

# NORTHSTAR

planning + design

## MEMORANDUM

TO: Brian Frantz, Director of Planning and Zoning  
Village of Richfield

FROM: Northstar Planning & Design LLC  
Mark Majewski AICP

RE: SUBDIVISION REGULATIONS UPDATE  
ITEMS FOR PLANNING COMMISSION MEETING

DATE: 5 October 2015

Please find transmitted with this memorandum the following documents:

### Memos:

- Private Streets, Shared Drives, Flag Lots
- Residential Site Grading
- Frontage
- Modifications

### Draft Amended Subdivision Regulations:

- Table of Contents
- Articles I, II, III
- Article IV
- Article V
- Article VI
- Article VII
- Article VIII

### Guidance Needed

The transmitted texts include numerous minor amendments. Staff and the Consultant encourage the Commission to give special attention to the following major issues and to provide guidance on final recommendations:

- Policies regarding private streets, shared drives, and flag lots (see attached memo)
- Required actions of Village Council regarding preliminary and final plats for major subdivisions
- Deletion of requirements for dedication of public sites – see existing text, 6.1.6 Public Sites.
- Procedures and Standards for Modifications in proposed Article VIII

### Zoning Code Amendments and other Ordinances

During review of the Subdivision Regulations, several issues have been raised relating to the Zoning Code. The following is a working list of needed amendments which will be recommended to Council with specific language or for future action.

- Street Definitions – as noted previously, delete or amend Zoning Code definitions to make consistent with those in the Subdivision Regulations
- Frontage – In addition to amending the definition of “frontage” in the Subdivision Regulations, amend the following in the Zoning Code: “frontage” definition; “lot, double frontage” definition; and add minimum frontage requirements

- Updated sections re Site Grading (see memo) – confirm in the Zoning Code that site grading is subject to review in zoning certificate applications and to inspection prior to final occupancy approval
- Updated fees – separate Council ordinance

### Section Numbering

In final numbering of text sections, we have skipped numbers to make future insertions easier. This will be consistent with the way the Zoning Code is numbered.

### Engineer’s Standards

As previously discussed, specific standards for the design of improvements, calculations, materials, and other technical matters will be consolidated into a separate document prepared and maintained by the Village Engineer. The intent is to remove outdated standards from the Subdivision Regulations, primarily in new Article VII Improvement Standards, and to make it easier to amend the standards as time and technology make this appropriate and necessary. The draft text for Article VII contains numerous highlights of standards which are under consideration for deletion. Subsection 7.2 Standards for Materials and Construction creates the Engineer’s Standards.

### Topics from last Planning Commission Working Meeting

- Removal of topsoil – Discussion with Village Engineer indicates that subdividers generally retain and redistribute topsoil on site unless the approved grading plan makes removal (and possibly for resale) necessary. Bringing in new soil is cost prohibitive.
- Cross refs to Chapter 1167 Grading, Excavation, and Embankment; Chapter 1169 Erosion and Sediment Control and Post Construction Storm Water Quality; and Chapter 1179 Riparian Setbacks have been added where appropriate or will be referenced in Village Engineer’s Standards
- Steep slopes protection – This issue will be addressed in the Engineer’s Standards
- County Stormwater Regulations - This issue will be addressed in the Engineer’s Standards, utilizing the Summit County Countywide Storm Water Management Program (SWMP) and Summit County Storm Water Management Manual
- Riparian Setbacks - It is recommended that these regulations, Chapter 1179 Riparian Setbacks, remain in the Zoning Code given that they address issues of land uses and setbacks.
- Adjustments at intersection with existing road - See new 7.4B where the following has been added: **“Where a new subdivision creates an intersection with an existing street which does not have curbs, new curbing, gutters, and pavement adjustments shall be extended into the existing street right-of-way to the extent necessary to create a functional transition of pavements, curbs, storm water control, and other features as required by the Village Engineer.”**
- Homeowner Associations and Village authority to maintain improvements. In the current Subdivision Regulations, we find only two references to Homeowners Associations at 4.3.4B27 and 4.3.4B26.

26. A Landscaping Plan shall be submitted for all areas that are proposed for public use, dedication, or joint ownership by a home owners association,  
 (27) Where the Developer proposes to set aside land to be jointly owned by or through a home owners association, the home owners’ association agreement will be submitted with improvement plans and are subject to the approval of the Planning and Zoning Commission and the Village Council.

The following text, taken from the Subdivision Regulations of the City of Avon (1246.07c) may be appropriate for inclusion in the Village Subdivision Regulations:

(c) Property Owners Associations. As part of a non-residential development, a property owners association or similar legal entity shall be created so that, ~~pursuant to division (b) of this section,~~ 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 approval, 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:

(1) 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.

(2) 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 City's Planning and Zoning Code; and the approval of the Planning Commission and City Council.

(3) The Association shall:

A. Be responsible for maintenance, control and insurance of common areas, including the required common space and the private streets and utilities.

B. 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.

C. 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.

(4) The Association shall convey to the City 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 City 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.

### Street Classifications

As we have noted previously, the Zoning Code terms and definitions used to describe street classifications are not consistent with those in the Subdivision Regulations. We have recommended making them consistent by deleting most of the Zoning Code street definitions and making the Subdivision Regulations the sole source for street definitions by reference.

While the Subdivision Regulations do not place existing streets into specific street classifications, the Zoning Code does identify seven (7) streets as either a "major road or thoroughfare" or a "collector road or secondary road". (See table below). These matchings of specific streets and classifications in the Zoning Code is done primarily for purposes of specifying areas where certain setbacks will be required and have nothing to do with road improvement requirements.

The Zoning Code terms currently attached to those seven streets, however, are not consistent with those available in the Subdivision Regulations. We recommend that they be reclassified in the Zoning Code as shown below and that a new Zoning Code section 1181.28 Street Classifications be adopted.

	Zoning Code – existing classifications to be deleted	Zoning Code - recommended classifications consistent with definitions in Subdivision Regulations
Brecksville Rd	Major Road or Thoroughfare	Arterial Street
Broadview Rd	Major Road or Thoroughfare	Arterial Street
Streetsboro Rd	Major Road or Thoroughfare	Arterial Street
Wheatley	Major Road or Thoroughfare	Arterial Street
Hawkins Road	Collector road or Secondary road	Collector Street
Everett Road	Collector road or Secondary road	Collector Street
Brush Road	Collector road or Secondary road	Collector Street
Revere Road	Collector road or Secondary road	Collector Street

#### 1181.28 Street Classifications

For the purposes of this Zoning Code, the following streets shall be classified as Arterial Streets or Collector Streets as defined in the Village Subdivision Regulations:

- a. Arterial Streets:
  1. Brecksville Rd
  2. Broadview Rd
  3. Streetsboro Rd
  4. Wheatley
- b. Collector Streets:
  1. Hawkins Road
  2. Everett Road
  3. Brush Road
  4. Revere Road