

ORDINANCE NO.: 2018-13
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: JULY 10, 2018 **ASSIGNED TO:** PLANNING

AN ORDINANCE AMENDING CHAPTERS 1224 AND 1229 OF THE CODIFIED ORDINANCES OF THE CITY OF GREEN REGARDING MAJOR SUBDIVISIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to amend its Land Development Code in order to modify the terms and responsibilities in the major subdivision review process; and

WHEREAS, pursuant to Chapter 1224 and Chapter 1229, these text amendments were favorably recommended for approval to Council by the City's Planning & Zoning Commission by a 5-0 vote at its June 20, 2018 meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

SECTION ONE:

Sections 1224.06 and 1229.01 shall be amended to read as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference.

SECTION TWO:

Any other ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict and all ordinances not amended by this ordinance shall remain in full force and effect.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green and for the further reason to allow these changes to be implemented as soon as possible. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.


ADOPTED: August 28, 2018

Nichole Baldinger
Nichole Baldinger, Clerk of Council, Interim

Chris Humphrey
Chris Humphrey, Council President

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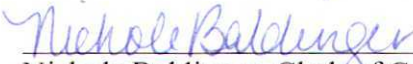
APPROVED: Aug. 28, 2018


Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: August 28, 2018

ON ROLL CALL: Babbitt *Aye* Dyer *Aye* Humphrey *Aye* Shaughnessy *Aye*
 Speight *Aye* Yeargin *Aye* Young *Aye* *Adopted 7-0*

Suburbanite publication on Aug 31 and Sept 7, 2018


Nichole Baldinger, Clerk of Council, Interim


07/02/2018 Approved as to form and content by William G. Chris, Director of Law, Interim 

Exhibit "A"
2018-13

1224.06 MAJOR SUBDIVISION.

(1) Purpose. The purpose of the major subdivision review process is to ensure compliance with this Code while promoting the appropriate development of the City as provided for in the purpose of this Code.

(2) Major Subdivision Determination and Applicability. A major subdivision shall include any subdivision that includes the construction of a public roadway, that does not meet the requirements of a minor subdivision, or that includes the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures, which ultimately are to be jointly owned under a recorded condominium property declaration under the provisions of Ohio R.C. Chapter 5311.

(3) Initiation. Pursuant to Subsection [1224.03\(1\)](#): Authority to File Applications, any person having authority to file applications may initiate an application for a major subdivision.

(4) Procedure. The review procedure for a major subdivision shall be as follows:

(A) Step 1 - Preapplication Conference.

1.) The applicant shall meet with the Planning Department for a preapplication conference before submitting an application for a major subdivision.

2.) The applicant shall supply preliminary information to the Planning Department in a form established by the department. Such information shall be submitted at least three business days prior to the preapplication conference.

3.) The purpose of the preapplication conference shall be to discuss the proposed subdivision, review submittal requirements, and discuss compliance with the provisions of this Code prior to the submission of an application.

4.) Subsequent to the preapplication conference with the Planning Department, the applicant may consult with, at a minimum, the City Engineer and the County Soil and Water Conservation District. The applicant shall also consult with the agencies having jurisdiction over wastewater or water, where applicable.

(B) Step 2 - Application and Official Filing of the Preliminary Plan.

1.) The applicant shall submit an application in accordance with Section [1224.03](#): Common Application Requirements and with the provisions of this chapter.

2.) The preliminary plan shall be submitted as part of the initial application.

3.) Upon determination by the Planning Department that the preliminary plan has been properly submitted, the preliminary plan shall be accepted as being officially filed.

4.) The application and the official filing of the preliminary plan shall take place a minimum of forty-five days prior to the regular meeting of the PZC where the application will be heard.

5.) If the applicant fails to submit an application and preliminary plan within 120 days of the preapplication conference (Step 1), the applicant shall be required to begin the review procedure again from the preapplication conference.

(C) Step 3 - Site Visit.

1.) The applicant shall be responsible for scheduling with the Planning Department to allow for viewing of the site in the field.

2.) Members of the PZC will be invited to the site visit to help understand the project with proper legal notice given if a quorum of PZC members are to be in attendance.

3.) The developer shall delineate the centerline of proposed roads prior to the site visit.

4.) The site visit shall take place a minimum of seven days prior to the regularly scheduled PZC meeting where the preliminary plan will be reviewed.

5.) The Planning Director may waive the site visit requirement if the Planning Director determines that there is no need for the visit due to minimal impacts of the proposed project, the availability of information in the application to fully illustrate the plan, and similar considerations.

(D) Step 4 - Staff Review and Staff Report on the Preliminary Plan.

1.) Upon determination that the application for a major subdivision is complete, the Planning Department shall transmit copies of the application for review by applicable agencies including, but not limited to, the City Engineer, agencies having jurisdiction for water and/or sanitary sewer, or other agencies the department deems appropriate.

2.) Such agencies shall supply comments and recommendations to the Planning Department a minimum of ten days prior to the regularly scheduled PZC meeting where the preliminary plan will be reviewed.

3.) Prior to the PZC meeting where the preliminary plan is scheduled for review, the Planning Department shall review the preliminary plan and prepare a staff report.

(E) Step 5 - Review and Decision on the Preliminary Plan by the PZC.

1.) The PZC shall not consider a major subdivision unless the preliminary plan is officially filed (Step 2).

2.) The following information shall be provided to the Planning Department prior to the PZC meeting or shall be identified for future review as a condition of approval.

a.) A statement indicating that the proposed subdivision meets all applicable provisions of this Code.

b.) A letter from the Summit County Health Department indicating subplot acceptability for individual septic systems and/or drilled wells, or a letter from the agency having jurisdiction for sanitary sewer indicating the availability of centralized sewage facilities.

c.) Additional information as deemed necessary by the Planning Department. If the Developer requires additional time to acquire the needed information, he or she may do so by submitting a written request to the Planning Department.

3.) The PZC shall hold a public meeting to review and decide on the preliminary plan. The PZC shall approve, approve with conditions, or deny the preliminary plan. The PZC may also continue the meeting if questions regarding the plan are not addressed by the applicant.

4.) Upon approval, the PZC shall communicate its action to City Council.

5.) If the PZC denies the preliminary plan, the applicant shall not move forward in the review process until a preliminary plan is approved by the PZC.

(F) Step 6 -Filing of the Final Plat and Improvement Plans. The final plat and improvement plans shall be submitted and reviewed concurrently.

1.) Filing of the final plat.

a.) The applicant shall submit the final plat in accordance with Section 1224.03: Common Application Requirements and with the provisions of this chapter.

b.) Upon determination by the Planning Department that the final plat has been properly submitted, the final plat shall be accepted as being filed.

c.) The official filing of the final plat shall take place a minimum of thirty days prior to the regular meeting of the PZC where the final plat will be heard.

d.) The final plat submission shall include a signed warranty deed for any lot(s) where open space, a park, playground, school site, or other public land is to be dedicated to the public. The deed shall be considered part of the final plat for approval and recording purposes.

e.) The final plat submission shall include the submission of improvement plans for the corresponding phase of development.

2.) Submission of the improvement plans.

a.) The applicant's engineer shall prepare improvement plans, which shall conform to the approved preliminary plan, and include all work to be performed. In cases where the applicant proposes to develop the subdivision in phases, improvement plans shall be submitted for each individual phase.

b.) The applicant shall supply the improvement plans to the Planning Department in a form and number established by the Department.

c.) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plan is not workable and changes in layout are required, the applicant shall inform the Planning Department. The Planning Department may require that a revised preliminary plan be submitted for re-approval.

(G) Step 7 - Planning Department Review and Staff Report on the Final Plat. Prior to the PZC meeting where the final plat is scheduled for review, the Planning Department shall review the final plat and prepare a staff report.

(H) Step 8 - Staff Review and Decision on the Improvement Plans.

1.) The Planning Department shall distribute copies of the improvement plans to the **City Engineer** and, where applicable, the applicant shall submit the improvement plans to the agencies having jurisdiction for sanitary sewer or water, the Ohio Environmental Protection Agency, and any other applicable agencies.

2.) The review agencies shall provide comments and recommendations on the improvement plans to the Planning Department.

3.) A copy of the improvement plans shall be marked and returned to the applicant's engineer for corrections, if necessary. If found to be satisfactory, the original tracing shall be submitted for approval signature by the Planning Director, City Engineer, and the agencies having jurisdiction over sanitary sewer or water (where applicable).

4.) Improvements shall not be constructed until such time as the City has accepted the final plat and performance bond, and the City and other applicable agencies have approved the improvement plans. The applicant is required to participate in a pre-construction meeting and file all bond documents with the Planning Department prior to commencing construction of improvements.

(I) Step 9 - Review and Decision on the Final Plat by the PZC.

1.) The PZC shall hold a public meeting to review and make a recommendation on the final plat. The PZC shall take one of the following actions:

a.) The PZC shall give a favorable recommendation on the final plat before any required improvements are installed pursuant to the improvement plans, authorizing its Chairperson, or any other officer of the PZC, to indicate such approval and the date on the tracing of the final plat.

b.) Notwithstanding the provisions of Subsection [1229.01\(13\)](#): Approval, where it appears that the requirements of Subsection [1229.01\(13\)](#): Approval, will be met prior to the PZC's next scheduled meeting, the PZC may, with the consent of the applicant, give final approval effective upon the City Engineer's future approval of the improvement plans and signing of the plat. Such final approval shall take effect as of the date of the City Engineer's signature.

c.) If the requirements of Subsection [1229.01\(13\)](#): Approval, have not been met by the time of the PZC's next scheduled meeting, the final plat may be placed on the agenda for the next PZC meeting, at which the PZC may reaffirm, modify or change its previous action.

d.) Should the PZC deny the final plat, written notice of such action, including reference to the regulation or regulations not complied with by the plat, shall be mailed to the applicant and the applicant's engineer and/or surveyor. The action shall also be entered on the official records of the PZC.

2.) The Chairman of the PZC shall certify the final plat by signing and dating the final plat upon approval from the PZC.

3.) Upon making a favorable or unfavorable recommendation, with or without conditions, the PZC shall communicate its action to City Council.

(J) Step 10 - Review and Decision on the Final Plat by the City Council.

1.) After full compliance with this section, the Planning Department shall request the Law Director to prepare the necessary legislation for Council for introduction no later than the sixty days of the PZC's recommendation.

2.) Council shall review and judge the final plat with access to the files of the PZC and shall accept bonds for the guarantee of performance of public improvements pursuant to Subsection [1224.06\(9\)](#): Bonding Requirements, and acceptance of the plat.

3.) If approval is given, the plat and any appropriate documents shall be signed by the President and Clerk of Council upon passage of the acceptance resolution duly signed by the Mayor. All drawings shall be returned to the Planning Department for distribution and filing.

(5) Approval Criteria. In order to approve a major subdivision, the PZC and City Council, as appropriate, shall determine the following:

(A) That the major subdivision complies with all applicable provisions of this Code;

(B) That the major subdivision does not conflict with other regulations, plans, or policies of the City;

(C) That applicable review agencies have no objections that cannot be resolved by the applicant;

and

(D) That the major subdivision is not otherwise contrary to the interest of the City.

(6) No Construction until Bond is Accepted.

(A) No construction shall take place until a bond, as required by this Code, is received and approved by the Planning and Law Departments and authorization to proceed is granted by the City at the time the final plat is approved and accepted.

(B) A land disturbance permit may be issued if all criteria for its issuance are approved.

(C) No public infrastructure may be installed.

(7) Effect of Approvals.

(A) Effect of preliminary plan approval.

1.) An approved preliminary plan is to be used as a guide for the preparation of improvement plans and the final plat for final approval and recording upon fulfillment of all conditions of the preliminary plan approval and all provisions of this Code.

2.) Approval of a preliminary plan shall be valid for a period of one year at which point the PZC shall review the preliminary plan for renewal. If the PZC does not authorize renewal, the preliminary plan shall expire.

3.) Upon expiration of a preliminary plan approval, no approval of a final plat shall be given until the preliminary plan has been resubmitted and approved pursuant to Subsection [1224.06\(4\)](#): Procedure.

(B) Effect of final plat approval.

1.) Approval of a final plat by the PZC shall not be an acceptance by the public of the offer of dedication of any street, highway, or other public way or open space upon the plat, until such acceptance is also endorsed by the City Council upon the tracing of the final plat.

2.) The PZC's approval shall automatically expire if the final plat is not presented to the City Council for approval within one year of the PZC's preliminary plan approval.

(8) Estimated Cost. Upon approval of the construction drawings by the City Engineer and Planning Director, and before starting any construction work, the developer's engineer shall prepare and submit to the Planning Department and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), an independent estimate of costs, by item, for construction surveying; construction of roads, storm and sanitary sewers, sanitary treatment plants, pumping stations and water supply systems; drainage structures; erosion control, storm water management basins, restoration of land and site clean-up; and other related items. The total estimated cost, including labor, shall be prepared and signed by the developer's engineer. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may add to the developer's estimate an amount to cover

contingencies, including inspection costs, to arrive at the total estimated cost. The approved total of estimated costs shall be the basis for the establishment of the performance bond amount.

(9) Bonding Requirements.

(A) Performance bonds.

1.) Before the recording of any plat of any subdivision, the developer shall furnish performance bonds to the Planning Director in an amount equal to 100 percent of the approved total estimated cost of the improvements. The improvements shall be covered by separate bonds according to the department which shall guarantee completion of the required improvements, as follows:

- a.) City of Green.
 - i.) Paving;
 - ii.) Storm sewer; and
 - iii.) Miscellaneous (i.e. monuments, street signs, restoration of land, site clean-up, etc.).
- b.) Agencies having jurisdiction for:
 - i.) Water; and
 - ii.) Sanitary sewer.

2.) The performance bond will remain in effect until released by the Mayor through Executive Order. In lieu of a surety bond, the developer may deposit a fund equal to 100 percent of the performance bond in an escrow account with a bank and approved by the City. The developer and the bank shall inform the City, in writing, that said money is secured and deposited in the bank for the improvements and shall be in a form dictated by the City of Green. Performance bonds shall not be released without approval of the City of Green.

3.) The developer's engineer shall verify all invoices and statements of expenditures and submit them to the Planning Director and/or the agencies having jurisdiction for sanitary sewer or water (where applicable), for review and approval.

4.) The withdrawal of funds from the escrow account shall not exceed ninety percent of the total estimated costs until the performance bond is released and the maintenance bond is in effect. The Mayor may, upon recommendation of the City Engineer and Planning Director, elect to release a portion of the performance bond based on the amount of construction work performed. Upon full release of the performance bond then the City may accept the maintenance bond prior to the completion of the project provided the public improvements are ninety percent complete and the maintenance bond includes work to be performed at a value of 100 percent of the cost of items yet to be completed.

5.) If the developer fails to proceed with the project within eighteen months of the date the performance bonds are filed, and the Planning Director and/or agencies having jurisdiction over sanitary sewer or water (where applicable), deems it necessary to notify the Mayor that the developer has failed in his or her duty to complete the project, the Mayor or his or her designee shall notify the developer and the bank, in writing, of such failure and of their intention to vacate the subdivision or complete the project, using proceeds from the bond.

(B) Maintenance bond or bonds. Before the **City Engineer** and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), will recommend the acceptance of the subdivision roads or release any performance bond, the developer shall provide a maintenance bond or cash to the Planning Director, which shall be divided and administered as follows:

1.) Bonds as required by the agency having jurisdiction for water or sanitary sewer; and
2.) Ten percent of the total estimated cost of all other improvements divided into separate bonds as follows:

- a.) City of Green:
 - i.) Paving;
 - ii.) Storm sewer; and
 - iii.) Miscellaneous (i.e. monuments, street signs, restoration of land and site clean-up, etc.).

b.) Agencies having jurisdiction over sanitary sewer or water:

- i.) Water; and
- ii.) Sanitary sewer.

3.) The Planning Director **after consultation with the City Engineer** and/or the agencies having jurisdiction over sanitary sewer or water, as applicable, may increase the required maintenance bond above the specified amounts if, in his or her opinion, unusual topographic, subsoil or other construction limitations warrant such action. However, in such situations, the City Engineer or the agencies having jurisdiction over sanitary sewer or water, as applicable, shall furnish written explanations of their action to the Mayor and City Council. No action shall be taken by the City regarding bonding with the agencies having jurisdiction over sanitary sewer or water. These maintenance bonds shall guarantee that the developer will maintain the road and related **improvements for a minimum of two years** and that the developer will restore the road and related improvements, if determined to be necessary by the **City Engineer** and/or the agencies having jurisdiction over sanitary sewer or water (where applicable). If the developer fails to perform the maintenance and restoration items, the Mayor will authorize the City Engineer and/or the County Executive to authorize the agencies having jurisdiction over sanitary sewer or water (where applicable), to have the work performed. The cost of this work shall be deducted from the money on deposit as the maintenance bond for that work. The developer shall be held liable for any expenditures over and above the maintenance bonds. After all maintenance and restoration work has been completed to the satisfaction of the City Engineer, **Service Director, Planning Director** and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), the City's and the County's Chief Executive shall release the maintenance bonds or those portions remaining to the developer, respectively. It is the responsibility of the developer to request inspection for bond release. The bonds shall remain in effect until formally released by the Mayor through an executive order, as applicable.

4.) Upon release of the performance bond and acceptance of the maintenance bond, the City shall provide for the removal of snow and ice provided all roadway improvements are complete.

(10) Land Disturbance Permit Required. A land disturbance permit, issued in accordance with Section 1224.09: Land Disturbance Permit, shall be required prior to commencement of clearing and grading activities on the site. Clearing and grading activities shall not begin until the applicant has held a pre-construction meeting with either the City of Green, or, if required, the Summit Soil and Water Conservation District and a plan for clearing and grading is approved. Such permit shall be based on a clearing and grading plan prepared and approved as part of the major subdivision process.

(11) Recording.

(A) After all required approvals are secured, the final plat shall be submitted by the Planning Department for final recording with the Summit County Fiscal Office.

(B) No plat of any subdivision shall be recorded in the office of the Summit County Fiscal Officer, or have any validity, until it has been approved and processed in the manner prescribed in this section.

(C) In the event that any such unapproved plat is recorded, it shall be considered invalid.

(D) All costs for recording of the plat shall be borne by the owner and/or developer.

(12) Requirements for the Start of Construction of Public Improvements. The applicant must comply with the following requirements in order to begin construction on the public improvements pursuant to the approved improvement plan.

(A) The following items must have been approved prior to the commencement of construction:

- 1.) The improvement plans for the subdivision;
- 2.) The construction schedule, showing the starting and completion dates for each phase of the construction work, and a date for the completion of the entire subdivision; and
- 3.) Any bonds required for the project must be filed with the Planning Department.

(B) The contractor must have all necessary permits required for the project prior to the start of construction.

(C) A preconstruction meeting will be held, at which time the owner, the developer and/or his or her representative, the design engineer, the contractor, the City Engineer, the Planning Director, any other interested City officials and other agencies, as required, will attend prior to the commencement of any project. At this time, the project will be discussed in regard to the procedure, construction methods, plans, materials, inspections, storm water management, erosion control, etc.

(13) Amendments.

(A) No changes, erasures, modifications or revisions shall be made to any improvement plans of a subdivision after approval has been given by the City and an endorsement is made in writing thereon, unless the improvement plan is first resubmitted and the changes approved by the City and/or the agencies having jurisdiction over wastewater or water (where applicable).

(B) No changes, erasures, modifications or revisions shall be made to any final plat of a subdivision after approval has been given by the PZC and City Council, and an endorsement is made in writing on a final plat, unless the final plat is first resubmitted and the changes approved by the PZC and City Council.

(C) If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the ~~subdivider~~ **developer** shall inform the Planning Director who shall consult with the City Engineer and the agencies having jurisdiction over wastewater or water (where applicable), in writing, of the conditions requiring the modifications. Written authorization from the appropriate review agency to make the required modification must be received before proceeding with the construction of the improvement.

(14) Plan Checking and Field Inspection Fees. The applicant shall pay or reimburse the City of Green and/or the agencies having jurisdiction over wastewater or water (where applicable), the total cost of plan review and field inspection of the improvements.

(A) The review and inspection fee shall be determined by the City and the agencies having jurisdiction over wastewater or water (where applicable).

(B) The inspector's salary shall be paid at the rate discussed at the pre-construction meeting.

(C) The rate per hour will be the inspector's regular rate per hour as paid by the City and/or the agencies having jurisdiction over wastewater or water (where applicable), plus appropriate fringe benefits and an overhead percentage.

(D) The applicant is held responsible for all City plan review and inspection fees which will be payable upon invoice.

(E) Failure to pay fees shall result in the City not issuing permits until all fees are paid in full.

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

(15) Final Drawings. At the completion of the construction, and before acceptance, the ~~subdivider's~~ **developers** engineer shall update the original tracings as directed by the **City Engineer** and the agencies having jurisdiction over wastewater or water (where applicable), showing the locations, sizes and elevations of all improvements as constructed. A legible mylar reproduction shall be furnished to the agencies having jurisdiction over wastewater or water (where applicable). The original tracings shall remain with the City Planning Department. **An electronic version shall be provided in a program compatible with the city's computer system.**

(16) Variance of Land Development Standards.

(A) The PZC may consider and grant variances from the standards identified in Section [1229.01](#): General Subdivision Design and Regulations, Section [1229.02](#): Transportation and Access, Section [1229.03](#): Drainage Standards, and Section [1229.04](#): Lot Layout and General Site Regulations, as they relate to subdivisions, where unusual or exceptional factors or conditions require such modification, provided that the PZC shall:

- 1.) Determine that the size, shape, location or surroundings of the property are unusual and that unusual topographical or physical conditions or other conditions inherent in the land exist;
- 2.) Determine that a strict compliance with the provision would create an extraordinary and unnecessary hardship in the face of the exceptional conditions;
- 3.) Permit any variance of a provision only to the extent necessary to equitably remove the hardship so that substantial justice is done;
- 4.) Determine that any modification granted will not be detrimental to the public interest nor in conflict with the spirit, intent, and purpose of these Regulations;
- 5.) Require such other conditions to be met by the proposed plat as the PZC may find necessary to accomplish the purposes of this Code, when modified; and
- 6.) Determine that a strict compliance with the provision would deprive the property of privileges enjoyed by similar properties in the vicinity.

(B) In making its determinations, the PZC may also consider:

- 1.) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- 2.) Whether the essential character of the neighborhood will be altered or whether adjoining properties would be adversely affected as a result of the variance; and
- 3.) Whether the variance would adversely affect the delivery of governmental services.

(C) Cul-de-sacs shall be discouraged if future roadway connections can be made. PZC shall have the right to deny cul-de-sacs based on development design versus service-related functions. Where a subdivision includes a cul-de-sac that requires a variance because the cul-de-sac is in excess of the maximum permitted length, the PZC may also consider the number and size of sublots served by the cul-de-sac, and the availability of central water service, to determine if the variance will permit appropriate development of the land without unduly affecting the public safety. The PZC may also consider the opinions of local City officials.

(D) If the proposed variance involves the creation of a subplot whose depth exceeds four and one-half times its width, the PZC may also consider the pattern of existing platting for similarly zoned land adjacent to the property and within 500 feet of the proposed site.

(E) The City Council may support variances affecting required improvements upon approval by the PZC. Such recommendations shall be based on the findings listed in this section.

(17) Appeals.

(A) Whenever an applicant presenting a preliminary plan for a major subdivision to the PZC has been rendered a decision from the PZC which is adverse to the request of the applicant, the aggrieved applicant may make an appeal to Council.

- 1.) The appeal shall be submitted to Council within thirty days following the PZC decision, and a copy of said appeal shall be filed with the PZC and the Planning Department.
- 2.) The appeal shall state, in full, the reasons it is being filed and the facts surrounding the same. Any facts and/or information not previously available to the PZC, the inclusion of which at the time of the appeal would operate to substantially alter the facts and information submitted to the PZC prior to its original decision concerning the matter, shall be cause for resubmission of such matter to the PZC, together with new facts and information, for its reconsideration.
- 3.) Council shall, upon receipt of an appeal, request a statement from the PZC setting out the reasons for the decision being appealed, so as to properly advise Council as to the considerations and regulations upon which the original decision was based.
- 4.) The Clerk of Council shall notify the PZC, applicant, owner of the subject property, and contiguous property owners of the time and place of Council's consideration of any such appeal. All parties shall be heard and final judgment rendered by a two-thirds vote of Council. Such decision shall be in writing, with the original being sent to the appellant and a copy to the PZC.

Exhibit "A"
2018-B

1229.01 GENERAL SUBDIVISION DESIGN AND REGULATIONS.

(1) Purpose. The purpose of this section is to support the well-planned development of the City of Green through the establishment of general subdivision design standards applicable to all subdivisions.

(2) Applicability. Unless otherwise noted, the standards of this section shall apply to all subdivisions in the City.

(3) General Layout and Design Provisions.

(A) Name of the subdivision. The name of the subdivision shall not duplicate the name of an existing subdivision in the City.

(B) Compliance with other provisions of this Code. All subdivisions shall comply with all other applicable regulations of this Code, including but not limited to:

- 1.) The requirements of the zoning district in which the property is located;
- 2.) The requirements relative to specific uses and dimensional standards; and
- 3.) Generally applicable development standards.

(C) Homeowners' association. Where there are common areas proposed as part of a subdivision that are to be deeded to a homeowners' association, a homeowners' association shall be required and all documents related to the association shall be on file prior to final plat approval and subsequently recorded.

(D) Natural features. Subdivisions should be planned to take advantage of the topography of the land, to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize destruction of trees and topsoil.

(E) Flood hazards. If any portion of the land within the subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy, nor for such other uses that may increase danger to health, life or property, or aggravate the flood hazard as delineated on the FEMA flood plain maps or detailed engineering studies.

(4) Construction Specifications. All construction of streets, sidewalks, and infrastructure shall conform to the latest edition of the State of Ohio Department of Transportation Construction and Material Specifications, and any amendments thereto. The City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), may also require adjustments in design to conform to special conditions inherent within a particular subdivision including, but not limited to, swamps, quicksand, springs, and landslides.

(5) Infrastructure Requirements.

(A) All subdivision of lands into parcels less than 32,670 square feet and/or less than 100 feet in width at the building line shall have a centralized sanitary sewer.

(B) All subdivision of lands into parcels, all of which are 32,670 square feet or more and/or 100 feet or more in width at the building line, may be required to have centralized sanitary sewer and/or water facilities if they are reasonably available as determined by the PZC.

(C) All sanitary sewage systems that will be dedicated to and operated by Summit County, as approved by the County Council and the County Executive through the agency having jurisdiction over sanitary sewer, shall conform to the design standards, specifications, and procedures of the agency having jurisdiction over sanitary sewer as adopted by County Council and as approved by the County Executive pursuant to Section 3.04 of the Summit County Charter.

(D) All public roadways shall meet the typical specifications on record with the Planning Department and Engineering Department. Any deviation from the typical specifications requires approval by the PZC.

(6) Sidewalks. Sidewalks shall be provided for all roadway sections, unless waived by the PZC. All sidewalks shall be five feet in width and shown on the subdivision improvement plans. Sidewalks shall meet the typical specification on record with the City's Planning Department and Engineering Department. In cases where a proposed sidewalk will connect with an existing sidewalk of narrower dimensions, the new sidewalk shall transition to the existing sidewalk via taper.

(7) Street Lighting District. Street lighting fixtures shall be installed by the ~~subdivider~~/developer on all streets within major subdivisions where sidewalks are required, the number and location of which shall be determined by engineering studies performed by the authority having jurisdiction over electric power and shall conform to the specifications established by such authority and the City Engineer. The developer shall submit, at the time of the PZC approval, a petition to create a street lighting district so that legislation creating said district will be approved simultaneously with the plat and performance bond.

(8) Street Trees. Street trees shall be required along all streets where sidewalks are required. The developer shall provide, on the subdivision improvement plans, the locations of new trees to be planted in the street right-of-way in conjunction with the requirements of sidewalk installations and in accordance with the proposed street lighting district layout. Tree variety shall be from a list of approved trees available from the Planning Department or as approved by a consultant to the City.

(9) Easements.

(A) General.

1.) Adequate easements along rear or side lot lines, or elsewhere as requested by the City, shall be provided for utilities and drainage where necessary. A twelve foot easement on each front lot line for utilities shall be required.

2.) All plats shall include the following wording: The undersigned owners of the land platted by this document, do hereby grant unto the Ohio Edison Company (OE) or authorized electrical power provider, Dominion East Ohio (DEO) or authorized natural gas provider, the locally franchised cable provider, the telecommunications provider, their successor and assigns - a twelve foot wide easement (as it abuts the dedicated streets herein), at the front of each lot, being parallel with and contiguous to the public right-of-way within this allotment. This easement to be used to install, operate, maintain and serve distribution lines, conduits, cables, wiring or other appurtenances for the supply of electric, gas, communication and video signals for public or private use. The City of Green reserves the temporary work rights within the easement for itself and providers of storm water, sanitary sewer and public water supply as authorized and approved by the City. Utilization of this easement shall be in compliance with the following exhibit.

3.) This easement allows for the providers of said utilities or services the right to remove trees and landscaping without liability as required to maintain, operate or construct these facilities and the right of access, as needed for exercising the purposes of this easement.

Figure 1229.01-1: Example illustration of an easement.

- (B) Utility lines. All utility lines shall be located underground.
- (10) Soil Studies. The City Engineer reserves the right to require a soil study where, in their opinion, the existing soil conditions are below average, and may also require adjustments in design to compensate for the existing conditions.
- (11) Erosion and Sedimentation Control.
- (A) When the developer intends to remove or disturb the natural topsoil, trees, and other vegetation, or where the developer intends to change the surface contour of a proposed subdivision, he or she shall prepare an Erosion Control Plan (ECP) and have such plan approved by the Summit Soil and Water Conservation District and the City. The ECP shall be included in the improvement drawings. Additionally, a land disturbance permit shall be required.
- (B) In general, erosion and sedimentation control work shall consist of, but not be limited to, grading, soil preparation, fertilizing, seeding 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 City Engineer and the Summit Soil and Water Conservation District will have the work inspected to the extent that they determine is necessary to ensure that the developer has complied with the approved plans.
- (12) Oversize and/or Off-Site Improvements.
- (A) 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 that is an integral part of the neighborhood service or drainage area.
- (B) Where the City Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the ~~subdivider~~ ^{developer} shall install improvements required to serve his or her subdivision plus the additional oversize and/or off-site improvements required.
- (13) Approval. All necessary improvement plans for proposed roads, storm sewers, and drainage facilities shall be approved by the City Engineer, and all improvement plans for sanitary sewer and water supply systems shall be approved by the agencies having jurisdiction over sanitary sewer or water, if necessary prior to approval of the final plat by the City Engineer.
- (14) Construction and Inspection of Improvements.
- (A) Cooperation of ~~subdivider~~ ^{developer} and/or contractor. The ~~subdivider~~, developer, and/or contractor shall have available on the project site at all times one approved copy of all required plans and specifications. He or she shall cooperate with the City Engineer's inspector and/or the inspectors for agencies having jurisdiction over sanitary sewer or water (where applicable), and with other contractors in every way possible. The ~~subdivider~~ ^{developer} and/or

contractor shall, at all times, have a competent representative acting as his or her agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, plat equipment, and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

(B) Inspections. The City Engineer shall be responsible for the inspection of all street, structure and drainage improvements. The developer, his or her engineer or his or her contractor shall give notice to the City Engineer *at least twenty-four hours in advance of any construction of physical public improvements*. The agencies having jurisdiction over sanitary sewer or water shall be responsible for inspection of all sanitary (sewage) and water supply system improvements. The following operations will be inspected by the City Engineer's office:

- 1.) Preliminary grading;
- 2.) Backfilling of all trenches and excavations in the right-of-way;
- 3.) Preparation of the subgrade;
- 4.) Setting of forms;
- 5.) Paving (rigid and flexible);
- 6.) Inlet construction;
- 7.) Curing of rigid pavement;
- 8.) Removal of forms and berm compaction;
- 9.) Sealing of joints;
- 10.) Storm sewer construction;
- 11.) Any construction of utilities within the street right-of-way; and
- 12.) Any construction of structures within the right-of-way.

Any of the above listed construction operations that ~~(may be)~~ are performed without advance notice to the City Engineer's office may result in coring of the pavement, subgrade boring and non-acceptance of the improvement if it does not meet the specifications of the City Engineer.

Costs to provide sufficient proof that any work performed is acceptable shall be the responsibility of the contractor.

(C) Inspection fees. The fees shall cover the actual wage, salary or contract cost of the inspection service, plus overhead, as determined by the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), to cover such items as employee benefits, engineering service and transportation. The ~~subdivider~~ **Developer shall be** is held responsible for all inspection fees, which will be payable monthly. The performance bond posted by the ~~subdivider~~ **Developer** guarantees the payment of all inspection fees and no bonds will be released until all current inspection fees have been paid in full.

(D) Roadway construction. All work shall be done in conformance with the approved improvement plans and the State of Ohio Department of Transportation Construction and Material Specifications, as supplied by the City Engineer's notes. This information shall be available upon request from the City Engineer's office.

(E) Construction staking. The setting and marking of all line, profile and grade stakes necessary for the layout of the work in accordance with the construction plans will be performed under the supervision of a registered professional surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in the same, or in the proper methods of setting and marking of the construction stakes, the decision of the City Engineer in such cases shall be final. Pavement and pipe grade stakes shall be set at twenty-five foot intervals on horizontal and vertical curves and for all grades less than one percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of fifty

feet. The City Engineer's inspector may ask for additional grade stakes if it is deemed necessary. A laser control method as approved by the City Engineer may be substituted for the above.

(F) Testing. All material supplied shall be plant inspected as directed by the City Engineer. Compaction tests shall be made in fill areas in the right-of-way and on the subgrade prior to paving, as directed by the City Engineer. Pavement tests shall be conducted on site as directed by the City Engineer. The City Engineer reserves the right to order pavement cores made if conditions warrant. The testing mentioned above shall be done by a private testing laboratory acceptable to the City Engineer and shall be done at no cost to the City.

(G) Field changes. Approval of final plans shall not prevent the City Engineer or his or her agent from ordering needed changes he or she deems necessary in the field as work progresses. This extra work shall be at the developer's expense. If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the ~~subdivider~~ **developer** shall inform the City Engineer, in writing, of the conditions requiring modification. Written authorization from the City Engineer to make the required modification must be received by the developer and/or the developer's engineer before proceeding with the construction of the improvement.

(H) Street name signs, stop signs and other required regulatory signage. The developer shall be responsible for the **cost of the signs and** installation of street name signs, **stop signs and other required regulatory signs** as agreed upon and authorized at the pre-construction meeting with the City prior to the start of construction. The materials, construction, methods and location shall be approved so as to meet City standards and regulations. Installation shall be complete at such time as the hard surface is open to construction vehicles servicing individual sites within the subdivision. No zoning permits shall be issued for structures within the subdivision prior to the installation of street name signs.

(15) Final Acceptance of Improvements in Major Subdivisions.

(A) Monuments. Monuments shall be set where shown on the approved subdivision plat. Before final acceptance of the improvement, the developer shall have his or her registered professional surveyor certify to the City Engineer, in writing, that all required monuments and iron pins are in place and that any monuments or pins that were removed during construction have been replaced.

(B) "As Built" drawings. At the completion of the construction and before acceptance, the ~~subdivider's~~ **developers** engineer shall update for the City Engineer and the agencies having jurisdiction over sanitary sewer or water (where applicable), the set of linen or mylar tracings for permanent record, showing the locations, sizes and elevations of all improvements as constructed. ~~The subdivider may choose to authorize the City Engineer to update the tracings at his or her expense.~~ **An electronic media version shall also be submitted in a program compatible with the City's computer systems.**

(C) Final inspection. Upon completion of all improvements, including roads, grading, culverts, seeding, mulching, monumentation, street name signs, and other items, the developer shall notify the City Engineer and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), by letter, that all of the improvements have been completed. **The Planning Department will then schedule an inspection of the completed improvements with the City Engineer and Service Director.** The developer, his or her engineer, and a City representative may accompany the City Engineer or his or her representative on the inspection. Any discrepancies shall be recorded and the developer and the contractor will be furnished a

copy of this report and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance.

(D) Recommendation for acceptance. If the construction is found to be satisfactory and all inspection monies are paid, the City Engineer, **Service Director, Planning Director** and/or the agencies having jurisdiction over sanitary sewer or water (where applicable), will make a recommendation to the Mayor for final acceptance of the improvements and release of the performance bond and acceptance of the maintenance bond.

(16) Maintenance Bond Period.

(A) Maintenance of improvements.

1.) The developer shall be responsible for the maintenance of the improvements during the construction period and for a minimum period of ~~one year~~ **two years** after release of the performance bond and acceptance of the maintenance bond. The developer is responsible to request that the City inspect the improvements. Upon inspection by the City, the developer shall be notified of the need for any corrections to be made to the improvements. Should the developer fail to perform such necessary improvements within the time specified, the City may perform said improvements, at which time the developer will forfeit a portion of the cash maintenance bond to pay for said improvements.

2.) The maintenance of sanitary sewer and water supply systems shall be the responsibility of the agencies having jurisdiction over sanitary sewer or water or the owner of said service line, upon acceptance by either the City or the respective representative of the owner, subject to call on any bonds if repair work is necessary within a one-year period after acceptance.

(B) Repair of damage. Any damage done to the improvements by construction traffic, local traffic or any other means shall be repaired, or the damaged materials replaced, before the next phase of construction is begun.

(C) Snow and ice removal. Prior to the release of the performance bond, the developer shall perform all work necessary to keep the road passable for automobile traffic to service all families living in the subdivision. The roads shall be open for emergency equipment at all times for all occupied dwellings. Should the developer fail to provide a passable roadway the City may request all costs and expenses incurred in maintaining said roadway from the bonding company. Upon the release of the performance bond, the City shall accept responsibility for the snow and ice removal on accepted roads, even though they may be covered by a maintenance bond.

(D) Mud removal. The developer and his or her contractor shall be responsible for the removal of mud or other debris that may become located on the pavement surface. Should the developer fail to perform the said removal, he or she shall be liable for all costs and expenses incurred in the removal of mud or debris.

(Ord. 2009-21. Passed 10-27-09.)