

ARTICLE I LEGISLATIVE INTENT

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.”

1.2 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.

1.3 AUTHORITY

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

1.4 INTERPRETATION

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

ARTICLE II DEFINITIONS

2.1 INTENT

The following definitions shall apply throughout these Regulations.

2.2 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.

2.3 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, 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.

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:

- A. Complete application form as required by the Director of Planning and Zoning.
- B. Proof of ownership.
- C. 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 .
- D. Total area (in square feet) of each lot resulting from the minor subdivision
- E. Dimensions of all property lines
- F. Width of each lot measured at the minimum front building setback line, in compliance with the requirements of the Planning and Zoning Code
- G. Zoning district of all lots as established in the Planning and Zoning Code
- H. 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:
 1. Easements
 2. Underground utilities or structures
 3. Wells
 4. Rock outcroppings
 5. Slopes in excess of 15%
 6. Natural and man-made watercourses, ditches, swales, ponds, lakes and other water features
 7. Existing above-ground structures
- I. 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.
- J. Any additional information required by the Director of Planning and Zoning to determine compliance with applicable laws of the Village.
- K. Minor Subdivision fees as required by Village ordinance.