plat Procedure**
- 4.11 Improvement Plan Procedure**
- 4.13 Agreements and Guarantees**
- 4.15 Construction Procedures**

4.1 PURPOSE

This article specifies the procedures for creating major subdivisions.

4.3 SUBDIVISION CLASSIFICATION AND APPLICATION REQUIREMENTS

The Director of Planning and Zoning shall determine whether a proposed subdivision of land is a major subdivision as defined in these Regulations. Application, review, approval, recording, and construction of a major subdivision shall be conducted as required in this Article.

4.5 PRE-APPLICATION SKETCH PLAN.

- 4.5.1 Prior to submitting an application for Preliminary Plan, the subdivider shall prepare a Pre-application Sketch Plan which illustrates the properties anticipated to be included in a subdivision and the anticipated general layout of streets, lots, storm water and sanitary sewer facilities. The Subdivider may prepare alternative Sketch Plans for discussion.
- 4.5.2 The Subdivider or the Subdivider's Engineer shall meet with the Director of Planning and the Village Engineer to review the sketch plan and to obtain information necessary to prepare the Preliminary Plan.
- 4.5.3 The Subdivider shall request that the Pre-Application Sketch Plan(s) be submitted to the Planning and Zoning Commission for conceptual review prior to submitting an application for Preliminary Plan. The Commission shall review the Pre-Application Sketch Plan(s) with the Subdivider at a regularly scheduled meeting of the Commission for informal discussion of the proposed layout of streets, lots, and utilities and of the potential impacts of the layouts and of possible alternatives. The Commission shall not take formal action with regard to a Pre-Application Sketch Plan.

4.7 Preliminary Plan Procedure

4.7.1 Application

The Subdivider shall submit an application containing all information required by these Regulations and all information subsequently requested by the Commission to determine that the proposed layout will serve the public interest and complies with these Regulations. The Subdivider may submit alternative Preliminary Plans for review.

An application must be submitted to the Director at least 20 days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

4.7.3. Review by the Director of Planning and Zoning

When the Director receives a preliminary plan application, the Director shall determine whether the preliminary plan complies with the existing zoning and subdivision regulations. Within 10 days after receiving an application, the Director shall either:

- A. certify that the application complies with the regulations and submit the application to the Planning and Zoning Commission for review at its next regularly scheduled meeting;
- or
- B. notify the applicant in writing of the regulations with which the application does not comply. The applicant may either modify and resubmit the application or request in writing that the non-compliant application be submitted to the Planning and Zoning Commission.

4.7.5. Review by the Planning and Zoning Commission

- A. The Director of Planning shall notify the Subdivider and Village Council of the meeting at which the subdivision in question will be considered by the Planning and Zoning Commission.
- B. Within ninety (90) days after the first meeting at which a complete preliminary plan application has been submitted to and considered by the Planning and Zoning Commission, or within an extended period of time mutually agreed with the Subdivider, the Planning and Zoning Commission shall either approve or deny the application.
- C. The Director of Planning shall notify the applicant and Council in writing of the decision of the Planning and Zoning Commission.
- D. Approval of a preliminary plan is not an acceptance of the subdivision for record. It is an approval of a general plan as a guide for the preparation of the final plat and the improvement plans. Approval of a preliminary plan shall be effective for a period of one (1) year following the date of approval unless an extension of time is requested in writing by the Subdivider and is granted by the Planning and Zoning Commission. Upon expiration of preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved.

4.9 Final Plat Procedure

4.9.1 Application

The applicant shall present all information as required in this Article, and all information subsequently requested by the Commission to determine whether the subdivision fully complies with these Regulations, conforms to the approved preliminary plan, and will serve the public interest.

4.9.3 Application Review by the Director of Planning and Zoning

- A. If the application and documentation submitted do not comply with all requirements of this Article, the Director of Planning and Zoning shall reject the application and inform the applicant in writing.
- B. When the Director of Planning and Zoning receives a complete final plat application, the Director shall determine whether the parcel or parcels comply with the existing zoning regulations. Within 10 days after receiving a completed application, the Director will either certify that the drawings meet the zoning code of the Village of Richfield as submitted or note any violations of the zoning code of the Village of Richfield, and notify the applicant in writing. The applicant may either request the application be submitted to the Planning and Zoning Commission or may modify the application to eliminate the zoning violations. If the Director finds the parcel or parcels comply with zoning regulations, the Director shall submit the application to the Planning and Zoning Commission for review at its next regularly scheduled meeting.
- C. An application must be submitted at least twenty (20) days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

4.9.5 Review by the Planning and Zoning Commission

- A. The Director of Planning shall notify known owners of contiguous property, and/or known interested parties, of the meeting at which the subdivision in question will be considered by the Planning and Zoning Commission.
- B. Within sixty (60) days after a final plat application has been properly submitted to the Planning and Zoning Commission, or within a mutually agreed upon extension, the Planning and Zoning Commission shall act on the application. Otherwise, the final plat shall be deemed to have been approved. The Commission may take one of the following actions:
 - 1. Final Approval: The Commission may give final approval before all required improvements are installed, authorizing its Planning and Zoning Chairman to sign the plat at such time as construction agreement and a cash bond, or its equivalent, acceptable to the Village of Richfield Law Director and the Village Engineer, are approved for the purpose of assuring installation of such improvements.
 - 2. Disapproval: The Commission may determine to disapprove the final plat. Written notice of such action, including reference to the Regulation or regulations violated by the plat, shall be mailed to the applicant.
- C. The Director of Planning shall notify the applicant and Council in writing, of the decision of the Planning and Zoning Commission.
- D. Approval of the final plat by the Commission shall not be an acceptance by the public of the offer of dedication of any stream, highway, or public ways or open spaces upon the plat.

4.9.7 Council Approval, Dedications, Recording

- A. Acceptance of Dedication. The Final Plat shall be submitted to Council for acceptance of dedication of any streets, improvements, or land for public use and for acceptance

of any easement before the Final Plat can be recorded. The acceptance of any street or utility for public use and maintenance and assignment of street names shall be by separate Council action.

- B. The Final Plat shall not be accepted for record until Final Improvements are constructed or their construction is as provided in these Regulations.
- C. After Council approval, the Final Plat shall be returned to the Village Engineer for checking and further processing. The Engineer shall present the plat to the County Auditor for transfer and to the County Recorder for recording. All fees required in connection with the above process and costs of reproduction of said plat shall be paid by the Subdivider. Upon recording of the final plat, the tracing of said plat shall be permanently retained by the office of the Village Engineer.

4.11 Improvement Plan Procedure

4.11.1 Application

- A. The Subdivider shall present to the Village Engineer all information as required in these Regulations, and all information subsequently requested by the Village Engineer to determine that the proposed subdivision complies with these Regulations and conforms to the approved preliminary plan and will serve the public interest.
- B. The Subdivider shall submit improvement plans to other agencies as required by these Regulations or by other applicable laws and obtain approval as applicable. Such agencies may include, but are not limited to the Summit Soil and Water District, Summit County Health, the US Army Corps of Engineers, the Ohio Environmental Protection Agency, and applicable utility providers.
- C. The Village Engineer shall not approve the Improvement Plan until approvals from the applicable agencies have been obtained.

4.11.3 Review by the Village Engineer

- A. The improvement plan must be approved by the Village's Engineer and the before the plans are submitted to the Planning and Zoning Commission. Improvement plans may be submitted and reviewed concurrently with the final plat.
- B. An application must be submitted at least 20 days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

4.11.5 Review by the Planning and Zoning Commission

- A. Within thirty (30) days after an improvement plan application has been properly submitted to the Planning and Zoning Commission or within a mutually agreed upon extension, the Planning and Zoning Commission shall either approve or deny the application.
- B. The Director of Planning shall notify the applicant and Council in writing, of the decision of the Planning and Zoning Commission.

4.11.7 Amendments after Original Approval

If it becomes necessary to amend the plan for improvements as approved, due to unforeseen circumstances, the Subdivider shall inform the Village Engineer in writing of the conditions requiring the amendments. Written authorization from the Village

Engineer to make the required amendments must be received before proceeding with the construction of the improvement.

4.8 AGREEMENTS AND GUARANTEES

Prior to approval of the final plat of any subdivision, the Subdivider shall provide agreements, guarantees, bonds, insurance and other requirements as set forth in these Regulations.

All bonds and insurance required under this Section shall be secured from companies authorized to do business in the State of Ohio and approved by the Director of Law and shall be deposited and remain at all times with the Village Director of Finance.

4.8.1 Construction Agreement

To assure construction and installation of improvements required by these Regulations, the Subdivider shall execute a construction agreement with the Village Council in form and substance as determined by the Village Engineer and approved by the Village Director of Law. This agreement shall provide that:

- A. all such improvements shall be constructed and installed at the Subdivider's expense in compliance with standards and specification for each of the various types of improvements;
- B. such improvements shall be available to and for the benefit of the lands within such subdivisions;
- C. that the required improvements will be completed and installed within a specified period of time after the date of the approval on the Improvement Plan.
- D. the Subdivider shall pay fees required for inspection and testing and the schedule, terms and conditions for such payments.

Any further provisions that the Village Director of Law may deem necessary in the public interest may be added.

If approval of the final plat has been given before construction of improvements and a performance guarantee has been provided, the construction agreement shall provide that if the improvements are not completed within the specified time, the Village, after issuing written notice to the Subdivider, may complete the improvements and recover full costs and expenses thereof from the Subdivider and may appropriate such portion of money or bonds posted for faithful performance of such work.

No construction of any improvements or clearing, grubbing, and grading shall be commenced prior to the approval of the construction agreement by Village Council.

4.8.3 Performance Guarantee

- A. Guarantee Required. The Subdivider, in lieu of actual prior installation or completion of the required improvements when requesting approval of a final plat, shall execute and file the Construction Agreement and a performance bond or other guaranty acceptable to the Director of Law.

- B. Amount of Guarantee. The financial guarantee shall be in an amount equal to the Village Engineer's current estimate of the cost of completion of all improvements, should the Subdivider fail to perform.
- C. Term of Guarantee. Guarantee shall be for a period of not longer than eighteen (18) months unless the Village Council extends the time period by Resolution. If an extension is approved, the financial guarantee may be increased by an amount recommended by the Village Engineer.
- D. Form of Guarantee. The performance guarantee shall be in one of the following forms:
 - 1. Cash Security or Escrow. The Subdivider may deposit a cash security or escrow with a bank acceptable to the Law Director in the amount of one hundred percent (100%) of the estimated cost of the improvements. The security shall be in favor of the Village of Richfield who shall have sole control of disbursement. The bank shall be directed to pay out portions of the cash security toward the completion of the improvements only with the approval of the Mayor who may require a balance to be maintained which he/she determines sufficient to complete the improvements in accord with the approved plans and specifications. The Mayor shall authorize the release of any balance to the subdivider only upon acceptance of the improvements by Village Council.

In the event the improvements are not constructed within the time period designated in the construction agreement, the Village shall have the option, 30 days after issuing written notice to the subdivider, to complete and maintain the improvements and to collect and receive from the bank any remaining balance of the security to be applied toward payment of costs and expenses of completing the improvements.

- 2. Corporate Surety Bond. The Subdivider may furnish a corporate surety bond in the principal amount of the estimated cost of the improvements with surety to the satisfaction of Law Director and in a form approved by the Law Director, guaranteeing completion and maintenance of the improvements in accord with the approved plans and specifications. The bond shall remain in effect until the improvements have been completed and maintained as provided in these regulations and until released by authority of Village Council. The bond shall provide that, upon default of performance by the Subdivider and 30 days after issuing written notice to the Subdivider, the Village may acquire the bond to complete the improvements.
 - 3. Set Aside Agreement. The Subdivider may provide a set-aside agreement from a bank or other financial institution acceptable to the Law Director guaranteeing funds in the amount of the estimated cost of the improvements, in a form approved by the Law Director, guaranteeing completion and maintenance of the improvements to the same effect as (1) and (2) above.
- E. Reduction, Release of Guarantee. The guarantee may be released upon actual acceptance of dedication of the improvements. When a portion of the improvements has upon inspection been determined to be satisfactorily completed, a reduction in

the guarantee may be authorized by the Village Engineer and the Director of Law provided that such reduction shall not reduce the balance of the guarantee below the current completion cost as of the date of reduction and provided further that all other requirements of this section have been properly executed.

4.8.5 Restoration Bond

The Village may, where conditions warrant, require a restoration bond. The bond shall insure repair of any damage done to existing curbs, gutters, sidewalks, driveways, street pavement, landscaping, or other items within the right-of-way adjacent to a subdivision or within areas or easements controlled by the Village. The amount of the bond shall be as determined by the Village Engineer based on his/her estimate of potential damage and shall be in a form approved by the Law Director. The restoration bond shall be released when all damaged facilities, if any, have been restored to the satisfaction of the Village Engineer and the Director of Law.

4.8.7 Maintenance Guarantee

A cash maintenance bond or letter of credit shall be posted with the Village Director of Finance in the amount of ten percent (10%) of the cost of improvements and shall be arranged for a period of eighteen (18) months from the date of acceptance of improvements by the Council of the Village of Richfield. This bond is to be posted at the same time as the Performance Guarantee.

The Subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. The Subdivider shall also make repairs due to erosion or abuse by utility companies and shall repair all failures for all other reasons during the Maintenance Guarantee period. The streets and other improvements shall be in a condition acceptable to the Village Engineer and Village Council at the end of the maintenance period. If the Subdivider fails to perform said maintenance to the complete satisfaction of the Village, the Village Council, may use such cash Maintenance Guarantee to make necessary repairs at their discretion.

4.8.9 Liability Insurance

The Subdivider shall furnish such insurance as is deemed necessary by the Village Director of Law, which shall indemnify and save harmless the Village from any and all liability arising by reason of the conditions which may arise or grow out of the construction or installation of such facilities. The insurance shall be of such duration as determined by the Director of Law, but shall in no case be allowed to expire earlier than the effective period of any Maintenance Bond. A copy of the insurance policy shall remain at all times with the Village Director of Finance.

4.8.11 Title Guarantee

A Title Guarantee shall be furnished to the Village Council when the **Final** plat is submitted for approval to guarantee that the title of the lands to be dedicated are as indicated on the final plat. A certification that current taxes are paid shall also be submitted.

4.9 CONSTRUCTION PROCEDURES

No construction shall commence until authorized by the Village Engineer and subsequent to compliance with all requirements of these Regulations including but not limited to those relating to approval of Improvement Plans and execution of Construction Agreement and Performance Guarantees.

4.9.1 Preconstruction Meeting and Work Schedule

A preconstruction meeting shall be held with the Village Engineer, the Service Director, and the Director of Planning and Zoning prior to the commencement of any clearing, grubbing, and grading and any construction of subdivision improvements. At this time, the project will be discussed in regard to procedure, plans, specifications, materials, inspections, fees, etc.

4.9.3 Inspections

- A. Responsible Official. The responsible official is the Village Engineer.
- B. Authority and Duties of Inspectors. Inspectors employed by the Village Engineer shall be responsible to inspect any work done and all materials furnished. Such inspections may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The Inspector shall not be authorized to revoke, alter or waive any requirements of the specifications or plans. The Inspector shall be authorized to call to the attention of the contractor any failure of the work or materials to conform to the plans, specifications, subdivision regulations and contract. The Inspector shall have the authority to reject materials which do not meet specification requirements or suspend the portion of the work involved until any question at issue can be referred to and decided by the Village Engineer.
Inspection during the installation of improvements shall be made by the Inspector to ensure conformity with the approved plans and specifications as contained in the Subdivider's Construction Agreement. Daily inspector reports shall be submitted to the Village Engineer.
- C. Final Inspection. Upon completion of all the improvements, the Subdivider shall request in writing a final inspection by the Village Engineer as required by these Regulations, the Construction Agreement, and as determined necessary by the Village Engineer to determine conformance with these Regulations. The Village Engineer shall make a final inspection of all improvements installed by the developer that fall under the Village Engineer's authority.

4.9.5 Construction Responsibilities

- A. Cooperation of Subdivider and Subdivider's Contractors. The Subdivider and contractors shall have available on the project, at all times, two (2) approved copies of all required plans and specifications. They shall cooperate with the Village Engineer, Inspectors, and with other contractors in every way possible.
The Subdivider and contractor shall at all times have a competent superintendent acting as his agent on the project. The superintendent shall be capable of reading and thoroughly understanding the plans and specifications. He shall have full authority to

execute the plans and specifications and to supply promptly such materials, tools, plant equipment and labor as may be required. A superintendent shall be furnished regardless of the amount of work sublet.

- B. **Work Schedule.** The Subdivider and contractors shall submit weekly work schedules as required by the Village Engineer. (Forms provided by Engineer).
All work must be inspected and approved by the Village Engineer. Unsatisfactory progress reports will be returned for revision. The normal work week is assumed to be an eight (8) hour day, Monday through Friday; if overtime will be needed, it shall be indicated on the schedule and approved in advance pursuant to the Codified Ordinances of Richfield limiting the time permitted for operation construction equipment.
- C. **Grade Stakes.** Pavement and sewer grade stakes shall be set at twenty-five foot (25') intervals on horizontal and vertical curves and for all grades less than one percent (1%). Tangent pavement grades and pipe grades over one percent (1%) may be set at a maximum interval of fifty feet (50'). The Inspector may ask for additional grade stakes if it is deemed necessary.
- D. **Repair Damage.** Any damage done to the improvements by construction, traffic, local traffic or by any other means shall be repaired or the damaged materials replaced before the next item of construction is begun.
- E. **Final Clean Up.** Upon completion of the work and before acceptance, the Subdivider and contractor shall clean up all ground occupied or affected by him in connection with the work. The entire area shall be left in a neat and presentable condition satisfactory to the Inspector.
- F. **Maintenance of Improvements on Dedicated Streets.** The Subdivider shall be responsible for the maintenance of the improvements during the construction period and shall be responsible for providing the services necessary to guarantee access to all occupied lots until final acceptance of the improvements by the Village. The Subdivider shall be notified by the Village Engineer, of the need for said maintenance or service within the time specified, the Village may perform said maintenance or service and bill the Subdivider for said service. Payment shall be guaranteed by the Performance Bond. In addition, the Subdivider shall maintain all improvements for such periods specified in the Maintenance Guarantee.

ARTICLE V

PLAN and PLAT SPECIFICATIONS for MAJOR SUBDIVISIONS

- 5.1 Purpose**
- 5.3 Pre-Application Sketch Plan**
- 5.5 Preliminary Plan**
- 5.7 Final Plat**
- 5.9 Improvement Plan**
- 5.11 As-Built Drawings**

5.1 PURPOSE

The purpose of this Article is to inform the Subdivider of the specific information required in plans and drawings required for major subdivisions to permit adequate review, approval, and recording of plats.

5.3 PRE-APPLICATION SKETCH PLAN

A pre-application sketch plan shall be submitted by the Subdivider as a basis for informal discussion with Village officials. The plan shall provide the following information:

- 5.3.1 Location
- 5.3.2 Existing highways and proposed streets on and adjacent to the tract (several alternates, if considered.)
- 5.3.3 Topography
- 5.3.4 Proposed streets, approximate size, dimensions and area of proposed lots, public open space, utility lines, easements, any existing buildings or special features such as gas wells, rock outcroppings, etc.
- 5.3.5 Proof of ownership or authorization from the owner to submit the pre-application sketch plan.

5.5 PRELIMINARY PLAN

The Subdivider shall furnish the following:

- 5.5.1 Preliminary Plan Fee. Fees as required by ordinance of Village Council.
- 5.5.3 Application/Documentation
 - A. Application and other forms as required by the Planning Commission. (*See current required forms in Appendix B*)
 - B. Proof of ownership or authorization from the owner to submit the pre-application sketch plan.
- 5.5.5 Vicinity Map. Twelve (12) copies of a map at a scale not less than 1" = 1,000'. The vicinity map may be on the same sheet as the preliminary plan drawing. The vicinity map shall show:
 - A. Subdivision name, township, county, tract boundaries, original township lot number, section number and north arrow.
 - B. Existing and proposed streets.
 - C. Any other significant community activity areas or features.

D. Existing parcels.

5.5.7 Preliminary Plan Drawing. Twelve (12) copies of this plan . The applicant shall submit additional copies of the preliminary plan to the **Director of Planning and Zoning** for review by affected public agencies such as the Summit Soil and Water Conservation District, utility companies, school boards, and others as deemed necessary. The preliminary plan shall be accurately and clearly drawn based on topography and boundary determination by a duly licensed and registered surveyor, or professional engineer (see Appendix B). The drawing shall include the proposed plan or alternate plans of the subdivision, and shall show the following:

A. Identification

1. Proposed name of subdivision (must not duplicate other names in the township, Village or other contiguous communities which may cause confusion.)
2. Names, addresses and telephone numbers of owners, subdivider, and registered surveyor, landscape architect, city planner or professional engineer.
3. Scale (1" = 100' or 1" = 50'), north arrow and date.

B. Existing Land Characteristics

1. Deed description: showing bearing and distances.
2. Easements description: showing nature, purpose and terms.
3. Streets on and adjacent to the subdivision: names, location, right-of-way, and roadway width. Planned public improvements; highways or other major improvements planned by public authorities for future construction on or near the subdivision, including journalized routes for highways.
4. Utilities on and adjacent to the subdivision: location, size and invert elevations of sanitary and storm sewers; location and size of water mains; location and size of gas lines; location of fire hydrants and utility poles. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to, and size of, nearest ones, show invert elevation of sewers and culverts.
5. Ground elevations on the subdivision: show contours with an interval of not more than two feet (2').
6. Subsurface conditions on the subdivision: any conditions that are not typical such as oil wells and abandoned mines, etc.
7. Other conditions on the subdivision or adjacent land within two hundred feet (200'):
 - a. Water courses and areas subject to flooding;
 - b. Marshes;
 - c. Rock outcroppings;
 - d. Wooded areas;
 - e. Isolated preservable trees one foot (1') or more in diameter;
 - f. Any structures or other significant features;
 - g. Approximate direction and gradient of ground slope, including any embankments or retaining walls;
 - h. Location and type of buildings, fences, tree lines, etc.;
 - i. Railroad lines;
 - j. Power lines and towers;
 - k. Other contiguous zoning uses of land;

- A. Title Sheet:
 - 1. Name of subdivision (shall be same as ~~used~~ approved on preliminary plan), Village of Richfield, County of Summit, State of Ohio, tract and original lot, or section number of Richfield Township.
 - 2. Vicinity map at an appropriate scale with north arrow. Vicinity map shall show existing nearby identification features such as major highways, schools, lakes, parks, etc.
- B. Control Points: all dimensions, angles, and bearings are to be referred to control points, nearest established street line, section lines or other established point. At the discretion of the Village Engineer, the allotment shall refer to the Ohio Coordinate System.
- C. Lines and Boundaries: center lines and right-of-way lines of streets, easements, and other rights-of-way; corporation lines and property lines of all lots and parcels with distances, radii, arcs, chords, and tangents of all curves to nearest one hundredth of a foot; with bearings and deflection angles to nearest second.
- D. Street: name (must not closely duplicate another in the township, village or contiguous communities) and right-of-way of each street within proposed subdivision and those adjoining.
- E. The required building setback lines accurately shown with dimensions or notation.
- F. Lot and block identification: lots shall be numbered in consecutive order and when the subdivision is submitted in sections or phases, lots shall be numbered consecutively as each section or phase is submitted.
- G. Total site data: including acreage, number of residential lots, typical lot size, and acreage in parks and other public uses.
- H. Land for public use: show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easements
- I. Monuments: location and descriptions of those found set, or to be set.
- J. Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume, and page of Recorded Plats.
- K. Signature and seal of a registered surveyor to the effect that the plat represents a survey made by him which balances and closes, and that the monuments shown thereon exist or shall be set as shown, that pins are set at all lot corners, that all dimensional and geodetic details are correct, and that all lots conform to Village Zoning.
- L. Notarized certification by the owner or owners of the subdivision with respect to the offer of the dedication of streets, other public areas, and that no unpaid taxes or special assessments exist against the land contained in the plat.
- M. Notation for:

Certification by the Village Engineer that required improvements have been satisfactorily installed or adequate financial guarantees have been provided.

 - 1. Approval of the plat by the Secretary and Chairman of the Commission.
 - 2. Acceptance of offers of dedication by Council
 - 3. Proper notations for transfer and recording by the County Auditor and the County Recorder.
 - 4. Offer of dedication of streets, parks and easements by the owners of record with all signatures witnessed and notarized.
 - 5. Certification by the County Board of Health that the subsoil conditions are suitable for permanent use of individual sewage disposal facilities, if applicable.

- N. Oil/gas wells, storage tanks, service lines and other associated equipment located on subplot(s) of a subdivision, shall be subordinate to all public right-of-way and public easements and shall be shown by distance and bearing for the front, side and/or rear lines.
- O. Covenants and restrictions, if any.
- P. Storm water retention.

5.9 IMPROVEMENT PLANS

5.9.1. Improvement Plan Requirements. The Subdivider shall furnish following improvement plans showing drainage areas and drawings showing cross sections, profiles, elevations, construction details, specifications and cost estimates, and all calculations and computations for all required improvements in accordance with the Improvement Requirements of these Regulations. All plans shall be prepared by a professional engineer. The improvement plans shall be submitted to the Village Engineer for approval. If it becomes necessary to modify the improvements as approved, due to unforeseen circumstances, the Subdivider shall inform the Village Engineer in writing of the conditions requiring the modifications. Written authorization from the Village Engineer to make the required modification must be received before proceeding with the construction of the improvement.

Fees as required by ordinance of Village Council.

5.9.3 Improvement Plan Drawings. All necessary improvement plans for proposed roads storm sewers, sanitary sewers, water lines, sewage treatment plants, grading plans, erosion control, storm water management and other proposed public facilities shall be filed with the Village Engineer and shall be approved by the Village Engineer prior to approval of the final plat.

- A. All drawings shall be in form and quantity as required by the Village Engineer.
- B. All construction drawings shall include both plan and profile and cross sections.
- C. Scale to be used shall be as follows unless otherwise authorized by the Village Engineer:
 - 1. General Plans: 1" = 50'
 - 2. Plan and Profile: 1" = 50' Horizontal; 1" = 5' Vertical
OR
1" = 20' Horizontal; 1" = 2' Vertical
 - 3. Cross Sections: 1" = 5' Horizontal; 1" = 5' Vertical
- D. Each plan shall include a General Summary showing all the quantities necessary to construct the improvement (this may be placed on title sheet if room is available). A detailed estimate of cost based on quantities shown in the General Summary shall be presented with the improvement plans.
- E. An appropriate title block, indication of scale, north arrow and sheet number shall be placed on each drawing.
- F. A notation stating that the developer's engineer certifies that all design data and calculations presented to the Village Engineer are correct and do conform to the design criteria currently acceptable. The developer's engineer's signature, registration number and seal shall be affixed.

- G. A notation stating that the Village Engineer in approving these plans and dedication plat thereof, does not in any way relieve the Subdivider's engineer of their responsibility for accurate and complete engineering design.
- H. A notation stating that the Village Engineer shall not be held liable for damages of any type which occur as a result of error and/or omissions in the engineering design data presented by the Subdivider's engineer. Neither shall the Village Engineer be liable for damages resulting from the Subdivider's contractor's not complying with approved plans or by using construction methods or materials not approved by the Village Engineer.
- I. Every street shall show: center line data, right-of-way, and pavement width. Each type of pavement shall be labeled. Stationing shall begin at south or west end of the improvement.
- J. All existing and proposed underground structures located in the street or easement shall be shown on the construction (plan and profile) drawings. Such underground structures include gas lines, electric and telephone conduits, sanitary and storm sewers, water main, culverts, etc.
- K. All above ground structures, which are located near the proposed work and may affect the construction, shall be shown on the plan. Such above ground structures include trees, fences, buildings, poles, hydrants, bridges, driveways, drive culverts, etc.
- L. All sublots or acreage abutting the streets where improvements are to be located shall be drawn to scale. The front foot dimensions, subplot numbers (if area is subdivided) or total acreage owned by each acreage owner for property abutting on the streets shall be included.
- M. The profile plan shall show existing center line, ground elevations and proposed finished center line grade elevations. Vertical curves (finished grade) shall be stationed at twenty five foot (25') intervals. Cross sections shall be required at fifty foot (50') intervals.
- N. The location, description, and the exact elevation of a sufficient number of bench marks shall be included on the drawings. These bench marks shall be used for construction and inspection purposes. Each plan and profile sheet shall show at least one (1) bench mark.
- O. All elevations used on drawings shall be based on sea level datum as determined by the United States Coast and Geodetic Survey.
- P. Corporation lines, subdivision names, plat volume and pages when subdivision plat is recorded, and original lot lines and numbers shall be shown on the drawings.
- Q. All easements, including exact location and width, shall be shown on the drawings.
- R. Include detail drawings of special construction such as headwalls, concrete aprons, rip-rap, and other construction not otherwise included.
- S. If the Subdivider elects to install a decorative fence or other ornamental construction within the right-of-way limits, the Subdivider shall show such construction on the plat and profile drawings, or submit separate drawings for approval by the Village Engineer. A construction permit is required.
- T. Any work within the right-of-way requires a road opening permit.
- U. All pipes, aggregates, and other materials shall be noted or described as to weight, class, pressure rating, gauge, or other notation to clearly define the intention of the designer.

- V. Approval of final plans shall not prevent the Village Engineer or his agent from ordering changes deemed necessary in the field as work progresses. The extra work, after written notification by the Village Engineer, shall be at the Subdivider's expense.
- W. All design data involving drainage, profile, etc., will be submitted with the design drawings bound in a neat, orderly manner on standard size paper.
- X. All sheets shall bear the seal of a registered engineer.
- Y. A Landscaping Plan shall be submitted for all areas that are proposed for public use, dedication, or joint ownership by a home owners association,
- Z. Where the Subdivider proposes to set aside land to be jointly owned by or through a home owners association, the home owners' association agreement shall be submitted with improvement plans and are subject to the approval of the Planning and Zoning Commission and the Village Council.

5.11 AS-BUILT DRAWINGS

Within ninety (90) days after completion of all required improvements for which an improvement guarantee has been established, and prior to final inspection by the Village Engineer, the Subdivider's Engineer shall submit As-Built Improvement Plans depicting the actual location, dimensions, and elevations of all improvements, site grading, and erosion and sediment control practices and indicating that all of the foregoing are in substantial conformance with the approved improvement plans and any approved amendments thereof. The Subdivider's Engineer shall certify that the construction was completed in accordance with the plans and specifications as originally submitted, or as approved for amendment. The As-Built Plans shall be submitted in form and quantity as required by the Village Engineer.

ARTICLE VI MAJOR SUBDIVISION DESIGN STANDARDS

- 6.1 Physical Considerations**
- 6.3 Streets**
- 6.5 Easements**
- 6.7 Blocks**
- 6.9 Lots**
- 6.11 Public Sites and Open Space**

6.1 PHYSICAL CONSIDERATIONS

6.1.1 Natural Land Use.

Subdivisions shall be planned to:

- A. take advantage of the topography of the land;
- B. economize in the construction of roadways, utilities and drainage facilities;
- C. minimize the amount of earth grading; and
- D. conserve existing trees and topsoil.

6.1.2 Flood Hazard.

If any portion of the land within the proposed subdivision is subject to flooding or other hazards, the subdivision and its improvements shall be designed to prevent, minimize, mitigate or otherwise address the impacts of the hazards on proposed subdivision improvements, upon planned private lots and public properties, and upon properties outside of the proposed subdivision as required by applicable regulations. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy or other uses that may present danger to health, life, property, or aggravate the flood hazard.

6.1.3 Wetlands

Subdivision design and construction shall avoid impacting wetlands or shall ensure mitigation of impacts as required by state and federal law. The Subdivider shall be responsible for identifying wetlands located on and near a proposed subdivision, for notifying state and federal agencies, and for protecting wetlands and mitigating impacts thereon as required by law.

6.3 STREETS

6.3.1 Arrangement

- A. The arrangement, character, extent, width, and location of all streets shall conform to the Village adopted Land Use and Thoroughfare Plan and with generally accepted good planning practices in areas where a subdivision is developed. As approved by the Village, the design of proposed streets shall provide for both the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served with a coordinated street system.

- B. Arterial Streets shall contain as few intersections with minor streets as possible.
- C. Local streets shall be extended to the boundaries of the tract to be recorded unless prevented by topography or other physical conditions or unless such extension is not necessary or desirable for the coordination of the layout of the subdivision with the development of adjacent tracts.
- D. All streets must be designed and constructed to the Village Engineer’s standards.
- E. The width of right-of-way and utility easements should be provided so that all underground utilities can be located outside of pavement areas.

6.3.2 Street Right-of-Way Widths and Grades

Classification	Minimum Right-of-Way Width In Feet	Grades By Percent	
		Max.	Min.
Major Arterial Thoroughfare	80’	5%	.6%
Collector Streets	80’	8%	.6%
Commercial & Industrial	80’	8%	.6%
Local Streets	60’	8%	.5%
Parallel Streets	40’	8%	.5%

6.3.4 Cul-de-Sac Streets

- A. Cul-de-sac streets shall be approved only when necessitated by topography or other physical conditions or where, in the opinion of the Planning and Zoning Commission, they are appropriate for the type of development contemplated.
- B. Any street designed with a permanent cul-de-sac and not intended to be extended shall not be longer than provided below measured from the center point of its intersection from any street which has two (2) points of ingress and egress:

Maximum Cul-de-Sac Length	
R-1 zone	1,200 feet
R-2 zone	800 feet
R-3 zone or R-3A zone	500 feet
C zone	800 feet
I zone	800 feet

The Planning and Zoning Commission may approve a cul-de-sac street with a length greater than the maximum length indicated above after consideration of the topography, the potential for developing adjoining unsubdivided land, the desired neighborhood traffic circulation, and other physical characteristics of the area.

- C. Every cul-de-sac street shall be provided at the closed end with a turnaround having an outside pavement diameter of at least one hundred feet (100') and a street property line diameter of at least one hundred twenty five feet (125'). Cul-de-sac streets with an island in the middle shall be properly drained as approved by the Village Engineer.
- D. Permanent dead-end streets shall be approved only when necessitated by topography or other physical conditions or where, in the opinion of the Planning and Zoning Commission, they are appropriate for the type of development contemplated.
- E. For dead-end streets which are of a temporary nature, and a further extension into adjacent land is anticipated, a temporary cul-de-sac shall be created. The turning circle beyond the normal street width shall be in an easement over the areas of the lots included in said turning circle,. The easement shall be of sufficient dimensions to include the turning circle and all ditches, drains, and pipes required to drain the turnaround properly. The easement must be shown on the record plat and on the improvement plans as required by the Village Engineer.
- F. To enable the Village to have an orderly planned development and to control the manner of future street extension, the subdivider shall also deed in fee to the Village of Richfield a strip of land at least five feet (5') in width and as wide as the width of the future extended right-of-way at the end of all dead-end streets. This strip will become public street right of way only upon extension of the dedicated street. Except where created with fee simple control by the Village, reserve strips shall not be permitted adjacent to an existing or proposed street in such manner as to deny access from adjacent property to such street.
- G. Temporary cul-de-sac easements shall be automatically vacated to the lots on which they are located when the street is legally extended into adjacent land. The Subdivider that extends the street is required to remove the temporary turnaround improvements and restore the disturbed property. The subdivider shall also make any improvements necessary to restore the right of way and extend the street.
- H. The construction of temporary turnarounds shall be the same specifications as permanent pavement cul-de-sacs unless the Village Planning and Zoning Commission approves modifications.

6.3.6 Corner Radii

Property lines at street intersections shall be rounded with a radius of not less than fifty feet (50') for major arterial thoroughfares; thirty feet (30') for collector and industrial streets; and twenty-five feet (25') for local streets. Chords or cut-offs may be permitted in place of rounded corners.

6.3.7 Horizontal and Vertical Curves

Angles in the alignment of street lines shall be connected by a curve with a radius on the center line of not less than two hundred feet (200') for local streets; three hundred feet (300') for collector and industrial streets; and five hundred feet (500') for major arterial

thoroughfares. Between reverse curves there shall be a tangent at least one hundred feet (100') long for local streets and two hundred feet (200') on all other streets. Every change in street grade shall be made with a vertical curve to provide sight distance suited to the location, which in no case shall be less than three hundred feet (300') sight distance from a height of three and one quarter ($3 \frac{1}{4}$) feet to four and one-half ($4 \frac{1}{2}$) feet.

6.3.8 Intersections

Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than sixty degrees (60°). Three-way intersections are encouraged, but in no event shall an intersection containing streets in excess of four (4) be approved. Where three-way intersections occur, the preferred lot configuration shall be such that the projection of the centerline will be a lot line. The intersection of subdivision roads shall be a minimum horizontal sight distance of four hundred feet (400'). Back slopes shall be cut back to aid the sight distance as required by the Village Engineer. There shall be a minimum separation of three hundred feet (300') between intersections.

6.3.9 Streets Jogs

Street intersections shall be offset no less than one hundred sixty feet (160') or shall have no offset.

6.3.10 Future Roads

The Planning and Zoning Commission may require the reservation of a strip of land for future road purposes and may establish conditions applicable to such reservation including but not limited to easements, immediate and future improvements, responsibility for maintenance and construction, vacation, and other.

6.3.12 Shared Drives

- A. Except in unique circumstances as addressed in this Section 6.3.12, vehicular access to lots throughout the Village shall be provided by means of lot frontages on public streets and driveways thereon conforming to these Regulations.
- B. A shared drive shall only be created after review and approval by the Planning Commission after giving consideration to at least the following:
 1. Whether all lots to be served by the shared drive conform to the provisions of these Regulations and the Planning and Zoning Code.
 2. The proposed shared drive provides vehicular access for not more than four (4) existing or potential residential lots.
 3. The proposed shared drive has a minimum paved width of twelve feet (12') and whether greater width or turnouts are necessary.
 4. Whether the Fire Department and Police Department have reviewed the proposed shared drive and have determined it is suitable for access by safety services.
 5. Whether the Village Engineer has reviewed the proposed shared drive and its intersection with the public street and has determined that the proposed location and site conditions do not create a public or private hazard.
 6. Whether the shared drive limits likely future patterns of street development, pedestrian walkways or other infrastructure.

7. Whether the proposed drive will serve lots in commercial or industrial districts, contributing to their function and value and to safe and efficient traffic movement.

6.5 EASEMENTS

Easements along rear or side lot lines shall be provided for utilities and drainage where necessary. A ten foot (10') easement on each front lot line for utilities is required.

6.5.1 Utility Easements

Electric and telephone lines shall be buried. Easements to the Village shall be provided for utilities and shall be at least ten feet (10') wide. Where deemed necessary, the Village Engineer may require additional width. These Regulations prohibit the property owner from constructing or erecting any structure on said easement which may hinder or complicate its intended use.

6.5.2 Drainage Easements

Where a subdivision is traversed by a drainage way, a storm water or drainage easement to the Village shall be provided. The easement shall be as required in these Regulations and in the Village Engineers Standards. Easements for drainage purposes shall be constructed or defined on the ground by the Subdivider before the allotment plat is accepted. In instances where the water course is not presently channeled or visible, the Subdivider may be required to define such water course by excavating or grading.

6.7 BLOCKS

6.7.1 Residential Block Lengths

The long dimension of a residential block shall neither exceed one thousand five hundred feet (1,500') nor be less than eight hundred feet (800'). This requirement may be varied should the subdivider provide sufficient evidence to show that the requirement is not practical. The Planning and Zoning Commission, after proper review of such things as topography, and soil studies, etc., may permit block lengths in excess of one thousand five hundred feet (1,500').

6.7.2 Pedestrian Access Ways

Pedestrian access ways, not less than twenty feet (20') wide, or of such greater width as deemed necessary by the Commission, shall be required across blocks where the Commission deems that pedestrian access to schools, playgrounds, shopping centers, transportation and other community facilities is necessary. Paving, fencing and other required improvements within the access way shall be as determined by the Commission.

6.7.3 Commercial or Industrial Blocks

Blocks intended to be used for commercial and industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading facilities.

6.9 LOTS

6.9.1 Size, Width, Depth, and Frontage

Each lot shall have a lot size, width, depth and minimum building setback line which meets or exceeds the requirements of the Village Planning and Zoning Code. The lot frontage shall not be less than eighty percent (80%) of the required lot width except in the case of lots with frontage on the turning circle of a cul-de-sac; the Commission then may grant approval for less frontage, however, in no case shall a cul-de-sac lot be created with less than sixty feet (60') of frontage.

Lot depth shall neither exceed four (4) times the lot width nor be less than one and one-half (1½) times the lot width. Corner lots may have a depth equal to the width. The Planning and Zoning Commission may permit lots having a lot to depth ratio in excess of 4:1 provided each lot has a width of not less than two hundred feet (200').

6.9.2 Corner Lots

Corner lots shall have extra width in order to provide the required building setback from both streets.

6.9.3 Double-Frontage Lot

Lots shall be laid out so that there are no double-frontages, except:

- A. where the lots are adjacent to the intersection of two (2) streets;
- B. streets where extreme conditions in elevation prevent access to the lot from one of the streets; or
- C. where it is necessary to separate residential lots from major arterial thoroughfares.
- D. Where double-frontage lots are created adjacent to major arterial thoroughfares, a reserve strip along the major arterial thoroughfare may be required to be deeded to the Village. The plat shall state that there shall be no right of access across such reserve strip. The Commission may require that a decorative six foot (6') high solid board fence or masonry wall be constructed or that a ten foot (10') wide planting screen be provided.

6.9.4 Lot Lines

Lot lines shall be substantially at right angles or radial to street lines. Lot lines shall follow Municipal, Township and County boundary lines rather than cross them.

6.9.5 Lot Access to Public Streets

- A. The subdividing of land, whether as a major or minor subdivision, shall provide each lot frontage on a public street equal to or exceeding the frontage requirements of these Regulations and the Village Planning and Zoning Code.
- B. No public way is allowed through residentially zoned property to access commercially or industrially zoned property.

6.9.6 Lot Access to Public Streets in the Vicinity of Expressway Interchange

- A. Access drives to properties fronting on streets having an interchange with an expressway, shall be located not less than six hundred feet (600') from the outer most expressway ramp intersection with the street.
- B. Additional access drives shall be spaced at intervals of not less than six hundred feet (600') for a distance of one-fourth mile (¼) from the outer most expressway ramp intersection with the street or to the next existing intersecting street, whichever is closer. Every effort shall be made by the Village and affected property owners to achieve this standard by sharing drives, construction of parallel service drives or any other similar type measures to provide for the safe and convenient access to the highway and to adjoining properties in the area. Temporary access drives may be permitted to properties while a permanent solution is being developed.

6.9.7 Flag Lots

- A. Except in unique circumstances and in compliance with this Section 6.9.7, flag lots shall not be permitted.
- B. A flag lot approved by the Planning Commission in the R-1 or R-2 District shall comply with the following minimum standards:

	R-1 District	R-2 District
Minimum lot area excluding the area of the access strip or "flagpole"	4 acres	4 acres without utilities 2 acres with utilities
Minimum width and depth of lot area excluding access strip	300 feet	300 feet
Minimum width of access strip or "flagpole"	40 feet	20 feet
Minimum setback from all lot lines for dwelling and any structure with 1 st floor area exceeding 500 square feet	75 feet	75 feet

- C. A flag lot may be approved by the Planning Commission in any commercial, office, or industrial use district.
- D. In any district, not more than four (4) flag lots shall be permitted abutting one another and not more than two (2) access strips or "flagpoles" shall abut one another at their points of intersection with the public street.
- E. A subdivision creating one or more flag lots shall only be approved if all other parcels resulting from the subdivision comply with the requirements of these Regulations and the Planning and Zoning Code.
- F. A flag lot shall only be created after review and approval by the Planning Commission, after giving consideration to at least the following:
 - 1. Whether written notice has been delivered to owners of all lots abutting the proposed flag lots and a public hearing has been held.
 - 2. Whether the applicant will provide landscaping or other buffer features deemed necessary by the Planning Commission to mitigate the impact of the access strip upon abutting dwellings and yards.

3. Whether the Fire Department and Police Department have reviewed the proposed flag lot and have determined it is suitable for providing safety services.
4. Whether the Village Engineer has reviewed the proposed flag lot and its intersection with the public street and has determined that the proposed location and site conditions do not create a public or private hazard.
5. Whether the flag lot limits desirable future patterns of street development, pedestrian walkways or other infrastructure.
6. Whether the flag lot is being created on property which could be developed in conformance with applicable zoning and subdivision standards; whether development in conformance with applicable zoning and subdivision standards is more appropriate in the community interest; and whether the proposal has the intent or effect of unreasonably avoiding development according to such standards.
7. Whether the physical conditions of the proposed access strip are suitable for construction and maintenance of a paved access drive and whether construction will result in damage to wetlands or watercourses.

6.11 PUBLIC SITES AND OPEN SPACE

6.11.1 Public Facilities

Parks, playgrounds, schools and other sites for public use shall conform to these Regulations. If there is a land use and thoroughfare plan for the area, such public facilities shall conform to the plan.

Where the Planning Commission determines that:

- A. A site within a proposed subdivision has been identified within an adopted plan for land use, recreation, open space, environmental protection, educational or other public purpose; or
- B. That a site contains environmental, visual, cultural, or historic resources which should be preserved; or
- C. That a site may contribute to the implementation of an adopted plan of the Village, local school board, or other public body;

then the Commission may delay action on the application for not more than 90 days and encourage the applicant and interested parties to pursue preservation, dedication, acquisition or other action for the site.

6.11.2 Natural Features

Due consideration shall be given to preserving outstanding natural features such as scenic spots, water bodies, rock ledges, and exceptionally fine groves of trees.

Dedication to and acceptance by the Village or other public agency is usually the best means of assuring their preservation. Preferred access to these public areas is from dedicated public streets.

6.13 Property Owners Associations

As part of a non-residential development, a property owners association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including any open space and the private streets. Such association shall become effective upon the sale of the first lot in such development. At the time of final development plan application, the applicant shall provide the Law Director with copies of the Declaration, Articles of Incorporation, and Code of Regulations. No final development plan shall be approved without a written opinion from the Law Director stating that these submitted documents demonstrate full compliance with the provisions of this division in that these documents, read in their entirety, contain appropriate provisions implementing all of the following requirements:

- A. Membership in the Association shall be mandatory for all purchasers of lots or units in the development. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be provided for as specified in the Association's Declaration or Code of Regulations.
- B. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including common open space, without an affirmative vote of 75% of its members, having established a successor entity to take over the property pursuant to the Planning and Zoning Code; and the approval of the Planning Commission and Village Council.
- C. The Association shall:
 1. Be responsible for maintenance, control and insurance of common areas, including the required common space and the private streets and utilities.
 2. Impose assessments on members for the maintenance, control and insurance of common areas, private streets, and utilities and have the power to place liens against individual properties for failure to pay assessments as provided for by the Association's Declaration or Code of Regulations.
 3. Have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common areas, private streets, and utilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any facilities in the common area, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.
- D. The Association shall convey to the Village and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Village shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual units, houses and vacant building lots.

ARTICLE VII IMPROVEMENT STANDARDS

- 7.1 Required Improvements**
- 7.3 Standards for Materials and Construction**
- 7.5 Drainage and Grading**
- 7.7 Soil and Erosion and Sedimentation Control**
- 7.9 Street Improvements**
- 7.11 Underground Utilities**
- 7.13 Sewer and Water Facilities**
- 7.15 Monuments**
- 7.17 Oversize and Off-site Improvements**

7.1 REQUIRED IMPROVEMENTS

- A. The improvements required shall be designed by a Registered Engineer, and constructed by the Subdivider in accordance with the provisions of these Regulations and other regulations of the State and County.
- B. The improvements stated herein shall be required of all subdivisions whether major or minor should the Planning and Zoning Commission feel such improvements are necessary to accomplish the purpose of these Regulations.
- C. **Schedule of Required Improvements** The following required improvements, at minimum, shall be installed in subdivisions located in the zoning districts identified below. The Planning and Zoning Commission may, with cause, require additional improvements. Where a proposed subdivision is located in more than one zoning district, the Planning and Zoning Commission shall determine the required improvements to be consistently installed in the entire subdivision or in may vary the requirements in parts of the subdivision as appropriate to the intended layout and character of development.

Schedule of Required Improvements

	Single-Family Residential Subdivision Zoning District			Multi-Family Residential, Industrial, and Business Subdivisions
	R-3	R-2	R-1	
Drainage, Grading	streets, blocks and lots	streets, blocks and lots	streets	streets, blocks and lots
Storm Systems	sewer system	sewer system	swales with sewer system	sewer system
Street Improvements (for both new and existing streets)	required	required	required	required
Pavement	required	required	required	required
Curbs and Gutters	required	required	not required	required
Sidewalks	both sides	one side	none	required both sides
Street Lights	required	at intersection	at intersection	required
Street Signs	required	required	required	required
Street Trees	required	required	required	required
Underground Utilities	required	required	required	required
Sewer and Water	central systems	central systems	well septic	central systems
Monuments	required	required	required	required

7.3 Standards for Materials and Construction

- A. Improvements shall be designed and constructed as specified in these Regulations. The specific materials, design details, sequence of installation, and other features of the improvements shall comply with the specific standards designated in these Regulations or by alternate standards adopted by and/or published by the Village Engineer in the Village Engineer's Standards. Where the standards in these Regulations and those in the Village Engineer's Standards conflict, the Engineer's Standards shall supersede.
- B. The Village Engineer shall prepare, maintain, and make available to all interested parties, the complete and current Village Engineer's Standards.
- C. The Village Engineer shall submit the Village Engineer's Standards and any subsequent amendments to the Planning and Zoning Commission for recommendation and to Village Council for approval.

7.5 Drainage

A drainage system shall be designed by an Ohio Registered Engineer and constructed by the Subdivider to provide for the proper drainage of the surface water of the subdivision and any larger drainage area of which it is a part. No subdivision will be approved unless there is an outlet for all storm water. No natural drainage course shall be altered and no fill, buildings, or structures

shall be placed in, on or over it unless provisions are made for the flow of water in a manner satisfactory to the Village Engineer. To this end, the subdivision shall be graded as shown in the site drainage and grading plan.

7.5.1 Drainage and Grading Plan

As part of the required improvement plan, the Subdivider's Engineer shall furnish a topographic plan showing planned methods to surface drain each lot. Proposed lot lines, street lines and building outlines shall be shown with the proposed floor elevations noted for each building. The Subdivider's Engineer shall also submit topographic maps showing areas of drainage with engineering calculations used in designing the proposed storm water collection system.

The Subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography, as follows:

- A. Street Grading Plan. A grading plan shall be prepared for existing and proposed streets along with street improvement details. The grading of the roadway shall extend the full width of the right-of-way. The strips between the pavement and right-of-way shall be graded at a gradient of not less than two percent (2%) or more than three percent (3%) upward from the curb to the sidewalk or property lines.
- B. Block Grading. Blocks shall be graded from a ridge at rear lot lines with drainage into streets or with portions of lots draining into streets and the remainder into a rear lot line swale.
- C. Lot Grading. Lots shall be graded so that water drains away from each building at a minimum grade of two percent (2%) for a distance of ten feet (10'). Surface drainage swales shall have a minimum grade of one-half percent (0.5%) and shall be designed so that surface water will drain into a driveway, street gutter, storm sewer, drain inlet or natural drainage way. For driveways, a minimum grade of four-tenths percent (0.4%) and maximum grade of ten percent (10%) shall be used.
- D. Topsoil. If grading results in the stripping of topsoil, the topsoil shall not be removed from the site or used as fill, but shall be stockpiled on the site and then uniformly spread over the lots as grading is finished. Finished grading shall not be done until all underground utilities have been installed, trenches backfilled and compacted, debris disposed of and excess earth properly distributed.
- E. Trees. As many trees as can be utilized in the final development plan shall be retained and the grading adjusted to the existing grade at the tree roots.

7.5.3 Drainage System Requirements

The design criteria for the drainage systems shall be based on the State of Ohio Department of Transportation Design Policy and the Village Engineer's Standards. These criteria shall apply to development along existing roads as well as those requiring new roads to be constructed.

- A. Road Drainage System. The road storm drainage system shall serve as the local drainage system. It shall be designed to carry area drainage if necessary, roadway, adjacent land, and house storm water drainage. To prevent excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible and practical.
- B. Off-Road Drainage System. The design of the off-road drainage system shall include the water-shed area affecting the allotment and shall be extended to a water course or ditch adequate to receive the storm drainage.
 1. Existing creeks or ditches located within the subdivision shall be provided with an easement of sufficient width to allow a fifteen foot (15') wide strip for access of

- maintenance equipment to all sections of the ditch. The ditch easement shall be wide enough to contain said ditch slopes and access with ample clearance for the operation of maintenance equipment. Open ditches will have a maximum side slope ratio of 2:1 and a minimum two foot (2') bottom width. The side slopes shall be rounded to blend into the existing ground. This is a maximum slope and shall be permitted only at the discretion of the Village Engineer.
2. No open ditches shall be constructed within one hundred feet (100') of the rear or side of a probable occupied building location, as measured from the probable building outline to the edge of the ditch easement.
 3. Any storm drainage courses carried alongside lot lines shall be enclosed with approved pipe to a point one hundred feet (100') minimum behind the building setback line or as approved by the Village Engineer.
 4. All waterways with a design capacity not exceeding the capacity of a thirty-six inch (36") concrete pipe as critical slope shall be enclosed throughout the development. All off-road drainage easements shall be established as a Village ditch in accordance with Section 711.01 Ohio Revised Code, and the allotment owners shall be assessed for the maintenance of said drainage courses in an amount as recommended by the Commission.
 5. Where streets are curbed, each lot must be furnished with a connection to the storm sewer system for building downspouts and footing drains.
- C. Storm Water Drainage. The design and construction of storm water drainage facilities shall require the review and approval of the Village Engineer in accordance with the criteria as established by the Summit Soil and Water Conservation District and the Village Engineer's Standards. All project sites or development areas shall at a minimum limit the peak rate of discharge from the project site or development area to the downstream receiving water course. All storm water management shall be reviewed and approved by the Village Engineer, the Planning and Zoning Commission and any other agencies that they may contact for further references.
- D. Flood Hazard. If any portion of the land within the subdivision is subject to flooding (flood plains, sewer overflow, elevations, etc.) or other hazards, due consideration shall be given to such problems in the design of the subdivision and the flood plain must be shown on the improvement plans and plat.
- E. Dams or Basin Embankments. Detailed drawings of proposed dams or basins and all calculations shall be submitted to the Village Engineer for approval. The Subdivider or the Subdivider's engineer shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable.
- F. Drainage Easements. Easements for drainage purposes shall be a minimum of thirty feet (30') in width. Where the water course is large, easement widths shall be increased as determined by the Village Engineer. Easements shall be shown on the record plat and deeds shall include all existing and/or reconstructed water courses.
- G. Drainage Outlets. Where the Village finds it necessary to clean, alter, or reconstruct a natural drainage course outside the development boundary to provide an adequate storm water outlet, or to prevent damage to other properties due to an accelerated flow, the outlet shall be constructed at the expense of the Subdivider in accordance with plans and specifications approved by the Village Engineer.
- H. The allotment owners shall be assessed for the maintenance of said drainage outlet in an amount recommended by the Village Engineer.

- I. Protection of Drainage Systems. The Subdivider shall adequately protect all ditches (roadways and water courses) to the satisfaction of the Village Engineer as shown by calculations made in accordance with the policy of the State of Ohio Department of Transportation and the Village Engineer's Standards. On all adjoining land where the vegetation has been injured or destroyed or where the land is in need of protection to prevent erosion, deposits in the drainage facilities and/or unsightly conditions shall be restored and protected as directed by the Village Engineer. In all cases, any drainage facility within the subdivision shall be in a stable condition, free from either erosion or sedimentation and/or other debris. If necessary, sedimentation basins shall be constructed within the proposed subdivision and maintained until erosion is under control.
- J. Pipe Policy. The pipe policy shall be the Policy of the State of Ohio Department of Transportation and as shown in the Village Engineer's Standards.
- K. Bridges. All bridges having a span greater than ten feet (10') shall be designed in accordance with the latest Design Regulations as practiced by the Ohio Bureau of Bridges, the Village Engineer's Standards and approved by the Village Engineer. Reference shall also be made to current standard Bridge Drawings. Design flood elevations shall be indicated on plan-profile sheets and on structure site plans.

7.7 Soil and Erosion and Sedimentation Control

The Village Engineer is authorized to require a soil study where, in the Village Engineer's opinion, the existing soil conditions may be unsuitable for the proposed subdivision improvements or subsequent construction on the sublots, and may also require adjustments in design to compensate for the existing conditions.

When the Subdivider intends to remove or disturb the natural topsoil, trees, and other vegetation, or where the Subdivider intends to change the surface contour of a proposed subdivision, the developers engineer shall prepare an Erosion Control Plan (as required in the Village Engineer's Standards and in the Village Planning and Zoning Code, Chapter 1169, Erosion and Sediment Control and Post Construction Storm Water Quality), and have such plan approved by the Summit Soil and Water Conservation District. The Erosion Control Plan shall be included in the improvement drawings. In general, erosion and sedimentation control work will consist of, but not be limited to grading, soil preparation, fertilization, seed and mulching as necessary to establish a sufficient growth of grass or other ground cover that minimizes damage to subdivision areas and to adjoining properties. The developer shall comply with the plans approved by the Village Engineer and the Summit Soil and Water Conservation District.

7.9 Street Improvements

The Subdivider shall construct pavements, side road ditches, curbs and gutters, guardrails, drives, driveway culverts, and other required improvements of sizes and types not less than set forth in these Regulations and in the Village Engineer's Standards for all proposed streets.

7.9.1 Pavements

- A. Pavement materials shall be as specified by the current edition of the State of Ohio Department of Transportation Construction and Material Specification and in the Village Engineer's Standards.

- B. Higher standards and/or greater widths than indicated herein may be required by the Commission and/or Village Engineer to provide adequately for unusual soil conditions or extraordinary traffic volumes or loads.
- C. After the underground utilities and building connections are installed and rough grading completed, the roadway sub-grade shall be shaped, rolled and compacted. The Subdivider may construct a temporary roadway of stone or recycled concrete, or other acceptable material as directed by the Village Engineer for use during the building construction period. Such pavements shall be maintained in a safe and passable condition by the Subdivider without expense to the Village.

7.9.3 Curbs and Gutters

- A. Concrete curbs and gutters, separate or integral with pavement, shall be provided. Where curbs exist, building downspout and footing drains must be connected to the storm sewer unless otherwise approved. Drains through the curb will not be permitted.
- B. Curbs and gutters shall conform to a typical drawing as approved by the Village Engineer.
- C. In addition, a ramp with no-slip surface shall be built into the curb at each pedestrian crosswalk so that the sidewalk and street blend to a common level. Such ramps shall be constructed in accordance with the State of Ohio Standards.
- D. Where a new subdivision creates an intersection with an existing street which does not have curbs, then at the expense of the Subdivider new curbing, gutters, and necessary pavement adjustments shall be extended into the existing street right-of-way as necessary to create a functional transition of pavements, curbs, storm water control, and other features as required by the Village Engineer.

7.9.5 Guardrail

Guardrail shall be installed as required by the Village Engineer. Guardrail shall be in accordance with State Standards. The developer shall submit details to the Village Engineer for approval.

7.9.7 Drives and Driveway Culverts

Except when drive and culvert designs are approved in the Improvement Plan and construction is completed as part of subdivision construction, drives require a driveway permit which will specify the type of pipe required, the minimum size of pipe, aggregate cover and all installation procedures. Drives shall not exceed a ten percent (10%) grade.

7.9.9 Sidewalks

Sidewalks shall be provided as indicated in these Regulations. Sidewalks shall be constructed of Portland Cement Concrete four inches (4") thick with the thickness increased to six inches (6") where the sidewalk is crossed by a driveway. They shall be located and shown as approved by the Village Engineer. The construction and materials shall be specified in Item 608 of the State of Ohio Departments of Transportation Construction and Materials Specifications. Sidewalk widths shall be a minimum of four feet (4'). The Commission may recommend a modification subject to the approval of the Village Council.

7.9.11 Street Names and Street Signs

The Subdivider shall submit the proposed names of all streets on the preliminary and final plans for approval. The Director of Planning and Zoning shall obtain comments from the Fire Chief and Police Chief regarding the suitability of proposed street names giving attention to avoiding duplication and confusion for visitors and safety services. Once platted, the approved names shall be used as the official street names.

The Subdivider shall pay the Village for installation of street signs and posts showing the names of all streets at all street intersections within the proposed subdivision. The signs shall conform to the specification of the Service Director and the Village Engineer and be mounted at a height of approximately seven feet (7') above the top of the curb of the crown of the pavement. The sign shall be located as directed by the Service Director and the Village Engineer.

7.9.13 Street Lights

The Subdivider shall arrange for the installation of street lights, at the Subdivider's expense, in the subdivision in accordance with the Village street lighting policy as indicated in these Regulations.

7.9.15 Street Trees

Trees shall be provided on proposed streets as required in these Regulations and as follows:

A. Species

1. The trees shall be species which are resistant to damage and disease and which do not cause interference with underground utilities or street lighting.
2. The species of trees suggested are Red Maple, Norway Maple, Sugar Maple, Sycamore Maple, Red Oak, Pin Oak, Thornless Honey Locust, London Plane Tree, Amur Cork Tree and Sweet Gum, Buckeye, Ruby Red Horse Chestnut, European Hornbeam, Hornbeam, American Hop Hornbeam, Chinese Hackberry, Hackberry, Maidenhair Tree and European Linden.
3. The species of trees which are prohibited because of their undesirable characteristics such as fruit, low branches, unpleasant odors, excessively thick foliage, susceptibility to disease or attack by insects, or large root systems belonging to the Poplar, Willow Cottonwood, American Elm, Ailanthus, Mountain Ash, Silver Maple, Ash Leaved Maple, and Oregon Maple species. The aforesaid are prohibited in the planting strip. Poplar, Willow, or cottonwood trees, if planted on private property, shall be located not less than one hundred feet (100') from any public sewer.

B. Location. Street trees shall be spaced so that there will be approximately ten feet (10') between branch tips when the trees are full grown. No trees shall be planted within forty feet (40') of the intersection of two (2) street right-of-way lines. Approaches and driveways to buildings should be considered when locating trees.

C. Tree Size. Trees at planting shall be at least one and one-half inches (1½") in diameter and one foot (1') above the ground. Lowest branches shall be not less than seven feet (7') and more than ten feet (10') above the ground. The Commission may require and permit planting screens or fences where double frontage lots abut a major arterial street or between a major arterial thoroughfare and a marginal access street, provided

that such planting screens or fences shall not constitute a safety hazard. A plan of proposed planting screens shall be submitted for approval with the final plat.

7.11 Underground Utilities

- 7.11.1 The preliminary plan of any new subdivision shall be submitted to all utility companies serving the subdivision as well as the Village Engineer for their recommendations.
- 7.11.3 Utility easements of at least ten feet (10') in width for communication and electric power, and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.
- 7.11.5 Prior to granting final approval, the Subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the following in accordance with the requirements of the National Electrical Code:
- A. Underground communication cables;
 - B. Underground distributions cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system; and
 - C. Adequate provision for street light lamps and standards in accordance with a design approved by the Village Engineer.
- 7.11.7 The Subdivider shall bear the increase in costs, if any, over the normal mode of construction of communication or electrical lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations of the telephone or electric company involved.
- 7.11.9 The Village Engineer may authorize relief from the underground communication regulations when undue hardship may result from strict compliance. In granting such relief, the Village Engineer shall prescribe only conditions that he deems necessary or desirable for the public interest and when he finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of this land.
- 7.11.11 Requirements for Underground Electric Power and Street Lighting. In a new subdivision of five (5) or more lots, all communication, electric power and street lighting wires, conduits or cables to serve lots in such subdivision shall be constructed underground and upon easements provided for utilities, 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 upon easements. The Subdivider shall bear the increase in costs, if any, over the normal mode of construction on of electric lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations of the telephone or electric company.
- 7.11.13 All underground communication, electric power and street lighting wires, conduits or cables shall be constructed in accordance with the standards required in the *Public Utilities Commission of Ohio Rules, Regulations and Specification for Situations Where Electric Lines Cross or More or Less Parallel the Line of a Railroad, Interurban Railway, or Other Public Utility and Safety Rules for Electric Supply and Communication Lines*, published by the State of Ohio, 1967, or by other regulations of the Public Utilities Commission of Ohio.
- 7.11.15 Provisions shall be made for the installation of street lighting by the electric utility serving the subdivision at a minimum mounting height of fifteen feet (15') for luminaries

and spaced no farther apart than every fourth (4th) lot. Provisions shall be made for the installation of street lighting standards on major or collector streets by the electric utility serving the subdivision to provide lighting intensity meeting the minimum recommendations of American Standard Practice for Roadway Lighting.

- 7.11.17 The wiring used shall be safety insulated and/or de-energized.
- 7.11.19 The Subdivider shall make arrangements for the installation of gas mains and shall submit drawings to the Village Engineer for approval.
- 7.11.19 The provisions of this section shall be applicable to all zoning districts.

7.13 Sewer and Water Facilities

Central sanitary sewer and water supply systems shall be provided by the Subdivider, either by the installation of new systems or by connection to existing systems which are deemed adequate by the Village Engineer to handle the additional demands and volume which will result from the proposed subdivision. The Subdivider, prior to the submission of the Final plat for approval by the Commission, must receive the prior written approval for the extension or installation of said central water system and central sanitary sewer system from the Village Engineer and the agencies having jurisdiction over the water and sanitary sewer systems.

7.15 Monuments

Monuments shall be one inch (1") pipe or steel rods set in and running through a poured concrete block at least six inches (6") in diameter and at least thirty inches (30") long. The bottom of such block shall be set at least thirty inches (30") deep below finished grade in the plat. The points at which they may be found shall be designated on the plat. All monuments set in pavement shall be set in standard type monument boxes. Where new streets intersect existing highways, monuments may be placed on the center line of the new road at the right-of-way of the existing road.

Iron pins shall be set at all lot corners and in all changes in lot direction and at the point of tangency of all right-of-way curves.

7.17 OVERSIZE AND/OR OFF-SITE IMPROVEMENTS

Oversize and/or off-site extensions of utilities, pavements and other improvements shall be designed and constructed to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area. Where the Village Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the Subdivider shall install all improvements required to serve the subdivision plus the additional oversize and/or off-site improvements required. Such improvements shall be available for connection by individual property owners and/or Subdividers of adjoining land.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

- 8.1 Administration**
- 8.3 Modifications**
- 8.5 Appeals**
- 8.7 Recording of Plat**
- 8.9 Sale of Land in Subdivision**
- 8.11 Revision of Plat after Approval**
- 8.13 Fees**
- 8.15 Penalties**
- 8.17 Severability**
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8.1 ADMINISTRATION

The Planning and Zoning Commission, the Director of Planning and Zoning, and the Village Engineer shall administer these Regulations jointly as specified herein, except where specific authority is given to another Village office as set forth in these Regulations. The Director of Planning and Zoning shall provide periodic reports to Council and the Mayor as to the progress of improvements.

8.3 MODIFICATIONS

8.3.1 Authority.

- A. Where the Planning and Zoning Commission finds that the land involved in a subdivision is of such size or shape, is subject to such title limitations, is affected by such topographical conditions, or is to be devoted to such usage that it is impossible or impracticable in the particular proposal for the Subdivider to conform fully to a provision of these Subdivision Regulations, the Planning and Zoning Commission may approve such modifications as may be reasonable, if within the general intent and purpose of these Regulations.
- B. The authority to grant modifications to the provisions of these Subdivision Regulations does not include the authority to grant variances to the provisions of the Planning and Zoning Code.

8.3.3 Request for Modification.

An application for a modification of requirements shall be submitted in writing by the applicant when the Preliminary Plan or Final Plat is filed with the Planning Commission. The written modification request shall include the following:

- A. The location(s) for which the modification(s) is/are being requested.
- B. The written request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based. The request is required to cite the particular conditions associated with the land in question.
- C. A written and drawn explanation of the specific modification(s) requested.
- D. An explanation of how the proposed modification(s) constitutes the minimum modification necessary and how the modification is not contrary to the public interest.

8.3.5 Action of the Planning and Zoning Commission.

After receipt of a request for modification, the Planning Commission shall approve, approve with conditions, or deny the requested modification and state the grounds for the decision taken. In

approving modifications, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.

8.3.7 Display on Plans.

All preliminary and/or final plans must display all granted modifications prior to approval by the Planning Commission and Village Council.

8.3.9 General Standards for Modifications.

The Planning Commission shall not grant modifications to these Regulations unless it makes written findings of fact based upon the evidence presented by each specific case and the following considerations as applicable:

- A. The particular physical surroundings, environmental constraints, shape, topographical or other exceptional condition of the specific property involved would cause extraordinary hardship or exceptional practical difficulty to the applicant, as distinguished from a mere inconvenience, if the provisions of these Regulations were strictly enforced;
- B. The conditions upon which the request for a modification is based are unusual to the property for which the modification is sought and are not applicable generally to other property;
- C. The purpose of the modification is not based exclusively upon a desire to obtain additional income from the property;
- D. The granting of the modification will not be detrimental to the public health, safety or general welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- E. The special circumstances or conditions are created by the provisions or requirements of these Regulations and have not resulted from any act of the applicant or applicant's predecessor in interest;
- F. The modification requested is the minimum adjustment necessary for the reasonable use of the land.

8.5 APPEALS

A developer aggrieved by any action of the Planning and Zoning Commission in regard to refusal to approve a subdivision may, within sixty (60) days after such refusal, appeal to the appropriate court to correct errors of law and/or questions of fact.

8.7 RECORDING OF PLAT

No plat of any subdivision shall be recorded in the office of the County Recorder until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid; and the Village shall institute proceedings to have the plat stricken from the County records.

8.9 SALE OF LAND IN SUBDIVISION

No owner, or agent of the owner, of any land located within a proposed subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this Section is void. The description of such subplot or

parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

8.11 REVISION OF PLAT AFTER APPROVAL

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

Division of any parcel within a proposed subdivision requires a resubmitted plat.

8.13 FEES

8.7.1 Filing Fees. In addition to the fees identified below, general fees relating to the review and administration of minor and major subdivisions shall be paid to the Village in the manner and amounts determined by Village Council.

8.7.3 Plan Checking and Field Inspection Fees

A. Office Checking Expenses.

At the time calculations, plats, improvements plans, profiles specifications, etc., are submitted by the Subdivider for review, the Village Engineer shall prepare an estimate of cost for office checking of all such data. The Subdivider shall thereupon deposit with the Village Finance Director an amount of money equal to said estimated costs. All work done by the Village Engineer in connection with checking, computing and correcting such plans for improvements shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Village Engineer shall notify the Subdivider of this fact and shall do no further work in connection with such review until the Subdivider has deposited such additional sum of money determined necessary by the Village Engineer to cover the cost of the work.

B. Field Inspection Expenses.

The Subdivider shall also pay the total cost of field inspection of the improvements during construction. The inspection fees shall be determined by the Village Engineer and deposited with the Village Finance Director. The inspector's salary shall be paid from the inspection fee. The Subdivider is held responsible for all inspection fees, which will be payable monthly.

The performance bond posted by the Subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

8.15 PENALTIES

Whoever willfully violates any rule or provision of these Regulations or fails to comply with any order pursuant thereto shall forfeit and pay not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered, with costs, in a civil action brought in the Court of Common Pleas of the County by legal representative of the Village, in the name of the Village and for the use thereof (Ohio Revised Code, 711.102).

Any person, whether he be the owner or agent of the owner who transfers any subplot, parcel or tract of such land from or in accordance with the plat of subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit any pay the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each subplot, parcel, or tract of land so sold. The description of such subplot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this action (Ohio Revised Code 711.13).

Any person who disposed of or offers for sale or lease for a time exceeding five (5) years any subplot or any part of a subplot in a subdivision before the provisions of these Regulations are complied with, shall forfeit and pay five hundred dollars (\$500.00) for subplot or part of a subplot so sold, offered for sale, or leased, to be recovered with costs in civil action, in the name of the Village Director of Finance for the use of the Village.

8.17 SEVERABILITY

If any article, section, paragraph, clause or part of these Regulations is held invalid by a court, such judgement shall not affect the validity of the remaining provisions of these Regulations.

8.19 RELATION TO OTHER LAWS

The provisions of these Regulations shall supplement any and all laws of the State of Ohio, ordinance of the Village, or any and all rules and regulations promulgated by authority of such law or ordinances relating to the purpose of these Regulations. If 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.

8.21 AMENDMENTS

These Regulations may be amended after public hearing and other requirements specified in the appropriate section of the Village Charter.