

ARTICLE IV PROCEDURES for MAJOR SUBDIVISIONS

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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.

4.7.7. Action by Council

After approval by the Planning and Zoning Commission the preliminary plans shall be submitted to Council for review and approval. Council shall either: (1) approve the preliminary plan as submitted; (2) approve the preliminary plan with instructions to the Subdivider and Planning Commission regarding required amendments or additions; or (3) disapprove the preliminary plan and provide a statement of the reason(s) for disapproval.

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.