

# COUNTY OF SUMMIT

## 2016

### SUBDIVISION REGULATIONS

*County of Summit · The High Point of Ohio*



2016 Summit County Subdivision Regulations

1 ORDINANCE NO. 2015-561

2  
3 SPONSOR: Mr. Pry, Ms. Shapiro

4  
5 DATE: January 25, 2016 COMMITTEE Planning

6  
7 **An Ordinance amending numerous sections of Part Eleven of the Codified Ordinances of**  
8 **the County of Summit, Ohio, entitled "Subdivision Regulations", for the Planning**  
9 **Commission and the Executive's Department of Community and Economic Development,**  
10 **and declaring an emergency.**

11  
12 WHEREAS, County Council previously adopted Ordinance No. 2008-026, which  
13 amended certain subdivision regulations that are set forth in Part Eleven of the Codified  
14 Ordinances of the County of Summit, Ohio; and

15  
16 WHEREAS, Council subsequently adopted Ordinance No. 2010-229, which amended  
17 certain subdivision regulations that are set forth in Part Eleven of the Codified Ordinances; and

18  
19 WHEREAS, pursuant to § 711.10 of the Ohio Revised Code, on October 22, 2015,  
20 following a duly noticed public hearing, the County of Summit Planning Commission  
21 recommended certain amendments to the current County subdivision regulations to clarify and  
22 strengthen the same particularly as they apply to contractor performance bonds; and

23  
24 WHEREAS, pursuant to § 711.05 and § 711.132 of the Ohio Revised Code, this  
25 Council has reviewed the proposed amendments to the subdivision regulations and has  
26 conducted a duly noticed public hearing regarding the same; and

27  
28 WHEREAS, pursuant to § 711.101 of the Ohio Revised Code, this Council has also  
29 reviewed the proposed amendments to the rules setting standards and requiring and securing the  
30 construction of improvements, including performance bond requirements that are set forth in the  
31 subdivision regulations, and has conducted a duly noticed public hearing regarding the same; and

32  
33 WHEREAS, this Council has determined by reviewing all pertinent information that it is  
34 necessary and in the best interest of the County of Summit, Ohio, to adopt the proposed  
35 amendments to the subdivision regulations, pursuant to § 711.05, § 711.101 and § 711.132 of the  
36 Ohio Revised Code;

37  
38 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
39 of Ohio, that:

40  
41 SECTION 1

42  
43 Part 11 of the Codified Ordinances of the County of Summit, Ohio, entitled "Subdivision  
44 Regulations" is hereby amended as set forth on Exhibit A, attached hereto and incorporated  
45 herein by reference as if fully restated.  
46

2016 Summit County Subdivision Regulations

1 ORDINANCE NO. 2015-561

2 PAGE TWO

3  
4 SECTION 2

5  
6 This Ordinance is hereby declared to be an emergency in the interest of the health, safety  
7 and welfare of the citizens of the County of Summit, Ohio, and for the further reason that it is  
8 immediately necessary to clarify and strengthen the County's subdivision regulations.  
9

10 SECTION 3

11  
12 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
13 effect immediately upon its adoption and approval by the Executive, otherwise it shall take effect  
14 and be in force at the earliest time provided by law.  
15

16 SECTION 4

17  
18 It is found and determined that all formal actions of this Council concerning and relating  
19 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
20 deliberations of this Council and any of its committees that resulted in such formal action were in  
21 meetings open to the public, in compliance with all legal requirements, including Section 121.22  
22 of the Ohio Revised Code.  
23

24  
25 INTRODUCED December 14, 2015

26  
27 ADOPTED January 25, 2016

28  
29  
30  
31 CLERK OF COUNCIL

Shirley Shapiro  
PRESIDENT OF COUNCIL

32  
33 APPROVED January 26, 2016

34  
35  
36  
37 EXECUTIVE

38  
39 ENACTED EFFECTIVE January 26, 2016

Voice Vote: YES: 8-0 YES: Comunale, Crawford, Donofrio, Feeman,  
Prentice, Rodgers, Schmidt, Shapiro  
ABSENT: Kostandaras, Lee

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## **CHAPTER 1101**

### **Legislative Intent**

#### **1101.01 OFFICIAL NAME.**

The official name of these Subdivision Regulations shall be "General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio," and shall be referred to herein as "Subdivision Regulations".

#### **1101.02 PURPOSE.**

These Subdivision Regulations are adopted to secure and provide for Summit County 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, access for firefighting 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, and general welfare, and the protection of the environment.
- (g) The accurate surveying of land, preparing and recording of plats.
- (h) The equitable handling of all subdivision plats by providing uniform procedures and standards for observance by both the approving authority and Developer as defined herein.

#### **1101.03 JURISDICTION.**

These Subdivision Regulations shall be applicable to all subdivision of land located within the unincorporated area of Summit County.

#### **1101.04 AUTHORITY.**

The authority for the preparation, adoption, and implementation of these Subdivision Regulations is pursuant to O.R.C. Chapters 711 and 713 which permits the adoption of uniform rules and regulations governing subdivision of land by Summit County.

#### **1101.05 RELATION TO OTHER LAWS.**

(a) Whenever the requirements of these Subdivision Regulations differ with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Subdivision Regulations shall be interpreted as minimum requirements.

(b) Whenever a Township or part thereof has adopted a Zoning Resolution, pursuant to O.R.C. Chapter 519, all proposed Subdivisions shall meet both the requirements of said Zoning Resolution, and the provisions of these Subdivision Regulations.

**1101.06            INTERPRETATION.**

The provisions of these Subdivision Regulations shall be broadly construed and interpreted so as to achieve their essential purposes.

**1101.07            SEVERABILITY.**

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

**1101.08            REPEAL.**

All prior Subdivision Regulations and Amendments thereto are hereby repealed.

## **CHAPTER 1102**

### **Definitions**

#### **1102.01 INTENT.**

Throughout these Subdivision Regulations, the following terms shall have the meaning given herein.

#### **1102.02 GENERAL TERMS.**

- (a) Words used in singular include the plural and plural shall 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, subdivider, syndicate, association, organization, partnership, limited partnership, nonprofit entity, limited company, trust, corporation, as well as an Individual, or Developer (as defined herein).
- (e) The word "lot" includes the words "plot", "parcel" or "sublot."

#### **1102.03 SPECIFIC TERMS.**

- (a) The following specific terms are defined as follows:
  - (1) Access Management Manual. The manual used by the County Engineer to provide general guidance and outline the minimum acceptable standards for design, spacing and operation of access points to the Summit County roadway system.
  - (2) ADA. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213, as amended.
  - (3) AMATS. The Akron Metropolitan Area Transportation Study, a metropolitan planning organization as defined by 23 U.S.C. § 134, as amended.
  - (4) Block. A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or boundary lines.
  - (5) Building. Any structure of any kind intended for residential and/or commercial use having a roof supported by columns or by walls and is intended for the shelter, housing or enclosure of persons, animals, or property.
  - (6) Building Envelope. The portion of a lot or parcel that contains the principal building and accessory structures, required setbacks and on-site wastewater system and water well, if required.
  - (7) Building Setback Line. A line establishing the limits of a yard which abuts a street and in which no building may be located.
  - (8) Buffer. A naturally vegetated area or vegetated area along the exterior boundaries of a development which is landscaped and maintained as a traditional open space in order to eliminate or minimize conflicts between

such development and adjacent land uses or to protect a natural feature from development.

- (9) Clean Water Act. The Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1388, as amended.
- (10) Cluster Housing. A type of dwelling unit that may be included as part of a Subdivision where detached dwelling units are grouped relatively close together leaving Open Space as Common Areas.
- (11) Common Areas. Areas of property used by all owners or tenants in common in accordance with such owners bylaws or owners' agreement which may include but is not limited to sidewalks/ walkways, parking areas, driveways, open space and recreation facilities.
- (12) Concept Plan. A plan prepared prior to a Preliminary Plan to assist the Developer/Subdivider in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of complying with the Subdivision Regulations.
- (13) Condominium. A type of unit that may be included as part of a Subdivision where ownership of individual units in a multiunit structure is combined with joint ownership of common areas in accordance with a recorded Condominium Declaration.
- (14) Conservation Development. A contiguous area of land to be planned and developed as a single Subdivision, in which dwelling units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
- (15) County Board of Health. The Summit County Combined General Health District dba Summit County Public Health.
- (16) County Council. The eleven member Council of the County of Summit.
- (17) County Engineer. The Engineer of the County of Summit.
- (18) County Engineer's Inspector. An Inspector employed by the County Engineer.
- (19) County Engineer Specs and Details. The County Engineer Construction Material Specifications and Standard Details Manual.
- (20) County Executive. The Executive of the County of Summit.
- (21) County Department of Law. The Department of Law, Insurance and Risk Management for the County Executive.
- (22) County of Summit General Land Use Development Plan. Mapped and/or written proposals for the future development of Summit County and its affected adjacent areas. This may be referred to as a master plan or comprehensive plan in other documents.
- (23) County Prosecutor. The Prosecuting Attorney of the County of Summit.
- (24) County Fiscal Officer. The Fiscal Officer of the County of Summit.
- (25) Density. A unit of measurement; the number of dwelling units per acre of land.

- (26) Density, Gross. The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre.
- (27) Density, Net. The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights- of-way and easements for public streets expressed in net dwelling units per acre.
- (28) Division of Building Standards. The Division of Building Standards of the Department of Community and Economic Development for the County Executive.
- (29) Department of Community and Economic Development. The Department of Community and Economic Development for the County Executive of the County of Summit.
- (30) Department of Environmental Services. The Department of Environmental Services for the County Executive.
- (31) Department of Environmental Services Inspector. An Inspector employed by the Department of Environmental Services.
- (32) Developer, Agent of the Developer. Any individual, sub divider, firm, association, syndicate, limited partnership, partnership, corporation, limited liability company, trust, or any other legal entity proceeding under these Subdivision Regulations to effect a subdivision of land hereunder for himself/herself or for another.
- (33) Development. The project in which the Developer shall add improvements on or to a parcel of land which may include but is not limited to buildings, dwelling units, drainage systems, utilities, access driveways, parking, landscaping, recreation facilities, and subdividing which shall be in accordance with these Subdivision Regulations and all other applicable laws but are not limited to Major or Minor Subdivisions, Planned Residential Development, Planned Unit Development and Open Space Subdivision/Conservation Development.
- (34) Easement. A legal or equitable right acquired by the owner of one piece of land (the dominant estate) to use another's land (the servient estate) for a special purpose, such as to drive through it to reach a road; unlike a lease or license, an easement lasts forever, but it does not give the owner a right to sell or improve the land.
- (35) Easement, Conservation. A right, privilege or interest in property, including the right to enforce restrictions, which is granted to an organization qualified under state and federal statutes, to protect certain values of the property by prohibiting conversion, development, or incompatible uses.
- (36) Easement, Utility. An easement provided for entities and companies providing sanitary sewer, water, stormwater, gas, electric, telecommunication, cable television, and other public utility services.
- (37) Engineer. Any person registered to practice professional engineering by the state board of registration as specified in O.A.C. 4733.
- (38) FEMA. The Federal Emergency Management Agency.

- (39) Fire Pond. A fresh water pond or lake, either lying in a natural depression or artificially constructed that provides a water source for dry hydrants for fighting fires.
- (40) Floodplain. The lowland area that borders a stream and is subject to flooding. Specifically, the floodplain is designated by the flooding frequency, such as 100 year flood stage has a 1 % chance of occurrence in any year and is mapped by FEMA.
- (41) Floodway. The channel of the watercourse and those portions of the adjoining Floodplain which are used to convey a flood.
- (42) Floodway, Fringe. The portion of the 100 year Floodplain outside of the Floodway.
- (43) Frontage, Lot. That portion of a lot line abutting on a road right-of-way.
- (44) Greenway. A linear park, alternative transportation route, or open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas, as designated in a greenway plan. A greenway may also provide protection of wildlife corridors and connections to habitat, and other open space, conservation and recreational land.
- (45) Habitat. The ecological area that supports a species.
- (46) Haul Road. A temporary road that has been established for the transportation of construction vehicle traffic in lieu of using existing roads. The road is not required to have a paved surface but must be constructed in a safe manner to accommodate the necessary construction vehicle traffic.
- (47) Improvements. Those additions to undeveloped land such as grading, draining, fire ponds and appurtenances, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks/ walkways, street signs, street lights, parks, monuments, and the appropriate appurtenances required to render land suitable for the use proposed.
- (48) Level of Service. A measurement of the service level of a road to accommodate traffic volumes. (47) Lot, Corner. A lot at the point of intersection of any two (2) intersecting streets.
- (49) Lot Consolidation. A combination of one or more recorded parcels into a newly created parcel pursuant to these Subdivision Regulations and the provisions of the O.R.C.
- (50) Lot, Corner. A lot at the point of intersection of any two (2) intersecting streets.
- (51) Lot, Double-Frontage. A lot, other than a corner lot, that abuts more than one (1) street.
- (52) Lot Lines. The property boundaries of a lot.
- (53) Lot, Parcel, Sublot. 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. Such parcel of land must be of sufficient size to meet minimum zoning requirements for use, coverage

and area, and to provide such yards and other open spaces as are herein required.

- (54) Monument. A survey marker used to mark a street intersection, a start or end of a curve, a subplot corner, an allotment corner, original lot corner, section corner or witness any of the above.
- (55) NPDES. The National Pollution Discharge Elimination System stormwater discharge permit administered by the OEPA.
- (56) NAVD88. North American Vertical Datum of 1988, the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- (57) No-Build Reserve. An area of a lot and/or Subdivision plat designated as an area in which no buildings, structures or other improvements, including utilities shall be located.
- (58) NEFCO. The Northeast Ohio Four County Regional Planning and Development Organization, a regional council of governments formed pursuant to O.R.C. Chapter 167.
- (59) ODOT. The State of Ohio Department of Transportation.
- (60) ODOT Specs. The ODOT Construction and Materials Specifications.
- (61) Official Filing. The submission of a Preliminary Plat or Final Plat of a Major or Minor Subdivision which meets all of the requirements as prescribed by these Subdivision Regulations.
- (62) O.A.C. The Ohio Administrative Code, which is a compilation of rules which are accorded the effect of law and are promulgated by State administrative bodies granted limited rule-making authority by statutory authorization of the Ohio General Assembly. The administrative rules are codified and organized by chapters in the Ohio Administrative Code.
- (63) O.R.C. The Ohio Revised Code, which are laws enacted by the Ohio General Assembly which govern the State of Ohio.
- (64) OEPA. The Ohio Environmental Protection Agency.
- (65) Open Space. That portion of land within a Subdivision devoted to public and/or private recreational facilities, or undeveloped land. Open Space shall not include land in private yards, areas set aside for public facilities, driveways, parking lots, or other surfaces set aside for vehicular travel, and not more than 80% of land counted as Open Space may be covered by water.
- (66) Open Space Block. An area reserved for Open Space as indicated on the Final Plat.
- (67) Open Space Subdivision. A contiguous area of land to be planned and developed as a single Subdivision, in which dwelling units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
- (68) Original Tract. A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners.

- (69) Owners' Association. An organization operating under a recorded land agreement through which each lot owner or dwelling unit owner of that specific Subdivision or Development is a member and/or each lot or dwelling unit is subject to charges for a proportionate share of the expenses for the organization's activities, such as maintenance, repair and replacement of common areas and facilities including private roads. The organization also is responsible to enforce the rules, regulations, deed restrictions and bylaws of the Owners' Association.
- (70) Performance Bond (Surety Bond). An agreement between a Developer and a Performance Bond or Surety Company for the benefit of the County in the amount of the estimated construction cost of improvements for the entire Subdivision whereby the Surety guarantees the completion of the physical improvements for the entire Subdivision according to plans and specifications within the time prescribed by the agreement pursuant to Section 1110.04 of these ordinances.
- (71) Plan, Preliminary. A drawing of a Major Subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the Final Plat.
- (72) Plan, Private Survey. A map of one (1) or more parcels of land as surveyed by a Registered Professional Surveyor in accordance with the minimum standards for Boundary Surveys in the State of Ohio (O.A.C. Chapter 4733-37) for the purpose of providing information necessary or incidental to the transfer of said parcels in cases not requiring the platting of said parcels.
- (73) PRD. A contiguous area of land to be planned and developed as a single Subdivision, in which dwelling units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of dwelling units in order to conserve open space and existing natural resources in accordance with these Subdivision Regulations. Such a proposed Subdivision must be classified as a Planned Residential Development or Open Space Subdivision/Conservation Development in accordance with the local Township Zoning Resolution.
- (74) PUD. A type of development within a Subdivision in which zoning, subdivision and platting regulations may be varied in order to accommodate a unified development project that includes residential, commercial, and industrial or any other use, alone or in combination. A Planned Unit Development shall be planned and developed to encourage the efficient use of land and resources to promote greater efficiency in providing public and utility services, to encourage innovation in the planning and building of development and generally to promote the public welfare in accordance with these Subdivision Regulations. Such a proposed Subdivision must be classified as a Planned Unit Development in accordance with the local Township Zoning Resolution.



- (75) Planning Commission. A legally constituted body established by Resolution No. 1453-76 adopted November 2, 1976, by the Board of Summit County Commissioners and the amendment, Resolution No. 1586-76 adopted November 23, 1976, by the Board of Summit County Commissioners, under the authority of O.R.C. § 713.22, which conducts hearings and makes recommendations to the County Council.
- (76) Plat, Final. A final tracing of all or a phase of a Subdivision and its complete survey information in accordance with these Subdivision Regulations.
- (77) Post Construction Water Quality Practice. A practice that is installed after general construction activities are completed to capture and treat pollutants in storm water runoff and/or to manage the increased frequency, volume and energy of storm water runoff so that surface water resources are not degraded. Post construction practices may be either structural or non-structural in nature.
- (78) Property. The term “Property” as referenced in these Subdivision Regulations shall include land, real property and/or real estate except as otherwise indicated.
- (79) Public. Open to common use, whether or not under public ownership.
- (80) Public Utility. Any person, firm or corporation, governmental agency, or board having a public utility commission or regulatory body permitted to furnish to the public under such Regulations utilities including but not limited to electricity, gas, sewer, water, telephone, cable, transportation, steam, or other similar public services.
- (81) Public Way. An alley, avenue, boulevard, bridge, channel, ditch easement, express freeway, highway, land, parkway, right-of-way, road, sidewalk/walkway, street subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have been granted an interest, privilege or a right, or which are dedicated, whether improved or not to use such property for its intended purposes.
- (82) Replat. A reconfiguration of lots and/or further subdivision of lots in a recorded Plat. It may include all or any part of a previously recorded Plat.
- (83) Reserve. The identification and setting aside of an area of land on a Preliminary Plan and Final Plat for common use.
- (84) 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.
- (85) Right-of-Way Line. The property limit line of publicly owned land or easement encompassing a street, or alley.
- (86) Riparian Setback. The area set back from each bank of a watercourse to protect the riparian area and watercourse from impacts of development, and streamside residents from impacts of flooding and loss through erosion. Riparian setbacks are those lands within Summit County that fall within the area defined by the criteria set forth in Title Seven of Part Nine

of these Codified Ordinances establishing Riparian Setbacks within Summit County. (See Appendix J).

- (87) Rural Character. A sparsely developed area where the land is primarily used for agricultural purposes with very low density residential Development uses or open space uses.
- (88) Secretary. The secretary of the Planning Commission.
- (89) Sewage Disposal Systems, 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 OEPA.
- (90) Sewage Disposal System, Household. Any sewage disposal or treatment system or part thereof for a one, two, or three family structure not connected to a central sewage collection system and subject to approval by the County Board of Health.
- (91) Sewerage, Centralized Systems. An approved wastewater disposal system which provides a collection network and disposal system and central wastewater treatment facility for a single development, community, or region.
- (92) Sidewalk. A dedicated public way for pedestrian use only and which consists of a paved surface, or leveled area, paralleling and usually separated from the street.
- (93) Sight Distance. The length of roadway that is necessary to insure the operator of a vehicle has an unobstructed view of the entire intersection and sufficient length of the intersecting road to provide safe driving conditions.
- (94) Special Conditions Agreement. An agreement between a Developer/Subdivider and the County Executive which supplements the requirements of the Subdivision Regulations, other applicable regulatory requirements, and the jurisdictional authority of other county, state or federal departments or agencies.
- (95) Staff. The Staff of the County of Summit Department of Community and Economic Development, Planning/GIS Division for the County Executive, also serving as Staff for the Planning Commission.
- (96) Stormwater detention basin. A facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate.
- (97) Stormwater retention basin. A facility, such as a pond, pool or basin, used for the permanent storage of stormwater runoff, where additional storage capacity is provided above the normal water level.
- (98) Stormwater Management. A plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion, flooding and to assist in maintaining water quality.
- (99) SWPPP. Stormwater Pollution Prevention Plan, a plan which includes the best management practices for erosion and sediment control during construction and structural and non-structural permanent water quality practices and addresses the requirements of Chapters 941 and 943 of these

Codified Ordinances and the current OEPA General Permit Authorization for Stormwater Discharges Associated with Construction Activity under the NPDES, as well as any permit to fill jurisdictional wetlands (See Section 1110.07 of these Subdivision Regulations).

- (100) Stormwater Water Quality Improvement Basins/Wetlands. Basins and/or wetlands that are man-made for the purpose of treating stormwater for water quality purposes.
- (101) Structure. A building or other object that is constructed.
- (102) Subdivider. See Developer.
- (103) Subdivision.
  - A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
  - B. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities (O.R.C. § 711.00.1). The term “Subdivision” shall include the Open Space Subdivision, Conservation Development, the Planned Residential Development and Planned Unit Development as approved in accordance with these Subdivision Regulations.
- (104) Subdivision, Condominium. Any subdivision which is ultimately to be partially jointly owned under the provision of a recorded condominium declaration.
- (105) Subdivision Major. Any Subdivisions not classified as a Minor Subdivision, including but not limited to Subdivisions of more than five (5) lots, any one of which is less than five (5) acres, or any size Subdivision requiring the creation, widening or extension of a street or access easement or requiring the division or allocation of land as a utility or drainage easement or subdividing platted land to create additional building lots in a recorded Subdivision. See Section 1103.03(b) of the County Subdivision Regulations.
- (106) Subdivision, Minor. A Subdivision which is a division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street, road, or access easement and involving not more than five (5) lots, any one of which may be is less than

five (5) acres after the original tract has been completely subdivided. (Also refer to O.R.C. § 711.131).

- (107) Summit Metro Parks. A park district created pursuant to O.R.C. Chapter 145.
- (108) Summit Soil and Water. The Soil and Water Conservation District of the County of Summit.
- (109) Surveyor. Any person registered to practice professional surveying by the state board of registration as specified in O.A.C. Chapter 4733-14.
- (110) Thoroughfare Plan. A mapped and/or written proposal for future road development of Summit County and its affected area as depicted in the Summit County General Land Use Development Plan or its updates (O.R.C. § 713.02).
- (111) 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 designated as follows:
  - A. Alley. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
  - B. 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 County not served by expressways. Arterials interconnect the principal traffic generators and high volume corridors that connect within the County and rural areas for long and through traffic trips.
  - C. Boulevard. A divided street which can carry large or small volumes of vehicular traffic depending upon parking regulations and lot access. A street intended to serve as an arterial or collector.
  - D. Collector Street. A street which serves internal traffic movements within an area and connects the area with the arterial system. Collector streets generally do not handle long through-trips but perform the same land service function as a local street.
  - E. Cul-de-Sac Street. A local street having one (1) end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.
  - F. Dead-End Street. A street temporarily having only one (1) outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a vehicular turnaround on a temporary easement.
  - G. Local Street. Local streets provide access to immediately adjacent land and feed traffic to the collector and arterial system. They make up a large percentage of the total street mileage of the County, but carry a small portion of the vehicle-miles of travel.
  - H. Loop Street. A short local street, each end of which terminates at an intersection with the same collector or arterial street.
  - I. Parallel Street. A local or collector street running parallel and adjacent to an arterial or collector street, providing access to

abutting properties and protection from arterial or collector street traffic.

- J. Private Street. A street which provides vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures, and is not dedicated as a public right-of-way.
- (112) Township Trustee. A duly elected person of a township pursuant to O.R.C. Chapter 505
- (113) Township Zoning Inspector. A person designated as an Inspector by the Board of Township Trustees to administer and enforce zoning regulations and related resolutions.
- (114) U.S.C. The United States Code.
- (115) USACE. The United States Army Corps of Engineers, a U.S. federal agency under the Department of Defense and a major Army command made up of some 37,000 civilian and military personnel whose mission includes environmental regulation and ecosystem management.
- (116) Utilities. Utilities are those public or private services which are for the benefit of the general public which include but are not limited to electric, gas, water, sewer, telephone or other service to the public.
- (117) Variance. A modification of the terms of the relevant regulations which is not contrary to the public interest and where, due to conditions peculiar to this property and not the result of any action by the applicant, a literal enforcement of these Regulations would result in unnecessary and undue hardship to the applicant.
- (118) Vicinity Map. A drawing located on a submittal which sets forth by dimensions or other means, the relationship of the proposed Subdivision or use to other nearby developments or landmarks and community facilities and services within Summit County in order to better locate and orient the area in question.
- (119) Walkway. A surfaced walkway, separate from the traveled portion of the roadway, usually of crushed rock or asphalt, and where feasible, follows the existing ground surface.
- (120) Water bodies. Includes rivers, streams, creeks, drainage ways, lakes and ponds.
- (121) Watercourse. A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.
- (122) Watershed. The land areas from which water drains to a given point, the drainage basin in which the Subdivision is located or that land whose drainage is affected by the Subdivision.
- (123) Wetlands. Those areas that are inundated or saturated by surface water or groundwater 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 hydric soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- (124) Western Reserve Land Conservancy. An Ohio non-profit corporation for the purpose of the conservation of land and open space.

- (125) Yard. A required open space included as part of a lot which is unoccupied and unobstructed by any structure or portion of any structure.
- A. Yard, Front. A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
  - B. Yard, Rear. A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
  - C. Yard, Side. A yard extending from the principal building between the lines establishing the front and rear yards.
- (126) Zoning. The legal right for local governments to regulate the use of real property to prevent conflicting land uses and promote orderly development. Such rights include, but are not limited to regulating: the use, height, bulk, and location, including percentage of lot occupancy, building setback lines, and other structures (Zoning powers of Townships are also defined in O.R.C. § 519.02).

## **CHAPTER 1103**

### **Procedures**

#### **1103.01 PURPOSE.**

The purpose of this Chapter is to specify the procedures that shall be followed to subdivide land.

#### **1103.02 BASIC REQUIREMENTS.**

- (a) All subdivision of lands into parcels less than 20,000 square feet and/or less than 100 feet width at the building line shall have centralized sanitary sewer, and may have curb, and gutter. All subdivision of lands into parcels all of which are over 20,000 square feet and/or 100 feet or over in width at the building lines may be required to have centralized sanitary sewer and/or water facilities if they are reasonably available as determined by the Planning Commission in consultation with the affected Township.

#### **1103.03 TYPES OF SUBDIVISIONS.**

There are two (2) basic types of Subdivisions: Minor and Major.

- (a) Minor Subdivision. Staff shall determine that a proposed subdivision of land is a Minor Subdivision if the proposed division of a parcel of land is along an existing public street, does not involve the opening, widening, or extension of any street or road, and is not more than five (5) lots any one of which may be less than five (5) acres after the original tract has been completely subdivided. The proposed subdivision shall be in compliance with applicable zoning regulations and these Subdivision Regulations. No lot depth shall exceed four and one-half (4 1/2) times the lot width or be less than one and one-half (1 1/2) times the lot width at the minimum building setback line unless otherwise required by a local zoning resolution (See also, Section 1105.05(d) and Appendix A).
- (b) Major Subdivision. Staff shall determine that a proposed subdivision of land is a Major Subdivision if it meets any of the following conditions:
  - (1) the proposed Subdivision is creating more than five (5) lots, any one of which is less than five (5) acres; or
  - (2) requires the creation, widening or extension of a street or access easement; or
  - (3) requires the division or allocation of land as a utility or drainage easement or is subdividing platted land to create additional building lots in a recorded Subdivision.

#### **1103.04 MINOR SUBDIVISION PROCEDURE.**

- (a) Planning Authority. Staff is designated as having exclusive authority to review and approve a Minor Subdivision, pursuant to O.R.C. § 711.131, and to endorse the conveyance of a parcel or parcels of land in a Minor Subdivision with "Approval for Transfer without Plat, No Building Site Approved." (See Appendix A).
- (b) Submission of Minor Subdivisions. Any person proposing to create a Minor Subdivision shall submit the following to Staff:

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- (1) One copy of application (See Appendix B).
  - (2) A metes and bounds description signed and sealed by a registered surveyor accompanied by a survey drawing that meets the Minimum Standards for Boundary Surveys in the State of Ohio O.A.C. Chapter 4733.37 (See Appendix A).
  - (3) Deeds for each of the lots being created.
- (c) Requirements for new legal descriptions are as follows:
- (1) New legal description shall monument or reference a monument within 100 feet of the place of beginning.
  - (2) A separate paragraph for each course in the description.
- (d) Requirements for Minor Subdivision survey drawings are as follows:
- (1) All properties abutting a Minor Subdivision shall show owner's name(s), deed or official record number and page number except for sides bordered by a recorded Major Subdivision in which case the lot number and the plat or cabinet number and page number shall be shown.
  - (2) Show the permanent parcel number on each parcel being subdivided or consolidated.
  - (3) Show and describe monumentation used to establish all existing property lines and proposed property lines.
  - (4) The plat of survey shall be indisputably legible. Acceptable plat sizes are: 8 1/2" X 14", 11" X 17", 12" X 18", 18" X 24", 24" X 36".
  - (5) Show acreage to minimum of three (3) decimal places.
  - (6) Show and reference all visible permanent structures of taxable value as determined by the Fiscal Office, on the newly created parcel or within 100' of the proposed property line and said structures shall be referenced within 0.5 feet to the proposed line. Indicate if there are no structures on the newly created parcel.
  - (7) Show and reference all visible structures including, septic systems and utilities, both aerial and attached to the ground, causing potential encroachment over the new property lines.
  - (8) Show easements referenced by the existing deed for the parcel(s) being altered. Easements listed in a disclaimer statement in the existing deed such as "all existing easements of record" that require additional research are exempt from this requirement.
  - (9) A certification stating the proposed Minor Subdivision has been reviewed by County Board of Health or Department of Environmental Services, where applicable.
  - (10) The mylar or paper drawing shall be signed by the Township Zoning Inspector within the last six (6) months to indicate that the proposed Minor Subdivision is in compliance with the Township Zoning Resolution.
  - (11) The mylar or paper drawing shall be signed by the current property owner and also:
    - A. Delineate areas within the 100 year Floodplain and within Floodways as determined from mapping provided by FEMA. Show the location of Riparian Setbacks.



- B. Show the location of Riparian Setbacks.
  - C. Show important natural features including streams, wetlands, steep slopes, etc.
  - D. Show proposed changes to existing natural features, if known.
  - E. Show other items, or provisions deemed necessary by the Planning Commission.
- (e) Action by the Planning Commission. After review by all applicable agencies including, but not limited to the County Engineer, Department of Environmental Services and the County Board of Health within seven (7) working days after submission of an application for a Minor Subdivision or within a mutually agreed upon time extension, Staff shall either approve or disapprove the application for transfer without a record plat.
- If Staff does not approve the transfer, Staff shall notify the applicant of the reason for disapproval. If Staff approves the transfer without a plat, the conveyance shall be stamped: "Approved for transfer only, no building site approved. Valid for one hundred eighty days from the above date" and dated and signed by the Planning Commission Secretary or representative. The approval shall expire within one hundred eighty (180) days, unless the instrument of conveyances (deed) is recorded in the Fiscal Officer's Recording Division during said period.

**1103.05 VACATING A PLAT.**

The vacating of a plat shall comply with O.R.C. § 711.25.

**1103.06 SALE OR EXCHANGE OF PARCELS BETWEEN ADJOINING LAND OWNERS (LOT CONSOLIDATIONS).**

Upon submission of an application for a Lot Consolidation, Staff shall verify that the proposed lot consolidation is exempt from Planning Commission review by virtue of the proposed land conveyance not being a Subdivision pursuant to O.R.C. § 711.001(B)(1). In addition, for each proposed addition to real property of a parcel between adjoining land owners where such sale, exchange or transfer does not create an additional building site, the following information shall be submitted:

- (a) A lot consolidation proposal submitted to Staff on the form for Lot Consolidation review shall provide all information required on the form and will include the review fee for Lot Consolidation review as established by these Subdivision Regulations;
- (b) One (1) deed with legal description for each parcel to be sold or exchanged or otherwise transferred;
- (c) And one (1) deed with legal description for the total combined area of contiguous parcels to be owned by the purchaser, grantee, or transferee as a result of the proposed sale, exchange or transfer for parcels being enlarged. Both deeds must be submitted for review at the same time. The grantees' names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer.
- (d) Upon review and determination by Staff that the proposed Lot Consolidation complies with this provision and is exempt from Planning Commission review as provided herein, Staff shall note on any instruments evidencing the lot consolidation that the same has been reviewed and has been determined to be

exempt from Planning Commission review by virtue of this provision and the same may thereafter be accepted for recording by the Fiscal Office.

**1103.07 MAJOR SUBDIVISION PROCEDURE.**

- (a) General Procedure. Major Subdivisions shall be approved in four (4) stages: Concept Plan Stage, Preliminary Plan Stage, Improvement Plan Stage and Final Plat Stage. A schedule of Subdivision submittal dates and meeting dates of the Planning Commission is available at the Department of Community and Economic Development, for the County of Summit.
- (b) Concept Plan Stage Procedure. The purpose of the Concept Plan Stage is to hold a review meeting to provide advice and assistance concerning the proposed Subdivision so the Developer may prepare a complete Preliminary Plan and Final Plat consistent with the requirements of the County Subdivision Regulations. A Concept Plan review meeting provides an opportunity to discuss the review process, the scope of appropriate submittal requirements and compliance with the County Subdivision Regulations. Potential problems may be identified before a formal Preliminary Plan is submitted. Also a Concept Plan review process provides a mechanism for effectively coordinating needed street connections. Prior to submitting a Concept Plan application to Staff, the Developer shall meet with the County Engineer for the Comprehensive Storm Water Management Plan and compliance with the Access Management Manual.
  - (1) Submission of Concept Plan. The Developer or Agent of the Developer shall make application to the Staff for a Concept Plan Discussion meeting by submitting a complete Concept Plan application and related materials. All information including all items required by Section 1104.03 shall be submitted to Staff as follows:
    - A. One copy of application. (See Appendix B).
    - B. Ten (10) copies of concept plan drawing folded to approximately 9"x 12" size.
    - C. Other information that the Staff may request to assist in understanding issues of the proposed subdivision.

The Concept Plan discussion meeting shall be scheduled within fourteen (14) working days from the date of submission of the applicant's form and materials. The formal meeting may be waived by the Planning Commission, if, after review of the application, it is determined to be unnecessary due to the limited nature, or impact of the project. If additional information is requested, the fourteen-day period may be extended.

- (2) Transmission of Concept Plan. The Staff shall transmit at least one (1) copy of the Concept Plan to the following officials and agencies for their review and recommendation:
  - A. County Engineer
  - B. County Board of Health
  - C. Department of Environmental Services
  - D. Summit Soil and Water
  - E. Township Trustees, Zoning Commission Secretary, Zoning Inspector, Fire Department, Road Superintendent

- F. Western Reserve Land Conservancy
- G. AMATS
- H. NEFCO

In addition to Staff, other participants in the Concept Plan Review meeting shall include Township representatives and may include staff from the other County Departments, such as the County Engineer, County Board of Health, Department of Environmental Services and Summit Soil and Water Conservation District. Within ten (10) working days after the Concept Plan meeting, Staff shall provide comments on the concept plan to the Developer.

- (c) Preliminary Plan Stage Procedure. For the Preliminary Plan Stage, the Developer must submit all of the information required to determine that the proposed Subdivision layout is satisfactory and will serve the public interest.
  - (1) Submission of Preliminary Plan. After the Concept Plan Review Meeting, and review and approval by the Township of all matters related to zoning, the Developer shall make application to the Staff for approval of a Preliminary Plan. All information required by Section 1104.04, shall be submitted to Staff on the Preliminary Plan as follows:
    - A. One copy of the application (See Appendix B).
    - B. Ten (10) copies of the Preliminary Plan, including a vicinity map, folded to approximately 9"x12" size.
    - C. Other information deemed relevant to the proposed Subdivision as identified at the Concept Plan Review meeting.
    - D. Preliminary Plan fees (See Section 1111.04(a)(3)).
    - E. All plan pages shall be dated with the month, day, and year, and contain a signature line for the Township Zoning Inspector, and shall be marked Preliminary Plan.
    - F. All plans shall include the name, address and phone number of the preparer and the Developer.
  - (2) Additional Information to be Supplied by the Developer When Filing the Preliminary Plan. Prior to Staff accepting the Preliminary Plan for review, it is the responsibility of the Developer to submit the following data:
    - A. A copy of the proposed Plan which contains a statement indicating that the proposed development meets all current zoning requirements of the township in which it is located. The said plan shall have affixed to it the signature of the Township Zoning Inspector indicating that the zoning requirements have been met. This signature is required on each page of the Plan.
    - B. A letter from the County Board of Health indicating lot acceptability for individual septic systems and/or drilled wells, or a letter from the Department of Environmental Services or local water and sewer provider indicating the availability of centralized sewage facilities and/or centralized water facilities.
    - C. A discussion of strategies to be implemented that will reduce on site erosion and environmental impacts.

- D. A letter from the Township Fire Department indicating if a fire pond will be required for the subdivision, and if so, the standards and specifications for the fire pond.
- E. A list of property owners and addresses, available from the Fiscal Office, contiguous to and directly across the street from the proposed subdivision in digital format.
- F. Additional information identified as relevant to the proposed Subdivision by Staff.

(3) Transmission of Preliminary Plan.

- A. The Staff shall transmit at least one (1) copy of the Preliminary Plan to the following officials and agencies for their review and recommendation.
  - i. County Council
  - ii. County Engineer
  - iii. Planning Commission of the political subdivision adjacent to the proposed development site
  - iv. County Board of Health
  - v. Department of Environmental Services
  - vi. Township Trustees, Zoning Commission Secretary, Zoning Inspector, Road Superintendent, Fire Department Office
  - vii. Summit Soil and Water
  - viii. OEPA
  - ix. Summit Metro Parks
  - x. Western Reserve Land Conservancy
  - xi. AMATS
  - xii. NEFCO
  - xiii. Staff may transmit additional copies of the Preliminary Plan documents to utility companies, school boards, and others as they deem necessary
  - xiv. Staff
  - xv. Each member of the Planning Commission.
- A. A date shall be arranged for a viewing of the site in the field by Staff. Those who have been sent a Preliminary Plan and the Developer will be notified regarding the site viewing date. The Developer shall delineate the center line of proposed road(s) prior to the field review.
- B. The officials and agencies should make their review and recommendations to Staff seven (7) working days prior to the scheduled Planning Commission meeting date.

(4) Official Filing of Preliminary Plan and Notice to Contiguous Property Owners.

- A. Upon determination by the Staff that the Preliminary Plan has been properly submitted, the Preliminary Plan shall be accepted as being officially filed. Official filing shall take place a minimum of twenty (20) working days prior to the

Planning Commission's regularly scheduled meeting for consideration of Major Subdivisions. The Staff shall not accept a Preliminary Plan as being officially filed if it is missing any of the required information. However, where it appears to the Staff that the Developer can reasonably produce the missing information within a short time, the Staff may grant the Developer up to five (5) additional working days to produce the additional information. The Planning Commission need not consider a Preliminary Plan unless it is officially filed.

- B. Following official filing, and at least ten (10) days prior to consideration of the Preliminary Plan by the Planning Commission, written notice shall be mailed by Staff, by first class mail, to all owners of property contiguous to and directly across the street from such area proposed to be developed. The notice shall state the date, time and location of the Planning Commission meeting at which the preliminary plan for the proposed development will be considered.
- (5) Planning Commission Action. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plan. The Planning Commission may take time and delay its decision on the Preliminary Plan until the next regularly scheduled meeting, and may take additional time only upon request or permission by the Developer. The action shall be conveyed in writing to the Developer and all reviewing agencies that Staff deems necessary. The action shall also be entered on the official records of the Planning Commission and a copy of the Preliminary Plan and action taken will be kept on file with Staff.
- (6) Effect of Approval. An approved Preliminary Plan is to be used as a guide for the preparation of Improvement Plans and for the preparation of a Subdivision Plat for final approval and recording upon fulfillment of all conditions of preliminary approval and all requirements of these Subdivision Regulations. Approval of a Preliminary Plan shall be effective for a period of two (2) years following the date of approval unless an extension of time is granted in writing by the Planning Commission. In the event conditional approval of a Preliminary Plan is granted by the Planning Commission, such approval shall expire within six (6) months from the date of conditional approval, unless all conditions required as part of the conditional approval have been satisfied as determined by Staff and applicable agencies during said period. Preliminary Plans receiving conditional approval are effective for a period of two (2) years following the date of conditional approval unless an extension of time is granted in writing by the Planning Commission.

- (7) Extension of Preliminary Plan Approval. In cases where regulatory conditions and requirements have not been fully addressed or met by the expiration of the approval and where the Developer is legitimately pursuing approvals, the Planning Commission may grant up to two (2) one-year extensions. For each extension requested, the Township Zoning Inspector must sign and date the Preliminary Plan to indicate that it still meets the local Zoning Regulations, in order for the extension request to be reviewed by the Planning Commission. If after all the extensions have been exhausted, any phase(s) or portion(s) of the original approved Preliminary Plan has not received Final Plat approval, then a new Preliminary Plan shall be submitted for Planning Commission approval. When a subdivision is proposed to be developed in phases, the Preliminary Plan approval will automatically be extended for one (1) year from the Final Plat approval date of a phase.
- (8) Expiration of Preliminary Plan Approval. 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. Construction shall not begin until the Improvement Plans have been approved by the County Engineer and where applicable, Department of Environmental Services, County Executive and the OEPA.
- (9) Changes in Preliminary Plan. During the preparation of Improvement Plans, technical reasons may necessitate the modification of the approved Preliminary Plan. Whenever modifications would substantially change between the Final Plat and the approved Preliminary Plan, the change shall be submitted to Staff for consideration. Substantial changes include road or major easement reconfiguration, increase in the number of lots, or decrease in the area or change in the specified use of blocks. Within fifteen (15) working days after receipt of the notification of the change and with consultation with appropriate agencies, Staff will:
  - A. Give written approval for the modifications, or
  - B. Give written notice that the proposed modifications must be reviewed by the Planning Commission at its next scheduled public meeting.
- (d) Improvement Plan Stage Procedure. The Improvement Plan Stage requires the Developer to present engineering Improvement Plans to the County Engineer and to the Department of Environmental Services, where applicable. The Developer's Engineer shall prepare Improvement Plans which shall conform to the approved Preliminary Plan and include all phases of the work to be performed to make the land suitable for development into the use proposed. These plans shall be complete and precise in all details. When sanitary sewer or water mains are to be constructed, the Developer shall submit the Improvement Plans to the Department

of Environmental Services or the applicable government jurisdiction controlling those utilities in that Township. (See Section 1110.02). Three (3) copies shall be submitted to the Engineer and three (3) copies to the Department of Environmental Services, where applicable. The Improvement Plans shall include three copies of the SWPPP for review and approval by Summit Soil and Water. The requirements for the SWPPP are listed in Section 1105.07(b). In a situation when the final design has been modified after approval of the SWPPP by Summit Soil and Water, the Developer is responsible for resubmitting a revised SWPPP to Summit Soil and Water for review and approval. Summit Soil and Water shall send a copy of the approved SWPPP along with the letter of approval to the County Engineer. A copy shall be marked and returned to the Developer's Engineer for corrections if necessary. If found to be satisfactory, the original mylar shall be submitted for approval signature by the County Engineer and Department of Environmental Services, where applicable. Two (2) copies shall be submitted to the Township for information only. One (1) copy of the Improvement Plans shall be submitted to County Engineer in digital format. (See 1104.04(c) for preferred digital formats). At the completion of the construction, and before acceptance, the Developer's Engineer shall update the original Improvement Plan sheets as directed by the County Engineer and Department of Environmental Services, where applicable, showing the locations, sizes, and elevations of all improvements as constructed (hereafter "As-Built drawings"). A legible paper original of the As-Built drawings shall be furnished to the Department of Environmental Services, where applicable. The original plan sheets shall remain with the County Engineer. All final As-Built drawings approved by the County Engineer shall also be submitted in digital format. If the Developer finds in the process of preparing Improvement Plans that changes in the approved Preliminary are necessary, the Developer shall inform Staff. Staff may require that a revised Preliminary Plan be submitted for approval.

(e) Final Plat Stage Procedure. The Final Plat stage requires the Developer to present all data needed to determine that the Subdivision fully complies with these Subdivision Regulations and conforms to the approved Preliminary Plan.

(1) Submission of Final Plat. The Developer shall make application to the Planning Commission for approval of a Final Plat. The Final Plat submitted shall conform to the approved Preliminary Plan. Subdivisions may be submitted for final approval in phases provided that:

- A. Preliminary Plan approval has been given for the entire Subdivision and;
- B. SWPPP approval has been given for the phase being submitted for final approval.
- C. All items as required by Section 1104.06, shall be submitted to Staff as follows:
  - i. Ten (10) copies of Final Plat and Vicinity Map folded to approximately 9"x12" size. Additional copies may be required by, if necessary.
  - ii. Final Plat Fees. (See Section 1111.04.(a)(3))

- iii. Where a park, playground, school site, or other public space shown on the Final Plat is to be dedicated to the public or to an Owner's Association, the Developer shall submit a signed warranty deed for the parcel(s) along with the Final Plat. This deed shall be considered part of the Final Plat for approval and recording purposes.
  - iv. All plans shall be dated with month, day, and year and contain a signature of the Township Zoning Inspector on each plan page.
  - v. Performance Bond per Section 1110.04.
- (f) Transmission of Final Plat. The Staff shall transmit at least one (1) copy of the Final Plat to the following officials and agencies for their review and recommendations.
- (1) County Council
  - (2) County Engineer
  - (3) Planning Commission of the political subdivision adjacent to the proposed development site
  - (4) County Board of Health
  - (5) Department of Environmental Services
  - (6) Township Trustees, Zoning Commission Secretary, Zoning Inspector, Fire Department and Road Superintendent
  - (7) Summit Soil and Water
  - (8) OEPA
  - (9) Staff may transmit additional copies of the Final Plat documents to utility companies, school boards, Ohio Department of Transportation, and others as they deem necessary
  - (10) Summit Metro Parks
  - (11) Western Reserve Land Conservancy
  - (12) AMATS
  - (13) NEFCO
  - (14) Each member of the Planning Commission
- The officials and agencies should make their review and recommendations to Staff seven (7) working days prior to the scheduled Planning Commission meeting date.
- (g) Official Filing of Final Plat. The Staff shall present the Final Plat documents which meet the requirements of Section 1103.07 (e)(1) and Section 1104.06 to the Planning Commission at the next meeting after all required documents have been submitted. The Final Plat shall be submitted to the Staff at least fifteen (15) working days prior to consideration by the Planning Commission at their regularly scheduled meeting. Upon determination by the Planning Commission that the Final Plat has been properly submitted, the Planning Commission shall accept the Final Plat as being Officially Filed and shall certify the official filing date on the copies.
- (h) Planning Commission Action. If the Final Plat application is complete, the Planning Commission shall review the Final Plat within thirty (30) days after submission of the Final Plat.



- (1) Planning Commission Action. One of the following actions shall be taken by the Planning Commission:
  - A. Final Approval. Prior to the granting of approval of the Final Plat, the Developer shall have received official approval from all applicable authorities of the Preliminary Plan and Improvement Plans. Planning Commission's approval is also contingent upon the Summit Soil and Water's approval of the SWPPP and the Developer's compliance with the approved SWPPP for all phases of the project if the site is under construction. The Final Plat must conform to the approved Preliminary Plan, and all other applicable Regulations. Construction may begin only to the extent permitted pursuant to Chapter 1110 of these Subdivision Regulations. The Planning Commission may give final approval before the required improvements are installed, authorizing its Chairperson, or any other officer of the Planning Commission, to indicate such approval and date on the tracing mylar of the Final Plat (Refer to Chapter 1110 Requirements for Construction of Improvements for these requirements).
  - B. Disapproval. Should the Planning Commission determine to disapprove the Final Plat, written notice of such action, shall be mailed to the Developer and his/her engineer and/or surveyor. The notice shall contain specific reference to regulations or other requirements with which the Final Plat does not comply. The action shall also be entered in the official records of the Planning Commission
  - C. Approval without Planning Commission Action. In the event the Planning Commission shall fail to act upon the Final Plat within thirty (30) calendar days of the date of its Official Filing, or within a time extension mutually agreed upon between the Developer and the Planning Commission, the Final Plat shall be deemed to have been approved by the Planning Commission.
- (2) Effect of Approval. Final Approval of a Final Plat by the Planning Commission shall not be an acceptance by the public of the offer to dedicate any street, highway, or other public ways, or open space upon the Final Plat until such acceptance is also endorsed by the County Council upon the tracing of the Final Plat. The Planning Commission final approval shall automatically expire if the Final Plat is not presented to the County Council for final approval within two (2) years of the Planning Commission's Preliminary Plan approval. Before the Final Plat may be considered for approval by County Council, the Developer shall furnish to the County Executive Bonds as required by Section 1110.04.
  - (i) County Council's Action. The County Council shall act within sixty (60) calendar days from the date of the Official Filing of the Final Plat with the County Council.
  - (j) Recording of Final Plat. Refer to Section 1110.06 for procedure.

## **CHAPTER 1104**

### **Plan and Plat Specifications**

#### **1104.01 PURPOSE.**

To provide the Developer with the specific information required to permit adequate review, approval and recording of plats in accordance with these Subdivision Regulations.

#### **1104.02 GENERAL.**

The Preliminary Plan, Improvement Plans and Final Plat shall be prepared by a registered professional surveyor licensed in Ohio.

#### **1104.03 CONCEPT PLAN MAP.**

The Concept Plan and accompanying report as required per Section 1103.07(b) shall contain the following information:

- (a) Concept Plan Application and Review Fee (See Appendix B).
- (b) Name for File Identification. The proposed development shall be given a name for identification purposes, such name being unique to the incorporated and unincorporated areas of Summit County in order to avoid duplication and confusion with previously recorded plats. The name shall be included if known at the time of application.
- (c) Location and Description of Property. Location of property by township, section number, and north arrow.
- (d) Boundary of the Property. The boundary of the property shall be shown by bold lines.
- (e) Existing Rights-of-way; Buildings. The true relationship between the boundary of the property and the rights-of-way of existing roads upon which it may border. Existing buildings shall be shown.
- (f) Sketch of Proposal. Show general lot and roadway layout including blocks with the proposed use defined. Show alternative road layouts that may be proposed. Show the relationship of existing roadways to proposed roadways in each alternative layout. Drawings shall also be submitted in digital format. The preferred digital formats are: (1) ESRI shapefile, and (2) AutoCAD DXF. The preferred coordinate system is State Plane NAD 83 Ohio North. The applicant shall also submit an Adobe Acrobat PDF file version of the drawing for distribution purposes.
- (g) Preliminary Inventory and Analysis of the Site and Any Adjacent Properties. To the extent that they relate to the site, the Concept Plan shall include an inventory and preliminary analysis which shall address topography; soils, water bodies, wetlands, Riparian Setbacks, fire ponds and drainage; historic features; adjacent and on-site land uses and zoning, utilities and related easements and any other easements of record; roadways and traffic circulation; and other information critical to an understanding of the capability of the site to accommodate the proposed Development.
- (h) Topography. Show existing topography with contours at two (2) foot intervals, streams, springs, wetlands, buildings or other features likely to affect the plan.

- (i) Flood Limits and Environmental Constraints. If any part of the proposed subdivision is subject to flooding, a line indicating the water surface elevation of the one hundred (100) year flood shall be shown on the drawing.
- (j) Other natural features of significant public interest sensitive to improvements shall be indicated.
- (k) Zoning District. Show zoning districts as obtained from the Township Zoning Administrator. Proposed lots and setbacks shall be in conformance with the Township Zoning Resolution.
- (l) Utilities. Describe the method of sewage disposal and water supply being proposed and to be reviewed by the Department of Environmental Services and/or County Board of Health and/or the local water and sewer provider. If wells are being proposed for water supply, then current data on groundwater availability (including quantity and quality) shall be submitted.
- (m) Traffic Information. Refer to AMATS for existing data.

#### **1104.04 PRELIMINARY PLAN.**

The Developer shall furnish the following:

- (a) Preliminary Plan Application and Review Fee. (See Appendix B).
- (b) Vicinity Map. The map shall show the relationship of the proposed Subdivision to existing community facilities which serve or influence it. The Vicinity Map may be on the same sheet as the Preliminary Plan drawing and shall be drawn at a scale of 1" = 3,000' at the minimum. The Vicinity Map shall show the following:
  - (1) Subdivision name, township, tract, and original lot or section number, and north arrow.
  - (2) Existing and proposed map of traffic arteries.
  - (3) Any other significant community activity or features.
- (c) Preliminary Plan Drawings. The Preliminary Plan shall be drawn on mylar or paper (not to exceed a sheet size 24" by 36") and shall be at a scale of not more than one hundred (100) feet to one (1) inch (1" = 100'). Drawings shall also be submitted in digital format. The preferred digital formats are: (1) ESRI shapefile, (2) AutoCAD DXF. The preferred coordinate system in State Plane NAD 83 Ohio North. The applicant shall also submit an Adobe Acrobat PDF file version of the drawing for distribution purposes. The Preliminary Plan shall be prepared in accordance with these Subdivision Regulations by a registered professional engineer or registered professional surveyor licensed in the State of Ohio. The Plan shall be accurately and clearly drawn, signed, sealed and shall be based on a boundary determined by a registered professional surveyor. The drawing shall include the proposed plan of the Subdivision, and shall show the following:
  - (1) Identification.
    - A. Proposed name of Subdivision (must not duplicate another in the County), Township, tract or original lot or section number.
    - B. Names, addresses, and telephone numbers of owners, Developer, and registered professional surveyor or registered professional engineer with appropriate numbers and seals.

- C. Scale (1" = 100') maximum, north arrow and date. Where necessary, the Preliminary Plan may be on several sheets and shall be accompanied by an index sheet that will allow the entire Subdivision to be shown on one (1) 24" x 36" plan.

(2) Existing Data.

- A. Deed description showing bearings and distances and acreage as determined by a registered professional surveyor.
- B. Easements - blankets, location, width, and purpose.
- C. Streets on and adjacent to the improvements and Subdivision, including but not limited to: names, location, right-of-way and roadway width; planned public improvements; highways; other major improvements planned by public authorities for future construction.
- D. Location of proposed underground utilities on or near the subdivision, including journalized routes for highways.
- E. Existing utilities on and adjacent to the Subdivision: location and size of sanitary and storm sewers; location and size of water mains; location of gas lines. If water mains, sewers, and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest one.
- F. Existing ground elevations in the Subdivision: show contours with an interval of two (2) feet.
- G. Subsurface conditions in the Subdivision - any conditions that are not typical such as abandoned mines, existing oil and gas wells.
- H. Drainage information, including streams, and drainage ways in the proposed Subdivision shall be shown on the Plan. The applicant shall review drainage information, including streams and drainages within 200 feet upstream and downstream of the proposed Subdivision, for development design purposes. (This 200 foot limitation is not indicative of the size of the watershed that will be required to be studied prior to acceptance of the Final Plat.)
- I. Other conditions in the Subdivision or on adjacent land within two hundred (200) feet:
  - i. Ponds, and lakes.
  - ii. Floodplains and areas subject to flooding. The base flood elevation data and the boundary of the flood hazard area(s) shall be delineated on the Preliminary Plan. If there are no flood hazard areas in the Subdivision pursuant to the FEMA Flood Insurance Rate Map(s) then a statement shall be provided on the Preliminary Plan indicating same.
  - iii. Rock outcroppings.
  - iv. Wooded area, and other environmentally sensitive areas.
  - v. Any structures or other significant features.
  - vi. Approximate direction and gradient of ground slope including any embankments or retaining walls.
  - vii. Location and type of building, tree lines, etc.

- viii. Railroad lines and/or rights-of-way.
  - ix. Power lines, poles and towers.
  - x. Land use and adjacent zoning district boundaries.
  - xi. Owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, plat book and pages).
  - xii. Oil and/or gas wells, above ground and underground storage tanks and separator units, and the associated utility and service lines if known.
  - xiii. Water wells.
  - xiv. Septic Tanks and leach beds.
  - xv. Known construction debris disposal sites.
  - xvi. Existing fire ponds.
  - J. Soils in the Subdivision shall be identified as described in the Natural Resources Conservation Service Web Soil Survey for Summit County –  
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>  
 Boundaries of the soils in the Subdivision shall be indicated on the Preliminary Plan. Also refer to Section 1105.02(a), Soils.
  - K. All wetlands will be delineated by a qualified professional under guidelines established by the USACE and the OEPA. (Refer to Section 1105.02(c) for wetlands boundary and delineation procedure)
  - L. If the proposed Subdivision is within an area of expected low groundwater yields (10 gallons per minute or less) pursuant to the map entitled “Ground Water Resources of Summit County, Ohio GWR 14” (Alfred C. Walker, revised by James Schmidt, Ohio Department of Natural Resources, 1994), the Developer shall submit groundwater availability data to the Planning Commission to ensure that an adequate water supply exists to serve the Subdivision. (Refer to Fact Sheet 94-35 ODNR Division of Soil and Water Resources, “Low Yield Wells: Water Supply Systems”).
  - M. If the proposed Subdivision is to be served by an existing public or private water system, the Developer shall obtain a letter stating that the water system has the capacity and will serve the proposed Subdivision.
  - N. Zoning requirements: (refer to Section 1103.07(c)(2)A.)
    - i. District.
    - ii. Lot size and yard requirements.
    - iii. Proof of any variances or special exceptions which may have been granted, which have a bearing on the subdivision.
- (3) Proposals.
- A. Streets - show proposed streets (indicate each street by name), right-of-way widths, classification (arterials, collector, or local as designated by the County Engineer), and proposed improvements. The County Engineer may also require profiles of approximate

- street grades. Proposed road names shall not duplicate existing road names recorded in the County.
- B. Other rights-of-way or easements - location, width, and purpose.
  - C. Lots – numbers, dimensions, and the area shall be given for each lot. Show boundaries of proposed phases of the Subdivision, if applicable.
  - D. Minimum building setback lines.
  - E. Land parcels within the Subdivision not to be divided into lots shall be shown as blocks and labeled by consecutive letters and proposed use, and any limitations of use.
  - F. Common areas reserved or dedicated for open space, parks, playgrounds, water and sewage treatment sites, storm water retention or detention sites, fire ponds or other public uses. For sites reserved for public use or common use of property owners, for parks, playgrounds, or other uses, a description of any proposed covenants, conditions and restrictions must be submitted with the Preliminary Plan. Said description shall be in preliminary draft format and include agreements and provisions for any community association membership and responsibility. Said description shall include a plan for administration, and maintenance of all proposed common property, but it need not include condominium property to be titled to individual owners. The required description shall include a description of the enabling declaration; the declaration of covenants, conditions and restrictions, the articles of incorporation; and the corporate by-laws as these apply to ownership of and maintenance of common open space and common facilities.
  - G. Sites for other uses - multi-family dwellings, shopping facilities, churches, industry, or other non-public uses exclusive of single-family dwellings.
  - H. Generalized Landscaping Plan shall include locations for the following proposed generalized landscape features:
    - i. Trees, shrubbery and ground cover groupings.
    - ii. Buffers/ mounding.
    - iii. Entry features.
    - iv. Street medians (if applicable).
  - I. Street Lighting Plan including cut sheet of proposed fixtures (if applicable). Street lighting may be public lighting along the street right-of-way or at intersections and/or include outside lamps located on private property.
  - J. Special street signage (if proposed), such as signage with an historical or unique architectural style (to be reviewed for readability).
  - K. A tabulation of the total Subdivision data including:
    - i. Area in lots (in acres).
    - ii. Area in roads (in acres).

- iii. Areas in Open Spaces, Common Areas, recreation areas, water and sewage treatment sites, and any other public or private sites (in acres).
  - iv. Total area in the Subdivision (in acres).
  - v. Total length of roads (lineal feet).
  - vi. Total number of lots.
  - vii. If two family dwelling units or multiple family dwelling units are proposed, a statement regarding the number of buildings and dwelling units contained therein for each proposed lot and the total number of buildings and dwelling units for the entire Subdivision.
  - L. The general proposed topography shall be indicated.
  - M. Proposals for the control of erosion and stormwater as recommended by Developer and the Developer's Engineer shall be provided to the County Engineer or Summit Soil and Water for review and comment.
  - N. Type of water supply and wastewater disposal proposed. Location of all underground sanitary sewer, centralized water and stormwater facilities - immediate and future construction.
  - O. Show the location of Riparian Setbacks.
  - P. Proposals for fire pond compliance, if applicable, per the township fire department letter.
  - Q. Draft of the Special Conditions Agreement.
- (4) Other Information. The Planning Commission or Staff may require other additional information as deemed necessary to fulfill the requirements of these Subdivision Regulations. As part of the Preliminary Plan approval process, it may be determined that the Developer needs to submit a detailed geotechnical study to the County Engineer or to Summit Soil and Water or other County of Summit agencies, to determine the adequacy of the soils located within the proposed subdivision.

#### **1104.05 IMPROVEMENT PLAN PROCESS.**

A copy of the proposed Final Plat and the Preliminary Plan showing the total drainage area(s) and drawings showing cross sections, profiles, elevations, construction details, specifications, and all calculations and computations for all required improvements shall be prepared by a registered professional engineer licensed in the State of Ohio. The Improvement Plans shall be submitted to the County Engineer, Summit Soil and Water, Planning Commission, Department of Environmental Services, County Board of Health, and Division of Building Standards, where applicable, for their review and approval. The Improvement Plans will also be submitted to the Board of Township Trustees for informational purposes and a final copy of the Improvement Plans shall be placed on file with the Township.

If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the Developer shall inform the County Engineer, Department of Environmental Services, Division of Building Standards, and Summit Soil and 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 or modification of the Improvement.

At the completion of the construction, and before acceptance, the Developer's Engineer shall update the original Improvement Plan Sheets as directed by the County Engineer and Department of Environmental Services, where applicable, showing the locations, sizes, and elevations of all improvements as constructed. A legible paper original of the As Built drawings shall be furnished to the Department of Environmental Services, where applicable. The original plan sheets shall remain with the County Engineer. All final As Built drawings approved by the County Engineer shall also be submitted in digital format.

(a) Improvement Plan Requirements.

- (1) Specifications. All Improvement Plans submitted shall conform to the latest edition of the State of Ohio Department of Transportation Construction and Material Specification, except as modified or otherwise specified herein as determined by the County Engineer. The County Engineer and/or Department of Environmental Services, where applicable, may also require adjustments in design to conform to special conditions inherent within a particular Subdivision including, but not limited to, wetlands, quicksand, springs, and landslides. All sanitary sewerage systems and water supply systems which shall become owned and operated by the County of Summit and shall conform to the design standards, specifications and procedures of the Department of Environmental Services
- (2) Standard Drawings. Standard drawings shall be completed in accordance with either ODOT Manual or County Standards, as amended, and are available to the Developer or the Developer's Engineer from the Office of the County Engineer and/or Department of Environmental Services, where applicable.
- (3) Preparation. A copy of the Improvement Plan and drawings showing cross-sections, profiles, specifications, and all calculations and computations for all required improvements shall be prepared by a professional engineer registered in the State of Ohio. The Improvement Plans shall be prepared in a manner as directed by the County Engineer, and/or Department of Environmental Services, where applicable, and shall be subject to his/her approval.
- (4) Drawings.
  - A. All drawings other than the final As-Built set of plan sheets shall be made with opaque black ink on paper or mylar. Digital submissions may be used during the review process. All final As-Built drawings approved by the County Engineer shall be made with opaque black ink on mylar and submitted to the County Engineer. One (1) copy of the Improvement Plans and the Comprehensive Stormwater Plan shall be submitted to County Engineer and Summit Soil and Water in digital format. (See 1104.04 (c) for preferred digital formats).
  - B. Drawings sheet size shall be 24" X 36". Marginal lines shall be drawn around the entire sheet leaving a one-half (1/2) inch margin



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on the top and bottom edges and a one (1) inch margin on the outer edge.

C. Scales to be used:

i. Plan	1" = 20' or 1" = 50'
ii. Profile	1" = 20' or 1" = 50' Horizontal
	1" = 5' Vertical
iii. Cross sections	1" = 5' Horizontal
	1" = 5' Vertical

(5) Title Sheet. The Title Sheet shall include the following items:

- A. Overall plan of the Subdivision. Include a separate drawing drawn at the maximum scale that will allow the entire Subdivision to be shown on one (1) 24" x 36" plan sheet in as much detail as possible including all existing and proposed utilities.
- B. Location map.
- C. Title of project and location.
- D. Places for necessary approvals.
- E. Index of sheets.
- F. The distance from the allotment line, or a street in said allotment, to another known point such as an existing street intersection.
- G. A suitable title block shall be included on each sheet in the lower right corner. The title sheet shall have the seal of the design engineer who prepared the plans.
- H. A note stating that the Developer's Engineer certifies that all design data and calculations presented to the County Engineer and/or Department of Environmental Services Department, where applicable, are correct and conform to the design criteria currently acceptable. The Developer's Engineer's signature, registration number and seal shall be affixed.
- I. A note stating that the County Engineer and/or Department of Environmental Services, where applicable, in approving these plans and dedication plat thereof, does not in any way relieve the Developer's Engineer of his/her responsibility for accurate and complete engineering design.
- J. A note stating that the County Engineer and/or Department of Environmental Services, where applicable, shall not be held liable for damages of any type which occur as a result of error and/or omissions in the engineering design data presented by the Developer's engineer. Neither shall the County Engineer and/or Department of Environmental Services, where applicable, be liable for damages resulting from the Developer's contractor not complying with approved plans or by using construction methods or materials not approved by the County Engineer and/or

Department of Environmental Services, where applicable. The Developer and Owner's Engineer shall indemnify and hold harmless the County including its Officials, Agents and employees for any and all claims.

- K. Each set of plans shall include all notes as required by the County Engineer and/or Department of Environmental Services.
- (6) Detail Sheets.
- A. An indication of scale, date, data, north arrow, and sheet number shall be placed on each sheet.
  - B. All street, centerline data, right-of-way, and pavement widths shall be shown. Stationing shall begin at the south or west end of the improvement.
  - C. All existing and proposed underground structures located in the street or easement shall be shown on both the construction plans and profile drawings. Such underground structures include gas lines, sanitary and storm sewers, water mains, culverts, and existing electric and telephone conduits.
  - D. All above-ground structures which are located in such proximity to the proposed work as may be a factor affecting the construction shall be shown on the plat. Such above ground structures include trees, fences, buildings, poles, hydrants, bridges, driveways, drive culverts, and other structures.
  - E. All lots or acreages abutting the streets where improvements are to be located shall be drawn to scale. The front foot dimensions, property owners' names, and sub-lot numbers (if area is subdivided) shall be included.
  - F. The profile plan shall show existing center line and right-of-way elevation, ground elevations, and proposed finished centerline grade elevations. Vertical curves (finished grade) shall be stationed at twenty-five (25) foot intervals with elevations provided.
  - G. All elevations used on drawings shall be based on NAV88.
  - H. The location, description, and the exact elevation of a sufficient number of bench marks shall be included on the drawings. These benchmarks shall be used for construction and inspection purposes.
  - I. Corporation lines, subdivision names, plat volume and pages when subdivision plat is recorded, and original lot line and parcel numbers shall be shown on the drawings.
  - J. All easements, including exact location and width, shall be shown on the drawings, (and if existing, record number of the document(s)).
  - K. Include detail drawings of special construction such as headwalls, concrete aprons, rip-rap, and other construction not otherwise included.
  - L. No decorative or ornamental construction shall be permitted within the rights-of-way of either State or County highways.

- M. Any work within the right-of-way of a County Highway or a State Highway or a Township Road requires a Road Opening Permit.
  - N. Show fire pond and related appurtenances details per Township Fire Department Design Standards, if applicable.
  - O. Delineation of all areas where known or suspect soil conditions would affect the design and construction of future roads, buildings or dwelling units.
- (7) Traffic Control Plan. The Traffic Control Plan shall include but not be limited to the layout of signage, traffic signals, striping, traffic lane improvements and all other traffic related items.

**1104.06 FINAL PLAT.**

The Developer shall furnish the following:

- (a) Final Plat Application and Review Fee. (See Appendix B).
- (b) Final Plat Drawings. The Final Plat shall be drawn in original black ink on mylar or paper (sheet size 18" X 24" is preferred) (and with permission a sheet size 24" by 36" may be utilized) and shall be at a scale of not more than fifty (50) feet to one (1) inch (1" = 50'). Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire Subdivision. In addition, the Final Plat shall meet the current requirements of the Summit County of Summit Conveyance Standards. The Final Plat shall show the following:
  - (1) Title Sheet.
    - A. Name of Subdivision (shall be same as used on preliminary plan) township, tract and original lot, or section number.
    - B. Vicinity Map with north arrow shall be drawn at a minimum scale of 1" = 3,000'.
  - (2) Control Monuments - shall be referred to an established street line, section line, or other established monument.
  - (3) Lines and Boundaries - center lines and right-of-way lines of streets, easements, and other rights-of-way, natural and artificial water courses, shorelines, corporation lines, and property lines of all lots and parcels with distances, radii, arcs, chord bearings, and tangents of all curves (nearest one hundredth of a foot), bearings, or deflection angles (nearest second).
  - (4) Street - name (must not duplicate another in the County) and right-of-way width of each street within proposed Subdivision and those adjoining unless an extension of an existing street.
  - (5) The required Building Setback Lines accurately shown with dimensions.
  - (6) Lot and block identification - lots and blocks shall be numbered in consecutive order (numbers for lots and letters for blocks) and when the Subdivision is submitted in sections or phases, lots shall be numbered consecutively as each section or phase is submitted.
  - (7) Total site data which involves a tabulation of the total Subdivision data including:
    - A. Area in lots (in acres).
    - B. Area in roads right of way (in acres).

- C. Areas in Open Spaces, Common Areas, recreation areas, water and sewage treatment sites, and any other public or private sites (in acres).
  - D. Total area in the Subdivision (in acres).
  - E. Total number of lots.
  - F. If two family dwelling units or multiple family dwelling units are proposed, a statement regarding the number of buildings and dwelling units contained therein for each proposed lot and the total number of buildings and dwelling units for the entire Subdivision.
- (8) Land for public or common use - show boundaries and identify the use of all parcels which are to be dedicated or reserved for public or common use or easements.
  - (9) Monuments - location and description of those found, set, or to be set. Those set shall conform to the Minimum Standards for Boundary Survey in the State of Ohio, O.A.C. Chapter 4733-37 and to the County Engineer's Specs and Details.
  - (10) Names of recorded owners of adjoining unplatted land and reference to Subdivision plats of adjoining platted land by name, volume, and page/or other Summit County official records.
  - (11) Signature and seal of a registered professional surveyor licensed in the State of Ohio on the title sheet to the effect that the Final Plat represents a survey made by him/her and that the monuments are or shall be set upon completion of construction. (See Section 1110.09(a)).
  - (12) Notarized certification by the owner or owners of the Subdivision for the offer of the dedication of streets and other public areas and that there are no unpaid taxes or special assessments against the land contained in the Final Plat.
  - (13) Provision for:
    - A. Certification of County Engineer that Improvement Plans have been signed and required improvements have been satisfactorily installed or adequate financial guarantees have been provided.
    - B. Approval of each page of the Final Plat by the Planning Commission and Township Zoning Inspector.
    - C. Offer of dedication of streets, parks, and easements by the owners of record with all signatures witnessed and notarized.
    - D. Proper spaces for transfer and recording stamps by the County Fiscal Officer.
    - E. Acceptance of offers of dedication by County Council.
    - F. A statement that all fee holders and all receiving title to the fee through them are subject to payment of drainage maintenance fees assessed or to be assessed by the County pursuant to O.R.C. Chapter 6137.
    - G. A statement that owner/s of record will provide his/her purchaser with option to have soil test performed at time of purchase.
- (c) Miscellaneous Information Required with Submission of Final Plat.

- (1) The Developer shall furnish written approval of street names from Staff and from the Township(s) in which the Final Plat is located.
- (2) The Developer shall furnish written approval from the Township that the Final Plat meets all Township zoning requirements as shown on the approved Preliminary Plan.
- (3) The Improvement Plans shall have been submitted to and approved by the County Engineer, the Department of Environmental Services, and Summit Soil and Water prior to submission of the Final Plat.
- (4) Protective covenants, conditions and restrictions, if any, shall be either shown on the Final Plat or recorded separately in a separate instrument, provided volume and page reference is indicated on the Final Plat. Said covenants, conditions and restrictions shall include agreements for any Owners Association with provisions for membership and financial responsibility. Said agreement shall provide for the construction, administration, maintenance repair and liability of all common property and/or common facilities including all common property and common elements of condominium property titled to individual property owners.
- (5) If an Owners' Association is to be formed, the Association should be created prior to the recording of the Final Plat. A copy of the documentation relative to the creation of an Owners' Association shall be provided to the Planning Commission.
- (6) If oil/gas wells, above ground or underground storage tanks and service lines are located on lot(s) of a Subdivision, these shall be subordinate to all public right-of-way and public easements and shall be shown on the Final Plat by distance and bearing for the front, side and/or rear lot lines.
- (7) If Flood Plains are located on lot(s) of a Subdivision, this shall be noted on the Final Plat and referenced to the FEMA Flood Insurance Rate Map by Community Panel Number, Effective Date and 100 year flood elevation where available.
- (8) Wetlands will be identified as delineated pursuant to Section 1104.04(c)(2)K. on the Final Plat. If the USACE or the OEPA permits are required, the permit number(s) shall be shown on the Final Plat. Copies of written correspondence between the Developer's Engineer and the USACE and between the Developer's Engineer and the OEPA shall be furnished to the County Engineer.
- (9) Include the approved example of special street signage identification (if applicable).
- (10) Include on site lighting standards with a cut sheet of proposed fixtures (if applicable).
- (11) Show the location of Riparian Setbacks on the Final Plat.
- (12) Draft Special Conditions Agreement.

**1104.07 REPLATS.**

- (a) Replat Procedure. If the Applicant wishes to make alterations to existing lot lines block lines, easements, right-of-ways, or other conditions on all or part of an

existing platted Subdivision, hereafter (“Replat”), the Applicant must submit a completed application consisting of the following:

- (1) A Replat application form. (See Appendix B).
- (2) Final Replat drawings, which meet the same requirements set forth above in 1104.05
- (3) Review fees. (See Section 1111.04(a)(3)).

(b) Exempt Replats.

If it is determined by Staff that no substantial changes are involved, then the application will not be required to be submitted to the Planning Commission for review or to County Council for plat approval. Staff will endorse the Replat as exempt from review and the Replat may thereafter be filed for record with the Fiscal Office. Substantial changes include road or major easement (access, emergency access, stormwater, sewer, waterline, or other public utility) reconfiguration, increase in the number of lots, or decrease in the area or change in the specified use of blocks.

(c) Replat Process Requirements.

- (1) Within fifteen (15) working days after receipt of the notification of the change and with consultation with appropriate agencies, Staff shall review the proposed Replat to determine if substantial changes are involved then Staff will:
  - A. Give written approval for the modifications, and endorse the plat as exempt from Planning Commission review and plat by County Council and shall endorse the Replat as an exempt transfer pursuant to this provision; or
  - B. Give written notice that the proposed modifications must be reviewed by the Planning Commission at its next scheduled public meeting, and, if approved, then apply for Replat approval by County Council.
- (2) The Developer shall submit to the Planning Commission a Final Plat complete with all information as required in Section 1104.06, Final Plat Requirements.
- (3) If lots being re-platted have existing structures located on them, then a dimensionally accurate sketch prepared by a registered surveyor licensed in the State of Ohio, illustrating the revised lot lines, together with the outlines of such structures shall be submitted.
- (4) The Replat shall assign a new lot number to all new or modified lots. This number shall consist of the lowest original lot number contained within the lot lines of the proposed lot and hyphenated with the letter “R”, and the next consecutive numeral needed to make the proposed lot number unique within the Subdivision (e.g. 5-R3 indicates the third Replat of lot 5). See Appendix D for acceptable Replat Format.
- (5) In addition, a Developer proposing the re-subdivision of a Plat previously recorded in Summit County shall follow the same procedures required for a Major Subdivision.

## **CHAPTER 1105**

### **Design Standards**

#### **1105.01 GENERAL PURPOSE.**

After a proposed Subdivision has received all necessary Township review and approvals per the local Township Zoning Resolution, and comments have been received from applicable Township departments for design consideration, review of general Subdivision and site design falls under the jurisdiction of the Planning Commission. The purpose of good Subdivision site design is to protect the public health, safety and general welfare of the County and to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the County. To promote this purpose, these Subdivision Regulations shall set forth requirements for the manner in which streets, lots and other elements of a proposed Subdivision shall be arranged on the land. Improvements required by these Subdivision Regulations shall facilitate convenient and safe streets and usable lots, and shall reserve adequate space for public utilities, as well as recreational, institutional, and other public uses.

The development shall be designed to avoid adversely affecting groundwater and aquifer recharge, to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to provide adequate access to lots and sites.

#### **1105.02 SUITABILITY OF LAND.**

If the Planning Commission determines that land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslip potential, unstable subsurface conditions due to underground mining, hazardous waste contamination or other reasons and other such conditions which may endanger the health, life, safety, public welfare or property; and if by any public regulatory agencies concerned, it is determined that in the best interest of the public, the land should not be developed for the purpose proposed, the Planning Commission shall not approve the Subdivision unless appropriate and adequate methods for solving the problems are provided by the Developer.

- (a) Soils. The Planning Commission shall require a Developer to submit a detailed soils study in specified areas of a proposed Subdivision, where, as determined by the Summit Soil and Water or the County Engineer, existing soil conditions in a proposed Subdivision are severe and may require adjustments in design to compensate for existing conditions. This Study may be required as part of Preliminary Plan approval. The Study shall recommend corrective measures necessary to compensate for existing conditions in the proposed Subdivision and shall be reviewed and approved by Summit Soil and Water, the Department of Environmental Services, the Division of Building Standards and other relevant County Departments.

The following note may be required on the Final Plat to acknowledge development issues or restrictions: "Note: Prior to the construction of the footing/foundation for the building to be constructed on each of the lots, the builder of such building shall confer with the Division of Building Standards for the purpose of determining if special foundation and/or basement construction techniques and/ or materials are to be employed on such lot."

- (b) Flood Hazard. The FEMA Flood Insurance Rate Maps should be used to determine if land is in a flood area. The Developer shall show the 100-year flood boundary be shown on the topographic map for the Subdivision. 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 and the flood plain must be shown on the Preliminary Plans, Improvement Plans and Final Plat. 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 Insurance Rate Maps, or detailed engineering study. Furthermore, building areas are not encouraged in the Floodway Fringe.
- (c) Wetlands. All wetlands will be delineated by a qualified professional per Section 1104.04(c)(2)K. and the wetlands boundary and their associated setbacks identified on the Preliminary Plan. The full wetlands delineation study shall be completed and approved as part of the Improvement Plan Stage. The delineated wetlands and their associated setbacks and the Category 2 and/or Category 3 determination shall be identified on the Improvement Plans and the Final Plat. If the wetlands will be impacted in a manner exceeding the limits of current law, the Developer is responsible to contact the USACE and the OEPA, the two agencies having jurisdiction over wetlands. The Developer is responsible for securing wetland Development permits from the USACE and the OEPA. Summit Soil and Water has resources available to identify potential wetlands.
  - (1) Land to be subdivided or developed should be designed and improved in a way that impacts to wetlands are minimized. Grading or removal of vegetative cover is not permitted within thirty (30) feet of a Category 2 wetland, and fifty (50) feet of a Category 3 wetland, unless a Section 404 permit to fill has been obtained from the USACE and all permit approvals have been obtained from the OEPA. The required buffer setbacks should be placed in a no-build reserve on the Preliminary Plan, Final Plat, and Minor Subdivision drawings. A Conservation Easement should be developed and deeded over to a government agency, a qualifying conservation or historic preservation organization, or homeowner's association. Copies of all USACE and OEPA Wetland Permit Information and Mitigation Plans shall be forwarded to the Planning Commission, Staff, Summit Soil and Water, the County Engineer and appropriate Township.
  - (2) There are no wetland buffer setbacks required for Category 1 wetlands. This category of wetlands is defined by the OEPA as wetlands that have minimal habitat and minimal hydrologic and recreation functions. Category 2 wetlands are defined by the OEPA as wetlands that have moderate habitat or moderate hydrology and recreation functions. Category 3 wetlands are defined by the OEPA as wetlands that have superior habitat or superior hydrologic or recreation functions.
  - (3) If other local wetland ordinances or resolutions are adopted that would supersede state or federal regulations, then the most stringent of the wetland protection and buffering Regulations will apply.



- (d) Riparian Setbacks. Development shall be subject to the requirements of Chapter 937 of these Ordinances establishing Riparian Setbacks within the County of Summit. (See Appendix J, County of Summit Riparian Ordinance).

#### **1105.03 SUBDIVISION AND SITE DESIGN.**

Design of the Subdivision shall consider existing county, township and regional comprehensive plans and shall be based on analysis of site characteristics. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alterations of natural features and habitat to the extent consistent with the reasonable utilization of land and in accordance with state, local or federal regulations including but not limited to the following:

- (a) Unique or fragile areas, including wetlands, as may be defined in Section 404 of the Clean Water Act, as amended, and in OEPA standards.
- (b) Land in the Floodway and Floodway Fringe as identified and mapped using the FEMA's Flood Hazard Boundary Maps.
- (c) Steep slopes in excess of eighteen percent (18%) unless appropriate engineering measures concerning slope stability, erosion and resident safety are taken into account.
- (d) Habitats of endangered wildlife, as identified on federal and state lists.
- (e) Historically and culturally significant structures and sites, as listed on the National Register of Historic Places.
- (f) Land located within 100 feet of an existing oil or gas well, 200 feet from an existing tank battery and fifty (50) feet from a proposed street pavement edge to an existing oil or gas well and/or an existing tank battery shall remain undeveloped.
- (g) Riparian Setbacks per Chapter 937 of these Ordinances or applicable township zoning.

#### **1105.04 BLOCKS.**

- (a) Residential Block Lengths. The long dimension of a residential block shall not exceed one thousand five hundred (1,500) feet.
- (b) Commercial or Industrial Blocks. Blocks intended to be used for commercial or industrial purposes shall be designed specifically for such uses with adequate space set aside for off-street parking and loading facilities as required by the applicable zoning.

#### **1105.05 LOTS.**

- (a) Zoning Conformance. The lot size, width, depth, and the minimum Building Setback Lines shall conform to the minimum requirements of the existing Township Zoning Regulations.
- (b) Double-Frontage Lot. Lots shall be laid out so that there are no double-frontages except:
  - (1) where extreme conditions in elevation prevent access to the lot from one (1) of the streets;
  - (2) where it is necessary to separate residential lots from major arterial thoroughfares. Where double-frontage lots are created adjacent to arterial

thoroughfares, a minimum twenty (20) foot wide reserve strip along the arterial thoroughfares shall be deeded to the County of Summit. The Final Plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require buffering per Section 1106.06.

- (a) Lot Lines. Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow municipal, township and county boundary lines rather than cross them.
- (b) Lot Depth. No lot depth shall exceed four and one-half (4 1/2) times the lot width unless otherwise required by local zoning resolutions. The lot width shall be measured at the minimum building setback line. This also applies to Section 1103.03(a).
- (c) Access to Public Streets. Unless otherwise permitted herein, the subdividing of land whether as a Major or Minor Subdivision, shall provide each lot with a minimum of thirty (30) feet of continuous frontage on a dedicated street. Access to public streets shall comply with the Access Management Manual.

**1105.06 EASEMENTS.**

- (a) Easements in General. Adequate easements along rear or side lot lines shall be provided for utilities and drainage where necessary. A ten (10) foot easement on each front lot line for utilities is required.
- (b) Stormwater and Drainage Easements. A drainage easement shall be provided, where a Subdivision is traversed by a, new or improved ditch, storm sewers or detention and retention basins that were constructed as part of the development and post construction water quality practices. The easement width shall be a minimum of thirty (30) feet or as the County Engineer and Planning Commission may require. The easement width for the major (100-year) storm path shall be a minimum of thirty (30) feet wide. The easement width for the overland floodways shall be dependent upon the width of the channel plus any operational space deemed necessary by the County Engineer.
- (c) Fire Pond Easements. Easements shall be provided as may be required for fire ponds and related appurtenances.
- (d) Utility Lines. All utility lines shall be located underground.

**1105.07 MASTER GRADING PLAN REQUIREMENTS.**

- (a) Grading Plan. A master grading plan shall be a part of required Comprehensive Stormwater Management Plan and Improvement Plans for all Major Subdivisions and may be required for other proposals. This grading plan shall show contour lines at two (2) foot intervals, with stormwater best management practice details at one (1) foot intervals. Elevations are to be based on the NAVD88, and the grading plan shall show:
  - (1) Existing and proposed contour lines.
  - (2) Yard swales.
  - (3) Minimum building envelope and other spot elevations.
  - (4) Lot layout and lot dimensions.
  - (5) Finished grade of streets.

- (6) Stormwater management features and major storm routing path (if applicable, include fire pond).
- (b) Comprehensive Storm Water Management Plan.
  - (1) SWPPP. When the Developer intends to remove or disturb the natural topsoil, trees, and other vegetation, and/or add impervious surfaces, or where the Developer intends to change the surface contour of a proposed Subdivision, he/she shall prepare a SWPPP and have such plan approved by the Summit Soil and Water prior to the commencement of earthwork. The SWPPP shall be included in the improvement drawings and the Stormwater Management Plan. In general, erosion and sediment control work will consist of phasing construction, minimizing disturbed areas, timely application of temporary and permanent seeding, and the installation of temporary structural erosion and post-construction best management sediment control practices as specified in Chapter 941 of the Codified Ordinances of the County of Summit. The SWPPP shall also include the design of permanent structural and non-structural post construction water quality practices and their associated long term maintenance agreement. Summit Soil and Water has developed a check list to assist with the creation of the SWPPP which is included in Appendix L.
  - (2) Storm Water Management. When impervious surfaces are proposed for a development project, the Comprehensive Storm Water Management Plan shall include all structural and non-structural features that convey, detain, retain, infiltrate, and filter storm water runoff to manage and treat storm water runoff both as to quantity and quality from the development site as specified in Chapter 943 of the Codified Ordinances of the County of Summit and the Summit County Engineer's Stormwater Drainage Manual. Practices may include retention and detention basins, swales, ditches, storm sewer pipes and storm water inlets and post construction water quality practices.
  - (3) Inspection. The County Engineer and the Summit Soil and Water will have the work inspected to insure that the Developer has complied with the approved plans or necessary environmental conditions. Summit Soil and Water will provide site inspections to verify compliance with the SWPPP. Failure to comply with the plan may result in enforcement. The County Engineer may take necessary steps to provide corrective measures, and the cost of such services will be charged to the Developer. This does not relieve the Developer or contractor of any liability that may arise. No project will be released from Bond if there is failure to comply with an approved Comprehensive Stormwater Management Plan unless the Developer has performed cleanup and repair of damages. Final inspection requires all drainage facilities to be free of deposits from erosion, siltation and construction debris. The Preliminary Plan(s) for subsequent phases and proposed Final Plat(s) will be disapproved if there are compliance issues on any phase of a development. (Also refer to Inspection Requirements per Section 1110.07(c)).

## CHAPTER 1106

### Environmental and Landscaping Design

#### 1106.01 OPEN SPACE DEDICATION REQUIREMENTS.

- (a) The purpose of the Regulations are to set forth requirements to protect the public health, safety and welfare by providing for the park, Open Space and other such recreation needs of new residents by equitably apportioning the costs of providing sites for parks, recreation facilities, linear greenway and trail systems.
- (1) Dedication Requirement. The requirements of this section shall apply to Major Residential Subdivisions. Land dedications or permanent conservation easements shall be dedicated to Summit Metro Parks, Township Park District, Owners' Association, Land Trust, Board of Township Trustees or other public entity Land obtained under these requirements shall only be used for Open Space, parks, trails, playgrounds, play fields, swimming pools, or other passive or active recreational purposes.
- The land dedication requirement for Open Space, Parks and Recreation facilities shall be calculated in accordance with the following Table:

Table 1. Recreation Requirements

AVERAGE SIZE OF RESIDENTIAL LOT	PERCENTAGE OF TOTAL LAND IN SUBDIVISION TO BE RESERVED FOR RECREATION PURPOSES
80,000 sq. ft. & greater	1.5%
50,000 sq. ft.	2.5%
40,000 sq. ft.	3.0%
35,000 sq. ft.	3.5%
25,000 sq. ft.	5.0%
15,000 sq. ft.	8.0 %

- (2) Set-Aside Credits. In determining the amount of land to be set aside by Developers for recreational purposes, the following credits shall be given:
- A. Full acreage credit for Open Space areas preserved to be used in fulfilling the Major Subdivision Park and Open Space land dedication requirements.
  - B. Full acreage credit to be used in fulfilling their Major Subdivision Park and Open Space land dedication requirements for Riparian Setback Areas protected through conservation easements or donated to a Public Parks System.
  - C. Full credit shall be given for trails, linear parks and greenways the Planning Commission may require as a condition of Final Plat approval the dedication of multi-purpose trails and linear parks.

- D. Credit may be included for stormwater retention wet ponds and/ or fire ponds that are incorporated in Park and Open Space land dedication provided that such areas or facilities are safe, accessible and useable as community amenities by the public or residents of the Subdivision (e.g., picnic areas, playgrounds, ponds for fishing and/or boating).
- E. Full credit shall be given for the preservation of Category 2 and Category 3 wetlands with required buffers. Category 1 wetlands shall be calculated at a maximum eighty percent (80%) set aside credit. (Refer to Section 1105.02(c)(2) for description of wetlands categories).

#### **1106.02 DESIGN CONSIDERATIONS.**

Land set aside for Park and Open Space uses shall meet the following design criteria:

- (a) Open Space land shall front onto a road in the Subdivision for a distance of at least fifty (50) feet unless part of a greenway or trail connection. This requirement shall be waived if the Open Space shall adjoin and become a part of an already existing adjacent Park or Open Space area which is accessible from a public street.
- (b) Open Space land shall be compact and contiguous unless the land shall be used as continuation of an existing trail or linear park or specific topographic features require a different configuration. An example of such topographic features would be the provision of Open Space along a scenic creek or stream.
- (c) When land required to be dedicated or set aside is less than three (3) acres in size, at the discretion of the Planning Commission, the Open Space land may be located at a suitable place on the periphery of the Subdivision or land development so a more usable tract will result when additional Open Space land is obtained or set aside when adjacent land is developed.
- (d) When Park and Open Space land exists adjacent to the tract to be subdivided or developed, Open Space land shall, to the maximum extent feasible, be located to adjoin and enlarge the presently existing Park and Open Space land.
- (e) When a Preliminary Plan includes multiple phases, each separate phase must contain a proportionate amount of required Open Space unless the Open Space for all phases is being recorded in the first phase Final Plat.

#### **1106.03 FEE-IN-LIEU OF DEDICATION.**

As an alternative to dedicating land per Section 1106.01(a)(1), and only with the approval of the Planning Commission, the Developer may pay a fee-in-lieu of the Dedication.

- (a) Criteria.
  - (1) A useable parcel of land does not exist in the subject Subdivision or for some other reason, land dedication is inappropriate or infeasible; or
  - (2) Summit Metro Parks, or other public recreation agency with authority in the Subdivision, recommends the payment of a fee-in-lieu of land dedication.
  - (3) The fee-in-lieu of land dedication amount shall be determined as follows:

- (4) Fee –in-lieu of = Land area that would otherwise X Fair Market Value land dedication be required to be provided as determined by Section 1106.01 of this Section.
- (5) Fair Market Value shall equal the average value per acre of all land in the proposed Subdivision in its raw undeveloped state as determined by one of the following procedures:
  - A. The current per acre land transaction price of the Subdivision property as recorded or as stated in the Option to Purchase Agreement, provided the land transaction or Agreement is less than two (2) years old at the time of Final Plat filing for the first phase of the Subdivision, or
  - B. The current per acre land value as determined by a professional appraiser selected by the Planning Commission approved and paid for by the Developer. If an appraisal is to be done as part of calculating the Fair Market Value; then this appraisal shall be submitted at the time of Preliminary Plan review by the Developers.
- (b) Parks and Recreation Fund.
  - (1) A fee-in-lieu of a land dedication, per Section 1106.01(c), shall be paid to the Planning Commission after approving the Final Plat for the first phase of a Subdivision along with the Performance and/or Maintenance Bond, before the plat is recorded. The fee in-lieu of land dedication monies shall be deposited in a special fund administered by the County Fiscal Officer entitled “Parks and Recreation Fund.” The County Fiscal Officer shall have a separate account for these funds for each Township, and track these funds by Subdivision in each Township.

Such “Parks and Recreation Fund” monies shall be used only for the acquisition or development of public land for parks, playgrounds, trails, greenways, nature preserves, recreational facilities, open space, or for the retirement of debt incurred for such purposes.

- (2) Funds generated through development of a particular Subdivision must be applied within five (5) years of receipt by the Planning Commission for eligible uses that will benefit the Subdivision for which the fee was collected. The designated agent of the Township in which the “Parks and Recreation Fund” was created shall make written request to the Planning Commission Staff to place a request to appropriate all or some portion of monies from a “Parks and Recreation Fund” created hereunder on the agenda of the Planning Commission. The Township written request shall state reasonably specific reasons for the request including but not limited to the amount of money requested, the intended use for the requested funds, the governmental authority who has oversight jurisdiction for any proposed project or is legally responsible for administration of any released funds, the location of the dedicated recreational land to be improved or acquired and the contemplated date of project completion. The Planning Commission shall then approve, disapprove or conditionally

approve the request to appropriate monies from a “Parks and Recreation Fund” by formal vote. If the request to appropriate is approved or conditionally approved, the Planning Commission’s motion shall direct the County Fiscal Officer on how these funds will be distributed to benefit the new Subdivision residents in the Township.

- (3) Prohibition. No Final Plat shall be signed by the County and recorded by the Developer unless and until a deed for conveyance of a park, recreation or open space reserve has been reviewed and approved by the County legal counsel Department of Law or in the case of a fee-in-lieu of dedication, the fee payment has been fully deposited into the Parks and Recreation Fund account.

**1106.04 OWNERSHIP AND MAINTENANCE OF OPEN SPACE.**

- (a) Provisions for Ownership. The Planning Commission will review the form of ownership being proposed for any permanently protected Open Space, or Common Areas (including areas reserved for designated public use). The type of ownership may include:
  - (1) Dedicated to a public entity, subject to the entity’s acceptance;
  - (2) Owned jointly or in common by the owners with an Owners’ Association;
  - (3) Owned by a quasi-public organization, such as a non-profit land trust.
- (b) Prohibition of Further Subdivision of Restricted Open Space. Any lands dedicated for Open Space, park or other public purpose in a residential Subdivision (including conventional or planned residential developments) shall have appropriate covenants, bylaws, conservation easements and/ or deed restrictions reviewed and approved by the County Department of Law and filed with the Final Plat and recorded with the County ensuring that:
  - (1) The Open Space, park, or other public purpose area will not be further subdivided in the future;
  - (2) The use of the Open Space, park or other public purpose land will continue in perpetuity for the purpose specified;
  - (3) Appropriate provisions will be made for the maintenance, repair and liability of the Open Space, park or other public purpose area;
  - (4) Common undeveloped Open Space or park land shall not be turned into a commercial enterprise admitting the general public for a fee;
  - (5) Homeowners in the development shall have adequate access to the Open Space, park or other public purpose land.
- (c) Maintenance by Owners’ Association. If an Owners’ Association is established for the ownership and maintenance of Open Space, the Owners’ Association Agreement must guarantee the continuing maintenance, repair and liability for the Open Space. The Owners’ Association shall be established before any lot/parcel in the Subdivision is sold or any dwelling unit is occupied. As each lot/parcel is sold, the purchaser must become a member of the Owners’ Association and this membership shall be written into the deed and run with the land in perpetuity. The Owners’ Association Agreement must be submitted to the Planning Commission for review prior to or in conjunction with submission of the Final Plat. The

Owners' Association's covenants, restrictions and bylaws, shall be filed with the Final Plat and recorded with the Fiscal Office.

- (1) Specific Provisions in Owners' Agreement.
    - A. Owners' Association must be responsible and accept liability for construction, repair and maintenance, including cost thereof, insurance and taxes on Open Areas.
    - B. Owners' Association must agree to defend, indemnify and hold harmless all governmental bodies for any and all claims of any kind that may arise related to the Common Areas.
  - (2) Draft Agreement must be submitted to the Planning Commission at the Preliminary Plan stage.
- (d) Maintenance of Open Space Areas. The owners of the Development property as approved in Section 1106.04(f) above shall be responsible for maintenance, repair and liability of all Open Space and park land. An Owners' Association may be established for the purpose of permanently maintaining, repairing and being liable for all Open Space and non-commercial recreation facilities. Such Owner Association agreements, guaranteeing continuing maintenance, repair and liability shall be submitted to the Planning Commission for approval prior to the issuance of any Subdivision Final Plat approvals. (See also Section 1106.04(d), Owners' Association).
- (e) Owners' Association. An Owners' Association is a viable tool for owning and maintaining various aspects of a Subdivision including but not limited to, Common Areas and Open Space, private roads and sidewalks/walkways and landscape elements (e.g. gateways, buffers,) Planned Residential Developments with any private streets shall provide for the establishment of an Owners' Association as part of Preliminary Plan and Final Plat approval.
- (1) Roles and Responsibilities – Permanently protected Open Space created through the Subdivision process shall remain undivided and may be owned and managed by an Owners' Association. The Owners' Association shall be responsible and liable for any and all construction, repair, replacement, maintenance, insurance, taxes and costs of any kind or nature on Common Areas including but not limited to: Open Space, recreation facilities, private roads and private community water and sewer systems. The Owners' Association shall indemnify, defend and hold harmless all governmental bodies for any and all claims of any kind or nature that may arise or are related to the Common Areas.
  - (2) A preliminary document including bylaws shall be submitted by the Developer at the Preliminary Plan Stage. If open space is owned and maintained by a Home Owners' Association, the Developer shall file a declaration of Covenants, Restrictions and bylaws that will govern the association, to be submitted with the application for Preliminary Plan approval. The provisions shall include but are not necessarily limited to the following. The Owners' Association shall be established before any lot/parcel in the Subdivision is sold or any dwelling unit is occupied. Once established, the Owners' Association shall maintain and exercise control over Common Areas, Open Space and facilities. As each lot/parcel



is sold, the purchaser must become a member of the Owners' Association and this membership shall be written into the deed and run with the land in perpetuity. Owners' must pay a pro rate share of required costs and any assessment levied by the Owners' Association can become a lien on the property if not paid. These covenants and restrictions and bylaws, shall be filed with the Final Plat and recorded with the Fiscal Office.

#### **1106.05 PUBLIC FACILITIES, OPEN SPACE AND RECREATION.**

Public Facilities. When land in a Major Residential Subdivision has been identified as the site for a public park, school or other public facility as part of an adopted comprehensive land use, parks or facility master plan, the Planning Commission shall have the option to require that the land be reserved in the Final Plat if the public body charged with the responsibility for the designated public use submits a written request to the Planning Commission for reservation of the land. This request shall not duplicate a dedication requirement of Section 1106.01. Land Reservations shall terminate and be null or void, if the reserved land is not purchased by the end of a two year period and it shall revert in ownership to the Developer. The two year reservation and purchase period shall be specified on the recorded Final Plat.

#### **1106.06 BUFFERING.**

Buffering is the provision of an area between different land uses that minimizes negative environmental impacts. Buffers shall provide visual screening in order to minimize land use conflicts. A buffer may consist of fencing, evergreens, berms, rocks, boulders, mounds or combinations thereof to achieve the same objective. Buffering may be required when the Planning Commission determines that there is a need to:

- (a) Shield neighboring properties from any adverse external effects of a Development.
- (b) Shield the Development from negative impacts of adjacent uses such as streets or railroads.

#### **1106.07 LANDSCAPE PLAN.**

An overall Landscape Plan as approved by the local Township shall be submitted for all Major Subdivisions for the Planning Commission to review. The Landscape Plan shall be designed by a registered landscape architect. The Landscape Plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as rock outcroppings and other landscaping elements. Landscaping shall be provided at the entrance(s) to the Subdivision and adjacent to the Subdivision streets inside or outside of the right-of-way as determined by consultation with the Township. Where existing plants and trees are to be retained, the Landscape Plan shall include proposed methods of protecting them during construction. The character of the landscape design shall be agreed upon at the Concept Plan Stage review meeting.

- (a) Native Plants and Prohibited Species. All Landscape Plans should incorporate at least thirty percent (30%) of native trees, shrubs and grasses into the plant materials to provide habitat for local flora and fauna and reduce irrigation needs. Landscape Plans shall not utilize species that are included on the list of prohibited species found in Appendix K.
- (b) Low Impact Design. The use of low impact design and other innovative measures to manage stormwater are encouraged. Certain measures can implement the

principles of low impact design including bioswales, rain gardens, rain barrels, green roofs, permeable and porous pavements. The use of low impact design measures are encouraged where appropriate because they are sustainable measures that use natural hydrologic features to manage water.

**1106.08 ON-SITE LIGHTING.**

Preliminary Plans and Final Plats shall include—location of on-site lighting and drawings of special cut-off type fixtures if used. Residential street lighting requirements, if any, shall be determined in consultation with the local Township.

- (a) Lighting Standards. On-site lighting shall be governed by the following standards:
  - (1) External light fixtures including pole or wall mounted, and parking lot lighting shall be cut-off type fixtures of similar type and style.
  - (2) All light fixtures chosen shall minimize glare and light trespass onto adjacent properties.
  - (3) Accent lighting of buildings or landscaping shall be permitted from concealed cut-off type fixtures.
  - (4) On site lighting standards shall be filed with the Final Plat.
- (b) Commercial and Industrial Lighting. For commercial and industrial Subdivisions, on-site lighting shall not trespass beyond property lines and shall be so designed as to eliminate light pollution occurring off-site. Lighting shall be classified into the following three types, all of which should be incorporated into commercial and industrial sites: pedestrian lighting; private parking lighting; and public street lighting.

## **CHAPTER 1107**

### **Subdivision Standards for Planned Residential Developments**

#### **1107.01 GENERAL.**

Township Zoning approval of a Planned Residential Development does not constitute either preliminary or final Subdivision approval.

Planned Residential Developments, also known as Planned Unit Developments or Conservation Developments are separate entities with a distinct character and which are intended to be in harmony with surrounding developments. The project must clearly demonstrate that natural features and substantial Open Space is being preserved, that amenities are being provided which would enhance the livability of the project and that can only be achieved as a Planned Residential Development and such attributes of the project could not be achieved with strict adherence to these Subdivision Regulations.

The purpose of a Planned Residential Development is to promote the following goals:

- (a) Minimize development on and destruction of sensitive natural resource areas;
- (b) Reduce the quantity and improve the quality of storm water runoff from expected development;
- (c) Maintain natural characteristics (such as woods, hedgerows, natural vegetation, wetlands, meadows, slopes and streams);
- (d) Reduce the amount of disturbed land, and the conversion of natural areas to landscaped areas for lawns; and
- (e) Maintain a traditional rural settlement pattern characterized by compact groups of development in otherwise wide-open spaces.

#### **1107.02 STANDARDS.**

A major element of the Planned Residential Development is privately owned or publicly owned Common areas and Open Space in the Development. Homeowners need to have adequate access to the Common Open Space being preserved. These developments usually contain such features as an internal park network abutting home sites, recreation facilities, and preservation of natural amenities.

Planned Residential Developments may be exempted from the conventional development standards of these Subdivision Regulations only upon proper justification and approval as set forth herein.

The design of internal circulation systems shall be sensitive to such points as safety, convenience, access to dwelling units and nonresidential facilities, separation of vehicular and pedestrian-bicycle traffic, and general attractiveness. Internal streets shall be adequate to carry anticipated traffic and yet provide convenient and safe access in accordance with the standards set forth herein.

#### **1107.03 PRIVATE STREETS.**

Private local streets may be allowed in Planned Residential Developments after review and approval by both the County Engineer and Planning Commission and provided that the local Township Zoning Resolution provides for such private streets. These private streets must meet the County approved construction and inspection standards per Section 1107.03(a).

Collector streets in Planned Residential Developments shall be publicly dedicated streets and conform to the appropriate design standards. The Planning Commission may also require certain streets within Planned Residential Developments to be publicly dedicated if the Planning Commission determines that the project density necessitates the use of public streets and that traffic connections are required to adjacent plats or developments for adequate traffic circulation.

- (a) Planned Residential Development Private and Public Street Standards. All public and private streets must comply with the County Engineer design and pavement composition standards as well as the following requirements. The construction of these streets will require inspection pursuant to Section 1110.07(c) and Performance and Maintenance Bonding pursuant to Section 1110.04. Private streets may be permitted in Planned Residential Developments provided they meet the following requirements:
- (1) Loop or cul-de-sac streets in Planned Residential Developments that are less than 250 feet in length and have ten or fewer dwelling units occupying the street will be permitted to be private. The design of these streets shall provide for emergency vehicle access.
  - (2) Access roads such as loop streets or cul-de-sacs within a Planned Residential Development that are low volume traffic streets (Average Daily Traffic of 200 vehicles or less) will be permitted to be private in accordance with these Subdivision Regulations. The following standards also apply to public streets.
    - A. These public and private streets will be required to meet a 25-MPH design speed, and 175 minimum foot centerline radius and in accordance to the County Engineer Specs and Details.
    - B. Centerline radii less than 175 feet may be approved for low volume loop type streets or cul-de-sacs upon review and written approval by the County Engineer.
    - C. For roadways, drainage and utility easements, a fifty (50) foot dedicated easement shall be granted to the Owners' Association. The purpose of the easements should be stated on the Plat. If a public street, there must be fifty (50) feet of dedicated right-of-way.
    - D. A paved snow collection area adjacent to the private street and separate from the residential unit driveways in the Planned Residential Development shall be provided for storage of snow plowed from the roadway. The size of the parking area shall be a minimum of twenty percent (20%) of the private roadway surface area.
  - (3) Any street within a Planned Residential Development that has or is projected to have an Average Daily Traffic exceeding 200 vehicles and is a Light-Medium Traffic Local Road as classified in the County Engineer Specs and Details, Table 1 may be permitted to be private in accordance with these Subdivision Regulations. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development. The following standards also apply to public streets.

- A. These roads will be required to meet a 30-MPH design speed, and 250 foot centerline radius.
  - B. A fifty (50) foot dedicated easement shall be granted to the Owners' Association. If a public street, there must be fifty (50) feet of dedicated right-of-way. The purpose of the easement should be stated on the Plat.
- (b) Private Street Requirements. In all cases where private streets are permitted per these Subdivision Regulations an Owner's Association shall be formed to control and maintain the streets as specified in Section 1106.04(i). Staff shall verify that submitted Owners' Association documents have been properly filed with the appropriate government bodies and shall be recorded on the Subdivision Plat. The approval of a private street does not provide for or imply responsibility for construction, repair, replacement, or maintenance, (including but not limited to: snow or ice removal, dust control, drainage, mowing, tree trimming, etc.) of any private street by any government body. All responsibility and liability remains with the Owners' Association and owners of the lots served by the private street. Deed restrictions for private streets are required to include the following language:
- The undersigned grantee (s) hereby acknowledge (s) that (he, she) understand that the premises described herein is located on a private non-dedicated street. The Owners' Association is responsible or liable for the care, repair, replacement, snow or ice removal, dust control, drainage, mowing, tree trimming, or maintenance of said private street. The Owners' Association for such Development shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the private street.

#### **1107.04      SIDEWALKS/WALKWAYS AND PEDESTRIAN ACCESS.**

A pedestrian circulation system should be designed to assure that pedestrians can walk safely and easily on a site, between properties and activities or special features within the neighborhood open space system.

Sidewalks/walkways should connect with off road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

The sidewalks/walkways shall be maintained by the Owners' Association, or other maintenance arrangement approved by the Planning Commission, with input from the local Township. Sidewalks shall be constructed in accordance with the ADA and the County Engineer's Specs and Details. Deed restrictions for sidewalks/walkways are required to include the following language:

No governmental body is responsible or liable for the care, repair, replacement or maintenance of said sidewalks/walkways. The Owners' Association for such Development shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the sidewalks/ walkways.

**1107.05 STAGING OF RESIDENTIAL PLANNED DEVELOPMENT.**

Each stage of a Planned Residential Development must be so designed to stand independently of future related stages in the event future stages are not constructed. The construction and provision of all of the Common Open Spaces and public and recreational facilities shown on the Final Plat must proceed at the same rate as the construction of dwelling units.

**1107.06 OPEN SPACE AND RECREATION FACILITIES.**

For requirements regarding Open Space and Recreation Facilities refer to Section Chapter 1106, Environmental and Landscaping Design.

**1107.07 EASEMENTS.**

For requirements regarding utility and drainage easements, refer to Section 1105.06.

## **CHAPTER 1108**

### **Street Design and Construction Standards**

#### **1108.01 GENERAL PURPOSE.**

The arrangement, character, extent, width, and location of all streets shall conform to the Summit County General Land Use Development Plan. Proposed streets and public access to adjacent unplatted lands shall be designed so that the entire area can be served with a coordinated public street system. The street system of a proposed Subdivision shall be designed to coordinate with existing, proposed and planned streets outside of the Subdivision.

All streets must be designed and constructed to the County Engineer Specs and Details and comply with the Access Management Manual. The width of right-of-way is to be provided so that all underground utilities can be located outside of pavement areas.

#### **1108.02 STREET PLANNING PRINCIPLES.**

- (a) Streets shall be designed so that building sites are at grades that facilitate optimum drainage patterns.
- (b) Street systems shall be designed to permit efficient drainage and utility systems, and shall consist of only the minimum number of streets necessary to provide convenient and safe access to property.
- (c) The use of curvilinear, U-shaped or loop streets and cul-de-sacs are suitable in residential areas.
- (d) All streets shall be properly related to the pattern of existing and proposed land uses.
- (e) In commercial and industrial development, streets and other access ways shall be planned to coordinate with the groups of buildings and the location of rail facilities. Access ways, truck loading and maneuvering areas, including walks and parking areas, shall be provided to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle. Sidewalks shall be constructed in accordance with the ADA and all other applicable regulations.
- (f) Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on residential streets. The intersection of parking lot driveways with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on those streets.
- (g) In industrial subdivisions, streets shall be planned to serve industrial areas exclusively and shall connect with arterial or principal collector streets so that no industrial traffic will be directed onto any residential streets.
- (h) There shall be a minimum separation of three hundred (300) feet between intersections.
- (i) Any oil or gas well and/or tank battery shall not encroach upon the right-of-way of a proposed road.
- (j) Road construction shall be in accordance with the County Engineer Specs and Details.

### 1108.03 ACCESS LIMITATIONS.

Where a Subdivision borders on or contains an existing or proposed arterial street the Planning Commission may require that access to such streets be limited by means such as the following:

- (a) Shared access points to the public right-of-way. (See Figure 1)
- (b) A series of U-shaped streets, short loops or cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the principal arterial street.
- (c) A marginal access or service road separated from the principal arterial street by a planting or grass strip and having access thereto at suitable points.
- (d) Dedicated access easements for future service road.
- (e) The subdivision of land into lots so that they back onto the principal arterial street and front onto a parallel local street. No access to individual lots shall be provided from the principal arterial street, and a safety buffer shall be provided in a strip along the rear property line of such lots. (See Figure 2)

FIGURE 1

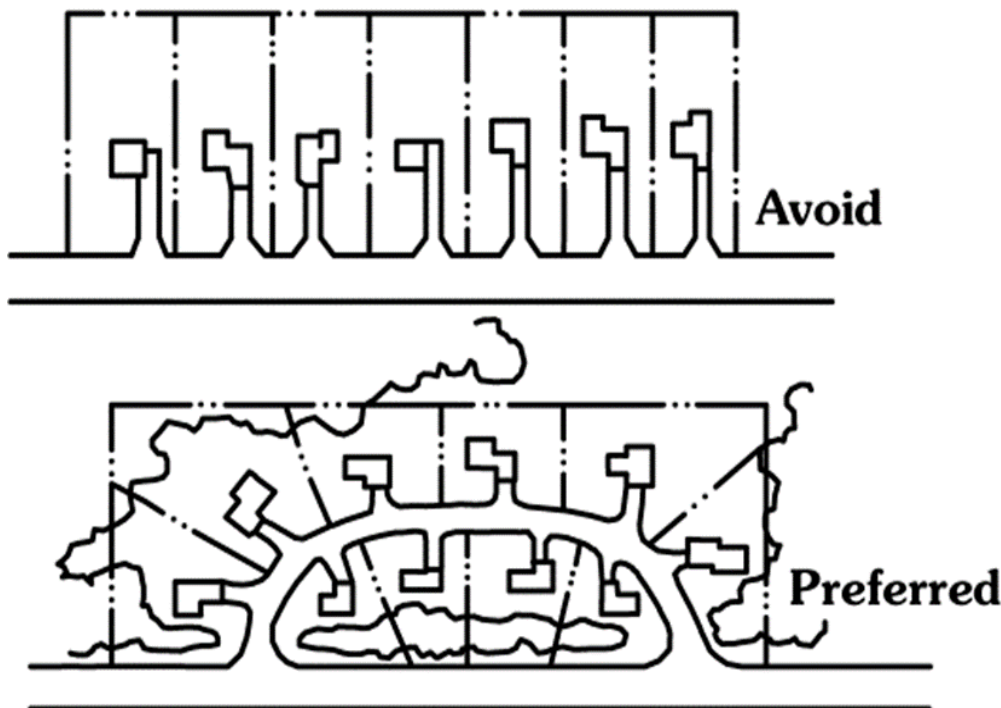
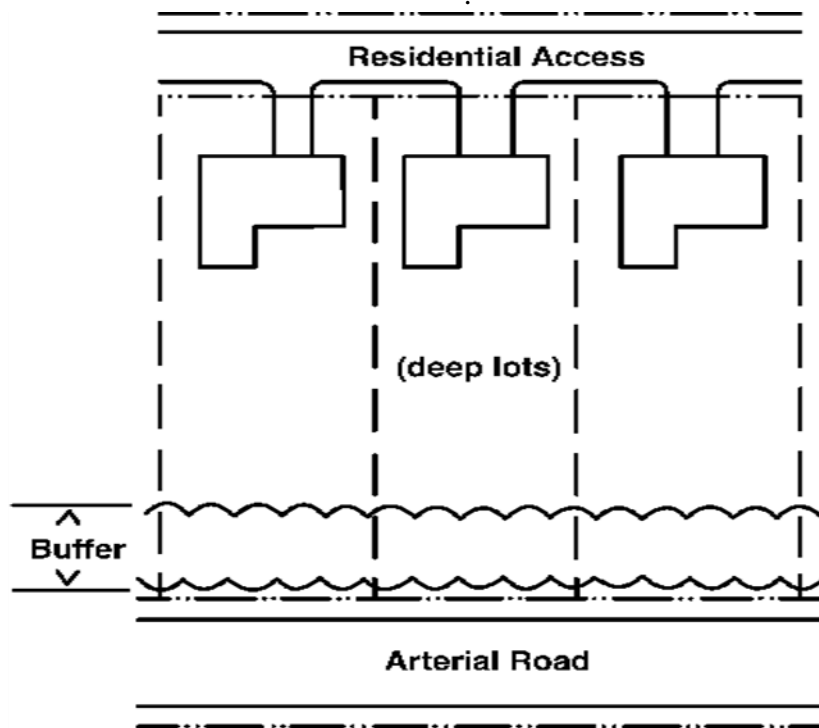




FIGURE 2



#### 1108.04 TRAFFIC IMPACT STUDY.

The Developer shall comply with the access management standards of the County Engineer as set forth in the County Engineer Specs and Details. Access systems shall be properly designed so thoroughfares will be able to accommodate the access needs of continued development while retaining their primary transportation function. To achieve this policy intent, a Traffic Impact Study will be required for Subdivisions which have access off County roads. This study will evaluate the effect of Subdivision traffic with regard to access management along the frontage of County Roads and adjacent intersections and address what type of traffic improvements such as left turn lanes, right turn lanes, traffic signals, acceleration and deceleration lanes will be required. The County Engineer has the authority to waive the Traffic Impact Study based upon the existing traffic volume and Subdivision size.

The Traffic Impact Study shall be conducted in accordance with the standards of the County Engineer as set forth in the County Engineer Specs and Details.

**1108.05 PUBLIC STREET RIGHT-OF-WAY WIDTHS AND GRADES.**

(Refer to County Engineer Specs and Details for typical roadway sections).

PUBLIC RIGHT OF WAY WIDTH,  
MAXIMUM AND MINIMUM GRADES  
POSTED SPEED, DESIGN SPEED AND MINIMUM CENTERLINE RADIUS

CLASSIFICATION	MINIMUM RIGHT OF WAY * WIDTH (FEET)	PAVEMENT WIDTH (FEET)		GRADE		POSTED SPEED (MPH)	MAXIMUM DESIGN SPEED (MPH)	MINIMUM CENTERLINE RADIUS (FEET)
		CURB	NO CURB	MAX.	MIN.			
ARTERIAL STREET	80'	28'	24'	6%	0.5%	55	60	1200'
COLLECTOR STREET								
Commercial & Industrial	70'	30'	26'	6%	0.5%	45 35	50 40	800' 500'
Residential	60'	28'	24'	8%	0.5%	45 35	50 40	800' 500'
LOCAL								
Residential, Light Traffic	50'	24'	22'	10%	0.5%	25	30	250'
Res., Medium Traffic	50'	26'	24'	8%	0.5%	25	30	250'
Commercial & Industrial	60'	30'	26'	6%	0.5%	25	30	250'
Emergency Access	40'	20'	18'	15%	0.5%	--	25	150'

- (1) There shall be an additional minimum ten (10) foot wide utility easement adjacent to the proposed right of way lines on both sides of the street.
- (2) Between reverse curves there shall be a tangent at least 100 feet in length.
- (3) A residential, light traffic road is a dead end or cul-de-sac street serving less than 25 sub-lots.

**1108.06 STREET DESIGN STANDARDS.**

All construction pertaining to roads, drainage and underground utilities shall conform with the latest edition of the "Access Management Manual," the County Engineer Specs and Details and the Latest Edition of the "State of Ohio Department of Transportation Construction and Material Specifications", except as modified or otherwise specified herein.

- (a) Local Streets. Local streets shall provide direct and full access to each lot and shall be designed so that their use by through traffic will be discouraged. The street system shall be so designed that all proposed streets shall be in general conformity with a plan for the most advantageous development of the entire neighborhood. The streets shall be extended to the boundaries of the tract to be recorded unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not necessary or desirable for the coordination of the layout of the Subdivision with the development of adjacent tracts. Dead-end streets or cul-de-sacs will be approved only when necessitated by topography or other physical conditions or where they

are appropriate for the type of development contemplated. For fire and safety emergency access purposes each lot in a Major Subdivision may be required to have two (2) means of access. The emergency access issue will be reviewed at the Concept Plan Stage (See Section 1103.07(b)) to determine a solution).

- (b) Parallel Streets. Parallel Streets (e.g. access or service road) may be required along an existing or proposed major arterial thoroughfare to provide access to lots along such major arterial thoroughfares.

These specifications and details are for average soil conditions. Where in the opinion of the County Engineer, soil conditions are below average, the County Engineer may require the Developer to submit a soil study and adjustments in design to conform with the conditions. Where in the opinion of the Developer and/or the agent of the Developer, soil conditions are above average, he may submit a soil study to the County Engineer for the consideration of adjustments in design to conform with conditions.

The County Engineer may also require adjustments in design to conform with special conditions inherent within a particular subdivision, such as, but not limited to wetlands, quicksand, springs, and landslides.

#### **1108.07 GEOMETRIC DESIGN.**

The geometric design of roads in Subdivisions shall conform with the Access Management Manual and the following:

- (a) Sight Distance. All Subdivision roads and roads intersecting an existing state, county and township roadway must have proper sight distance. The requirements for sight distance are in the County Engineer Specs and Details
- (b) Right-of-Way Widths. The minimum right-of-way width for all Subdivisions shall be as shown in Table 1.

This minimum width shall be increased by easements where and to the extent the County Engineer deems it necessary to conform with topographic, construction and drainage features. The right-of-way shall be cleared of all obstructions unless otherwise approved by the County Engineer.

- (c) Pavement Width. The pavement width for each road class shall be as shown in Table 1 and in the County Engineer Specs and Details.
- (d) Location of Utilities Within a Dedicated Public Right-of-Way. All main line utilities shall be located outside of the pavement structure to insure the safety of the traveling public from hazards such as: settlement of the trench from poor compaction, repairs to the main line, service connections and general maintenance. When conflicts arise with other utilities, the geometry of the proposed road, or other conditions; limited sections of utilities will be considered for placement underneath the pavement structure. The layout of these utilities will be reviewed on a case by case basis and must be given approval prior to final design.
- (e) Shoulders, Ditches and Slopes. The minimum requirements for shoulders, ditches and slopes shall be as shown in the typical sections of the County Engineer Specs and Details.
- (f) Street Intersections. No more than four (4) road legs will be permitted at any intersection. Road intersections shall be at ninety (90) degrees where practical, but in no case less than seventy (70) degrees. Each intersecting road shall have a

tangent distance of at least one hundred (100) feet for local roads or a curve with a minimum fourteen hundred (1,400) foot radius, and two hundred (200) feet for collector roads or a curve with a minimum of nineteen hundred (1,900) foot radius. Roads intersecting another road from opposite sides shall be at least three hundred (300) feet apart, measured between centerlines. The minimum radius of right-of-way lines and pavement at intersection corners shall be twenty-five (25) feet. Drainage should be directed away from the intersection as shown in Figure 401-2 of the ODOT Location and Design Manual, Volume 1. Street jogs with centerline offsets shall be prohibited unless specifically approved by the Planning Commission and County Engineer.

- (g) Horizontal Alignment. At the Point of Intersection or tangent Intersection, curves shall be installed having minimum radii as shown on Table 1.
- (h) Vertical Alignments. Maximum and Minimum Grades for roads shall be as shown on Table 1. The minimum grade for roadside ditches shall be greater than or equal to 0.5%. Simple parabolic vertical curves shall be used to effect a gradual change between tangent grades where the algebraic difference of grades in percent is greater than 0.5%.

#### **1108.08 HALF STREETS.**

Half streets shall be prohibited except where there is an existing half street adjacent to the Subdivision, in which case the remaining half of the street shall be constructed and platted.

#### **1108.09 BOULEVARDS AND ROADWAY ISLANDS.**

Boulevards and Roadway Islands shall meet Township approval. Refer to Section 1108.11 with regard to ADA compliance. No portion of the Roadway Island shall be located within county highway right of way.

#### **1108.10 CUL-DE-SAC AND DEAD-END STREETS.**

- (a) A residential street designed to be a permanent cul-de-sac, which contains central water service and fire hydrants for its full length, may serve up to twenty-five (25) lots; otherwise a permanent cul-de-sac shall not be longer than one thousand (1,000) feet in residential areas. In commercial/industrial parks cul-de-sacs shall not be longer than one thousand three hundred (1,300) feet.
- (b) Permanent cul-de-sacs shall be provided at the closed end with a paved turnaround:
  - (1) Those without center islands shall have an outside pavement radius of at least forty-five (45) feet and a street right-of-way line radius of at least sixty (60) feet or, such greater dimension as agreed upon by the Developer, the Township and the County Engineer.
  - (2) Those with center islands shall have an outside pavement radius of at least fifty (50) feet and a street right-of-way line radius of at least sixty-five (65) feet or, such greater dimension as agreed upon by the Developer, the Township and the County Engineer.
- (c) Interior streets terminating at the allotment boundary and subject to possible future extension shall be provided with a temporary cul-de-sac with a turnaround having the same radii as required for permanent cul-de-sacs and built to

permanent road construction standards until such time as the road is extended and excess right-of-way is released to adjacent landowners. The cul-de-sac shall be in the nature of a turning circle constructed on a temporary easement over the premises included in said turning circle, but beyond the right-of-way boundaries of the street proper and shall cease to exist and shall be eliminated when said street is legally extended by dedication.

The easement shall be of sufficient dimensions to include the required turning circle radii and all ditches, drains, and pipes required to drain the turnaround properly. The easement must be shown on the Improvement Plans and record Final Plat as required by the County Engineer. The Developer that extends the street is required to remove the temporary cul-de-sac and restore the disturbed property.

- (d) If a dead-end street extends only the depth of the corner lot past a street intersection, no turnaround will be required. Developers shall be required to provide a two (2) foot reservation strip in the name of the County of Summit at the end of all dead-end streets. This strip will become public highway only upon extension of the dedicated street.

#### **1108.11 SIDEWALKS/WALKWAYS.**

- (a) The Planning Commission may require sidewalks/walkways where the Planning Commission or County Engineer determines that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary (after consultation with the Township in which the Subdivision is located). Appropriate easements for the construction of sidewalks/walkways shall be obtained. These easements shall be indicated on the Preliminary Plan and Final Plat.

Maintenance of the sidewalk/walkway shall be included in the Development Agreement and/or the Owner's Association agreement.

- (b) Along arterial and collector streets, sidewalks/walkways shall be a minimum of six (6) feet in width. Along local streets, sidewalks/walkways shall be a minimum of four (4) feet in width. If serving as a bike path, the sidewalk/walkway shall be a minimum of eight (8) feet in width.
- (c) Sidewalks/walkways shall be constructed to the standards shown in the County Engineer Specs and Details, and shall be located where possible, outside any road right-of-way. A ramp with nonslip surface shall be built into the curb at each pedestrian crosswalk so that sidewalk/walkway and street blend to a common level. Such ramps shall be constructed in accordance with the ADA and all other applicable regulations.
- (d) Paving, fencing, and other similar improvements may be required by the Planning Commission.

#### **1108.12 BIKE PATHS AND TRAILS.**

- (a) In order to facilitate bicycle access from roads to schools, parks, playgrounds or other nearby roads, the Planning Commission may require unobstructed easements at a minimum width of 15 feet for bike\_paths and/or trails. A larger

easement width may be required by the County Engineer for maintenance purposes.

- (b) Right-of-way or easements for bicycle paths and trails shall be required if such paths or trails have been specified as part of a Township Plan or as part of a local or regional bikeway or trails Greenways Plan adopted by the Planning Commission. These easements shall be indicated on the Preliminary Plan and Final Plat. Maintenance of the bike path/easement shall be included in the Developer Agreement and/or the Owners' Association Agreement.

**1108.13 ORNAMENTAL CONSTRUCTION.**

The Developer shall not install a decorative fence or other ornamental construction within the right-of-way limits.

**1108.14 DRIVES AND DRIVEWAY CULVERTS.**

- (a) Along a County Highway: a road opening permit is required from the County Engineer, and the County Engineer specifications must be met. In addition, a separate Summit County Bond may be required.
- (b) Along a Township Street: approval and/or permit is required from the Township. A Township Bond may be required, and Township specifications must be met.

**1108.15 GUARDRAIL.**

Guardrail shall be designed as required by the ODOT Location and Design Manual, Latest Edition. All guardrail for roadways or structures shall be Type 5 Guard Rail and shall be installed in accordance with ODOT and Summit County Engineer specifications. The Developer shall submit details to the County Engineer for approval.

**1108.16 BRIDGES.**

All bridges and any culverts of greater than ten (10) foot span shall be designed in accordance with the latest Design Regulations as practiced in the ODOT Office of Structural Engineering and approved by the County Engineer. Reference shall also be made to current ODOT Standard Bridge Drawings. Design flood elevations shall be indicated on plat-profile sheets and on structure site plans.

**1108.17 STREET SIGNS.**

Street name signs, as approved by the County Engineer on County Highways, and the Township on Township Roads, shall be installed at all street intersections and shall meet the requirements of the Sign Request Policy for County Right of Way in the County Engineer Specs and Details. Street name signs must be installed by the Developer before construction begins on the first dwelling in the Subdivision.

**1108.18 SURVEY MONUMENTS.**

- (a) All survey monumentation shall conform to requirements set forth in O.A.C. Chapter 4733-37.
- (b) The Developer's surveyor shall find or set iron pins at all corners of all parcels created by the subdivision.

- (c) The centerline of right-of-way of all roads within a subdivision shall be physically defined by survey monumentation set at all centerline locations including Point of Curvature, Point of Tangent, cul-de-sac, stub street terminations and road intersections. The Developer's Surveyor shall set a minimum of  $\frac{3}{4}$  inch solid iron pins or rebar in monument box assemblies at the above centerline locations. Monument box assemblies shall be approved by the County Engineer. The County Engineer may require other monuments or iron pins to be set in the subdivision. Other types of markers may be used if approved by the County Engineer.
- (d) All iron pins set by the Developer's Surveyor shall be marked with the surveyor's identification caps.
- (e) All survey monumentation shall be identified on the final plat by symbol in the legend and at the location of installation.
- (f) All survey monumentation shall be in place prior to the release of the Performance Bond. If authorized by the County Engineer, the Developer may obtain a separate bond to install any of such monumentation that cannot be installed prior to the release of the Performance Bond.
- (g) In accordance with these Subdivision Regulations, a Professional Surveyor registered in the State of Ohio must certify that all required monuments and iron pins are set. This certification also applies to "Planned Residential Developments". The surveying cost to certify proper monument and pin setting will be included in all Performance Bonds.

**1108.19 STREET ADDRESS EMERGENCY IDENTIFICATION.**

Clearly visible nighttime emergency identification of street addresses shall be provided for each residence, commercial or industrial location.

## **CHAPTER 1109**

### **Utility Design and Construction Standards**

#### **1109.01 GENERAL.**

A professional engineer, licensed in Ohio, shall design any plans for public water supply, stormwater and wastewater facilities. In addition, the Developer's attention is directed to Chapter 943 of these Ordinances.

#### **1109.02 DESIGN FOR WATER AND WASTEWATER.**

- (a) Water Supply. The Developer shall provide evidence that potable water is available in quantities sufficient to supply the proposed Subdivision:
  - (1) The County Board of Health may require the submittal of a report by a professional geologist and/or chemical water testing by an OEPA certified laboratory as evidence that the proposed water supply will be adequate, safe and have no negative impact to neighboring drinking water sources. The Developer may be required to drill one (1) or more test wells in the area to be platted.
  - (2) All proposed private water systems shall meet the standards of the O.A.C. Chapter 3701-28 and all other applicable laws and regulations.
  - (3) If a public water supply is proposed, the Developer shall provide a complete water distribution system including a service connection to each lot or dwelling unit. Public water distribution systems shall meet the requirements of the OEPA or other appropriate water purveyor and shall meet the rules and Regulations of the Township Sewer and Water Board, if applicable.
- (b) Wastewater Treatment Systems. The Developer shall provide evidence that a safe and sanitary wastewater treatment system will serve the proposed Subdivision.
  - (1) Lots proposed to be served by individual treatment systems will require approval by the OEPA and the County Board of Health in accordance with these Subdivision Regulations and all other applicable laws and regulations.
  - (2) If a public sanitary sewer system is proposed, the Developer shall provide public sanitary sewers to all lots or dwelling units including lateral connections to the public systems. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency, other appropriate sewer authorities and all other applicable laws and regulations.
  - (3) If a private sanitary sewer system is proposed, it shall be operated by a governmental agency or a private corporation with appropriate OEPA licenses and permits.

#### **1109.03 DRAINAGE DESIGN.**

Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after completion of the development. It may be necessary to direct surface water to a drainage ditch, stream, or an existing storm system which has the



capacity to carry the flow. No natural drainage course shall be altered and no fill, buildings, nor structures shall be placed in, on, or over it unless provision is made for the flow of water in a manner satisfactory to the County Engineer.

An easement shall be provided to the County Engineer on both sides of an improved surface drainage course that was constructed during development for the purpose of maintaining, and protecting, such stream for drainage and water quality purposes. If the drainage facility is across private property then a right-of-way or Easements must be obtained by the Developer in the name of the County of Summit. These rights-of-way or Easements shall be shown on the Final Plat and the Improvement Plans. A copy of the recorded easement shall be furnished to the County Engineer.

Storm sewer laterals will be provided as directed by the County Engineer for each building on a street having curb and gutter. Rear drainage arrangements shall be placed based upon the topography of the land.

- (a) Drainage System Requirements. The drainage system shall be designed per the criteria of the County Engineer Stormwater Management Manual. The design standards of the Ohio Department of Transportation may serve as a supplement, but are not intended to be the primary design guidelines used. As part of Final Plat approval for a Major Subdivision, the Developer agrees to construct the Stormwater Management System as approved by the County Engineer. To insure proper maintenance of the Stormwater Management System constructed by the Developer, a Long-Term Maintenance Agreement requires a Maintenance Fee obligation pass with the Title to the property. The Maintenance Fee to be assessed is pursuant to O.R.C. §§ 6131.63 and 6137 and is determined by the County Engineer. A copy of the Maintenance Agreement Form that is to be completed by the Developer and filed with the Plat is included in the County Engineer Specs and Details.
- (b) Road Drainage System. The road storm drainage system shall serve as the local drainage system. It shall be designed to carry roadway, adjacent land, and house storm water drainage. To prevent excessive pipe sizes, storm sewers shall drain into natural waterways as soon as possible.
- (c) Storm Sewers, Manholes and Catch Basins.
  - (1) Where curbs are installed, storm sewers with curb inlets will be required in accordance with the Standard Drawings included in the County Engineer Specs and Details.
  - (2) Storm sewers or other approved means of erosion control shall be installed in ditches or creeks running through subdivisions where water flow velocity exceeds six (6) feet per second. Storm sewer manhole and inlet basin spacing shall be approved by the County of Summit Engineer. See Pipe Requirements, in County Engineer Specs and Details for approved material for storm sewers. The minimum diameter of storm sewers shall be twelve (12) inches.
  - (3) The installation of storm sewers, manholes, inlets and catch basins shall conform with the construction in the County Engineer Specs and Details. All storm sewers shall discharge into drainage courses shown on approved drainage drawings or as approved by the County Engineer.

- (d) Off-Road Drainage System. The design of the off-road drainage system shall include the watershed affecting the allotment and shall be extended to a watercourse or ditch adequate to receive the storm drainage.
- (e) Protection of Drainage Systems. The Developer shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the County Engineer and Summit Soil and Water as shown by calculations made in accordance with the policy of the State of Ohio, Department of Transportation and the subdivision drainage criteria of the County Engineer and all other applicable laws and regulations. In all cases, any drainage facilities within the Subdivision shall be in a stable condition, free from either erosion or sedimentation and/or other debris. Any damage resulting from erosion, scour, silting of drainage ways, or blockage of storm drainage systems on and off the development caused by the construction shall be corrected at the Developer's expense.
- (f) Drainage outlets. All Subdivisions shall have an adequate outlet for storm water. Where the County Engineer finds it necessary to clean, alter, or reconstruct a natural drainage course or storm sewer system outside the development boundary to provide a storm water outlet or to prevent damage to other properties due to an increased runoff, the outlet shall be improved at the expense of the Developer and in accordance with plans and specifications approved by the County Engineer. When it is determined that an adequate outlet does not exist, the Developer shall be required to provide a drainage system to convey runoff from the development area to an approved drainage system.
- (g) Drainage Drawings. The Developer's Engineer shall make a complete study of the drainage area contributing to the Subdivision. The Developer will then prepare a plan of the entire Subdivision showing the following:
  - (1) Existing and proposed contours at two (2) foot intervals.
  - (2) Proposed streets and lots.
  - (3) Proposed drainage system showing the area contributing to each pipe or drainage structure.

The Developer's Engineer shall submit copies of all data and calculations sheets to the County Engineer for review and approval.

#### **1109.04      STORMWATER MANAGEMENT REQUIREMENTS.**

- (a) The design and construction of stormwater management facilities shall require the review and approval of the County Engineer in accordance with the technical criteria described in, Chapter 943 of these Ordinances and all other applicable laws and regulations.
- (b) Allowable types of stormwater management facilities include but are not limited to:
  - (1) Retention ponds.
  - (2) Detention basins.
  - (3) Underground storage tanks.
  - (4) Rooftop storage areas.
  - (5) Parking lot storage areas.
  - (6) Infiltration trenches/recharge ditches.
  - (7) Swales/buffer strips.

- (8) Stormwater wetlands/ water quality improvement basins.
- (9) Structural post construction water quality practices.
- (c) Stormwater retention wet ponds, if designed properly, may be utilized for multiple use purposes including:
  - (1) Stormwater Management.
  - (2) Fire Ponds.
  - (3) Parks, Open Space and recreation requirements per Section 1106.01(b).
  - (4) Structural water quality practices.

**1109.05 FIRE PONDS.**

Fire ponds and related appurtenances shall be considered public facilities and shall be required in Townships which provide for their use. The design standards must be obtained from the Township Fire Department within which the proposed Subdivision is to be located.

**1109.06 DAMS OR BASINS REQUIREMENTS.**

Three (3) copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the County Engineer for approval. The Developer shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies. All dams, emergency spillways, basins, and fire ponds shall be stabilized from erosion immediately following construction.

**1109.07 UNDERGROUND UTILITIES.**

- (a) All utilities within a Subdivision including gas pipes, telephone cables and electrical power and street lighting circuits, are required to be underground. When electrical power cables are installed underground in a subdivision, electrical street lighting cables may also be installed, whether for present or future use. Unused wires and cables shall be de-energized and protected against physical damage. All trench backfill in pavement areas shall be granular material compacted by vibratory or mechanical tamping in six (6) inch layers. All wiring and cables not contained within conduit and direct buried, shall have their locations marked with locating tape twelve (12) inches above such direct buried wiring or cable.
- (b) All construction of utility pipe, conduit, cable, wires, vaults and pertinent equipment shall comply with the current regulations of the Public Utilities Commission of Ohio and with the requirements of the utilities involved. All location and detail drawings of the utilities within the right-of-way prepared by the Developer and/or the utilities companies shall be submitted to the County Engineer for approval when available.

## **CHAPTER 1110**

### **Requirements for Construction of Improvements**

#### **1110.01 SPECIAL CONDITIONS AGREEMENT.**

A Special Conditions Agreement supplements the requirements of the Subdivision Regulations, other applicable regulatory requirements and the jurisdictional authority of other county, state or federal departments or agencies. A Special Conditions Agreement needs to be approved by Summit County only if special conditions and requirements need to be agreed upon between the Developer and the County Executive and recorded as a binding agreement. The initial Agreement must be approved prior to the start of construction. The final binding Agreement with any agreed upon revisions must be approved as part of the Final Plat approval process with the Planning Commission and County Council. The approved final binding Agreement shall be signed by the County Executive and the Developer and recorded with the Final Plat. (See Appendix B for the Special Conditions Agreement template).

#### **1110.02 APPROVAL.**

All necessary Improvement Plans for proposed roads, sidewalks/walkways, streetlights, bike paths, traffic control improvements, storm sewers, and drainage facilities shall be approved by the County Engineer and all Improvement Plans for sanitary sewer and water supply systems shall be approved by the Department of Environmental Services, if necessary prior to approval of the Final Plat by the County Engineer.

All necessary Improvement Plans for landscaping shall be approved by the Division of Building Standards and Staff in consultation with the Township. In addition, the Improvement Plans for landscaping shall be reviewed by the County Engineer for safety considerations.

#### **1110.03 ESTIMATED COST.**

Upon approval by the County Engineer of the Improvement Plans and before starting any construction work, the Developer's Engineer shall prepare and submit for review and approval to the County Engineer and/or Department of Environmental Services, where applicable, an independent estimate of costs by item for construction surveying; construction engineering; construction of roads, sidewalks/walkways, bike paths, traffic control improvements, streetlights, landscaping and street tree plantings, storm and sanitary sewers, sanitary treatment plants, and pumping stations and water supply systems; fire ponds, drainage structures; erosion and sediment control, restoration of land and site cleanup; post construction water quality practices; and other related items. The total estimated cost including labor shall be prepared and signed by the Developer's Engineer. The estimated cost must include an extra ten percent (10%) for contingencies, seven percent (7%) for inspections and an amount for As-Built drawings.

#### **1110.04 PERFORMANCE BONDS.**

Before the Final Plat may be considered for approval by County Council, the Planning Commission must have recommended the Final Plat for approval and must confirm that the Developer has furnished to the County Executive the Bonds as required hereby.

- (a) Bond for Haul Roads. In order to protect roads and other public improvements in a multiple phase Subdivision, the amount of the Performance Bonds for all current and future phases shall be sufficient to cover the cost of the maintenance

and repair of any of the Subdivision's completed roads used by construction vehicles for access to the phase(s) under construction. The amount of the Performance Bond for all current and future phases for public improvements shall be determined in accordance with Section 1110.03 of these Subdivision Regulations. The Bond will be released upon the recommendation of the County Engineer and/or the Department of Environmental Services. The County Engineer must review and approve such proposed temporary Haul Road prior to the start of construction. Upon the completion of construction, the Developer shall eliminate the temporary Haul Road(s) and restore the road pathway to its original condition.

- (b) Performance Bond or Bonds. Prior to any consideration of County Council approval, the Developer shall furnish Performance Bonds to the County Executive in the amount equal to one hundred percent (100%) of the approved total cost of the improvements not yet completed plus ten percent (10%) of the approved total cost of the improvements, (See Section 1110.06). Performance Bonds shall be provided in the form of bonds issued by sureties insurance companies authorized to transact business in the State of Ohio by the Ohio Department of Insurance. Performance bonds will remain in effect until released by the County Executive. Separate Performance Bonds shall be issued according to the office or department responsible for inspection of the improvements, and shall guarantee completion of the required improvements in compliance with the approved Improvement Plans as follows:

- (1) County Engineer
  - A. Earthwork and Grading Operations
  - B. Paving
  - C. Stormwater Management System
  - D. Miscellaneous, i.e., monuments, street signs, restoration of land, site clean-up, etc.
  - E. Erosion Control
  - F. Fire Ponds
  - G. Contingencies (10%)
  - H. Inspection and Testing Costs (7%)
  - I. As-Built Construction/Survey Drawings
- (2) Department of Environmental Services
  - A. Sanitary Sewer

If an insurance company ceases to be authorized by the Ohio Department of Insurance to transact business in the State of Ohio, the County Executive may require an adequate authorized substitute bond to assure completion of the improvements.

- (c) Reduction of Performance Bond. The County Engineer may recommend that the County Executive reduce the Performance Bond and accept the Maintenance Bond prior to the completion of the improvements should factors deemed significant by the County Engineer or the County Executive prevent immediate completion. In this case, the reduced Performance Bond shall remain in effect to cover the uncompleted items.

- (d) Failure to Construct or Complete Improvements. If the Developer fails to commence active and continuous construction of the required improvements with one (1) calendar year of the date of acceptance of the Final Plat, or fails to achieve substantial completion of the improvements within two (2) calendar years of said date, as a result the improvements are not then available for public use, and the County Engineer, and/or Department of Environmental Services, as applicable, deems it necessary to notify the County Executive that the Developer has failed in his duty to complete the project, the County Executive shall notify the Developer and the Bond surety in writing of such failure and of County of Summit's intention to vacate the Subdivision or to complete the project via the Performance Bond.
- (e) Maintenance Bond or Bonds. Before the County Engineer, or Department of Environmental Services, as applicable, will recommend the acceptance of the Subdivision, roads or authorize the release any Performance Bond by the County Executive, a review will be coordinated with the local Township affected to ensure that all phases of the project have been satisfactorily completed. Upon satisfactory completion the Developer shall provide a Maintenance Bond or Bonds (in the form of a surety Bond) which shall be divided and administered as follows:
  - (1) Two separate Bonds for the benefit of the Department of Environmental Services. One in the amount of three percent (3%) of the certified construction costs of any sanitary sewer and another Bond in the amount of ten percent (10%) of the certified construction costs of any pump station administered by the Department of Environmental Services.
  - (2) A Bond for the County Engineer in the amount of ten percent (10%) of the estimated cost of all other improvements administered by the County Engineer including but not limited to the following:
    - A. Earthwork and Grading Operations
    - B. Paving
    - C. Storm Water Management System
    - D. Fire Ponds
    - E. Miscellaneous, e.g., monuments, street signs, street lights, restoration of land and site clean-up
    - F. Contingencies (10%)
    - G. Inspection and Testing Costs (7%)
  - (3) All bonds shall be in the form of bonds issued by sureties insurance companies authorized to transact business in the State of Ohio.
- (f) Optional Increase of Amount of Maintenance Bonds. The County Engineer and/or Department of Environmental Services, as applicable, may increase the required Maintenance Bond above the specified amounts if unusual topographic, subsoil, or other construction limitations warrant. In such situations, the County Engineer and/or Department of Environmental Services, as applicable, shall furnish written explanations to the Planning Commission for their action.
- (g) Assurances & Duration of Maintenance Bonds. The Maintenance Bonds shall assure that the Developer will maintain and restore the roads and other

- improvements until such roads and improvements pass the final inspections of the County Engineer and/or Department of Environmental Services, as applicable.
- (h) Failure to Maintain Improvements. If the Developer fails to perform maintenance and restoration work, the County Executive or the County Engineer and/or the Department of Environmental Services may perform the work or authorize to have the work performed by others. The cost of such work will be deducted or drawn from the Maintenance Bond. The County Executive shall notify the Developer and Surety of intent to exercise rights under the Maintenance Bonds.
  - (i) Release of the Maintenance Bonds. It is the responsibility of the Developer to request inspections for Bond release. After all maintenance and restoration work has been completed to the satisfaction of the County Engineer, and/or Department of Environmental Services, as applicable, the County Executive will release the Maintenance Bonds or those portions remaining to the Developer. The Bonds will remain in full force and effect until formally released by the County Executive.
  - (j) Bond Status Report. Staff shall distribute a Bond Status Report quarterly to the Planning Commission at regularly scheduled meetings and also provide this report to the President and Clerk of Council. The report will be presented in the following months: January, April, July and October. The Bond Status Report shall contain a list of all outstanding Performance and Maintenance Bonds and indicate the original bond amount and the remaining balance, an estimate of the cost of work remaining to be completed, and the continued status of the surety to transact business in the State of Ohio. The Report information status of outstanding bonds is to be submitted to Staff by the County Engineer and the Department of Environmental Services for distribution at the specified Planning Commission meetings.

#### **1110.05 PLAT APPROVAL WITHHELD.**

Final Plat approval may be withheld if the Developer has failed to comply with the approved Improvement Plan compliance (including SWPPP compliance) in any of the preceding plat phases.

#### **1110.06 RECORDING OF FINAL PLAT.**

Once the Final Plat has been approved by the Planning Commission, the following process must be followed by the Developer to be granted Final Plat approval by County Council:

The Developer must have furnished a Performance Bond or Bonds for the amount of the estimated construction cost of the ultimate installation of the improvements. (Refer to Section 1110.04(b)).

After all required approvals are secured, the required Bonds are posted, and the final Special Conditions Agreement is executed, the original Mylar or Paper Final Plat and the Agreement shall be taken by the Developer and/or Developer's Agent to the County Engineer for processing and signature on the Final Plat. If signatures have not yet been obtained from the Planning Commission on the Final Plat, Staff will obtain Planning Commission signatures and return the Final Plat to the County Engineer's Office. The County Engineer, after reviewing and approving the Bonds, shall submit the Final Plat and the proposed Agreement to the County Executive's Department of Law for preparation of legislation to approve the Final Plat. Upon approval by

County Council and the County Executive, then the Final Plat is submitted to the County Fiscal Officer's Treasurer Division Real Estate/Appraisal for checking. The Developer and/or Developer's Agent, then takes the Final Plat and the Special Conditions Agreement to the County Fiscal Officer for recording. No Final Plat of any Subdivision nor any Special Conditions Agreement shall be recorded in the Office of the County or have any validity until it has been approved and processed in the manner prescribed herein. In the event any such unapproved Final Plat and/or Special Conditions Agreement is recorded, it shall be considered invalid. All costs for recording of the Final Plat and the Special Conditions Agreement shall be borne by the Owner and/or Developer.

The approvals by County Council of a Final Plat and of a Special Conditions Agreement shall automatically expire one (1) year from the date of approval, unless the Final Plat and the Agreement are officially recorded in Summit County.

**1110.07 CONSTRUCTION.**

(a) Requirements for Start of Construction.

(1) Approvals Required. The following items must have been approved:

- A. The initial Special Conditions Agreement.
- B. The Improvement Plans and the SWPPP for the Subdivision.
- C. 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.
- D. Any Bonds required for the project.
- E. All agreements required as part of Chapter 943 of these Ordinances.

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

- A. Permit verification. Jurisdictional Wetlands – In areas where jurisdictional wetlands as defined by an onsite delineation verified by the USACE will be affected, a copy of the wetland delineation report shall be submitted with the SWPPP. If an individual Wetlands Fill Permit is required, a copy of that Permit, showing project approval and any restrictions that apply to the site activities shall also be submitted. If an individual permit is not required for the proposed project, the Developer shall submit proof of compliance with the Nationwide Permit Program and OEPA Regulations. Proof shall include, but is not limited to the following: A letter from the site owner verifying that a qualified professional has surveyed the site and found no Waters of the United States, or a site plan showing any proposed fill of Waters of the United States conforms with the conditions specified in the applicable Nationwide Permit, and OEPA Regulations.
- B. In addition, the Developer must provide proof of compliance with the OEPA NPDES Permit for the County of Summit. Proof of compliance shall be, but is not limited to, a copy of the NPDES General Stormwater Permit Notice of Intent and/or a copy of the



NPDES Permit number issued by OEPA and/or a copy of the OEPA Director's Acceptance Letter for the NPDES Permit.

- (3) Pre-Construction Meeting. A pre-construction meeting will be held at which the Owner, Developer and/or their representative, design engineer, general contractor, the County Engineer, the Summit Soil and Water, Township 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 procedure, construction methods, plans, materials, inspections, stormwater management, erosion control, etc.
- (b) Cooperation of Developer and/or Agent of the Developer. The Developer and/or the Agent of the Developer shall have available on the project site at all times one (1) copy of all approved plans and specifications. The Developer and/or the Agent of the Developer shall cooperate with the County Engineer's Inspector, Summit Soil and Water Inspector, and/or Department of Environmental Services Inspector, and the Division of Building Standards Inspector, where applicable, and with other contractors in every way possible. The Developer and/or Agent of the Developer shall at all times have a competent representative acting as their agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, equipment and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.
- (c) Inspection.
  - (1) The County Engineer shall be responsible for the inspection of all street, infrastructure, fire pond and drainage improvements in consultation with Township officials. The Developer and/or the Agent of the Developer, shall give notice to the County Engineer at least three (3) working days in advance of any construction of public improvements. Failure to notify the County Engineer may result in requiring the complete removal of such uninspected work at the Developer's sole cost.
  - (2) The County Engineer shall determine the amount of inspection, including laboratory and other test(s), required to assure that the Developer and/or the Agent of the Developer will comply with the approved drawings and schedule.
  - (3) No less than two working days prior to the start of construction, the Developer and/or the Agent of the Developer shall perform the first inspection of erosion and sediment control devices to certify that the 'as built' conditions comply with the approved SWPPP. An inspection report shall be sent to Summit Soil and Water within seven days from the date of the inspection. Following this initial inspection, regular inspection will be performed by Summit Soil and Water for compliance with the SWPPP. If the site is not in compliance with the approved plan, the Developer will be notified in writing by mail and will have three (3) days to make the necessary repairs (ten (10) days for sediment basins) per the requirements of Section 941.09 of these Ordinances and the latest version of the OEPA NPDES Construction General Permit.

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- (4) The Department of Environmental Services shall be responsible for inspection of all sanitary sewage improvements directed to a publicly owned waste water treatment system.
- (5) The following operations will be inspected by the County Engineer's Office:
  - A. Preliminary grading.
  - B. Backfilling of all trenches and excavations in the right-of-way.
  - C. Preparation of sub-grade.
  - D. Setting forms.
  - E. Paving (rigid and flexible).
  - F. Inlet construction.
  - G. Curing of rigid pavement.
  - H. Removal of forms and berm compaction.
  - I. Sidewalk/walkway construction.
  - J. Sealing joints.
  - K. Storm water management system construction.
  - L. Any construction of utilities within the street right-of-way.
  - M. Any construction of structures within the right-of-way.
  - N. Landscaping within right-of-way.
  - O. Street Lighting.

Any of the above-listed construction operations that may be performed without advance notice to the County Engineer may result in coring of the pavement, subgrade boring, and non-acceptance of the improvement if it does not meet the specifications of the County Engineer. Failure to notify the County Engineer may result in requiring the complete removal of such uninspected work at the Developer's sole cost.
- (6) Summit Soil and Water will perform, at a minimum, monthly SWPPP inspections. More frequent inspections will be required for sites with complaints and notices of violation.
- (d) Inspection Fees. The fees shall cover the full cost of inspections done by employees of the County Engineer's Office or contract cost of the inspection service, plus overhead as determined by the County Engineer, Department of Environmental Services and/or Summit Soil and Water staff to cover such items as employee benefits, engineering service, and transportation. Any costs incurred by the County Engineer to perform pavement corings, subgrade borings and/or non-destructive testing to field verify the Developers work, shall be borne by the Developer. The Developer must pay for all inspection fees. The Performance Bonds posted by the Developer must include an amount to guarantee the payment of all inspection fees. The County Executive shall not authorize the release of any Bonds until the County Engineer certifies that all inspection fees have been paid in full.
- (e) Roadway Construction. All work shall be done in conformance with the approved Improvement Plans, and the latest edition of the ODOT Construction and Materials Specifications and the County Engineer Specs and Details.

- (f) Testing. All material supplied shall be factory inspected as directed by the County 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 County Engineer. Pavement tests shall be conducted on site as directed by the County Engineer. The County 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 County Engineer and shall be paid for by the Developer.
- (g) Field Changes. Approval of Final Improvement Plans shall not prevent the County Engineer from ordering needed changes deemed necessary in the field as work progresses. This extra work shall be at the Developer's sole expense. If it becomes necessary to modify the previously approved improvements due to unforeseen circumstances, the Developer shall inform the County Engineer in writing of the conditions requiring modification. Written authorization from the County Engineer to make the required modification must be received by the Developer before proceeding with the construction of the Improvement. The County Engineer shall give such approval or disapproval within seven (7) days of notice from the Developer.

**1110.08 MAINTENANCE.**

(a) Maintenance of Improvements.

- (1) The Developer shall be responsible for the maintenance of the improvements during the construction period and until the Maintenance Bond is released by the County Executive. Two (2) years after acceptance of the Maintenance Bond the Developer shall request that the County Engineer inspect the improvements. The County Engineer shall perform such inspection within thirty (30) days of such notice. The County Engineer shall provide written notice to the Developer of any necessary work and the deadline by which such work must be completed. Should the Developer fail to perform such necessary maintenance work within the time specified, the County Engineer may perform said maintenance work or may authorize the performance of said work by others, at which time the Developer will forfeit a portion of the Maintenance Bond to pay for such maintenance work. (The term "maintenance work" as used herein shall also include all repairs and replacement and all cost associated therewith including inspection and re-inspection costs as described by Section 1110.07 (d)).
- (2) Sanitary sewer shall be the maintenance responsibility of the Department of Environmental Services upon acceptance by the County Executive. The Maintenance Bond shall remain in effect for two (2) years after acceptance to guarantee the performance of any repair work that becomes necessary.
- (3) Fire ponds and related appurtenances shall be the maintenance responsibility of the Township Fire Department subject to call on the Bonds if repair work is necessary within a two (2) year period after acceptance of the Maintenance Bond. The Township is responsible for

contacting the County Engineer regarding any repair work issues within said two year period.

- (b) Repair of 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 stage 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 all traffic within the Subdivision. In particular, the roads shall be open and accessible for emergency equipment at all times for all occupied dwellings units. Should the Developer fail to perform the said maintenance, the Developer shall be liable for all costs and expenses incurred in the performance of such maintenance work by the County Engineer. The Developer shall indemnify, defend and hold harmless all governmental bodies for any and all liabilities that may arise or are related to such roads. After the release of the Performance Bond, for publicly dedicated roads, the Township Trustees shall be responsible for the snow and ice removal on Township Roads and the County shall be responsible for County Roads. The Subdivision's Owners' Association shall be responsible for private streets and roads as required under these Subdivision Regulations.
- (d) Mud Removal. The Developer or Agent of the Developer 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/she shall be liable for all costs and expenses incurred in the performance of said removals by the County Engineer.
- (e) Failure to Maintain Improvements. If the Developer fails to adequately maintain the improvements during the term of the Maintenance Bond, then notice of maintenance deficiencies will be sent by the County Engineer or the Department of Environmental Services. If a the Developer still fails to perform the required maintenance within fifteen (15) calendar days of notice of maintenance deficiencies, the County Engineer, the Department of Environmental Services, or the Township Fire Department shall notify the County Executive that the Developer has failed to perform maintenance obligations. The Developer may request one extension of the time to perform the maintenance from the County Engineer or the Department of Environmental Services and if approved, will stay the calling of the Maintenance Bond. The County Executive shall notify the Developer and the surety in writing of such failure and of Summit County's intention to perform the maintenance work with its own work force or by letting the work to others using the Maintenance Bond for payment thereof. If such maintenance deficiencies raise concerns of public safety, the County may perform maintenance work, regardless of notice, and may rely upon the Maintenance Bond for payment thereof.

#### **1110.09 FINAL ACCEPTANCE.**

- (a) Monuments.
  - (1) The Developer's surveyor shall set survey monumentation as defined in Section 1108.18. The County Engineer may require other monuments or iron pins to be set in the Subdivision.

- (2) The registered professional surveyor in charge of the installation of required monuments shall submit a written affidavit containing the surveyor's professional seal and signature stating that all monuments and iron pins have been installed.
  - (3) The Developer shall be responsible to ensure that all survey monumentation is installed as shown on the Final Plat by the surveyor of record. If authorized by the County Engineer, the Developer can procure the services of an alternate surveyor to set the survey monumentation in the case of extreme circumstances such as death, disability, relocation, etc.
  - (4) "As Built" Drawings. At the completion of the construction and before acceptance, the Developer and/or the Agent of the Developer shall update the As-Built drawings on mylar or paper for permanent record, showing the locations, sizes, and elevations of all improvements as constructed. The Developer may choose to authorize the County Engineer to update the mylar or paper tracings at the Developer's sole expense. A legible paper original of the As-Built drawings shall be furnished to the Department of Environmental Services, where applicable. The original plan sheets shall remain with the County Engineer. All final As-Built drawings shall also be submitted to the County Engineer in digital format.
- (b) Final Inspection.
- (1) Upon completion of all improvements including roads, grading, culverts, water, sewer, storm improvements, fire ponds, landscaping, seeding, mulching, monumentation, street name signs, and other items, the Developer shall notify the County Engineer, Summit Soil and Water, the Township Road Superintendent, the Township Fire Chief, the Township Zoning Inspector, the County Board of Health and/or Department of Environmental Services, or local water and sewer provider where applicable, by letter that all of the improvements have been completed in accordance with these Subdivision Regulations and all other applicable laws and regulations.
  - (2) The County Engineer will then schedule an inspection of the completed improvements. The County Engineer will notify the Developer and the Township of the date of the inspection. The Developer and/or the Agent of the Developer and a Township representative may accompany the County Engineer or the County Engineer's representative on the inspection. Any discrepancies from the Improvement Plans shall be recorded on a punch list. The Developer and the contractor will be furnished a copy of this punch list and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance upon written notification from the Developer that the punch list items have been completed.
- (c) Acceptance of Improvements.
- (1) If the County Engineer determines that the improvements are not in conformity with all applicable regulations and the approved Improvement Plans, the Developer shall be advised in writing of the deficiencies in the form of a punch list. This procedure shall be repeated until it is

- determined by the County Engineer that the improvements have been satisfactorily completed. If the Developer fails to complete the punch list items within a time limit set by the County Engineer, the County may require compliance through the use of the Performance Bond.
- (2) If the improvements are found to be satisfactory and all inspection monies are paid, and the required Maintenance Bond(s) are posted, the County Engineer, Department of Environmental Services, where applicable, will recommend to the County Executive acceptance of the improvements and release of the Performance Bonds.
  - (3) If the County Council upon the recommendation of said office and departments determines the improvements to be in compliance with the Improvement Plans and these Subdivision regulations, it shall, by Resolution accept the improvements for public use and benefit. If the improvements are for private use, the resolutions shall reflect that the improvements are in conformity with these Subdivision Regulations but shall be maintained at private expense.
  - (4) The County Council shall not approve or accept the improvements or prior to Plat approval, accept the dedication of any land for road purposes until any lien attached thereto has been satisfied, and until a two (2) year Maintenance Bond has been posted as further provided in these Subdivision Regulations. The Developer will be required to submit an affidavit stating all bills incurred pertaining to the improvements and costs of the Subdivision are paid in full, that there is no mechanic's lien or any other type of lien on the Subdivision, and that all contractors, subcontractors and material men, all employees of independent contractors and agents have been paid in full, including all salaries and applicable taxes.
  - (5) The County Engineer's endorsement of the Final Plat denotes that, when the streets and roads shown thereon for dedication to the public are constructed in conformity with the Subdivision's Improvement Plans, and said streets and roads are determined by the County Engineer's inspection to be in good repair, said streets and roads will be accepted for public use as permitted by O.R.C. § 711.091 .
  - (6) The President of the County Council, after the County Engineer's endorsement shall sign the Plat of the Subdivision to denote acceptance of the dedications for public use and to permit the subdivisions of property into parcels as recited thereby. The Plat shall then be filed with the Recorder's Division of the Fiscal Office.
- (d) Indemnification. Developer agrees to indemnify, defend and hold harmless the County and the Township in which the Subdivision is located from and against any and all liabilities, claims, causes of action (including negligence), fines, penalties and expenses of any nature that arise, allegedly arise or are caused by the Developer and the Developer's independent contractors, employees or agents. The indemnifications shall survive the final completion of the Subdivision and release or expiration of any Bonds.

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- (e) Surveying. Only surveyors registered in the State of Ohio shall be employed for activities involving surveying.

## **CHAPTER 1111**

### **Administration and Enforcement**

#### **1111.01 ADMINISTRATION.**

The Planning Commission and its Staff, County Executive, County Engineer and Department of Environmental Services shall administer these Subdivision Regulations jointly as specified herein, except where specific authority is given to another County office or a Township as set forth in these Subdivision Regulations.

#### **1111.02 SALE OF LAND IN SUBDIVISION.**

No owner or agent of the owner of any land located within a Subdivision shall transfer or agree to transfer ownership by reference to, exhibition of, or by the use of a plan or plat of a Subdivision before such plan or Final Plat has been accepted, approved, and recorded in the manner prescribed herein. Any sale or transfer of property contrary to the provision of this Section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring such property shall not exempt the transaction from the provisions of these Subdivision Regulations.

#### **1111.03 REVISION OF FINAL PLAT AFTER APPROVAL.**

No changes, erasure, modification, or revisions may be made in any Final Plat of a Subdivision after approval has been given by the Planning Commission and an endorsement is made in writing on a Final Plat, unless the Final Plat is first resubmitted and the changes approved in writing by the Planning Commission.

#### **1111.04 FEES.**

- (a) Filing Fees. Filing fees in the amount fixed as follows shall be made payable to the Summit County Planning Commission when an application is filed.

(1) Minor Subdivision Fees	\$75.00 per buildable lot;
(2) Lot Consolidation Fees	\$30.00 per lot (if no additional-buildable sublots are created, i.e., lot combinations or lot line adjustments).
(3) Major Subdivision Fees	
A. Concept Plan Fees	\$300.00 per Subdivision.
B. Preliminary Plan Fees	\$500.00 plus \$10.00 per dwelling unit/lot.
C. Final Plat Fees	\$500.00 plus \$10.00 per dwelling unit/lot.
D. Resubmittal Fees	\$300.00 plus \$10.00 per dwelling unit/lot.
E. Variance Fees	\$300.00
F. Replat Fees	\$300.00 plus \$10.00 per dwelling unit/lot.



- (4) Fee Adjustment. The Concept Plan review fees will be deducted from the Preliminary Plan fee calculation total, at the time when the Project proceeds from the Concept Plan review stage to the Preliminary Plan review stage.
- (5) Comprehensive Storm Water Management Fees. In addition to the above noted fee schedule, the Developer shall be responsible for fees to be paid to the County Engineer pursuant to Section 943.14 of these Ordinances.
- (b) Plan Review and Field Inspection Fees. The Developer shall pay the County Engineer and/or Department of Environmental Services, where applicable, the total cost of plan review and field inspection of the improvements. Additional review fees are required Summit Soil and Water. The fees shall be determined by the County Engineer and Department of Environmental Services. The Developer is held responsible for all fees which will be payable upon invoice. The Performance Bond posted by the Developer must guarantee the payment of all Fees and no Bonds will be released until all Fees have been paid in full. See Section 943.15 of these Ordinances for additional restrictions regarding the release of bonds.

#### **1111.05 PENALTIES.**

The Planning Commission shall refer to the County Prosecutor any alleged violation of or a lack of compliance with any provision of these Subdivision Regulations.

- (a) Violation and Penalty. Whoever willfully violates any provision of these Subdivision Regulations or fails to comply with any order issued pursuant thereto, shall pay to the County a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand (\$1,000.00) for each such violation. Each day a violation occurs or continues after notice of violation shall be treated as a separate violation. Such penalty fees may be recovered with costs in a civil action brought in the Court of Common Pleas of the County. Enforcement action will be brought by the County Prosecutor in the name of the County.
- (b) Civil Enforcement. Appropriate legal and/or equitable actions and proceedings may be taken to restrain or abate a violation of these Subdivision Regulations, to enforce these regulations to prevent unlawful construction or occupancy of a building or other structure or land associated with a violation of these Subdivision Regulations, and/or to recover damages incurred by the County as a result of a violation of these Subdivision Regulations. These remedies shall be in addition to the specific penalties described above.

#### **1111.06 VARIANCES.**

The following Regulations shall govern the granting of variances:

Where the Planning Commission finds that an extraordinary and unnecessary hardship may result from strict compliance with these Subdivision Regulations due to exceptional topographic or other physical conditions, it may vary the regulations so as to relieve such hardship, provided such relief may be granted without detriment to the public interest and without impairing the intent and purpose of these Subdivision Regulations or the desirable development of the neighborhood and community.

The Planning Commission may grant variances to these Subdivision Regulations as specified herein where unusual or exceptional factors or conditions require such modification provided that the following procedure is followed and sufficient information is submitted to be evaluated by the Planning Commission.

(a) Application Procedure.

- (1) A notice of appeal requesting a variance from these Subdivision Regulations shall be made in writing by the Applicant or his/her authorized representative utilizing the application form contained in Appendix E. It must be submitted not less than twenty (20) days prior to a regularly scheduled Planning Commission Meeting. Each request for a variance shall be on a separate application form. The variance request application form shall be completed in its entirety and shall include the specific section from which a variance is being sought and the specific reason (s) for a variance. Staff may return an incomplete application form pertaining to a notice of an appeal for a variance to the Applicant and request additional information as required.
- (2) The Applicant shall provide the following information with on the variance application form.
  - A. The specific section of the Subdivision Regulations shall be cited from which a variance is requested.
  - B. Written justification for a variance shall address the following factors:
    - i. Whether the variance is substantial.
    - ii. Whether the essential character of the neighborhood would be altered or whether adjoining properties would be adversely affected as a result of the variance.
    - iii. Whether exceptional topographic or other physical conditions exist which are peculiar to the particular parcel of land.
    - iv. Whether the peculiar conditions specified in subparagraph number (iii.) herein did or did not result from previous actions by the Applicant.
    - v. Whether the variance would adversely affect the delivery of governmental services.
    - vi. Whether the Subdivision Regulation was in effect at the time of acquisition of the property by the applicant and whether the Applicant purchased the property with the knowledge of these Subdivision regulations.
    - vii. Whether the Applicant's predicament can be obviated through some method other than a variance.
    - viii. Why the variance from the terms of these Subdivision Regulations will not be contrary to the public interest.
    - ix. Describe the special conditions that will cause an unnecessary hardship result from a literal enforcement of these Subdivision Regulations.

- x. Show how the spirit and intent behind these Subdivision Regulations will be observed if the variance is granted.
  - xi. That the requested variance is the minimum variance to these Subdivision Regulations that will allow for a reasonable division of land.
- (b) Other Conditions. In evaluating a variance request, the Planning Commission may consider the opinion of Township officials and require other conditions to be met to accomplish the purposes of these Subdivision Regulations in order to grant such variance without unduly affecting the public safety.
  - (1) Cul-de-sac Length. If the proposed variance involves the establishment of a cul-de-sac in excess of the maximum permitted length, the Planning Commission may also consider the number and size of lots 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.
  - (2) Lot Width. If the proposed variance involves the creation of a lot whose depth exceeds four and one-half (4 1/2) times its width, the Planning Commission may also consider the pattern of existing platting for similarly zoned land in the vicinity.
  - (3) County Council. The County Council may grant variances affecting required improvements upon recommendation of the Planning Commission. Such recommendations shall be based on the findings listed above in Section 1111.06.
- (c) Expiration of Variance Approval. Any variance(s) granted by the Planning Commission from these Subdivision Regulations in conjunction with an approved Preliminary Plan runs with the Preliminary Plan Approval. Any such variance(s) shall expire when the approved Preliminary Plan expires.

#### **1111.07 APPEALS.**

Rights of appeal shall be as set forth in O.R.C. Chapter 711 or other applicable sections of the O.R.C.

# **APPENDICES**

# APPENDIX A – SAMPLE MINOR SURVEY DRAWING

## SAMPLE SURVEY DRAWING FOR A MINOR SUBDIVISION

**ATTENTION**

SURVEY DRAWINGS FOR MINOR SUBDIVISIONS SHALL CONFORM TO THE OHIO ADMINISTRATIVE CODE (OAC) CHAPTER 4733-27 MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AND TO COUNTY OF SUMMIT, OHIO STANDARDS FOR THE APPROVAL OF PLATS AND LEGAL DESCRIPTIONS USED FOR REAL PROPERTY CONVEYANCES WHICH ARE CURRENT AT THE TIME OF RECORDING. OTHER REQUIREMENTS IN THIS SAMPLE DRAWING ARE IN ADDITION TO AND SHALL NOT BE CONSTRUED TO REDUCE THE ABOVE MENTIONED REQUIREMENTS AS STATED IN OAC 4733-27 AND IN THE COUNTY OF SUMMIT CONVEYANCE STANDARDS.

**REQUIRED UNTIL JULY 1, 2002**  
NO TRANSFER IS TAKING PLACE UNTIL THE RECORDING OF THIS SURVEY. THIS SURVEY IS BEING RECORDED AS A LEGAL DESCRIPTION IN A D.E.D.

**PROPERTY OWNER** \_\_\_\_\_ **DATE** \_\_\_\_\_

I HEREBY CERTIFY THAT PARCELS 1 AND 2 AS SHOWN HEREON MEETS THE CURRENT REQUIREMENTS OF \_\_\_\_\_ TOWNSHIP.

**ZONING INSPECTOR** \_\_\_\_\_ **DATE** \_\_\_\_\_

**APPROVED BY THE  
SUMMIT COUNTY ENGINEER**

**SUMMIT COUNTY ENGINEER** \_\_\_\_\_ **DATE** \_\_\_\_\_

**Tax Map Department**

**Fiscal Officer's Stamp**

**DETERMINE THE EVIDENCE OF OCCUPATION THAT MAY BE FOUND ALONG EVERY BOUNDARY OR OCCUPATIONAL LINE**

**PROPERTY OWNER** \_\_\_\_\_ **DEED REFERENCE** \_\_\_\_\_

**PERTINENT DOCUMENTS**

1. COUNTY TAX MAP DATA USED
2. HIGHWAY PLANNING
3. FIELD BOOK XX TO XX
4. SURVEY BY \_\_\_\_\_
5. OTHERS NOT LISTED

**TAX DEPT.** \_\_\_\_\_ **COUNTY ENG. OFFICE** \_\_\_\_\_

**CHIEF ENGINEER** \_\_\_\_\_ **TO BE RECORDED IN THE** \_\_\_\_\_ **AND BOUNDARIES OF** \_\_\_\_\_

**DATE OF DRAWING** \_\_\_\_\_ **BY** \_\_\_\_\_ **STATE OF OHIO** \_\_\_\_\_

**LEGEND**

- X NAIL SET
- MONUMENT FOUND AS DESCRIBED
- 5/8" IRON PIPE 12" LONG WITH "X" ON SET
- ▲ BATTERY STONE PILE
- STONE PILE

**NOTE: SHOW MATERIAL, SIZE, POSITION, AND CONDITION AT EACH MONUMENT**

**PARCEL 1**  
XX.XXX ACRES  
(XX.XXX ACRES IN R-O-W)

**PARCEL 2**  
XX.XXX ACRES  
(XX.XXX ACRES IN R-O-W)

**SECTION LINE OF LOT LINE**

**ROAD NAME AND R-O-W WIDTH**

**ROAD NAME AND R-O-W WIDTH**

**STATE OF OHIO  
COUNTY OF SUMMIT  
TOWNSHIP OF \_\_\_\_\_  
OWNER'S DEED VOL. AND PAGE  
DATE  
PERMANENT PARCEL NUMBER(S)**

## APPENDIX B – PLANNING SERVICES APPLICATION



**County of  
Summit,**  
Russell M. Pry,  
Executive

### Planning Services Application

Department of Community and Economic Development  
Ohio Building - Suite 207 - 175 S. Main St. - Akron, OH 44308

**REQUEST** *(Please check all that apply)*

**Minor Subdivision**

- ☐ Lot Split
- ☐ Lot Consolidation
- ☐ Lot Line Adjustment

**Major Subdivision**

- ☐ Concept Plan\*
- ☐ Preliminary Plan\*
- ☐ Final Plat\*
- ☐ Resubmittal\*
- ☐ Replat\*

\*requires ten (10) copies of survey drawing/plan.

---

### OWNER INFORMATION

Owner \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

---

### APPLICANT INFORMATION

Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

---

### ENGINEER OR SURVEYOR INFORMATION

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

---

### SITE INFORMATION

Name of Subdivision  
or Address \_\_\_\_\_

Location \_\_\_\_\_

Parcel No.'s \_\_\_\_\_

Creating Sublots \_\_\_\_\_

Acreage \_\_\_\_\_

Water Provider \_\_\_\_\_

## APPENDIX B – PLANNING SERVICES APPLICATION (page2)

Septic or Central Sewer Provider \_\_\_\_\_

<b><u>FILING FEES</u></b>	
<b><u>MINOR SUBDIVISION FEES</u></b>	
Lot Split	\$75.00 per buildable lot
Lot Consolidation	\$30.00 per lot (if no additional buildable lots are created, including lot consolidations and lot line adjustments)
Lot Line Adjustment	
<b><u>MAJOR SUBDIVISION FEES</u></b>	
Concept Plan	\$300.00 per Subdivision
Preliminary Plan*	\$500.00 plus \$10.00 per dwelling unit/lot
Final Plat	\$300.00 plus \$10.00 per dwelling unit/lot
Resubmittal	\$300.00 plus \$10.00 per dwelling unit/lot
Replat	\$300.00 plus \$10.00 per dwelling unit/lot
* See Section 1111.04(3) for Fee Adjustment.	
<b>Variance Fees</b>	\$300.00 per Variance Request

**ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

I certify that all information contained in this application and its supplements are true and correct.

Applicant's or Authorized Representative's Signature _____		Date _____
Fee Amount Paid: _____	Date Application Received: _____	
Number of Lots: _____	Staff: _____	
Comments:		



# APPENDIX C – SAMPLE MAJOR SUDIVISION TITLE PAGE

**3"**  
Tax Map Dependent

Yes, the undersigned owners and holders of liens and other interests in and to the lands embraced within this subdivision do hereby declare this plat to be, our true and correct and do hereby dedicate to public use forever the streets, easements and parks shown upon this plat.

**OWNERS AND LIENHOLDERS** \_\_\_\_\_ **WITNESSES** \_\_\_\_\_

State of Ohio }  
County of Summit } SS

Before me, a Notary Public in and for said county and state, personally appeared the above named persons, who acknowledged they are sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal of \_\_\_\_\_ Ohio, this \_\_\_\_ day of \_\_\_\_ 20\_\_.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

Approved by the Summit County Planning Commission this \_\_\_\_ day of \_\_\_\_ 20\_\_

Chairman \_\_\_\_\_

Secretary \_\_\_\_\_

**Drainage Maintenance Assessment**  
All fee holders and all receiving title to the fee through them are subject to payment of drainage maintenance fees assessed or to be assessed to the County pursuant to R.C. 6137 and following.

## SAMPLE ALLOTMENT PHASE 1

PART OF LOT XX  
TOWNSHIP OF SAMPLE  
COUNTY OF SUMMIT  
STATE OF OHIO

LOTS: XX,XXX ACRES (XX LOTS)  
STREETS: XX,XXX ACRES (XX PARCELS)  
OPEN SPACE: XX,XXX ACRES (XX PARCELS)  
TOTAL: XX,XXX ACRES

DATE \_\_\_\_\_

4" X 4" Minimum

Scale 1"= \_\_\_\_\_

Vicinity Map

4"

Filed Officer's Stamp

4"

Recording Department's Stamp

I hereby certify that I have surveyed the land shown on this plat and that this plat is a correct representation of the same as shown and the subdivision thereof, and that I have found or set the pins and monuments shown on the plat.

Home \_\_\_\_\_ Registered Surveyor No. XXXX

Approved by the County of Summit Council, Ordinance \_\_\_\_\_ the \_\_\_\_ day of \_\_\_\_ 20\_\_

Council President \_\_\_\_\_ Clerk Of Council \_\_\_\_\_

Approved by the Summit County Engineer this \_\_\_\_ day of \_\_\_\_ 20\_\_

Summit County Engineer \_\_\_\_\_

Approved by the County of Summit Executive this \_\_\_\_ day of \_\_\_\_ 20\_\_

County Executive \_\_\_\_\_

Township Zoning Approval this day of \_\_\_\_ 20\_\_

Township Zoning Inspector \_\_\_\_\_

Restrictions and Covenants:  
An easement 10 feet in width on the front, rear, and all sides of all lots is hereby reserved for the County of Summit Council for the purpose of constructing, operating and maintaining sanitary sewers, water lines, open or closed storm sewers, telephone, electric or other utilities.



# APPENDIX D – SAMPLE MINOR SURVEY DRAWING

**SURVEY DRAWINGS FOR MAJOR SUBDIVISIONS SHALL CONFORM TO THE OHIO ADMINISTRATIVE CODE (OAC), CHAPTER 4733-37 MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AND TO COUNTY OF SUMMIT. OTHER STANDARDS FOR THE APPROVAL OF PLATS AND LEGAL DESCRIPTIONS USED REAL PROPERTY CONVEYANCES WHICH ARE CURRENT AT THE TIME OF RECORDING. OTHER REQUIREMENTS IN THIS SAMPLE DRAWING ARE IN ADDITION TO AND SHALL NOT BE CONSTRUCTED TO REPLACE THE ABOVE MENTIONED REQUIREMENTS AS STATED IN OAC 4733-37 AND IN THE COUNTY OF SUMMIT CONVEYANCE STANDARDS.**

**TOX MAPS, INC.**  
3" = 1'

We, the undersigned owners and holders of lots and other interests in and to the lands embraced within this subdivision do hereby declare this plat to be our free act and deed and do hereby dedicate to public use forever the streets, easements and parks shown upon this plat.

**OWNERS AND LEASOLDERS** \_\_\_\_\_ **WITNESSES** \_\_\_\_\_

State of Ohio )  
County of Summit ) SS

Before me, a Notary Public in and for said county and state, personally appeared the above named persons, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In testimony whereof, I have hereunto set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public \_\_\_\_\_  
My commission expires \_\_\_\_\_

Approved by the Summit County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman \_\_\_\_\_  
Secretary \_\_\_\_\_

**Drainage Maintenance Assessment**  
All fee holders and all receiving title to the fee through them are subject to payment of drainage maintenance fees assessed or to be assessed to the County pursuant to R.C. 6137 and following.

**Restrictions and Covenants**  
An easement 10 feet in width on the front, rear, and all sides of all lots is hereby reserved for the County of Summit Council for the purpose of constructing, operating and maintaining sanitary sewers, water lines, open or closed storm sewers, telephone, electric or other utilities.

**Fiscal Officer's Stamp**  
4"

**Department of Environmental Services**  
Recording Department's Stamp

**[SUBDIVISION/ALLOTMENT NAME] REPLAT NO. [#]**  
**CREATING SUBLOT(S) [#-#] OF**  
**BEING A REPLAT OF SUBLOT(S) [#s] OF**  
**[SUBDIVISION/ALLOTMENT NAME] AS RECORDED**  
**IN PLAT BOOK [#], PAGES [#] TO [#]**  
**OF THE SUMMIT COUNTY RECORDER'S RECORDS**  
**SITUATED IN THE TOWNSHIP**  
**OF [TOWNSHIP NAME], COUNTY OF SUMMIT**  
**AND STATE OF OHIO AND KNOWN**  
**AS BEING PART OF TOWNSHIP LOT [#]**

DATE \_\_\_\_\_

**Surveyor's Seal**  
Name \_\_\_\_\_ Registered Surveyor No. xxxx

I hereby certify that I have surveyed the land shown on this plat, and that this plat is a correct representation of the land surveyed and the subdivision thereof, and that I have found or set the pins and monuments shown on this plat.

Approved by the County of Summit Council,  
Ordinance \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Council President \_\_\_\_\_ Clerk of Council \_\_\_\_\_

Approved by the Summit County Engineer  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Summit County Engineer \_\_\_\_\_

Approved by the County of Summit Executive this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

County Executive \_\_\_\_\_

Township Zoning Approval  
this day of \_\_\_\_\_, 20\_\_\_\_.

Township Zoning Inspector \_\_\_\_\_

**Sublot Diagram:**  
SUBLOT 9, SUBLOT 10-R, SUBLOT 11-R, SUBLOT 12. Includes dimensions and area calculations.

Vicinity Map  
Scale 1" = \_\_\_\_\_

## APPENDIX E – APPLICATION FOR VARIANCE



**County of  
Summit,**  
Russell M. Pry,  
Executive

### Variance Application

Department of Community and Economic  
Development  
Ohio Building - Suite 207 - 175 S. Main St. - Akron, OH 44308

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#### APPLICANT INFORMATION

Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

---

#### OWNER INFORMATION

Owner \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

---

#### SITE INFORMATION

Name of Subdivision \_\_\_\_\_  
or Address \_\_\_\_\_  
Location \_\_\_\_\_  
Parcel No.'s \_\_\_\_\_  
Creating Sublots \_\_\_\_\_  
Acreage \_\_\_\_\_  
Water Provider \_\_\_\_\_  
Septic or Central Sewer Provider \_\_\_\_\_

<b><u>FILING FEES</u></b>	
---------------------------	--

<b>Variance Fees</b>	<b><u>\$300.00 per Variance Request</u></b>
----------------------	---

#### **VARIANCE INFORMATION**

Nature of Subdivision regulation Variance required: (Describe generally the nature of the variance.)  
\_\_\_\_\_

Provide the specific Subdivision Regulation from which a variance is requested:

Article: \_\_\_\_\_

Section: \_\_\_\_\_

**APPENDIX E – APPLICATION FOR VARIANCE (Page 2)**

JUSTIFICATION OF VARIANCE:

Applicant shall provide written justification for the requested variance by responding to the following questions.

1. Are there exceptional topographic or other physical conditions peculiar to this particular parcel or land? If so, please explain.

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2. What is the unnecessary hardship which will result from a literal enforcement of the Subdivision Regulation owing to the special conditions set for in subparagraph (1.) herein?

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3. Did the special conditions specified in subparagraph (1.) result from previous actions by the applicant? Please explain.

---

---

4. Explain whether the variance requested is substantial.

---

---

5. Explain whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

---

---

6. Will the variance adversely affect the delivery of governmental services, including but not limited to, access by fire fighting apparatus, law enforcement vehicles, ambulance and emergency vehicles and similar services relative to ingress and egress to the affected site and adjacent land?

---

---

7. Explain whether the Subdivision Regulation was in effect at time of acquisition of the property by the applicant and whether the applicant purchased the property with the knowledge of the Regulation.

---

---

## APPENDIX E – APPLICATION FOR VARIANCE (Page 3)

8. Explain whether the applicant's predicament can be feasibly solved through some method other than a variance.

9. Explain how the variance from the Subdivision Regulations will not be contrary to the public interest.

10. Explain how the spirit and intent behind the Subdivision Regulations will be observed if the variance is granted.

11. Explain how the requested variance is the minimum variance to the Subdivision Regulations that will allow for a reasonable division of land.

**ACTION OF THE SUMMIT COUNTY PLANNING COMMISSION SHOULD BE SENT TO:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

I certify that all information contained in this application and its supplements are true and correct.

Applicant's or Authorized Representative's Signature

Date

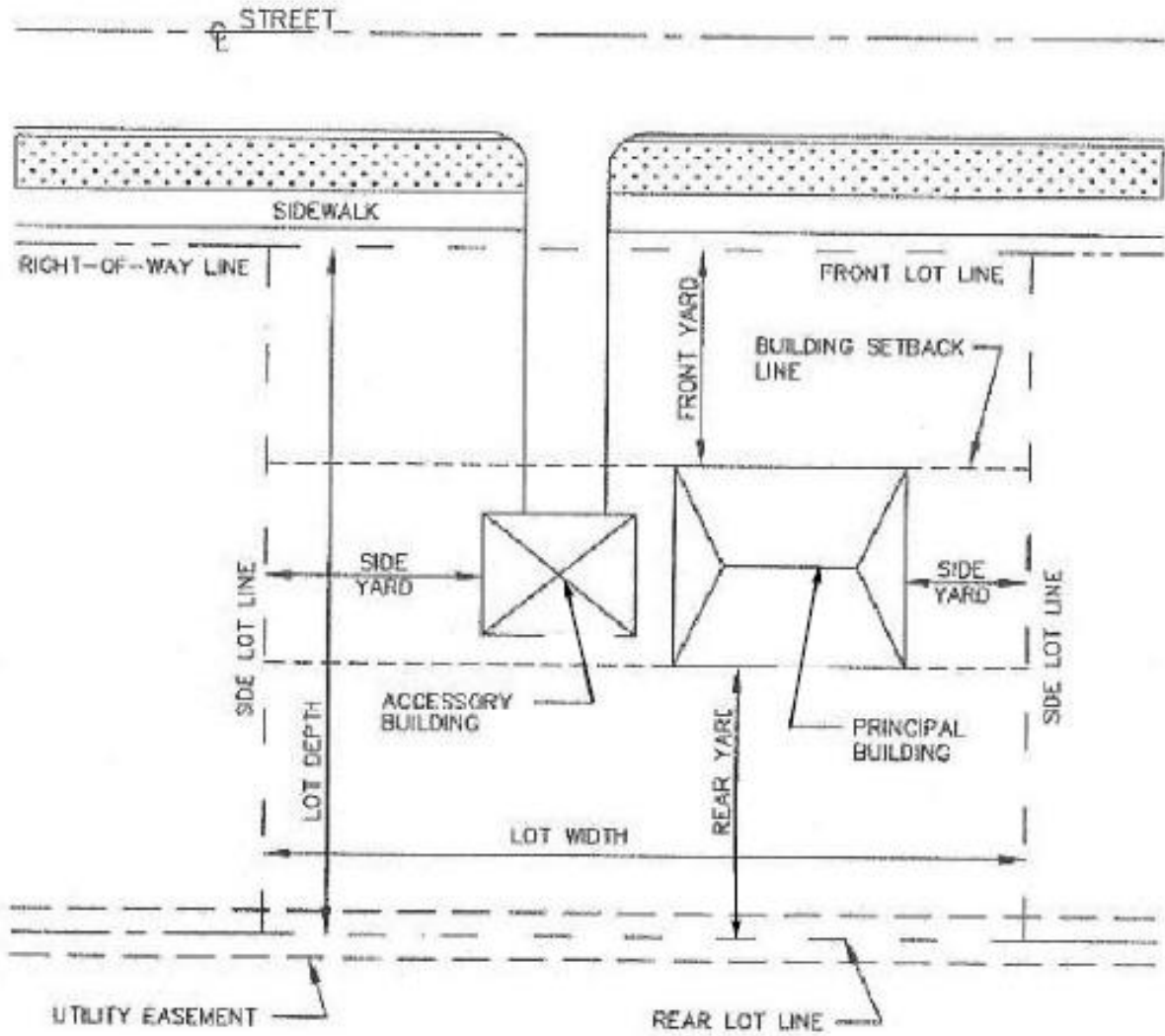
Fee Amount Paid: \_\_\_\_\_

Date Application Received: \_\_\_\_\_

Number of Lots: \_\_\_\_\_

Staff: \_\_\_\_\_

**APPENDIX F – LOT TERMS**

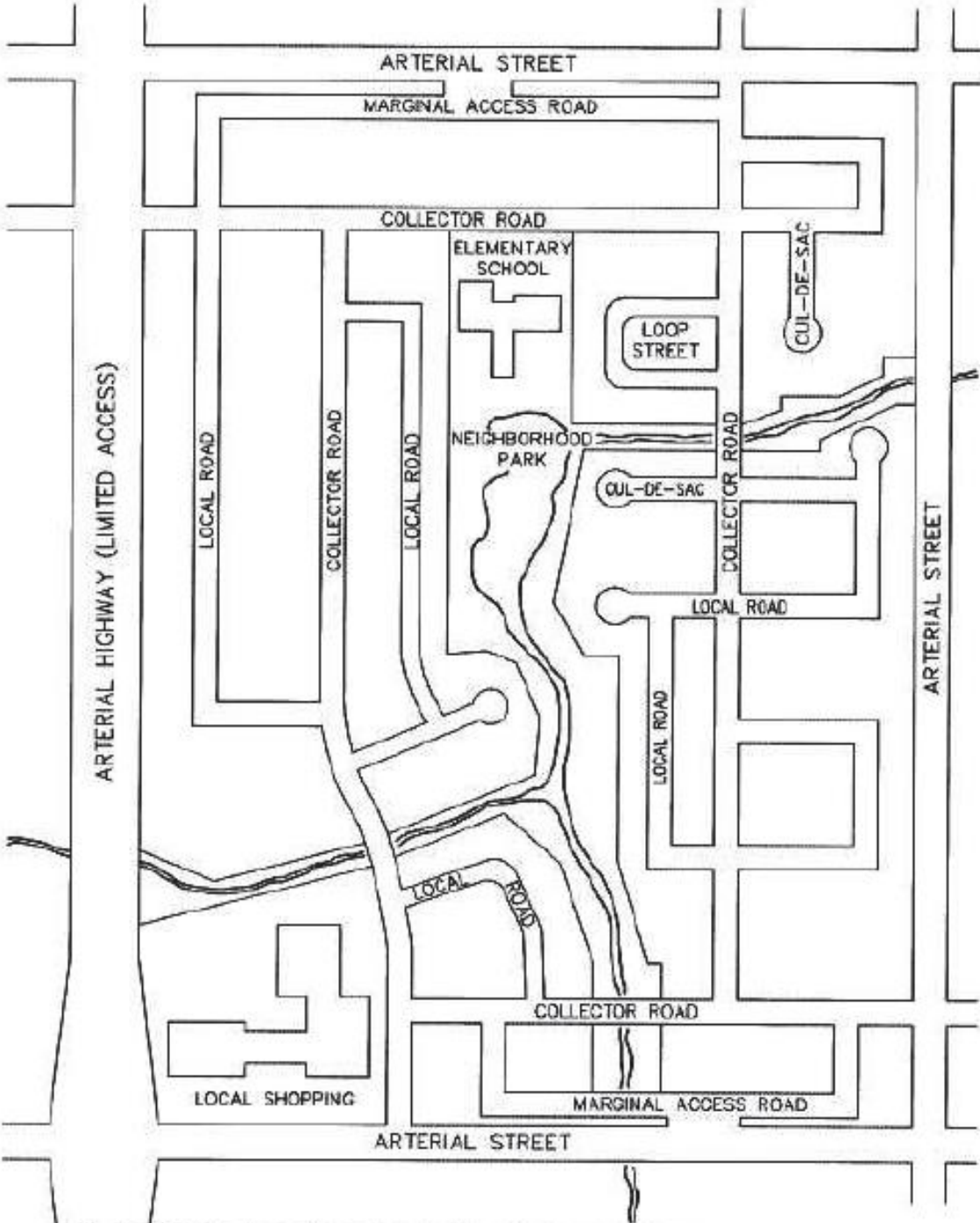


LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT OCCUPIED  
BY BUILDING

**LOT TERMS**

**APPENDIX G – CLASSIFICATION OF THE THOROUGHFARE SYSTEM**



**CLASSIFICATION OF THE THOROUGHFARE SYSTEM**

## APPENDIX H – SPECIAL CONDITIONS AGREEMENT TEMPLATE

### SPECIAL CONDITIONS AGREEMENT COUNTY OF SUMMIT, OHIO

This Special Conditions Agreement ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the County of Summit, Ohio ("County"), an Ohio political subdivision with its principal place of business at 175 South Main Street, Akron, Ohio 44308 and:

Developer Needs to Complete the following:

Name of Developer: \_\_\_\_\_  
(the "Developer"),  
Principal Place of Business: \_\_\_\_\_  
\_\_\_\_\_

{street address, state, zip code and phone no.}

Name of Subdivision: \_\_\_\_\_  
(as name appears on Plat)

In accordance with the terms set forth herein, the Developer and the County agrees as follows:

1. Preliminary Plan  
The Preliminary Plan was approved [insert date] and the approval expires in two (2) years on [insert date] subject to revisions of the Preliminary Plan and time extensions that may be granted by the Summit County Planning Commission.
2. Summit County Subdivision Regulations  
The Developer acknowledges it received, has read and will comply with all terms of the Summit County Subdivision Regulations (the "Subdivision Regulations") in addition to the requirements as specifically referenced herein.
3. Special Conditions and Requirements  
The County and the Developer agree to comply with the special conditions and requirements for the Project as set forth in Exhibit A attached.
4. Events of Default
  - A. County will have the unrestricted right to enforce its remedies under this Agreement, as provided in the Subdivision Regulations and as provided in law and in equity upon the happening of any one or more of the following events:
    - (a) Developer's insolvency or commission of an act affecting or evidencing bankruptcy;
    - (b) Filing voluntary or involuntary petition of bankruptcy by or against Developer;
    - (c) Appointment of a receiver for Developer by any Court of competent jurisdiction;



## APPENDIX H – SPECIAL CONDITIONS AGREEMENT TEMPLATE (Page 2)

- (a) Developer's failure to complete its obligations, including but not limited to obtaining all required permits and bonds, within the time specified by this Agreement, Subdivision Regulations or any applicable law or regulation;
- (e) Developer's failure to perform any other obligations pursuant to this Agreement, Subdivision Regulations or any applicable law or regulation; and
- (f) Cancellation of any government contract for which this Agreement is issued.

The acceptance of Developer's performance after the occurrence of any of the above-named events will not affect the right of the County to exercise any of its rights against the Developer.

- B. In the event the County does not perform its responsibilities in accordance with Exhibit A of this Agreement as required by Section 1110.01 of the Subdivision Regulations, the Developer shall have the right to enforce remedies available to the Developer under this Agreement, as provided in the Subdivision Regulations and as provided in law and in equity.

### 5. Remedies.

#### A. Prosecutor's Office

The Summit County Planning Commission shall refer to the County Prosecutor any alleged violation of or a lack of compliance with any provision of this Agreement or Subdivision Regulations.

#### B. Violation and Penalty

Whoever willfully violates any provision of this Agreement or Subdivision Regulations or fails to comply with any order issued pursuant thereto, shall forfeit and pay to the County a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for each such violation. Each day a violation occurs or continues shall be treated as a separate violation. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of the County, with such action being brought by the County Prosecutor and in the name of the County, and with such sum and costs being for the use of the County.

#### C. Civil Enforcement

Appropriate legal and/or equitable actions and proceedings may be taken to restrain or abate a violation of this Agreement and Subdivision Regulations, to enforce these regulations to prevent unlawful construction or occupancy of a building or other structure or land associated with a violation of this Agreement or Subdivision Regulations, and/or to recover damages incurred by the County as a result of a violation of this Agreement or the Subdivision Regulations. These remedies shall be in addition to the specific penalties described herein.

#### D. Stop Work Order

Upon the Developer's failure to comply with its obligations under this Agreement or the Subdivision Regulations, the County will have the right to issue a stop work order against the Developer after the County provides the Developer with written notice describing the noncompliance. Upon receipt of such stop work order, the Developer shall immediately cease, desist and stop all work on the project. The County will rescind the stop work order upon receipt of satisfactory evidence that the Developer has remedied its noncompliance. The Developer will



## APPENDIX H – SPECIAL CONDITIONS AGREEMENT TEMPLATE (Page 3)

release, indemnify and hold harmless the County for any expenses or liabilities incurred arising from the issuance of the stop work order.

6. Force Majeure  
In the event the County or the Developer (the “parties”) shall be delayed or prevented from performing any of its obligations, except for payment obligations, under this Agreement, due to strikes, lockouts, acts of God, governmental restrictions, enemy act, civil commotion, unavoidable fire or other casualty, or other causes of a like nature beyond the control of the party, then the party shall be excused for a reasonable period for such delay. The parties must take all reasonable action to minimize the effects and the time period of such delay. Prompt written notice of such an event and an estimate of the delay period shall be provided to the other party. The County reserves its right to require the enforcement of any Bonds if such a delay becomes unreasonable.
7. Waiver  
The remedies contained in this Agreement and Subdivision Regulations will be cumulative and additional to any other remedies provided in law or equity. The County's delay or waiver of a breach of any provision of this Agreement or Subdivision Regulations will not constitute a waiver of any other breach or of any provisions.
8. Modification  
Any modification of this Agreement to be valid must be in writing and signed by County's authorized representative.
9. Non-Assignment  
Developer agrees to be responsible for all duties and obligations imposed under the terms of this Agreement and Subdivision Regulations. Developer agrees not to assign (including by operation of law or otherwise) or delegate the performance of its duties under this Agreement without written consent from the County.
10. Jurisdiction  
This Agreement will be governed by the laws of the State of Ohio.
11. Entire Agreement  
This Agreement and all plans which have been officially approved by the appropriate County officials in accordance with this Agreement and the Subdivision Regulations shall constitute the entire agreement of the parties.

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## APPENDIX H – SPECIAL CONDITIONS AGREEMENT TEMPLATE (Page 4)

IN WITNESS WHEREOF, the parties intending to be legally bound have executed this Agreement and the effective date of this Agreement will be the date on which Summit County executed this Agreement.

### DEVELOPER

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

SWORN TO BEFORE ME AND SUBSCRIBED, \_\_\_\_\_,  
{Developer} personally appeared before me on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

Seal

### SUMMIT COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

### SUMMIT COUNTY EXECUTIVE

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Date: \_\_\_\_\_

### SUMMIT COUNTY COUNCIL

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_, President  
Date: \_\_\_\_\_

Attachments: EXHIBIT "A" Improvement Plans dated \_\_\_\_\_.

**Note:** Appendix M SPECIAL CONDITIONS AGREEMENT TEMPLATE, may be revised by the Summit County Planning Commission on a form similar to the attached.

**APPENDIX I – PLEASE REFER TO OHIO REVISED CODE**

**TITLE [7] VII MUNICIPAL CORPORATIONS**

**CHAPTER 711 - PLATS**

**APPENDIX J – PLEASE REFER TO COUNTY OF SUMMIT**

**RIPARIAN ORDINANCE NUMBERS**

**2002-154 / 2002-666 / 2004-133**

## APPENDIX K – LIST OF PROHIBITED PLANT SPECIES

### COUNTY OF SUMMIT PROHIBITED PLANT LIST

All of the following species are prohibited. The reasons for their prohibition is based on the following definitions:

- ❖ **Targeted Species:** These species have a state-wide distribution, are the most invasive in Ohio's natural areas, and are the most difficult to control.
- ❖ **Well-Established Invasives:** The distribution and invasiveness of these species are state-wide or regional within Ohio. These species pose moderate to serious threats to natural areas in Ohio.
- ❖ **Watch List:** These species are very invasive in natural areas in neighboring states and are a potential threat in Ohio. The current distribution of these species may be limited, but should be monitored.

TARGETED SPECIES	
Common Name	Scientific Name
Autumn-Olive	<i>Elaeagnus umbellata</i>
Buckthorns	<i>Rhamnus frangula</i> , <i>R. cathartica</i>
Bush Honeysuckles	<i>Lonicera maackii</i> , <i>L. tatarica</i> , <i>L. morrowii</i> , <i>L. japonica</i>
Common Reed or Phragmites*	<i>Phragmites australis</i>
Garlic Mustard	<i>Alliaria petiolata</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Multiflora Rose	<i>Rosa multiflora</i>
Narrow-leaved cattail	<i>Typha angustifolia</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Reed Canary Grass*	<i>Phalaris arundinacea</i>

\*these species may have native and non-native strains

WELL-ESTABLISHED INVASIVES	
Common Name	Scientific Name
Air-potato	<i>Dioscorea batatas</i>
Asian bittersweet	<i>Celastrus orbiculatus</i>
Bouncing bet	<i>Saponaria officinalis</i>
Canada thistle	<i>Cirsium arvense</i>
Cattail, hybrid	<i>Typha Xglauca</i>
Cattail, narrow-leaved	<i>Typha angustifolia</i>
Celandine, lesser	<i>Ranunculus ficaria</i>
Crown-vetch	<i>Coronilla varia</i>
Curly pondweed	<i>Potamogeton crispus</i>

**APPENDIX K – LIST OF PROHIBITED PLANT SPECIES (Page 2)**

Dame's rocket	<i>Hesperis matronalis</i>
Day-lily	<i>Heimerocallis fulva</i>
Eurasian water-milfoil	<i>Myriophyllum spicatum</i>
European cranberry-bush	<i>Viburnum opulus</i> var. <i>opulus</i>
Field bindweed	<i>Convolvulus arvensis</i>
Flowering-rush	<i>Butomus umbellatus</i>
Japanese barberry	<i>Berberis thunbergii</i>
Johnson grass	<i>Sorghum halepense</i>
Lesser naiad	<i>Najas minor</i>
Meadow fescue	<i>Festuca pratensis</i>
Moneywort	<i>Lysimachia nummularia</i>
Periwinkle or myrtle	<i>Vinca minor</i>
Poison hemlock	<i>Conium maculatum</i>
Privet, common	<i>Ligustrum vulgare</i>
Quack grass	<i>Agropyron repens</i>
Queen Anne's lace	<i>Daucus carota</i>
Russian-olive	<i>Elaeagnus angustifolia</i>
Smooth brome	<i>Bromus inermis</i>
Sweet-clover, white	<i>Melilotus alba</i>
Sweet-clover, yellow	<i>Melilotus officinalis</i>
Teasel, common	<i>Dipsacus fullonum</i> (sylvestris)
Teasel, cut-leaved	<i>Dipsacus laciniatus</i>
Tree-of-heaven	<i>Ailanthus altissima</i>
Water-cress	<i>Rorippa nasturtium-aquaticum</i>
Willow herb, small-flowered	<i>Epilobium parviflorum</i>
Willow-herb, hairy	<i>Epilobium hirsutum</i>
Winged euonymus	<i>Euonymus alatus</i>
Wintercreeper	<i>Euonymus fortunei</i>
Yellow flag	<i>Iris pseudacorus</i>
<b>WATCH LIST</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Black swallow-wort	<i>Vincetoxicum nigrum</i>
Chinese silvergrass	<i>Miscanthus sinensis</i>
Dog rose	<i>Rosa canina</i>
Giant knotwood	<i>Polygonum sachalinense</i>
Honeysuckle, showy pink	<i>Lonicera Xbella</i>
Kudzu	<i>Pueraria lobata</i>

**APPENDIX K – LIST OF PROHIBITED PLANT SPECIES (Page 3)**

Leafy spurge	<i>Euphorbia esula</i>
Mile-a-minute vine	<i>Polygonum perfoliatum</i>
Nepalgrass	<i>Microstegium vimineum</i>
Nodding thistle	<i>Carduus nutans</i>
Porcelain-berry	<i>Ampleopsis brevipedunculata</i>
Privet, border	<i>Ligustrum obtusifolium</i>
Spotted knapweed	<i>Centaurea maculosa</i>
Star-of-Bethlehem	<i>Onithagalum umbellatum</i>

Note: Plant List information provided by the Ohio Division of Natural Areas and Preserves, The Nature Conservancy, The Ohio Invasive Plants Council, and the Ohio Department of Natural Resources

<b>PROHIBITED ALONG PUBLIC STREETS</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Boxelder	<i>Acer negundo</i>
Callery 'Bradford' Pear	<i>Pyrus calleryana 'Bradford'</i>
Mulberry	<i>Morus</i>
Poplar	<i>Populus</i>
Siberian Elm	<i>Ulmus pumila</i>
Silver Maple	<i>Acer saccharinum</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow	<i>Salix</i>

## APPENDIX L – SSWCP SWPPP CHECKLIST



**Storm Water Pollution Prevention (SWP3) Checklist for  
Construction Activities in Summit County**  
*Modified from the Ohio EPA SWP3 Checklist (Revised February 2013)*

<b>SITE NAME:</b>		<b>DATE RECEIVED:</b>	
<b>REVIEWER:</b>		<b>DATE REVIEWED:</b>	
<b>Part IIIG.1. Site Description. Operations that discharge storm water from construction activities are subject to the following requirements and the SWP3 shall include the following items:</b>			
<b>Does the SWP3...</b>	<b>Y</b>	<b>N</b>	<b>Comments</b>
a. describe the nature and type of construction activity			
b. describe the total area of the site that is expected to be disturbed (i.e., the area of grubbing, clearing, excavating, filling, or grading. Off-site borrow or fill areas must be included in the SWPPP)			
c. include a calculation of the runoff coefficients for both the pre-construction and post-construction site conditions?			
d. include an estimation of the impervious area and percent imperviousness as a result of the construction activity.			
e. include any existing data describing the soil? provide any information on the quality of the storm water discharge from the construction site? <i>NOTE: If this data is not available, it does not need to be included.</i>			
f. include any information about prior land uses at the site			
g. include an implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence?			
h. include the name(s) or location(s) of the initial and subsequent surface water bodies receiving the storm water discharge? For discharges to an MS4 is the point of discharge into the MS4 and the ultimate receiving stream noted?			
i. include a detail drawing of typical individual lot sediment and erosion controls?			
j. include the location and description of storm water discharges associated with dedicated asphalt and/or concrete batch plants serving this project?			
k. include a copy of the NPDES construction storm water general permit requirements?			
l. include a cover page identifying the name and location of the site, the name and contact information for site operators, the name and contact information of the SWPPP authorization agent (engineer), the preparation dates, and the estimate start and completion dates?			
m. include a SWP3 modification / inspection log to be updated in the field?			
<b>Part III G.1.n Site map requirements</b>			
A detailed site map is required by the NPDES construction storm water general permit. <b>The site map must include the following items:</b>			
<b>Does the SWPPP...</b>			
i. describe the limits of earth-disturbing activity of the site including associated offsite borrow or spoil areas that are not addressed by a separate NOI and associated SWP3?			
ii. map the soil types for all areas of the site, including locations of unstable or highly erodible soils? (k factor > .37)			
iii. show existing and proposed contours delineate drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres?			
iv. show surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s)? Note wetlands permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA?			



## APPENDIX L – SSWCP SWPPP CHECKLIST (page2)

Part III G.1.n Site map requirements (cont.)	Y	N	Comments
v. include the location of existing and planned buildings, roads, parking facilities, and utilities?			
vi. include the location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development?			
vii. include the location of sediment and storm water management basins noting their sediment settling volume and contributing drainage area?			
viii. include the location of permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed?			
ix. include areas designated for the storage or disposal of solid, sanitary, and toxic wastes (including dumpster areas), areas designated for cement truck washout, and areas for vehicle fueling?			
x. include the location of designated construction entrances where the vehicles will access the construction site?			
xi. include the location of any in-stream activities including stream crossings? Has 401 certification been obtained?			
<b>Part III.G.2 Sediment and Erosion Controls</b>			
<b>Erosion Control a. Non-Structural Preservation Methods</b>			
a.1. Has every effort been made to preserve the natural riparian setback adjacent to streams or other surface water bodies?			
SUMMIT- has a riparian review been completed? Are setbacks shown on plan?			
- has a variance been granted?			
a.2. Have efforts been made to phase in construction activities in order to minimize the amount of land disturbance at one time?			
a.3. Will any portions of the site be left undisturbed, if so what percentage?			
<b>Erosion Control b. Structural Erosion Control</b>			
b.1. Does the SWP3 describe the control practices used to re-stabilize areas after grubbing or construction? General, channel, slopes			
b.2. Does the SWP3 specify the types of stabilization measures to be employed for any time of the year?			
<b>i. Temporary stabilization Notes</b>			
For disturbed areas <i>within</i> 50 feet of a stream remaining dormant for over 14 days, will temporary erosion controls be applied within 2 days?			
For disturbed areas <i>over</i> 50 feet away from a stream remaining dormant for over 14 days, will temporary erosion controls be applied within 7 days?			
For disturbed areas that will be left idle over winter, will temporary erosion controls be applied prior to onset of winter weather?			
<b>ii. Permanent Stabilization Notes</b>			
For disturbed areas within 50 feet of a stream at final grade, will permanent erosion controls be applied within 2 days of reaching final grade?			
For disturbed areas remaining dormant for over 1 year or at final grade, will permanent erosion controls be applied within 7 days?			
b.3. Rock Construction Entrances Is a RCE provided at all access points? Is a stabilized staging area provided?			
<b>c. Runoff Control Practices</b>			
c.1. Does the SWP3 incorporate measures to reduce flow velocity (e.g., riprap, ditch check dams)?			
.....if no are they necessary?			
c.2. Does the SWP3 incorporate measures to divert concentrated flow?			
.....i. Is concentrated flow directed to a sediment basin?			
.....ii. Is clean run on water diverted around the site?			
.....iii. Are slopes drains or rock chutes provided to carry runoff down steep slopes?			
<b>d. Sediment Control Practices</b>			
d.1. Will sediment control devices be implemented for all areas remaining disturbed for over 14 days?			

## APPENDIX L – SSWCP SWPPP CHECKLIST (page3)

Part III.G.2 Sediment and Erosion Controls (cont.)	Y	N	Comments								
<b>d.2.</b> Are detail drawings of the sediment controls to be used included?											
<b>.....Do they comply with Ohio Standards and Specifications?</b>											
<b>i. Timing</b> Does the construction sequence specify that perimeter controls and sediment basins will be installed/ implemented within 7 days of grubbing activities and prior to grading of the area they will control? Does the SWP3 propose alternate sediment controls for changing slopes and topography as construction progresses?											
<b>ii. Sediment Settling Ponds</b> Does the SWP3 include the installation and use of a sediment settling pond? <b>Sediment ponds shall be dewatered using a skimmer or equivalent device.</b> Construction activities that require sediment settling pond(s). Do these conditions exist? Will drainage area exceed perimeter control standards? OR Do concentrated flow conditions exist? OR Is a common drainage area of 10 acres or more disturbed? <i>(If the answer is yes to any one of these conditions a sediment settling facility is required)</i> Is the dewatering volume of the sediment settling pond at equal to at least 67 cubic yards (1800 cubic feet) of per acre of <i>total drainage area</i> ? Is the maximum depth of the dewatering zone less than or equal to 5 feet? Is the dewatering volume drained down between 48 hours and 7 days? Does the dewatering device meet Ohio Standard and Specifications? Method #1: Is the sediment settling volume of the pond equal to at least 1000 cubic feet per acre of <i>disturbed area</i> ? Method #2: Was RUSLE used to calculate the sediment storage volume? Is the length to width ratio of the sediment settling pond at least two units of length for every one unit of width (> 2:1 length to width)? Will the sediment settling pond be cleaned out when the silt occupies 40 percent of the sediment storage depth? Is the sediment settling pond designed to consider public safety?											
<b>iii. Silt Fence &amp; Other Perimeter Controls</b> Will silt fence or other perimeter controls be used to control sheet flow?  Design Capacity of Silt Fence <table border="1" style="display: inline-table; margin-top: 10px; border-collapse: collapse;"> <thead> <tr> <th style="padding: 2px 5px;">Max Area (ac.) to 100 ft. silt fence</th> <th style="padding: 2px 5px;">Range of Slope for Drainage area in %</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 2px 5px;">0.5</td> <td style="text-align: center; padding: 2px 5px;">&lt;2%</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">0.25</td> <td style="text-align: center; padding: 2px 5px;">≥2 but ≤20%</td> </tr> <tr> <td style="text-align: center; padding: 2px 5px;">0.125</td> <td style="text-align: center; padding: 2px 5px;">≥20% but ≤50%</td> </tr> </tbody> </table> Silt fence is not to be used for controlling high velocities or concentrated flow. (Only sheet flow)	Max Area (ac.) to 100 ft. silt fence	Range of Slope for Drainage area in %	0.5	<2%	0.25	≥2 but ≤20%	0.125	≥20% but ≤50%			
Max Area (ac.) to 100 ft. silt fence	Range of Slope for Drainage area in %										
0.5	<2%										
0.25	≥2 but ≤20%										
0.125	≥20% but ≤50%										
Are alternatives to silt fence for perimeter control presented?											
<b>.....Do they meet Ohio Standards and Specifications?</b>											
<b>iv. Inlet Protection</b> Are there yard drain inlets and/or the street curb inlets that do not drain into a sediment settling pond? <i>NOTE: Inlet protection is mandatory where sediment settling ponds will not be implemented. If the drainage area is greater than 10 acres a sediment settling pond is required.</i> Do any inlets not connected to a sediment settling facility drain more than 1 acre? Does the inlet protection meet Ohio Standards and Specifications?											
<b>v. Stream Protection</b> Does the SWP3 propose to use any structural sediment controls in a stream? <i>NOTE: Use of structural sediment controls in-stream is prohibited in accordance with Part III. G.2.d.v.</i> For construction activities that are on the stream bank or will involve stream crossing, does the SWP3 include measures to minimize the number of stream crossings and/or the width of disturbance? <i>NOTE: If work along a stream bank is necessary, a non-erodible pad or non-erodible stream diversion dams (sand bags) must be installed. If stream crossings are necessary, a non-erodible stream crossing must be installed. 401 / 404 permits may be needed.</i>											

## APPENDIX L – SSWCP SWPPP CHECKLIST (page4)

Construction Site SWP3 Checklist	Y	N	Comments
<b>Part III.G.2.e Post-Construction Storm Water Management</b>			
Will the construction activity result in the installation of impervious surface? <i>NOTE: projects that don't result in the installation of impervious surface do not need the installation of structural post-construction BMPs.</i>			
Does the SWP3 include the installation of a structural post-construction best management practice (BMP) to manage storm water runoff once construction activities have been completed?			
Has a long-term maintenance plan been developed or included in the SWP3 for maintenance of the structural post-construction BMP? <i>NOTE: The long-term maintenance plan must be developed and provided to the post-construction site operator, but does not need to be implemented as required by this permit. Local municipalities may require maintenance plan implementation.</i>			
<b>Large Construction Activities (5 acres and up)</b>			
Does all runoff from developed areas drain through a structural post construction BMP? If no, has Ohio EPA approved a waiver from this requirement?			
If so, was the method proposed in the NPDES construction storm water general permit (CGP) used to determine the water quality volume (WQv) and drain time?			
Were the correct values used for: (a) runoff coefficient (C)? <i>Use either table 1 presented in the permit or the c formula based on site imperviousness.</i> (b) precipitation depth (P = 0.75-inches)? (c) and the drainage area (A) to the BMP?			
Was an additional 20% of the WQv added to the sediment storage zone of the practice?			
Does the drain time in the SWP3 for the proposed structural post-construction BMP match the drain time presented in table 2 of the NPDES permit?			
If the WQ practice is a basin, wetland, or wet enhanced swale has discharge curve been provided to show that no more than 1/2 of the WQv drains out in less than 1/3 of the allotted time?			
If there a pre-existing water quality practice that will receive the storm water drainage from the construction site, is it sized appropriately to treat the WQv?			
<b>Transportation Projects (as needed)</b>			
Are post construction controls in compliance with the Ohio Department of Transportation's "Location and Design Manual, Volume Two"?			
<b>Offsite Mitigation of Post Construction (as needed)</b>			
Has offsite mitigation been authorized by Ohio EPA?			
<b>Redevelopment Projects (as needed)</b> For redevelopment projects which disturb 5 or more acres of land, was one of the following options used to as a post-construction practice: (a) 20 % reduction in impervious area? (b) a BMP sized to treat 20% of the WQv? (c) or a combination of (a) and (b) above?			
<b>Non-Structural Post Construction BMPs (as needed)</b>			
Are non-structural controls presented?			
Has authorization been granted by Ohio EPA for the substitution of structural practices with non-structural?			
<b>Alternative Post Construction BMPs (as needed)</b>			
Are alternative practices presented?			
Has authorization been granted by Ohio EPA for the use of alternative BMPs?			
<b>Small Construction Activities (1 to 5 acres)</b>			
Does the SWP3 include a structural post-construction BMP?			
If so, does it meet the structural control requirements? (see above)			
Does the SWP3 explain the technical basis used to select the BMPs chosen where flows exceed pre-development levels?			

## APPENDIX L – SSWCP SWPPP CHECKLIST (page5)

Has the local municipality authorized the use of alternative BMPs if presented?			
<b>Part III.G.2.f Surface Water Protection</b>	<b>Y</b>	<b>N</b>	<b>Comments</b>
Are other permits required prior to construction? Are they included? (401 and/or 404)			
Is concentrated storm water diffused prior to discharge to natural wetlands?			
<b>Part III.G.2.g Other Controls</b>			
<b>i. Non-sediment Pollutant Controls</b>			
No solid or liquid waste, including building materials, shall be discharged in storm water runoff.			
Does the SWP3 provide directions on how to dispose toxic or hazardous wastes generated on site properly?			
Does the SWP3 designate areas used for mixing or storage of compounds such as fertilizers, lime, asphalt, soaps and solvents used in cleaning vehicles, washout of concrete, paint, or stucco, form release oils, or curing compounds away from storm water drainage ways?			
Does the SWP3 promote the use of protected storage areas for industrial or construction materials to minimize exposure of such materials to storm water?			
Does the SWP3 designate areas used for fueling or performing vehicle maintenance away from storm water drainage ways?			
Will the fuel tanks be contained or diked in the event of a leak or spill?			
Does the SWP3 designate areas used for receiving concrete chute or other concrete wash waters away from storm water drainage ways?			
Are the specifications of a washout pit contained in the SWPPP?			
Does the SWP3 describe what to do in the event of a small release (less than 25 gallons) of petroleum waste? <i>NOTE: Petroleum based and concrete curing compounds must have special handling procedures.</i>			
Does the SWP3 describe what to do in the event of a larger release (25 or more gallons) of petroleum waste? <i>NOTE: You must contact, Ohio EPA (at 1-800-282-9378), the local fire department, and the local emergency planning committee (LEPC) within 30 minutes of a spill of 25 or more gallons.</i>			
Has a spill prevention control and countermeasures (SPCC) plan been developed? <i>NOTE: A SPCC plan must be developed for sites with one above ground storage tank (AST) of 660 gallons or more, total above ground tank storage of 1330 gallons, or below ground storage of 42,000 gallons of fuel.</i>			
<b>ii. Offsite tracking</b> - Is offsite tracking of sediment minimized?			
<b>iii. Compliance with other requirements</b>			
Is open burning a prohibited activity?			
Does the SWP3 address proper handling and disposal of soils contaminated by petroleum or other chemical spills? <i>NOTE: All contaminated soils must be treated and/or disposed in Ohio EPA approved solid waste management facilities or hazardous waste treatment, storage or disposal facilities (TSDFs).</i>			
Will sanitary facilities be provided during construction?			
Does the SWP3 state that all construction & demolition debris (C&DD) waste will be disposed of in an Ohio EPA approved C&DD landfill as required by Ohio Revised Code (ORC) 3714 and local regulations?			
Have air pollution permits been obtained? <i>NOTE: Air pollution permits may be required for activities including, but not limited to, mobile concrete batch plants, mobile asphalt plants, concrete crushers, and large generators.</i>			
<b>iv. Trench and Ground water control</b>			
Does the SWPPP contain measures to control turbid discharges? <i>Note: turbid trench water must pass through a sediment settling pond or other equally effective device.</i>			
<b>v. Contaminated Sediment</b>			
Is there the possibility that contaminated sediments from past land uses exist?			
If yes, consult Ohio EPA			

**APPENDIX M – PLEASE REFER TO COUNTY OF SUMMIT**

**COMPREHENSIVE STORM WATER MANAGEMENT ORDINANCE  
NUMBER 2013-364**