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PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning

Chap. 1220. Planning Commission.

CHAPTER 1220
Planning Commission

1220.01 Compensation; meetings; powers.
1220.02 Review authority, procedures and criteria for C-1 Industrial District development.
1220.03 Appeals; variances; conditional zoning permits.
1220.04 Appellants.
1220.05 Appeal procedure; fee; hearing; notice.
1220.06 Action by Council.

CROSS REFERENCES

Composition and term of Commission - see CHTR. § 10.01
Powers of the Commission - see CHTR. § 10.02
Planning commissions - see Ohio R.C. Ch. 713

1220.01 COMPENSATION; MEETINGS; POWERS.

(a) The composition and powers of the Planning Commission, and the terms of its members, are as provided in Article X of the Municipal Charter. Each member shall receive compensation in the amount of twenty-five dollars ($25.00) per meeting, except the Mayor and the Council member, who shall receive no compensation for serving on such Commission. In addition, the Secretary of the Commission, who is responsible for preparing the Commission Minutes and reports to Council, shall receive an additional ten dollars ($10.00) per meeting for performing those activities.

(b) All meetings of the Planning Commission shall be open to the public. The Commission shall adopt, from time to time, rules and regulations as it deems necessary to carry into effect the provisions of this chapter. The Commission shall keep minutes of its proceedings, showing the vote of its members upon every question, or, if absent or failing to vote, indicating such fact.

(c) The Planning Commission shall have all powers conferred upon it by law, and, in addition thereto:

(1) Shall have control of the location of buildings to be erected upon ground acquired within the limits of the Municipality, and of the height, structure and general appearance of such buildings in all districts except the C-1 District. All plans and specifications for the erection thereof shall be submitted to and approved by the Commission before an application for a building permit is submitted.

(2) For developments proposed in the C-1 Industrial District the Planning Commission shall consider the proposal pursuant to the authority, procedures, and criteria set forth in Section 1220.02.

(3) Shall make plans and maps of the whole or any portion of the Municipality, and may make recommendations concerning the location of any buildings, structures or works to be erected upon any lands within the Municipality;

(4) Shall be the Platting Commission of the Municipality;

(5) Shall adopt plans for dividing the Municipality into zones or districts;

(6) Shall hear appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building and Zoning Inspector in the enforcement of the Zoning Code;

(7) Shall authorize, in specific cases, a variance from any provision of the Zoning Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of such provision would result in unnecessary hardship. However, no such variance recommendation shall be given unless the Commission finds that all of the following facts and conditions exist:

A. There are extraordinary circumstances applying to the property which do not apply generally to other properties;

B. The variance is necessary for the preservation of property rights equal to those of other similar properties in the same zoning district;

C. The authorization of such variance will not be detrimental to adjacent properties and will be in the spirit of the Zoning Code and in the public interest;

D. The condition or situation in question is not so general or recurrent as to make reasonably practicable the formulation of a general regulation for proper control;

(8) Shall grant conditional zoning certificates for the use of buildings, structures, lots or lands where such certificates for specific uses are provided for in the Zoning Code;

(9) Shall interpret the Zoning Code so as to carry out the intent and purposes of the Comprehensive Plan in any case where the boundary lines of the several use districts and the street layout on the ground vary from boundary lines or street layouts as shown upon the Master District Map;

(10) Shall authorize the extension, enlargement or relocation of a nonconforming use of buildings, structures, lots or lands where such would not be detrimental to or tend, substantially, to alter the character of the existing neighborhood;
(11) Shall authorize alteration or construction of a building or structure beyond the building line, subject to such conditions as the Commission deems advisable and/or reasonable;
(12) Shall permit an extension, of not more than twenty-five feet, of a building or structure into a more restricted use district in any case where the boundary line of a use district divides a lot or lands owned by the same person; and
(13) Shall determine, upon written application therefor, into which use district any use not specifically provided for in the Zoning Code may or will be permitted. (Ord. 1993-53. Passed 11-10-93; Ord. 2001-03. Passed 1-10-01; Ord. 2004-06. Passed 2-11-04; Ord. 2012-52. Passed 8-8-12.)

1220.02 REVIEW AUTHORITY, PROCEDURES AND CRITERIA FOR C-1 INDUSTRIAL DISTRICT DEVELOPMENT.

(a) General Development Plan Review Authority. For any proposed development in the C-l District the applicant shall submit for review by the Planning Commission a General Development Plan (GDP) and the Planning Commission shall make a recommendation to Village Council. In recognition of the unique characteristics of the site and the expected development (with respect to such factors as: the size and location of the C-l property; the mix of uses permitted: the unique marketing and development characteristics of these uses: and the proximity of the District to adjacent single family residential areas on the south side of the C-1 zoning) the Planning Commission and Village Council have the authority and responsibility to consider: the location and appearance of buildings and structures, landscaping, storm water and sanitary sewer management, parking and circulation, site lighting, and signs and shall review the general development plan to determine that it satisfies the standards and purposes set forth in Chapter 1270 and reasonably satisfies the criteria in Section 1278.11 and Section 1220.02(d).

(b) GDP Submission Requirements. The General Development Plan application shall include plans, illustrations, and supporting documentation for the entire area of the proposed project which shall include:
(1) The completed application form along with the application fee;
(2) The gross acreage of the proposed development and the approximate size and location of all existing buildings and related facilities, trees and landscape features.
(3) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site:
(4) The proposed uses: proposed new buildings and facilities depicting location, size, height, preliminary floor plans and preliminary design: and existing buildings to be renovated, if any;
(5) Any existing buildings or facilities to be demolished;

(6) The location of existing and proposed topography, major vegetation features, and wooded areas;
(7) The proposed location, design and standards for construction of public and private streets, driveways, sidewalks, parking and loading areas, fire lanes, utilities, waste disposal etc.
(8) A preliminary landscape, and grading plan depicting: mounding, fencing, vegetation to be retained: type of new landscaping (shrubs, trees, ground cover, etc.) and the general spacing and size of new vegetation at the time of planting;
(9) A summary table depicting floor areas for each use, and the traffic volumes to be generated by time of day.
(10) A lighting plan depicting the location of fixtures, the general direction of the light: the level of brightness (on the ground, in the air, and along the property lines of Route 8 and the residential to the south); and the hours for the illumination.
(11) A sign plan depicting the size, height, illumination and anticipated movement of each sign;
(12) A preliminary subdivision plat of the proposed development area, if any, and the manner that the requirements of the platting and Subdivision Regulations of the Village have been or will be met; and

(c) GDP Review Procedures:
(1) Review for Completeness. Within ten (10) days after receiving an application, or an amended application, the Building and Zoning Inspector shall review the submitted application for compliance with the applicable submission requirements in Sub-Section (b) above. If the application is deemed insufficient, the Building and Zoning Inspector shall notify the applicant of any deficiencies and the additional information needed. When the application is deemed complete and the application fee has been paid, the Building and Zoning Inspector shall officially accept the application, or amended application, and place it on the Planning Commission's agenda or declare the application a Minor Modification, as permitted by Section 1120.02 (f), if applicable.
(2) Distribution of Plans. When the Building and Zoning Inspector determines that the application for a GDP is complete, the Building and Zoning Inspector shall forward the application to the appropriate Village departments and professional consultants for review and comment. Any reports, comments, or expert opinions shall be returned to the Building and Zoning Inspector and be available when the Planning Commission considers the application.
(3) The Planning Commission shall review the GDP, or amendment thereto, according to the applicable criteria in Section 1220.02 (d) and shall make a recommendation to Village Council to:

A. Approve the GDP as submitted: or
B. Approve the GDP subject to specific, yet reasonable, conditions: or
C. Deny the GDP when the application does not demonstrate that the standards and criteria have been met.

When reviewing the GDP, the Planning Commission may also postpone the consideration of the application to a subsequent Planning Commission meeting in order for the applicant and/or the Commission to address concerns, comments, alternatives, or conditions expressed at a Planning Commission meeting and consider anv reasonable requests for additional information that may have been received.

In reviewing the GDP, the Planning Commission may utilize and rely on outside consultants to evaluate the proposal and make recommendations to the Commission. The reasonable cost of this review is to be paid by the applicant.

(4) Village Council shall consider the recommendation of the Planning Commission and shall:
A. Approve the GDP as recommended by the Planning Commission;
B. Approve the GDP with modified and/or additional conditions; or
C. Deny the application when Village Council determines that the application does not demonstrate that the standards and criteria have been met.

(5) Failure of the Planning Commission and Village Council to act on the GDP, or amendment thereto, within sixty days from the date the application was deemed complete, or an extended period as may be agreed upon, the applicant may deem the application denied.

(d) Review Criteria. In reviewing the GDP, the Planning Commission and Village Council shall recognize the unique development that is expected and the purposes of the C-l District; take into consideration the comments and recommendation of staff and consultants; and determine that the proposed GDP complies with the review criteria set forth below:

(1) The plan is consistent with the requirements and purposes of the C-1 District.
(2) The appropriate use and value of property within and adjacent to the proposed development will not suffer a significant negative impact.
(3) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property and roadways.
(4) The plan provides for an appropriate number of parking spaces based on the factors set forth in Section 1278.11.
(5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas and is designed in a manner that balances the marketing and development interests of the applicant with the impact on adjacent areas and considers the impact of direct light, glare and glow on adjacent property so that the lighting does not unreasonably interfere with the use and eniovment of adjacent property.

(6) The proposed signs are of an appropriate size, scale, and design in relationship to the unique marketing and development characteristics of the proposed uses and buildings; are located to maintain safe and orderly pedestrian and vehicular circulation: and will not unreasonably interfere with the use and enjoyment of adjacent property.

(7) The existing and/or proposed landscaping:

A. Enhances the quality of principal buildings, parking lots and overall site development;

B. Maintains existing trees and/or shrubs to the extent possible;

C. Adequately buffers adjacent residential uses: and

(8) Adequate provision is made for storm drainage within and through the site in compliance with the applicable storm water regulations and best engineering practices for storm water drainage.

(9) The proposed sanitary sewer svstem for the property is adequate to serve the needs of the proposed Plan.

(10) If the project is to be carried out in progressive stages, each phase shall be so planned that the foregoing criteria are complied with at the completion of each phase.

Since the uses proposed are "permitted by right"' a GDP that meets the standards, criteria, and purposes of the regulations cannot be unreasonably denied,

(e) Significance of an Approved General Development Plan:

(1) An approved GDP shall become for the proposed development a binding commitment of the specific elements approved for development. The approved GDP may be transferred to another person, corporation, or group of individuals or corporations at any time provided that the new ownership complies with all applicable approvals, stipulations and conditions related to the approved GDP.

(2) All subsequent construction and development for each component part may be approved by the Building and Zoning Inspector when he or she determines that the intended construction is in accordance with the approved GDP. Any departure from such approved plan shall be considered pursuant to Sub-Section (f) below.

(f) GDP Modifications after Approval.

(1) A minor modification to the approved GDP may be approved by the Building and Zoning Inspector. A modification shall be considered minor when it results in:

A. A small change(s) to the footprint of the buildings and/or a change in the floor area allocations for each use or in the general locations as specified on approved GDP, that does not materially impact parking:

B. Changes to signs, lighting, landscaping or parking that are essentially equivalent to what was included in the previously approved GDP.

C. An increase in the height of buildings, when such increased height complies with the building setbacks and any increase in floor area will not materially affect the amount of parking available or needed.

(2) Any modification to the approved GDP that does not satisfy the criteria in Section 1220.02 (f)(1) above, shall be considered a plan amendment and shall only be approved pursuant to the procedures for GDP approval as specified in Section 1220.02(c).

(Ord. 2012-52. Passed 8-8-12.)

1220.03 APPEALS; VARIANCES; CONDITIONAL ZONING PERMITS.

Any determination by the Building and Zoning Inspector, made in the enforcement of the Zoning Code, may be appealed in writing to the Planning Commission by any person deeming himself or herself adversely affected by his or her decision. The concurring vote of at least two members of the Commission shall be necessary in order to make a recommendation to Council that the determination of the Inspector be reversed or modified.

Upon the recommendation of the Commission, Council shall, at its discretion, grant a variance from any order, requirement, decision or determination made by the Inspector. The grant of a variance by the Commission shall be in the form of a resolution setting forth what the variance is to be, and such resolution shall be attached to the conditional zoning permit which shall issue therefor. The resolution shall contain a statement that the Inspector shall certify, in writing, to the Commission, that all conditions contained in the resolution have been fully met by the applicant, before an occupancy permit shall issue on the project involved and the variance or variances granted.

(Ord. 1993-53. Passed 11-10-93; Ord. 2012-52. Passed 8-8-12.)

1220.04 APPELLANTS.

Any person, other than a subdivider, adversely affected by any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the Zoning Code, may appeal to the Planning Commission.
(Ord. 1993-53. Passed 11-10-93; Ord. 2012-52. Passed 8-8-12.)

1220.05 APPEAL PROCEDURE; FEE; HEARING; NOTICE.

(a) An appeal shall be taken by filing with the Secretary of the Planning Commission, within twenty days from receipt of an adverse order, requirement, decision or determination, a written notice of appeal specifying therein the grounds and reasons for such appeal.

(b) A deposit of one hundred fifty dollars ($150.00) shall be made with every zoning appeal filed with the Planning Commission. In the event the Commission finds that the Building and Zoning Inspector erred in refusing the appellant a zoning certificate, such deposit of one hundred fifty dollars ($150.00) shall be returned to the appellant; otherwise, it shall be paid into the General Fund of the Municipality.

Upon the filing of an appeal by an appellant, the Inspector shall, within five days, transmit to the Secretary of the Commission all documents and data in his or her possession pertaining to such appeal.

(c) Upon the filing of any such appeal, the Commission shall hold a public hearing and shall give ten days public notice of the date, time and place thereof.

(d) Written notice of the date, time and place of such public hearing shall be mailed at least ten days prior thereto to the owners of property contiguous to the area which is the subject to appeal, to the addresses appearing on the current County tax duplicate. Like notice shall be given to the appellant and to the administrative official concerned.
(Ord. 1993-53. Passed 11-10-93; Ord. 2012-52. Passed 8-8-12.)

1220.06 ACTION BY COUNCIL.

Following a decision of the Planning Commission, each case shall be referred to Council. After reviewing the Commission's decision, Council may confirm, amend or reverse the decision by a majority vote of its membership. Immediately following Council's decision, a record of such decision, including notice of the expiration date of an approved variance, shall be mailed to the applicant.
(Ord. 1993-53. Passed 11-10-93; Ord. 2012-52. Passed 8-8-12.)

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CHAPTER 1240
General Provisions and Definitions

EDITOR'S NOTE: The Village adopted comprehensive subdivision regulations by passage of Ordinance 2000-27 on March 22, 2000. Copies of the subdivision regulations may be purchased from the Clerk-Treasurer.

The various sections of theses subdivision regulations have been renumbered herein to conform to the numbering conventions used in this Code. The original number of each provision is referenced at the end of each section as follows: "(Reg. xxx)," where xxx is the original number as used in Ordinance 2000-27.

1240.01 Title.
1240.02 Purpose.
1240.03 Authority.
1240.04 Interpretation.
1240.05 Definitions.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Authority to adopt subdivision regulations - see Ohio R.C. 711.101
Violation of regulations - see Ohio R.C. 711.102
Vacating plats - see Ohio R.C. 711.17 et seq.
Revision of plats - see Ohio R.C. 711.28 et seq.

1240.01 TITLE.

The official name of this Title shall be "General Rules and Regulations for Plats and Subdivisions in the Village of Northfield, Summit County, Ohio."
(Reg. 101) (Ord. 2000-27. Passed 3-22-00.)

1240.02 PURPOSE.

This Title is adopted to secure and provide for the Village 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 fire fighting apparatus, recreation, light and air, and the avoidance of congestion of the population.
(c) The orderly, efficient, and appropriate development of land.
(d) The orderly and efficient provision of community facilities at minimum cost and maximum convenience.
(e) Safe and convenient vehicular and pedestrian movement.
(f) The promotion of public health, safety, comfort, convenience, prosperity, 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 subdivider.
(Reg. 102) (Ord. 2000-27. Passed 3-22-00.)

1240.03 AUTHORITY.

The authority for the preparation, adoption, and implementation of this Title is derived from Ohio R.C. Chapters 711 and 713, which permits the adoption of uniform rules and regulations governing subdivision of land.
(Reg. 103) (Ord. 2000-27. Passed 3-22-00.)

1240.04 INTERPRETATION.

The provisions of this Title shall be broadly construed so as to achieve their essential purposes.

(Reg. 104) (Ord. 2000-27. Passed 3-22-00.)

1240.05 DEFINITIONS.

Throughout this Title, the following terms shall have the meaning given herein.

(a) Generally.

(1) Words used in singular include the plural and plural shall include the singular.

(2) Words used in present tense include the future tense.

(3) The word "shall" is mandatory and the word "may" is permissive and recommended.

(4) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(5) The word "lot" includes the words "plot" or "parcel."

(Reg. 202) (Ord. 2000-27. Passed 3-22-00.)

(b) Terms Defined.

(1) "Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or property.

(2) "Building setback line" means a line establishing the limits of a yard which abuts a street and in which no building may be located.

(3) "County Auditor" means the Auditor of the County of Summit.

(4) "County Recorder" means the Recorder of the County of Summit.

(5) "County Tax Map Department" means the Tax Map Department of the County of Summit.

(6) "Developer" means any individual, subdivider, firms, association, syndicate, partnership, corporation, trust, or any other legal entity proceeding under this Title to effect a subdivision of land hereunder for himself or herself or for another.

(7) "Easement" means authorization by a property owner for the use of another, for a specified purpose, of any designated part of his or her property.

(8) "Engineer" means any person registered to practice professional engineering by the state board of registration as specified in Ohio R.C. 4733.14.

(9) "Erosion control plan" or "ECP" means a plan developed with the appropriate conservation practices, including a schedule of their installation, and location which will effectively minimize soil erosion and offsite sediment yield.

(10) "Floodplain" means the lowland area that borders a steam and is subject to flooding. Specifically, the floodplain is designated by the flooding frequency, such as 100 year flood stage which is the level of floodwater once every 100 years.

(11) "Frontage, lot" means that portion of a lot line abutting on the road right-of-way.

(12) "Improvements" means grading, draining, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, street lights, parks, monuments, and the appropriate appurtenances required to render land suitable for the use proposed.

(13) "Lot, corner" means a lot at the point of intersection of and abutting on two intersecting streets.

(14) "Lot, double-frontage" means a lot, other than a corner lot, that abuts more than one street.

(15) "Lot, lines" means the boundaries of a lot.

(16) "Lot, parcel" means 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.

(17) "Monument" means a survey marker used to mark a street intersection, a start or end of a curve, a sublot corner, an allotment corner, original lot corner, section corner or witness any of the above.

(18) "Official filing" means the submission of a preliminary or final plat of a major or minor subdivision which meets all of the requirements as prescribed by this Title.

(19) "Open space" means that portion of land within a development devoted to public and/or private recreational facilities exclusive of parking areas, streets and 80% of all land mass contained therein which is covered by water.

(20) "Original tract" means a contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners.

(21) "Pedestrian walkways" means a dedicated public right-of-way limited to pedestrian use.

(22) "Performance bond" or "surety bond" means an agreement by a developer with the Village for the amount of the estimated construction cost thereby guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

(23) "Plan, preliminary" means a drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

(24) "Plan, private survey" means a map of one of more parcels of land as surveyed by a registered professional surveyor in accordance with the minimum standards for boundary surveys in this State, as prescribed by Ohio R.C. 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.

(25) "Planning authority" means the Village Planning Commission or its successor.

(26) "Plat, final" means a final tracing of all or a portion of a subdivision in its complete survey information.

(27) "Public utility" means any person, firm or corporation, governmental agency, or board having a public utility commission or regulatory body permit to furnish to the public, under regulations, electricity, gas, sewer, water, telephone, transportation, steam, or other similar public services.

(28) "Public way" means an alley, avenue, boulevard, bridge, channel, ditch easement, express freeway, highway, land, parkway, right-of-way, road, sidewalk, street subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

(29) "Right-of-way" means 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.

(30) "Sewerage, centralized systems" means 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.

(31) "Stormwater management" means a plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion and flooding.

(32) "Subdivider" means an individual, firm, association, corporation, trust, or other legal entity, including their agents, commencing proceedings under this Title to subdivide land.

(33) "Subdivision" means 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 does not create additional building sites, shall be exempted or 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 sewers, water, storm drainage, or other public facilities.

(ORC 711.01)

(34) "Subdivision, condominium" means a subdivision, as defined herein, and which is ultimately to be partially jointly-owned under the provision of a recorded condominium declaration.

(35) "Subdivision, major" means any subdivision that does not meet the requirements of a minor subdivision.

(36) "Subdivision, minor" means a division of a parcel of land along an existing public street or road, not involving the opening, widening, or extension of any street or road, and involving not more than five lots, any one of which is less than five acres after the original tract has been completely subdivided.

(37) "Summit Soil and Water Conservation District" means the Soil and Water Conservation District of Summit County.

(38) "Surveyor" means any person registered to practice professional surveying by the state board of registration as specified in Ohio R.C. 4733.14.

(39) "Thoroughfare plan" means mapped and / or written proposal for future road development of Summit County and its affected area.

(ORC 711.10)

(40) "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" means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

B. "Arterial street" means the class of street that 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. "Collector street" means the class of street that serves the internal traffic movement within an area of the County, such as a subdivision, and connects this area with the arterial system. Collectors do not handle long through trips and are not, of necessity, continuous for any great length. This principal difference between collector and arterial streets is the length of the trip they accommodate. Collectors in an industrial area would properly carry truck movements which serve to terminate in that area.

D. "Cul-de-sac street" means a local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.

E. Dead-end street means a street temporarily having only one outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a vehicular turnaround on a temporary easement.

F. "Local collector street" means the class of street that serves the internal traffic movement within areas such as major subdivisions, industrial areas and commercial areas and connects with other collector streets.

G. "Local street" means those streets whose sole function is to provide access to immediately adjacent land. 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. "Marginal access street" means a local or collector street parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

I. "Private street" means a right-of-way which provides vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures, and is not dedicated.

(41) "Village Engineer" means the engineer for the Village.

(42) "Village Engineer's Inspector" means an employee of the Village Engineer.

(43) "Village Zoning Inspector" means a person appointed by the Mayor and approved by Council to administer and enforce zoning regulations and related resolutions.

(44) "Utilities" means those public or private services which are for the benefit of the general public.

(45) "Variance" means a modification of the terms of the relevant regulations where such modification will not be contrary to the public

interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(46) "Wetlands" means areas on the land which meet the criteria for wetlands as specified by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

(Reg. 203) (Ord. 2000-27. Passed 3-22-00.)

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01 Authority of Mayor, Finance Director, and Village Engineer.
1242.02 Sale of land in subdivisions.
1242.03 Revision of plat after approval.
1242.04 Fees.
1242.05 Variances.
1242.06 Appeals.
1242.07 Separability.
1242.08 Repeal.
1242.99 Penalty.

CROSS REFERENCES

Approval or rejection; rules to govern plats - see Ohio R.C. 711.05
Violations of regulations - see Ohio R.C. 711.102
Transfer of land before recording; forfeiture - see Ohio R.C. 711.13
Planning Commission - see CHTR. Art. X; P. & Z. Ch. 1220

1242.01 AUTHORITY OF MAYOR, FINANCE DIRECTOR, AND VILLAGE ENGINEER.

The Finance Director, Village Engineer, and Mayor shall administer this Title jointly as specified herein, except where specific authority is given to another office as set forth in this Title.
(Reg. 701) (Ord. 2000-27. Passed 3-22-00.)

1242.02 SALE OF LAND IN SUBDIVISIONS.

No owner or agent of the owner of any land located within a subdivision shall transfer or agree to transfer ownership in the future by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been accepted, approved, and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this section is void. The description of such sublot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Title.
(Reg. 702) (Ord. 2000-27. Passed 3-22-00.)

1242.03 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and Council and an endorsement is made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Planning Commission and Council.
(Reg. 703) (Ord. 2000-27. Passed 3-22-00.)

1242.04 FEES.

(a) Filing Fees. Filing fees in the amount fixed as follows shall be made payable to the Village when an application is filed with the Zoning Inspector.

(1) Minor Subdivision Fees.

Subdivision Dedication Plat: $150.00

(2) Major Subdivision Fees.

Subdivision Dedication Plat: $150.00 + $50.00 per sublot

Site Development Plan: $150.00 + $125.00 per acre of development or fraction thereof

Resubmittal of Site Development Plan: $50.00 + $50.00 per acre of development or fraction thereof

Variance fees: $150.00

(b) Refunds. In the event that a plat is withdrawn by the subdivider before any physical inspection of the site has been made, then the Planning Commission may order that the subdivider be refunded an amount not to exceed one-half of the fee paid.

(c) Plan Checking and Field Inspection Fees. The subdivider shall pay the Village Engineer the total cost of plan checking and field inspection of the improvements. The review and inspection fees shall be based on the hourly rates charged by the Village Engineer in his contract with the Village for engineering and inspection services. The subdivider is held responsible for all engineering review and inspection fees which will be payable upon invoice. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all engineering review fees and inspection fees have been paid in full.
(Reg. 704) (Ord. 2000-27. Passed 3-22-00.)

1242.05 VARIANCES.

(a) The Planning Commission may recommend for approval and Council may grant variances to this Title as specified herein where unusual or exceptional factors or conditions require such modification, provided that the Planning Commission shall:

(1) Determine that the size, shape, location, or surroundings of the property are unusual; find that unusual topographical or physical conditions, or other conditions inherent in the land, exist.

(2) Determine that a strict compliance with this Title would create an extraordinary and unnecessary hardship in the face of the exceptional conditions.

(3) Permit any modification to depart from this Title only to the extent necessary to equitably remove the hardship so that substantial justice is done.

(4) Determine that any modification granted will not be detrimental to the public interest nor in conflict with the spirit, intent and purpose of this Title.

(5) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of this Title when modified.

(6) Determine that a strict compliance with this Title would deprive the property of privileges enjoyed by similar property in the vicinity.

(b) In making its determinations, the Planning Commission may also consider:

(1) Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

(2) Whether the essential character of the neighborhood will be altered or whether adjoining properties would be adversely affected as a result of the variance.

(3) Whether the variance would adversely affect the delivery of governmental services.

(c) 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 sublots served by the cul-de-sac and the availability of central water service to determine if the variance will permit appropriate development of the land without unduly affecting the public safety; the Planning Commission may also consider the opinions of local officials.

(d) If the proposed variance involves the creation of a sublot whose depth exceeds four and one-half times its width, the Planning Commission may also consider the pattern of existing platting for similarly-zoned land in the vicinity.

(e) Council may grant variances affecting required improvements upon recommendation of the Planning Commission. Such recommendations shall be based on the findings listed in this section.

(Reg. 705) (Ord. 2000-27. Passed 3-22-00.)

1242.06 APPEALS.

Rights of appeal shall be as set forth in Ohio R.C. Chapter 711 or other applicable sections of the Ohio Revised Code.
(Reg. 706) (Ord. 2000-27. Passed 3-22-00.)

1242.07 SEPARABILITY.

If any article, section, paragraph, clause, or part of this Title is held invalid by a court, such judgment shall not affect the validity of the remaining provisions of this Title.
(Reg. 707) (Ord. 2000-27. Passed 3-22-00.)

1242.08 REPEAL.

All prior Subdivision Regulations and amendments thereto are hereby repealed.
(Reg. 708) (Ord. 2000-27. Passed 3-22-00.)

1242.99 PENALTY.

Whoever violates any of the provisions of this Title, or fails to comply therewith, for which no penalty is otherwise provided, shall be fined not more than five hundred dollars ($500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1244
Subdivision Procedures

1244.01 Purpose.
1244.02 Basic requirements.
1244.03 Types of subdivisions.
1244.04 Minor subdivision procedure.
1244.05 Major subdivision procedure.

CROSS REFERENCES

Approval or rejection; rules to govern plats - see Ohio R.C. 711.05
Violations of regulations - see Ohio R.C. 711.102
Planning Commission - see CHTR. Art. X; P. & Z. Ch. 1220

1244.01 PURPOSE.

The purpose of this chapter is to specify the procedures that shall be followed to subdivide land.
(Reg. 301) (Ord. 2000-27. Passed 3-22-00.)

1244.02 BASIC REQUIREMENTS.

(a) All subdivision of lands into parcels less than 43,560 square feet and/or less than 100 feet width at the building line shall have centralized sanitary sewer, storm sewer, water main and curb.

(b) All subdivision of lands into parcels all of which are over 43,560 square feet and/or 100 feet or over in width at the building line may be required to have centralized sanitary sewer and/or water facilities if they are reasonably available as determined by the Village Engineer.
(Reg. 302) (Ord. 2000-27. Passed 3-22-00.)

1244.03 TYPES OF SUBDIVISIONS.

There are two basic types of subdivisions: minor and major.

(a) Minor Subdivisions. 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, is less than five lots after the original tract has been completely subdivided.

The proposed division shall not be contrary to applicable zoning regulations nor this Title. No lot depth shall exceed four and one-half times the lot width or be less than one and one-half times the lot width at the minimum building setback line unless a variance is granted by the Planning Commission. Also, see Section 1248.05.

(b) Major Subdivisions. Any subdivision that does not meet the requirements of a minor subdivision and includes the improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures which ultimately are to be jointly-owned under a recorded condominium property declaration (under the provisions of Ohio R.C. Chapter 5311.)

(Reg. 303) (Ord. 2000-27. Passed 3-22-00.)

1244.04 MINOR SUBDIVISION PROCEDURE.

(a) Planning Commission Authority. The Planning Commission is the reviewing authority that reviews and recommends for approval to Council a minor subdivision. Both Council and the Planning Commission endorse the conveyance of a parcel or parcels of land in a minor subdivision "Approval for Transfer without Plat, No Building Site Approved."

(b) Submission of Minor Subdivisions. Any person proposing to create a minor subdivision shall submit the following to the designated authority:

(1) A metes and bounds description signed and sealed by a registered surveyor accompanied by a plat or plan or survey that meets the minimum standards for boundary surveys in this State under Ohio R.C. 4733.37.

(2) New legal description shall monument or reference a monument within 100 feet of the place of beginning.

(3) A separate paragraph for each course in the description.

(4) Geodetic monumentation with azimuth mark shall be used to establish basis of bearing when such monumentation is located within 500 feet of major or minor subdivision.

(5) All properties abutting 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.

(6) Show and describe monumentation used to establish all existing property lines.

(7) The plat of survey shall be indisputably legible and the acceptable plat sizes may be: 8 ½" x 14", 11" x 17", 12" x 18", 18" x 24", 24" x 36".

(8) Show acreage to minimum of three decimal places.

(9) Show and reference all visible permanent structures within 100' of the proposed property line and said structures shall be referenced within 0.5 feet to the proposed line.

(10) A certification within the last six months by the Zoning Inspector that the proposed minor subdivision is in compliance with the Zoning Code.

(c) Action by the Planning Commission.

(1) Upon review of applicable agencies including, but not limited to the Planning Commission and Village Engineer and within 30 working days after submission of a minor subdivision or within a mutually agreed upon extension, the reviewing authority shall recommend to Council either to approve or disapprove the application for transfer without a record plat.

(2) If the reviewing authority does not approve the transfer, the reviewing authority shall notify the applicant of the reason for disapproval. If both the Planning Commission and Council approve the transfer without plat, the conveyance shall be stamped as follows:

Approved by the Planning Commission and Council (No Plat Required)

_____ _____

Planning Commission Council
(Chairperson) (President)

_____ _____

Date Date

As provided for in Section 711.131 of the Revised Code, State of Ohio. Approval for transfer only, no building site approval granted. Valid for one hundred eighty (180) days from the above date.

(3) The conveyance shall be dated and signed by the Planning Commission and Council. The approval shall expire within 180 days, unless the instrument of conveyances (deed) is recorded in the Office of the County Recorder during that period.

(Reg. 304) (Ord. 2000-27. Passed 3-22-00.)

1244.05 MAJOR SUBDIVISION PROCEDURE.

(a) General Procedure. Major subdivisions shall be approved in four stages: preliminary discussion stage, preliminary plan stage, improvement plan stage and final plat stage.

(1) The preliminary discussion stage requires the subdivider to discuss the proposed subdivision so that he/she can become familiar with subdivision requirements, existing conditions, and future plans. Refer to division (b) of this section.

(2) The preliminary plan stage requires the subdivider to present all information needed to determine that the proposed layout is satisfactory and will serve the public interest. Refer to division (c) of this section.

(3) The improvement plan stage requires the subdivider to present engineering improvement plans to the Village Engineer, City of Cleveland Water Department, NEORSD, and Ohio Environmental Protection Agency. Sedimentation pollution controls shall be incorporated as a part of the overall improvement plan. Improvements shall not be constructed until such time the Village Engineer, Cleveland Water Department, NEORSD, and the Ohio Environmental Protection Agency have approved the improvement plans.

(4) The final plat stage requires the subdivider to present all data needed to determine that the subdivision fully complies with this Title and conforms to the approved preliminary plan. After approval of all streets, highways, or other public ways, or open space by the Planning Commission and Council, the plat will be transferred and recorded, with required bonds, at the developer's expense. The developer shall be responsible for getting the plat recorded.

(b) Preliminary Discussion Stage. The subdivider shall consult with the Planning Department and the Village officials. Subsequently, the subdivider shall consult with the County Soil and Water Conservation District and Army Corps of Engineers concerning Wetlands preservation. At this time, no formal approvals are requested of these individuals and/or their agencies or departments. The subdivider shall submit a preliminary discussion map including all items required by Section 1246.02. The preliminary discussion map will be initialed by the Zoning Inspector (or other designated Village representative).

(c) Preliminary Plan Stage Procedure.

(1) Submission of Preliminary Plan. The Subdivider shall make application to the Zoning Inspector for approval of a preliminary plan.

All information required by Section 1246.03, shall be submitted to the Planning Commission on the preliminary plan as follows:

A. One copy of application (see Appendix A).

B. Ten copies of the preliminary plan including a vicinity map.

C. Any other data that the Zoning Inspector deems necessary.

D. Preliminary Plan fees (see Section 1242.04).

E. All plans shall be dated: month, day, year.

(2) Transmission of Preliminary Plan. The Zoning Inspector shall transmit at least one copy of the preliminary plan to the following officials and agencies for their review and recommendation:

A. Planning Commission (5 copies);

B. Village Engineer (2 copies);

C. County Soil and Water Conservation District (2 copies);

D. Staff may transmit additional copies of the preliminary plan documents to utility companies, school boards, and others as they deem necessary.

(3) Official Filing of Preliminary Plan. Upon determination by the Zoning Inspector 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 10 working days prior to the Planning Commission's regularly scheduled meeting for consideration of major subdivisions. The Zoning Inspector 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 Zoning Inspector that the subdivider can reasonably produce the missing information within a short time, the Zoning Inspector may grant the subdivider up to five additional working days to produce the additional information. The Planning Commission need not consider a preliminary plan unless it is officially filed.

(4) Information to be Supplied by the Developer upon Filing of Preliminary Plan.

A. Prior to the Planning Commission taking action it is the responsibility of the developer to submit the following data:

1. A copy of the proposed plan which contains a statement indicating that the proposed development meets all current zoning requirements of the Village. The plan shall have affixed to it the signature of the Zoning Inspector indicating that the zoning requirements have been met.

2. Additional information deemed necessary by the Zoning Inspector.

B. If the developer requires additional time to acquire the needed information he or she may do so by submitting a written request to the Zoning Inspector.

(5) Planning Commission Action. The Planning Commission shall recommend to Council to approve, approve conditionally, or disapprove the preliminary plan. The action shall be conveyed in writing to the subdivider and all reviewing agencies deemed 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.

(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 this Title. Approval of a preliminary plan by the Planning Commission and Council shall be effective for a period of one year following the date of approval unless an extension of time is granted by the Planning Commission and Council. The preliminary plan will be valid if the final plat approval has been developed in stages. 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 Village Engineer, Cleveland Water Department, NEORSD and the Ohio Environmental Protection Agency.

(d) Improvement Plan.

(1) 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. Three copies shall be submitted to the Village Engineer. A copy shall be marked and returned to the developer's engineer for corrections if necessary. If found to be satisfactory, copies of the plans shall be sent to the Cleveland Water Department, NEORSD and Ohio EPA for their approvals. The original tracing shall be submitted for approval signature by the Village Engineer.

(2) If the developer finds in the process of preparing improvement plans that the approved preliminary plan is not workable and changes in layout are required, he or she shall inform the Planning Commission. The Planning Commission may require that a revised preliminary plan be submitted for reapproval.

(e) Final Plat Stage Procedure.

(1) Submission of Final Plat.

A. The subdivider 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 preliminary and sedimentation pollution control plan approval has been given for the entire subdivision.

B. All items as required by Section 1246.05 shall be submitted to the Planning Commission as follows:

1. Eight copies of final plat and vicinity map. Additional copies may be required by the Planning Department if necessary.

2. Final plat fees as set forth in Section 1242.04.

3. Where a park, playground, school site, or other public space shown on the final plat is to be dedicated to the public, the subdivider 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.

(2) Official Filing of Final Plat. The Zoning Inspector shall present to the Planning Commission the final plat documents which meet the requirements of Section 1246.05, at the next meeting after all required documents have been submitted. The final plat shall be submitted to the Zoning Inspector at least ten 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 recommend to Council to accept the final plat as being officially filed and certify on the copies the date.

(3) Planning Commission Action.

A. The Planning Commission shall act within 60 calendar days following the official filing of the final plat. If no action is taken during this time period, the final plat shall be deemed to have been recommended for Council approval by the Planning Commission.

B. One of the following actions shall be taken by the Planning Commission.

1. Recommend Final Approval by Council. The Planning Commission may recommend final approval by Council before all required improvements are installed, authorizing its Chairperson, or any other officer of the Planning Commission, to indicate such recommendation for approval and date on the tracing of the final plat. Notwithstanding, the provisions of

Section 1250.01(g)(7), where it appears that the requirements of Section 1250.01(g)(7) will be met prior to the Planning Commission's next scheduled meeting, the Planning Commission may, with the consent of the subdivider, give final recommendation for approval effective upon the Village Engineer's future approval of the improvement plans and signing the plat. Such final recommendation for approval shall take effect as of the date of the Village Engineer's signature. If the requirements of Section 1250.01(g)(7) have not been met by the Planning Commission's next scheduled meeting the final plat shall automatically be placed on the agenda for the next Planning Commission meeting, at which the Planning Commission may reaffirm, modify, or change its previous action.

2. Recommend Disapproval by Council. Should the Planning Commission recommend to Council to disapprove the final plat, written notice of such action, including reference to the section or sections of this Title not complied with by the plat, shall be mailed to the subdivider and his or her engineer and/or surveyor. The action shall also be entered on the official records of the Planning Commission. This criteria extends to all owners and/or partners listed on the dedication plat of said previous phase of subdivision.

3. Recommend Approval by Council without Planning Commission Action. In the event the Planning Commission fails to act upon the final plat within 60 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 recommended for approval by the Planning Commission to Council.

C. Effect of Approval. Final approval of a plat by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, highway, or other public ways, or open space upon the plat until such acceptance is also endorsed by Council upon the tracing of the final plat. Planning Commission final recommendation for approval shall automatically expire if the final plat is not presented to Council for final approval within two years of the Planning Commission's preliminary plan approval.

(4) Council's Action. Council shall act within 30 calendar days from the date of the official filing of the plat with Council.

(Reg. 305) (Ord. 2000-27. Passed 3-22-00.)

CHAPTER 1246
Plan and Plat Specifications

1246.01 Purpose.
1246.02 Preliminary discussion map.
1246.03 Preliminary plan.
1246.04 Improvement plans.
1246.05 Final plat.

CROSS REFERENCES

Approval or rejection; rules to govern plats - see Ohio R.C. 711.05
Violations of regulations - see Ohio R.C. 711.102
Planning Commission - see CHTR. Art. X; P. & Z. Ch. 1220

1246.01 PURPOSE.

The purpose of this chapter is to inform the subdivider of the specific information he or she must provide to permit adequate review, approval and recording of plats.
(Reg. 401) (Ord. 2000-27. Passed 3-22-00.)

1246.02 PRELIMINARY DISCUSSION MAP.

A map should be submitted by the subdivider as a basis for informal discussion. The map should show the following information:

(a) Location, tract boundaries, township, and north arrow.

(b) Existing highways and proposed streets on and adjacent to the tract (several alternates if considered).

(c) A copy of a preliminary report on both sewage disposal and water supply.

(d) Utility transmission lines and easements.

(e) Existing zoning districts.

(f) Topography (USGS or better).

(Reg. 402) (Ord. 2000-27. Passed 3-22-00.)

1246.03 PRELIMINARY PLAN.

The subdivider shall furnish the following:

(a) Preliminary Plan Application. (see Appendix A).

(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, original lot or section number, and north arrow.

(2) Existing and proposed main traffic arteries.

(3) Any other significant community activity or features.

(c) Preliminary Plan Drawing. The plan shall be prepared in accordance with Chapter 1248 by a registered professional engineer or registered professional surveyor. The plan shall be accurately and clearly drawn, signed and shall be based on a boundary determined by a registered professional surveyor. The drawing shall include the proposed plan or alternate 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.

C. Scale (1" = 100' maximum), north arrow, and date.

D. Tracings shall not exceed a size of 24" by 36".

(2) Existing Data.

A. Deed description showing bearings and distances as determined by a registered professional surveyor.

B. Easements: blankets, location, width, and purpose.

C. Streets on and adjacent to the subdivision: names, location, right-of-way, and roadway width. Planned public improvements: highways or 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. Ground elevations in the subdivision: show contours with an interval of not more than five feet.

G. Subsurface conditions in the subdivision: any conditions that are not typical such as abandoned mines.

H. Other conditions in the subdivision or on adjacent land within 200 feet:

1. Water courses and areas subject to flooding;
2. Marshes;
3. Rock outcroppings;
4. Wooded areas;
5. Any structures or other significant features;
6. Approximate direction and gradient of ground slope including any embankments or retaining walls;
7. Location and type of building, fences, tree lines, etc.;
8. Railroad lines;
9. Power lines and towers;
10. Other nearby nonresidential uses of land;
11. Owners of adjacent unplatted land (for adjacent platted land refer to subdivision plat by name, plat book and pages);

I. Zoning requirements (refer to Section 1244.05):

1. District
2. Lot size and yard requirements
3. 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 Village Engineer), and proposed improvements. The Village Engineer may also require profiles of approximate street grades.

B. Other rights-of-way or easements: location, width, and purpose.

C. Lots: numbers, dimensions.

D. Minimum building setback lines.

E. Land parcels within the subdivision not to be divided into lots.

F. Public sites reserved or dedicated for parks, playgrounds, or other public uses.

G. Sites for other uses: multifamily dwellings, shopping facilities, churches, industry, or other nonpublic uses exclusive of single-family dwellings.

H. Total site data, including acreage, number of residential lots, typical lot size, and acres in parks and other public uses.

I. When extensive changes of topography are contemplated, the proposed topography shall be indicated.

J. Proposals for the control of erosion and sedimentation as recommended by the Village Engineer and Summit County Soil and Water Conservation District.

K. Location of all underground sanitary sewer, centralized water and stormwater facilities - immediate and future construction.

(4) Other Information. The Planning Commission may require such additional information as deemed necessary.

(Reg. 403) (Ord. 2000-27. Passed 3-22-00.)

1246.04 IMPROVEMENT PLANS.

(a) 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. The improvement plans shall be submitted to the Village Engineer, County Soil and Water Conservation District, Northeast Ohio Regional Sewer District (NEORSD), Cleveland Water Department and Ohio Environmental Protection Agency for their checking and approval.

(b) If it becomes necessary to modify the improvements as approved due to unforeseen circumstances, the subdivider shall inform the Village Engineer in writing of the conditions requiring the modifications. Written authorization from the appropriate review agency to make the required modification must be received before proceeding with the construction of the improvement.

(c) At the completion of the construction, and before acceptance, the subdivider's engineer shall update the original tracings as directed by the Village Engineer, showing the locations, sizes, and elevations of all improvements as constructed.

(Reg. 404) (Ord. 2000-27. Passed 3-22-00.)

1246.05 FINAL PLAT.

(a) The subdivider shall furnish the following:

(1) Final Plat Application. See Appendix B.

(2) Final Plat Fees. See Section 1242.04.

(3) Final Plat Drawings. The final plat shall be drawn in original ink on tracing cloth or mylar (sheet size 18" x 24") and shall be at a scale of not more than 50 feet to one inch (1" = 50'). Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision.

(b) 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) Streets: 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 shall be numbered in consecutive order 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, including acreage, number of residential lots, acres in parks and other public uses, and acreage in streets.

(8) Land for public use: show boundaries and identify the use of all parcels which are to be dedicated or reserved for public 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.R.C. 4733.37.

(10) Names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume, and page of County Recorder's maps.

(11) Signature and seal of a registered professional surveyor on the title sheet to the effect that the plat represents a survey made by him/her and that the monuments are or shall be set upon completion of construction (see Section 1250.07).

(12) Notarized certification by the owner or owners of the subdivision of 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 plat.

(13) Provision for:

A. Certification of the Village 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 plat by the Planning Commission.

C. Acceptance of offers of dedication by Council.

D. Proper spaces for transfer and recording stamps by the County Auditor and the County Recorder.

E. Offer of dedication of streets, parks, and easements by the owners of record with all signatures witnessed and notarized.

(c) Miscellaneous Information Required with Submission of Final Plat.

(1) The subdivider shall furnish written approval of street names from the Village.

(2) The subdivider shall furnish written approval from the Village that the final plat meets all Village zoning requirements as shown on the approved preliminary plan.

(3) The improvement plans shall have been submitted to the Village Engineer prior to submission of the final plat.

(4) If oil or gas wells, storage tanks and service lines are located on sublot(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.

(Reg. 405) (Ord. 2000-27. Passed 3-22-00.)

CHAPTER 1248
Design Standards

1248.01 Physical considerations.
1248.02 Streets.
1248.03 Easements.
1248.04 Blocks.
1248.05 Lots.
1248.06 Open space; natural features.
1248.07 Screening and landscaping.

CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
Change of name, vacating and narrowing streets - see Ohio R.C. 723.04 et seq.
Surface treatment of streets - see Ohio R.C. 723.23, 723.31
Notice to construct or repair sidewalks - see Ohio R.C. 729.03

1248.01 PHYSICAL CONSIDERATIONS.

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

(b) Flood Hazards. If any portion of the land within the subdivision is subject to flooding or other hazards, due consideration shall be given to such problems in the design of the subdivision. Land subject to flooding and land otherwise uninhabitable shall not be platted for residential occupancy nor for such other uses that may increase danger to health, life, or property, or aggravate the flood hazard as delineated by detailed engineering studies. (Reg. 501) (Ord. 2000-27. Passed 3-22-00.)

1248.02 STREETS.

(a) Arrangement.

(1) 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.

(2) All streets must be designed and constructed to the Village Engineer's standards. The width of rights-of-way should be provided so that all underground utilities can be located outside of pavement areas.

(b) Street Classification.

(1) Major arterial thoroughfares shall be planned for continuation of movement of traffic between points of heavy traffic generation and from one section of the community to another. They shall contain as few intersections with minor streets as possible.

(2) Local streets shall provide direct and full access to each lot and shall be laid out 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 nor 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.

(c) Public and Private Street Right-of-Way Widths and Grades.

Classification	Minimum Right-of-way Width	Maximum Grade	Minimum Grade	Minimum Centerline Radius
Major Arterial Thoroughfare	80'*	6%	0.5%	1,200'
Collector (Commercial and Industrial)	80'*	8%	0.5%	800'
Collector (Residential)	60'*	8%		

0.5%
800'

Local Streets
Rural Residential
Urban Single-family
Urban multi-family
Light Industrial

60'*
60'*
60'*
60'*

10%
10%
9%
6%

0.5%
0.5%
0.5%
0.5%

300'
300'
300'
300'

2001 Replacement

* Indicates a minimum 12' easement to be adjacent to the proposed right-of-way lines on both sides of the street.

(d) 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 platted.

(e) Cul-de-Sac and Dead-End Streets.

(1) A street designed to be permanent cul-de-sac, which contains central water service and fire hydrants for its full length, may serve up to 25 sublots; otherwise a permanent cul-de-sac shall not be longer than 1,000 feet. Permanent cul-de-sacs shall be provided at the closed end with a paved turnaround having an outside pavement radius of at least 47.5 feet and a street right-of-way line radius of at least 60 feet ,or such greater dimension agreed upon by the developer and the Village Engineer.

(2) If a cul-de-sac is of a temporary nature and a future extension into adjacent land is anticipated, then the turning circle beyond the normal street width shall be in the nature of an easement. Such easements shall be automatically vacated to abutting property owners when the dead-end street is legally extended into adjacent land. If such dead-end street extends only the depth of the corner lot past a street intersection, no turnaround will be required. Subdividers shall be required to provide a two foot reservation strip in the name of the Village at the end of all dead-end streets. This strip will become public highway only upon extension of the dedicated street. The developer extending the street will be responsible for removing the temporary portions of the cul-de-sac, regrading, seeding, etc.

(f) Corner Radii. Property lines at street intersections shall be rounded with a radius of not less than 20 feet, or as required by the Village Engineer.

(g) Horizontal Curves. Angles in the alignment of street lines shall be connected by a curve with a radius on the center line of not less than 300 feet for local streets, 800 feet for collector and industrial streets, and 1,200 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent at least 100 feet long on major arterial thoroughfares.

(h) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 70 degrees. In no event shall an intersection containing streets in excess of four legs be

considered unless specifically approved by the Planning Commission and the Village Engineer. There shall be a minimum separation of 300 feet between intersections.

(i) Street Centerline Offsets (Jogs). Street jogs with centerline offsets shall be prohibited unless specifically approved by the Planning Commission and the Village Engineer.
(Reg. 502) (Ord. 2000-27. Passed 3-22-00.)

1248.03 EASEMENTS.

(a) Generally. Adequate easements along rear or side lot lines shall be provided for utilities and drainage where necessary. A 12 foot easement on each front lot line for utilities is required.

(b) Drainage Easements. Where a subdivision is traversed by a drainage way, a storm sewer or drainage easement conforming substantially with the lines of such drainage way shall be provided. The easement shall be a minimum of 20 feet or as the Village Engineer and Planning Commission may require.

(c) Utility Lines. All utility lines shall be located underground.
(Reg. 503) (Ord. 2000-27. Passed 3-22-00.)

1248.04 BLOCKS.

(a) Residential Block Lengths. The long dimension of a residential block shall not exceed 1,500 feet.

(b) Pedestrian Walkways (Crosswalks).

(1) Pedestrian walkways not less than ten feet wide or of such greater width as deemed necessary by the Planning Department shall be required across streets where the Planning Commission and the Village Engineer determines that pedestrian access to schools, playgrounds, shopping centers, transportation, and other community facilities is necessary.

(2) Paving, fencing, and other improvements may be required by the Planning Commission.

(c) 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.
(Reg. 504) (Ord. 2000-27. Passed 3-22-00.)

1248.05 LOTS.

(a) Zoning Conformance. The lot size, width, depth, and the minimum building setback lines shall meet, as a minimum, the existing Zoning Regulations.

(b) Access to Public Streets. The subdividing of land ,whether as major or minor subdivision, shall provide each lot with 60 feet of continuous frontage on a dedicated street. This standard may be reduced by the Planning Commission for lots fronting on a permanent cul-de-sac.

(c) 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 of the streets; or

(2) Where it is necessary to separate residential lots from major arterial thoroughfares.

(d) Lot Lines. Lot lines shall be substantially at right angles or radial to street lines. Lot lines should follow municipal and county boundary lines rather than cross them.

(e) Lot Depth. No lot depth shall exceed four and one-half times the lot width unless granted a variance by the Planning Commission. The lot width shall be measured at the minimum building setback line. This provision also applies to Section 1242.02(a).
(Reg. 505) (Ord. 2000-27. Passed 3-22-00.)

1248.06 OPEN SPACE; NATURAL FEATURES.

The developer is encouraged to give consideration to preserving outstanding natural features such as scenic spots, water bodies, or exceptionally fine groves of trees.
(Reg. 506) (Ord. 2000-27. Passed 3-22-00.)

1248.07 SCREENING AND LANDSCAPING.

The developer is required to make adequate provisions for the screening of the development from surrounding residential properties by landscaping. Consideration shall also be given to minimizing the removal of trees. The developer is required to submit for approval a landscaping plan which will show landscaping that is adequate to screen the development from surrounding residential properties. A performance bond in an amount adequate to cover the cost of landscaping required by the approved landscaping plan shall be deposited with the Municipality to assure the faithful performance and installation of any required landscaping. The bond must be issued by a recognized and approved bonding company and shall be for a period commensurate

with the completion of the landscaping plan. Should an occupancy permit or permits be issued prior to the completion of the landscaping plan, then the performance bond shall be renewed for that period of time that will assure faithful compliance with the approved landscaping plan.
(Ord. 2000-66. Passed 8-9-00.)

CHAPTER 1250
Improvements

1250.01 Improvement plans.
1250.02 Estimated cost.
1250.03 Bonds.
1250.04 Recording of plat.
1250.05 Construction standards.
1250.06 Maintenance standards.
1250.07 Final acceptance.

CROSS REFERENCES

Inspection of construction; acceptance by municipality - see Ohio R.C. 711.091

1250.01 IMPROVEMENT PLANS.

(a) Specifications.

(1) All construction shall conform to the latest edition of the State of Ohio Department of Transportation Construction and Materials Specifications, except as modified or otherwise specified herein. The Village Engineer may also require adjustments in design to conform to special conditions inherent within a particular subdivision such as, but not limited to, swamps, quicksand, springs, and landslides.

(2) All sanitary sewerage systems and water supply systems which shall become owned and operated by the Village shall conform to the design standards, specifications and procedures of the Northeast Ohio Regional Sewer District and the City of Cleveland Water Department.

(b) Standard Drawings. Standard drawings shall be either Ohio Department of Transportation Standards, NEORSD Standard Drawings, or the City of Cleveland Water Department Standard Drawings, all of which are on file in either the office of the Village Engineer or the City of Cleveland Water Department.

(c) 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 by the State of Ohio. The improvement plans shall be prepared in a manner as directed by the Village

Engineer, and the City of Cleveland Water Department, where applicable, and shall be subject to their approval.

(d) Drawings.

(1) All drawings shall be made with opaque black ink on tracing cloth, mylar, or some other equally substantial and distinct material from which clear and legible prints may be obtained.

(2) Drawing sheet size shall be 24" x 36". Marginal lines shall be drawn around the entire sheet leaving a one-half inch margin on the top and bottom edges and a two inch margin on the outer left edge.

(3) Scales to be used:

A. Plan: 1" = 20' or 1" = 50'.

B. Profile: 1" = 20' or 1" = 50' horizontal; 1" = 5' vertical;

C. Cross sections: 1" = 5' horizontal; 1" = 5' vertical.

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

(1) Overall plan of the subdivision.

(2) Location map (this may be combined with the overall plan required by division (e)(1) of this section).

(3) Title of project and location.

(4) Places for necessary approvals.

(5) Index of sheets.

(6) A note stating that the developer's engineer does hereby certify that all design data and calculations presented to the Village Engineer are correct and do conform to the design criteria currently accepted. The developer's engineer's signature, registration number and seal shall be affixed.

(7) A note stating that the Village Engineer, in approving these plans and dedication plat thereof, does not in any way relieve the developer's engineer of his or her responsibility for accurate and complete engineering design.

(8) A note stating that the Village Engineer 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 owner's engineer. Neither shall the Village Engineer be liable for damages resulting from the developer's contractor's not complying with approved plan or by using construction methods or materials not approved by the Village Engineer.

(9) Each set of plans shall include all notes as required by the Village Engineer.

(f) Detail Sheet.

(1) An indication of scale, data, north arrow, and sheet number shall be placed on each sheet.

(2) 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.

(3) All existing and proposed underground structures located in the street or easement shall be shown on the construction, both plan and profile drawings. Such underground structures include gas lines, sanitary and storm sewers, water mains, culverts, etc., and existing electric and telephone conduits.

(4) 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 plan. Such above-ground structures include trees, fences, buildings, poles, hydrants, bridges, driveways, drive culverts, etc.

(5) All sublots or acreages abutting the streets where improvements are to be located shall be drawn to scale. The front foot dimensions, property owners' names, and sublot numbers (if area is subdivided) shall be included.

(6) The profile plan shall show existing center line and right-of-way elevation, ground elevations, and proposed finished center line grade elevations. Vertical curves (finished grade) shall be stationed at 25 foot intervals.

(7) All elevations used on drawings shall be based on sea level datum as determined by the United States Coast Guard and Geodetic Survey.

(8) The location, description, and the exact elevation of a sufficient number of bench marks shall be included on the drawings. These bench marks shall be used for construction and inspection purposes.

(9) Corporation lines, subdivision names, plat volume and pages when subdivision plat is recorded, and original lot line and numbers shall be shown on the drawings.

(10) All easements, including exact location and width, shall be shown on the drawings.

(11) Detail drawings of special construction such as headwalls, concrete aprons, rip-rap, and other construction not otherwise included shall be included.

(12) If the developer elects to install a decorative fence or other ornamental construction within the right-of-way limits, he or she shall show such construction on the plat and profile drawings, or submit separate

drawings for approval by the Village Engineer. A construction permit is required.

(13) Any work within the right-of-way of a County Highway or a State Highway or a Village Road requires a road opening permit.

(g) Design Standards.

(1) Street Classification and Criteria.

Classification	Minimum Right-of-Way Width	Maximum Grade	Minimum Grade	Design Speed	MPD
Arterial Thoroughfare	80'*	6%	0.5%	60	
Collector (Commercial and Industrial)	80'*	8%	0.5%	50	
Collector (Residential)	60'*	8%	0.5%	50	
Local Streets					
Rural Residential	60'*				
Urban Single-family	60'*				
Urban Multifamily	60'*				
Light Industrial					

60'*

10%
10%
9%
6%

0.5%
0.5%
0.5%
0.5%

40
40
40
40

* Indicates a minimum 12' easement to be adjacent to the proposed right-of-way lines on both sides of the street.

(2) Geometric Design.

A. Pavement Berm and Shoulder Widths. The pavement berm and shoulder widths and ditch location shall be as shown on the approved typical section to be included as part of the plans.

B. Street Intersection. No more than four road legs will be permitted at any intersection, unless otherwise approved by the Village Engineer. Road intersection shall be at 90 degrees where practical, but in no case less than 70 degrees. Each intersecting road shall have a tangent distance of at least 150 feet for local roads or a curve with a minimum 1,400 feet radius. Those roads intersecting each other from opposite sides shall be directly opposite where possible. The minimum radius of right-of-way lines at intersection corners shall be 20 feet. The intersection of subdivision roads shall be a minimum horizontal sight distance of four hundred 400 feet. Back slopes shall be cut back to aid the sight distance as required

by the Village Engineer. There shall be a minimum separation of 300 feet between intersections.

C. Vertical Alignment. 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 0.50.

D. Horizontal Alignment. Angles in the alignment of street centerlines shall be connected by a curve with a radius of not less than 300 feet for local streets, 800 feet for collector and industrial streets, and 1,200 feet for major arterial thoroughfares. Between reverse curves there shall be a tangent distance of 100 feet except for local streets.

E. Boulevards and Roadway Islands. Boulevards and Roadway Islands shall meet Village Engineer approval.

F. Cul-de-Sacs. Streets terminating in a permanent circular turnaround shall have a minimum right-of-way line radius of 60 feet. The outer edge of pavement shall have a minimum radius of 47½ feet. Cul-de-sacs with an island in the middle shall be property drained, and shall meet Village approval.

G. Temporary Turnarounds. Interior streets terminating at the allotment boundary and subject to possible future extension shall be provided with a temporary turnaround. The turnaround 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 turning circle and all ditches, drains, and pipes required to drain the turnaround properly. The easement must be shown on the record plat and the improvement plans as required by the Village Engineer. The construction of a temporary turnaround shall be the same specifications as permanent pavement unless the Village agrees to the modification. The developer that extends the street is required to remove the temporary turnaround and restore the disturbed property.

H. Curbs. Curbs shall conform to a typical drawing as approved by the Village Engineer. In addition, a ramp with nonslip surface shall be built into the curb at each pedestrian crosswalk so that the sidewalk and street blend to a common level. Such ramps shall be constructed in accordance with the State of Ohio Department of Transportation Standards insofar as feasible.

I. Sidewalks.

1. One course cement sidewalks, four feet wide and four inches thick, six inches thick at drives, shall be constructed of Class "C" concrete where shown on the plan or typical section. One-half inch expansion joints shall be placed at intervals not to exceed 100 feet.

2. All sidewalks shall connect to the pavement or curb at intersections, with one-half inch expansion joint between the walk and curb.

J. Guardrails. Guardrails shall be installed as required by the Village Engineer. Guardrails shall be in accordance with State of Ohio Department of Transportation Standards. The developer shall submit details to the Village Engineer for approval.

K. Drives and Driveway Culverts.

1. Along County highways: a road opening permit is required from the County Engineer, a bond may be required, and the County Engineer specifications must be met.

2. Along Village streets: approval and/or permits are required from the Village. A bond may be required, and Village specifications must be met.

(3) Drainage Design.

A. Generally.

1. No subdivision will be approved unless there is an outlet for all storm water. Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after 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, or structures shall be placed in, on, or over it unless provision is made for the flow of water in a manner satisfactory to the Village Engineer. An easement shall be provided on both sides of an existing improvement surface drainage course for the purpose of maintaining, protecting, widening, deepening, enclosing, or otherwise improving such stream for drainage purpose.

2. If the same is across private property, right-of-way or easements must be obtained by the subdivider or developer. These rights-of-way or easements must be obtained by the subdivider or developer in the name of the Village as approved by the Village. These rights-of-way or easements should be

shown on the plat and construction plans. A copy of the recorded easement shall be furnished to the Village Engineer.

3. Storm sewer laterals will be provided as directed by the Village Engineer for each house on a street having curb.

B. Drainage System Requirements. The design criteria for the drainage system shall be based on the State of Ohio Department of Transportation Design policy and the criteria as established by the Village Engineer's Office. This criteria shall apply to development along existing roads as well as those requiring new roads to be constructed. This criteria shall be available upon request from the Village Engineer's Office.

1. 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. All storm sewer systems shall be designed for a minimum ten-year storm frequency.

2. 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.

C. Stormwater Management Requirements.

1. The design and construction of stormwater management facilities shall require the review and approval of the Village Engineer in accordance with the technical criteria described in the Village's Stormwater Management Program Guidelines. Allowable types of stormwater management facilities include but are not limited to:

a. Retention ponds;
b. Detention basins; and
c. Underground storage tanks.

2. All project sites or development areas required to implement stormwater management practices and facilities shall, at a minimum, limit the peak rate of discharge from the project site or development area to the downstream receiving water course as follows:

a. Stormwater management measures shall be required to maintain the post-development peak discharge at a level equal to or less than the predevelopment peak discharge rate

for the 24-hour duration, 1, 2, 5, 10, 25, 50 and 100-year frequency storm events, and:

b. Stormwater management facilities shall be designed to control the volume, timing and rate of flows.

3. Velocity reduction devices must be placed at all outlet points, where necessary, to provide a non-erosive flow velocity to the receiving water course. The Village Engineer may waive these requirements if the characteristics of the receiving water course, project site, or development area are such that this type of control would be contrary to accepted engineering practice or detrimental to the environment.

D. Wetlands. Wetlands will be identified on the Improvement drawings. If they are going to be changed in any manner, the developer is responsible for contacting the U.S. Army Corps of Engineers. The Summit Soil and Water Conservation District has a copy of the Wetland Resource Maps for Summit County. The Summit Soil and Water Conservation District will point out such wetlands in their review of the preliminary plan. If a U.S. Army Corps of Engineers permit is required, the permit number shall be shown on the final plat.

(4) Drainage System Design and Protection.

A. Flood Hazard. If any portion of the land within the subdivision is subject to flooding (sewer overflow, elevations, etc.) 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 improvement plans and plat.

B. Dams or Basins Embankments. Three copies of detailed drawings of proposed dams or basins and all calculations shall be submitted to the Village Engineer for approval. The developer or his engineer shall apply for a permit from the State of Ohio, Department of Natural Resources, Division of Water, if applicable, and any other applicable agencies.

C. Protection of Drainage Systems.

1. The subdivider shall adequately protect all ditches (roadways and watercourses) to the satisfaction of the Village Engineer 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 Village Engineer.

2. 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.

D. Drainage Outlets. Where the Village 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 or accelerated flow, the outlet shall be provided and constructed at the expense of the developer and in accordance with plans and specifications approved by the Village Engineer.

E. Drainage Drawings. The developer's engineer shall make a complete study of the drainage area contributing to the allotment. He or she will then prepare a plan of the entire allotment showing the following:

1. Existing and proposed contours at two foot intervals.
2. Proposed streets and lots.
3. Proposed drainage system showing the area contributing to each pipe or drainage structure.

(5) Bridges. Any bridge, being by definition a structure of greater than a ten-foot span, shall be designed in accordance with the latest Design Regulations as practiced in the ODOT Bureau of Bridges and approved by the Village Engineer. Reference shall also be made to current ODOT Standard Bridge Drawings. Design flood elevations shall be indicated on plan-profile sheets and on structure site plans.

(6) Supplementary Plan and Information.

A. Soil Study.

1. During the site viewing, the Summit Soil and Water Conservation District will provide general soil conditions for the proposed development.
2. The Village Engineer reserves the right to require a soil study where, in his or her opinion, the existing soil conditions are below average, and may also require adjustments in design to compensate for the existing conditions.

B. Erosion and Sedimentation Control. When the developer intends to remove or disturb the natural topsoil, trees, and other vegetation, or where the developer intends to change the surface contour of a proposed subdivision, he or she shall prepare an Erosion Control Plan (ECP), and have such plan approved by the Summit Soil and Water Conservation District. The ECP shall be included in the improvement drawings. In general, erosion and

sedimentation control work will consist of, but not be limited to grading, soil preparation, fertilizing, seeding and mulching as necessary to establish a sufficient growth of grass or other ground cover that minimizes damage to subdivision areas and to adjoining properties. The Village Engineer and the Summit Soil and Water Conservation District will have the work inspected to the extent they determines necessary to insure that the developer has complied with the approved plans.

C. Oversize and/or Off-site Improvements.

1. Oversize and/or off-site extensions of utilities, pavements, and other improvements shall be designed and constructed to facilitate the orderly development of nearby land which is an integral part of the neighborhood service or drainage area.

2. Where the Village Engineer determines that improvements in excess of the size needed to serve the proposed subdivision are necessary, the subdivider shall install improvements required to serve his or her subdivision plus the additional oversize and/or off-site improvements required.

(7) Approvals. All necessary improvement plans for proposed roads, storm sewers, drainage facilities, sanitary sewers, pump stations, and water mains shall also be approved by the Village Engineer. In addition, all improvement plans for sanitary sewer and water supply systems shall be approved by the NEORSD, City of Cleveland Water Department and Ohio EPA prior to approval of the final plat by the Village Engineer.

(Reg. 601) (Ord. 2000-27. Passed 3-22-00.)

1250.02 ESTIMATED COST.

Upon approval by the Village Engineer of the construction drawings and before starting any construction work, the developer's engineer shall prepare and submit to the Village Engineer an independent estimate of costs by item for construction surveying; construction engineering; construction of roads, storm and sanitary sewers, sanitary treatment plans, pumping stations and water supply systems; drainage structures; erosion control; restoration of land and site cleanup; and other related items. The total estimated cost, including labor, shall be prepared and signed by the developer's engineer. The Village Engineer may add to the developer's estimate an amount to cover contingencies, including inspection costs, to arrive at the total estimated cost.
(Reg. 602) (Ord. 2000-27. Passed 3-22-00.)

1250.03 BONDS.

(a) Generally. Before recording any subdivision plat, the developer shall furnish to the Finance Director bonds as required by the Village. If the construction of the subdivision improvements is complete, maintenance bonds are required; otherwise performance bonds are required.

(b) Performance Bonds.

(1) Before the recording of any plat of any subdivision, the developer shall furnish performance bonds to the Finance Director in the amount equal to 100 percent of the approved total cost of the improvements not yet completed plus ten percent of the cost of the completed items.

(2) The performance bond will remain in effect until released by the Finance Director. In lieu of a surety bond, the developer may deposit a fund equal to 100 percent of the performance bond in an escrow account with a bank approved by the Finance Director. The developer and the bank shall inform the Finance Director in writing that such money is secured and deposited in the bank for the improvements.

(3) The developer's engineer shall verify all invoices and statements of expenditures and submit copies of them to the Village Engineer.

(4) The withdrawal of funds from the escrow account shall not exceed 90 percent of the total estimated costs until the performance bond is released and the maintenance bond is in effect. The Village Engineer may elect to release a portion of the performance bond and accept the maintenance bond prior to the completion of the project should weather or the time of year prevent immediate completion. In this case the performance bond shall remain in effect and funds shall be retained in the escrow account to cover the uncompleted items.

(5) If the developer fails to proceed with the project within 18 months of the date the performance bonds are filed, and the Village Engineer, deems it necessary to notify the Finance Director that the developer has failed in his or her duty to complete the project, the Finance Director will notify the developer and the bank in writing of such failure and of the Village's intention to vacate the subdivision or to complete the project.

(c) Maintenance Bonds.

(1) Before the Village Engineer will recommend the acceptance of the subdivision roads or release any performance bond, the developer shall provide a maintenance bond or cash to the Village Finance Director in the amount of 25% of the certified construction costs of the roadways

and 10% of the certified construction cost of the sewers and water mains.

(2) The Village Engineer may increase the required maintenance bond above the specified amounts if, in his or her opinion, unusual topographic, subsoil, or other construction limitations so warrant; however, in such situations, the Village Engineer shall furnish written explanations to Council for such action. These maintenance bonds will guarantee that the developer will maintain the road and related improvements for three years, and that the developer will restore the road and related improvements if determined necessary by the Village Engineer. If the developer fails to perform the maintenance and restoration items, the Finance Director will authorize the Village Engineer to have the work performed. The cost of this work will be deducted from the money on deposit as the maintenance bond for that work. The developer will be held liable for any expenditures over and above the maintenance bonds. After all maintenance and restoration work has been completed to the satisfaction of the Village Engineer, the Finance Director will release the maintenance bonds, or those portions remaining, to the developer. It is the responsibility of the developer to request inspection for bond release. The bonds will remain in effect until formally released by the Village Finance Director.

(Reg. 603) (Ord. 2000-27. Passed 3-22-00.)

1250.04 RECORDING OF PLAT.

(a) Procedure. After all required approvals are secured, the plat shall be taken by the developer and/or the developer's agent to the Village Engineer for final processing. The Village Engineer shall submit the plat to the Village's legal counsel for legislation preparation. The plat and legislation shall be given signature approval and the plat shall be submitted to the County Tax Map Department for checking. The developer and/or the developer's agent, shall then take the plat to the County Auditor and County Recorder for recording. No plat of any subdivision shall be recorded in the office of the County Recorder or have any validity until it has been approved and processed in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid. All costs for recording of the plat shall be borne by the owner and/or developer.

(b) Revision of Plat after Approval. No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Village Engineer and an endorsement has been made in writing on a plat, unless the plat is first resubmitted and the changes approved by the Village Engineer.
(Reg. 604) (Ord. 2000-27. Passed 3-22-00.)

1250.05 CONSTRUCTION STANDARDS.

(a) Requirements for Start of Construction.

(1) The following items must have been approved:

A. The improvement plans for the subdivision.

B. 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.

C. Any bonds required for the project.

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

(3) A preconstruction meeting will be held at which the owner, developer and/or his or her representative, design engineer, contractor, the Village Engineer, 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 Subdivider and/or Contractor. The subdivider and/or contractor shall have available on the project site at all times one approved copy of all required plans and specifications. He or she shall cooperate with the Village Engineer's Inspector, and with other contractors in every way possible. The subdivider and/or contractor shall at all times have a competent representative acting as his or her agent on the project. The representative shall be capable of reading and thoroughly understanding the plans and specifications and promptly supplying such materials, tools, plat equipment and labor as may be required. A representative shall be furnished regardless of the amount of work sublet.

(c) Inspection.

(1) The Village Engineer shall be responsible for the inspection of all street, structure, and drainage improvements. The developer, his or her engineer, or his or her contractor, shall give notice to the Village Engineer at least 48 hours in advance of any construction of physical public improvements. The following operations will be inspected by the Village Engineer's Office:

A. Preliminary grading.

B. Backfilling of all trenches and excavations in the right-of-way.

C. Preparation of subgrade.

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 construction.
J. Sealing joints.
K. Storm sewer and Sanitary sewer construction.
L. Any construction of utilities within the street right-of-way.
M. Any construction of structures within the right-of-way.

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

(d) Inspection Fees. The subdivider is held responsible for all inspection fees, which will be payable monthly. The performance bond posted by the subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full. The inspector fee hourly rates shall be those currently charged for inspection services in the Village Engineer's contract with the Village. All overtime shall be charged at one and one-half times the normal hourly rate.

(e) Roadway Construction.

(1) All roadway and storm sewer work shall be done in conformance with the approved improvement plans and the current Ohio Department of Transportation Construction and Materials Specifications Manual.

(2) All water work shall be done in accordance with the City of Cleveland Water Department Specifications. All sanitary sewer work shall be done in accordance with NEORSD Specifications, unless otherwise indicated by the Village Engineer.

(f) Construction Staking. The setting and marking of all line, profile, and grade stakes necessary for the layout of the work in accordance with the construction plans will be performed under the supervision of a registered professional surveyor. Should any misunderstanding arise as to the intent or meaning of the construction plans, or any discrepancy appear in same, or in the proper method of setting and marking of the construction stakes, the decision of the Village Engineer in such cases shall be final. Pavement and pipe grade stakes shall be set at 25 foot intervals on horizontal and vertical curves and for all grades less than one percent. Tangent pavement grades and pipe grades over one percent may be set at a maximum interval of 50 feet. The Village Engineer's Inspector may ask for additional grade stakes if it is deemed necessary. A laser control method as approved by the Village Engineer may be substituted for the above.

(g) Testing. All material supplied shall be plant-inspected as directed by the Village 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 Village Engineer. Pavement tests shall be conducted on site as directed by the Village Engineer. The Village 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 Village Engineer and shall be done at no cost to the Village.

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

(i) Street Name Signs. The developer shall be responsible for installation of street name signs. The materials, constructions, methods and location shall be approved by the Village.
(Reg. 605) (Ord. 2000-27. Passed 3-22-00.)

1250.06 MAINTENANCE STANDARDS.

(a) Maintenance of Improvements. The developer shall be responsible for the maintenance of the improvements during the construction period and until the maintenance bond is released by the Village Finance Director. Three years after acceptance of the maintenance bond the developer shall request that the Village Engineer inspect the improvements. The developer shall be notified by the Village Engineer of the need for such maintenance. Should the developer fail to perform such necessary maintenance within the time specified, the Village Engineer may perform the maintenance, at which time the developer will forfeit a portion of the cash maintenance bond to pay for such maintenance.

(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 item 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 auto traffic to service all families living in the subdivision. In particular, the roads shall be open for emergency equipment at all times for all occupied dwellings. Should the developer fail

to perform the maintenance, he or she shall be liable for all costs and expenses incurred in the performance of such maintenance. After the release of the performance bond, the Village shall be responsible for snow and ice removal on Village Roads.

(d) Mud Removal. The developer and his or her contractor shall be responsible for the removal of mud or other debris that may become located on the pavement surface. Should the developer fail to perform the removal, he or she shall be liable for all costs and expenses incurred in the performance of such removals.
(Reg. 606) (Ord. 2000-27. Passed 3-22-00.)

1250.07 FINAL ACCEPTANCE.

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

(b) "As Built" Drawings. At the completion of the construction and before acceptance, the subdivider's engineer shall update the Village Engineer's set of linen or mylar tracings for permanent record, showing the locations, sizes, and elevations of all improvements as constructed. The subdivider may choose to authorize the Village Engineer to update the tracings at his or her expense.

(c) Final Inspection. Upon completion of all improvements, including roads, grading culverts, seeding, mulching, monumentation, street name signs, and other items, the developer shall notify the Village Engineer by letter that all of the improvements have been completed. The Village Engineer will then schedule an inspection of the completed improvements. The developer, his or her engineer and a Village representative may accompany the Village engineer or his or her representative on the inspection. Any discrepancies shall be recorded and the developer and the contractor will be furnished a copy of this report and shall be expected to proceed as soon as possible with any corrections. Another final inspection will be made for acceptance.

(d) Acceptance of Improvement. If the construction is found to be satisfactory and all inspection monies are paid, the Village Engineer will make such recommendation to the Finance Director for final acceptance of the improvements and release of the maintenance bond(s).
(Reg. 607) (Ord. 2000-27. Passed 3-22-00.)

Chapter 1252
Riparian and Wetland Setbacks

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1252.01 PUBLIC PURPOSE.

(a) It is hereby determined that the system of wetlands, riparian areas, rivers, streams and other natural watercourses within the Village of Northfield contributes to the health, safety and general welfare of the residents. The specific purpose and intent of this Riparian and Wetland Setback Chapter is to protect and preserve the water quality within streams of the Village and to protect residents of the Village from property loss and damage because of flooding and other impacts of the stream. The method of implementing this chapter is by regulating uses and developments within riparian and wetland setbacks that would impair the ability of the riparian and wetland areas to:

(1) Reduce flood impacts by absorbing peak flows, slowing the velocity of floodwaters and regulating base flow.

(2) Assist in the stabilization of the banks of streams to reduce bank erosion and the downstream transport of sediments eroded from stream banks.

(3) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants already present in streams.

(4) Reduce pollutants in streams during periods of high flows by filtering, settling and transforming pollutants in runoff before they enter streams.

(5) Provide areas for natural meandering and lateral movement of stream channels.

(6) Reduce the presence of aquatic nuisance species to maintain diverse and connected riparian and wetland vegetation.

(7) Provide high quality stream habitats with shade and food to a wide array of wildlife by maintaining diverse and connected riparian and wetland vegetation.

(8) Benefit the Village economically by minimizing encroachment on stream channels and reducing the need for costly engineering solutions such as dams, retention basins, and rip-rap to protect structures and reduce property damage and threats to the safety of watershed residents, and by contributing to the scenic beauty and to the environment of the Village, and thereby preserving the quality of life of the residents of the Village and corresponding property values.

(9) Protect the safety, and welfare of the citizens of the Village.

(b) The following regulation has been enacted to protect these services of riparian and wetland areas by providing reasonable controls governing structures and uses within a wetland and/or riparian setback along designated watercourses in the Village.
(Ord. 2007-70. Passed 12-12-07.)

1252.02 APPLICABILITY, COMPLIANCE, VIOLATIONS AND PENALTIES.

(a) The provisions of these regulations shall apply to all lands within the jurisdiction of the Village that border designated watercourses and wetlands as defined in these regulations.

(b) These regulations shall apply to all building permits which involve soil-disturbing activities.

(c) These regulations shall apply to property/parcel split plan approvals, site plan approvals, and land development plan approvals requested of the Village.

(d) The Village shall issue no approvals or permits without full compliance with the terms of these regulations.

(e) No preliminary plan, building, or zoning approvals shall be issued by the Village without full compliance with the terms of these regulations where applicable.

(f) No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

(g) Any person or organization who violates Section 1252.08 shall be guilty of a minor misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than five hundred dollars ($500.00) for each offense and shall be required to restore the riparian and wetland setbacks through a plan approved by the Village Engineer.

(h) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(i) Upon notice from the Village that work is being performed contrary to these regulations, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for pubic safety or the public interest, the Village may require that work be stopped upon verbal order pending issuance of the written order.

(j) The imposition of any other penalties provided herein shall not preclude the Village, by or through its Law Director, from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations.

(k) The provisions of this chapter may be enforced through civil proceedings brought by the Village of Northfield Prosecutor on behalf of the Village of Northfield.
(Ord. 2007-70. Passed 12-12-07.)

1252.03 CONFLICTS WITH OTHER REGULATIONS, SEVERABILITY AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by any other Village provision of law, regulation, contract or deed, the provisions of this chapter shall control.

(b) These regulations shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available there under, except as provided in division (a) of this section.

(c) If any clause, section, or provision of these regulations is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

(d) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(e) Failure of the Village to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the

condition or damage resulting therefrom, and shall not result in the Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(f) Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.
(Ord. 2007-70. Passed 12-12-07.)

1252.04 DEFINITIONS.

As used in this chapter:

(a) "Best management practices (BMPs)." Conservation practices or protection measures which reduce impacts from a particular land use. "Best management practices" for construction are outlined in *Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection* prepared by the Ohio Department of Natural Resources.

(b) "Damaged or diseased trees." Trees that have split trunks, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

(c) "Defined channel." A natural or man-made depression in the terrain which is maintained and altered by the water and sediment it carries.

(d) "Dumping." The grading, pushing, piling, throwing, unloading or placing of soil or other material.

(e) "Existing." In existence at the time of the passage of these regulations.

(f) "Federal Emergency Management Agency (FEMA)." The agency with overall responsibility for administering the National Flood Insurance Program.

(g) "Final plat." A final tracing of all or a phase of a subdivision and its complete survey information.

(h) "Grading." Earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling or any combination thereof.

(i) "Impervious cover." Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks and other areas not covered by vegetation.

(j) "National Wetlands Inventory Map." Wetland maps that were created by Fish and Wildlife Service, United States Department of Interior.

(k) "Natural succession." A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities, thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

(l) "Noxious weed." Species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this regulation, the most recent version of this list at the time of application of these regulations shall prevail.

(m) "Ohio EPA." The Ohio Environmental Protection Agency.

(n) "Ohio rapid assessment method." A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

(o) "Ohio Wetlands Inventory Map." Wetland maps that were created by the Natural Resources Conservation Service, USDA and the Ohio Department of National Resources.

(p) "Ordinary high water mark." The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The "ordinary high water mark" defines the channel of a stream.

(q) "Plan, preliminary plan." A drawing of a major subdivision for the purpose of study and which, if approved, permits proceeding with the preparation of the final plat.

(r) "Pollution." Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to the public health, safety or welfare.

(1) "Point source" pollution is traceable to a discrete point or pipe.

(2) "Non-point source" pollution is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or ground water seepage rather than direct discharge.

(s) "Professional engineer." A person registered in the State of Ohio as a professional engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.

(t) "Qualified forester." Any forester employed by the Ohio Department of Natural Resources, Division of Forestry, or any person attaining the credential of Certified Forester as conferred by the Society of American Foresters.

(u) "Qualified wetland professional." An individual competent in the areas of botany, hydric soils, and wetland hydrology, and is acceptable to the Village Engineer.

(v) "Redevelopment." The demolition or removal of existing structures or land uses and construction of new ones.

(w) "Retention basin." A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a property engineered/ designed volume dedicated to the temporary storage and slow release of runoff waters.

(x) "Riparian and wetland area." A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding.

(y) "Riparian and wetland setback." The area set back from each bank of a stream to protect the riparian and wetland area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian and wetland setbacks are those lands within the Village that fall within the area defined by the criteria set forth in these regulations.

(z) "Soil and Water Conservation District (SWCD)." An entity organized under Ohio R.C. Chapter 1515, referring to either the Soil and Water Conservation District Board or its designated employees, hereinafter referred to as the Summit SWCD.

(aa) "Soil-disturbing activity." Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human-made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

(bb) "Soil survey." The official soil survey produced by the Natural Resources Conservation Service, USDA, in cooperation with the Division of Soil and Water Conservation, ODNR and the local Board of County Commissioners.

(cc) "Stream." A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water, as set forth in Ohio R.C. 6105.01, in such a way that terrestrial vegetation cannot establish roots within the channel.

(dd) "Storm Water Pollution Prevention Plan (SWP3)." The plan which describes all the elements of the storm water strategy implemented during and after construction. The Plan addresses erosion control and storm water quality. The Plan is required by Ohio EPA to meet the requirements of its National Pollutant Discharge Elimination System (NPDES) Permit Program for conservation activities.

(ee) "Storm water quality treatment." The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

(ff) "Variance." A modification of the enforcement of the Riparian and Wetland Setbacks Chapter which will not be contrary to the public interest and where, due to conditions peculiar to this property and not the result of the action of the applicant, a literal enforcement of the chapter would result in undue hardship to the applicant.

(gg) "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.

(hh) "Watershed." An area of land that drains into a particular watercourse, usually divided by topography.

(ii) "Wetland, Ohio EPA Category 2 Wetlands." Those wetlands classified by the Ohio EPA as Category 2 wetlands under O.A.C. 3745-1-54(C)(2), or current equivalent

Ohio EPA classification, in accordance with generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(jj) "Wetland, Ohio EPA Category 3 Wetlands." Those wetlands classified by the Ohio EPA as Category 3 wetlands under O.A.C. 3745-1-54(C)(3), or current equivalent Ohio EPA classification, in accordance with generally accepted wetland functional assessment methods acceptable to the U.S. Army Corps of Engineers and Ohio EPA at the time of application of this regulation.

(kk) "Wetland setback." Those lands adjacent to wetlands where earth-disturbing activities will not take place and natural vegetation will not be removed.

(ll) "Wetlands." Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(mm) "Winter." October 1 to April 1 of each year.

(nn) "100-Year floodplain." Any land susceptible to being inundated by water from a base flood. The "base flood" is the flood that has 1% or greater chance of being equaled or exceeded in any given year. For the purpose of this regulation, the "100-year floodplain" shall be defined by FEMA or a site-specific Floodplain Delineation in conformance with standard engineering practices and approved by the Village.

(Ord. 2007-70. Passed 12-12-07.)

1252.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS.

(a) Riparian and Wetland Setbacks are established as provided in this chapter.

(b) Streams addressed by this chapter are those which meet the definition of "stream" in Section 1252.04 of these regulations and are indicated on at least one of the following maps:

(1) USGS topographical map.
(2) Summit County Riparian and Wetland Setback Map.
(3) Soils maps located in the Soil Survey for Summit County, Ohio, USDA, NRCS.

(c) Riparian setbacks on designated watercourses are established as follows:

(1) A minimum of 300 feet on each side of all streams draining an area greater than 300 square miles.
(2) A minimum of 120 feet on each side of all streams draining an area greater than 20 square miles and up to 300 square miles.
(3) A minimum of 75 feet on each side of all streams draining an area greater than 1.0 square mile (640 acres) and up to 20 square miles.

(4) A minimum of 50 feet on each side of all streams draining an area greater than 0.5 square mile (320 acres) and up to 1.0 square mile (640 acres).

(5) A minimum of 25 feet on each side of all streams draining an area less than 0.5 square mile (320 acres) and having a defined bed and bank as determined above.

(d) The following are exempt from the terms and protection of this chapter: grassy swales, roadside ditches, drainage ditches created at the time of a subdivision to convey storm water to another system, tile drainage systems, and stream culverts.

(e) The following shall apply to the riparian and wetland setback:

(1) Riparian and wetland setbacks shall be measured in a perpendicular and horizontal direction outward from the ordinary high water mark of each designated watercourse and defined wetland boundary.

(2) Except as otherwise provided in this regulation, riparian and wetland setbacks shall be preserved in their natural state and shall be established and marked in the field prior to any soil-disturbing or land-clearing activities.

(3) Where the 100-year floodplain is wider than a riparian and wetland setback on either or both sides of a designated watercourse, the riparian and wetland setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be determined from FEMA floodplain maps.

(4) Because the gradient of the riparian and wetland corridor significantly influences impacts on the stream, the following adjustment for steep slopes will be integrated into the riparian and wetland setback formulae for width determination:

Average Percent Slope	Width of Setback
15% - 20%	Add 25 feet
21% - 25%	Add 50 feet
>25%	Add 100 feet

Average streambank slope is to be calculated using methodology outlined in the *Ohio Supplement to Urban Hydrology for Small Watersheds, Technical Release Number 55 (TR-55)* by USDA, MRCS.

(5) Where wetlands protected under Federal or State law are identified within the riparian setback, the minimum riparian setback width shall be extended to the outer boundary of the wetland. In addition, wetlands shall be protected to the extent detailed in these regulations.

(6) Wetlands shall be delineated by a qualified professional under guidelines established by the U.S. Army Corps of Engineers and Ohio Environmental Protection Agency and the delineation approved by the appropriate agencies. If conflicts exist between the delineation protocols of these agencies, the

delineation protocol that results in the most inclusive area of wetland shall apply. All wetland delineations shall also include the latest version of the Ohio Rapid Assessment Method for wetland evaluation approved at the time of application of the regulations.

(7) The applicant shall be responsible for delineating the riparian and wetland setbacks, including any expansions or modifications as required by divisions (b) through (d) of this section, and identifying the setbacks on all subdivisions, property/parcel splits, land development plans, and/or building permit applications submitted to the Village. This delineation on all plans that are required shall be done at the time of application for the review of the preliminary plans, or at the time of submission of any building permit applications. The delineation may be done by a metes and bounds, or higher level, survey. This delineation shall be subject to review and approval by the Village.

(8) Prior to any soil-disturbing activity, the riparian and wetland setbacks shall be clearly delineated with temporary construction fencing or other suitable material by the applicant on site, and such delineation shall be maintained throughout soil-disturbing activities. The delineated area shall be maintained in an undisturbed state unless otherwise permitted by these regulations. All temporary fencing shall be removed when a development project is completed.

(9) No approvals or permits shall be issued by the Village prior to on-site delineation of the riparian and wetland setbacks in conformance with these regulations.

(10) Prior to obtaining approval for any new subdivision, property/parcel split, land development or other improvement, the riparian and wetland setbacks shall be permanently recorded on the plat records of the Village.

(Ord. 2007-70. Passed 12-12-07.)

1252.06 ESTABLISHMENT OF WETLAND SETBACKS.

(a) Wetland setbacks are established as follows:

(1) A minimum of 120 feet surrounding and including all Ohio EPA Category 3 Wetlands, or current equivalent Ohio EPA classification.

(2) A minimum of 75 feet surrounding and including all Ohio EPA Category 2 Wetlands, or current equivalent Ohio EPA classification.

(b) Procedure for Wetland Setbacks.

(1) No change to parcel boundaries or land use:

A. Upon filing a request for a building permit that does not involve changing of any parcel boundaries or changes in land use, the applicant will check for indicators of wetlands on the National Wetlands Inventory maps and Ohio Wetlands Inventory map and the Summit County Wetlands Inventory in the Cuyahoga River Watershed map (if applicable). A

photocopy of the applicable section of each map will be attached to the permit application.

B. If a potential wetland is shown on any of the maps or if there is reason for the Village to believe that an unmapped wetland exists on or within 120 feet of the project site, the applicant will retain a qualified wetland professional to evaluate the proposed project site for wetlands or wetland buffer areas. If no wetland or wetland buffer areas are found, the applicant shall submit a letter from the qualified wetland professional with the preliminary plat or permit application verifying their negative findings.

(2) New residential or commercial or other type development and projects involving a change to parcel boundaries or a land use change. Upon filing a request for approval of a preliminary plat or building permit for new residential, commercial, or other type of development that involves changes in any parcel boundaries or changes in land use, the applicant or their designated representative shall retain a qualified wetland professional to survey the proposed development site for wetlands. If no wetlands are found, the applicant or their designated representative shall submit a letter with the preliminary plat or permit application verifying that a qualified wetland professional has surveyed the site and found no wetlands. If wetlands are found, the following procedures shall be followed:

A. A qualified wetland professional, acceptable to the Village Engineer, shall determine the presences of Ohio EPA Category 2 or 3 Wetlands (or current equivalent Ohio EPA classification) on the proposed development site using the latest version of the Ohio Rapid Assessment Method for Wetland Evaluation approved at the time of application of this regulation. Acceptance of this determination shall be subject to approval by the Village Engineer.

B. If Ohio EPA Category 2 or 3 Wetlands (or current equivalent Ohio EPA classification) are on the proposed development site, the applicant or their designated representative shall delineate these wetlands and the wetland setback in conformance with these regulations. The applicant or their designated representative shall identify all delineated wetlands and their associated setbacks on all property/parcel split plans, land development plans, and/or permit applications submitted to the Village.

1. Wetlands shall be delineated by a site survey, approved by the Village Engineer, using delineation protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of this regulation. If conflict exists between the delineation protocols of these two agencies, the delineation protocol that results in the most inclusive area of wetland shall apply.

2. Wetland setbacks shall be delineated through a metes and bounds, or higher level survey subject to the approval by the Village Engineer.

C. Prior to any soil or vegetation-disturbing activity, the applicant or their designated representative shall delineate wetland setbacks on the development site in such a way that they can be clearly viewed, and such delineation shall be maintained throughout construction.

D. No approvals or permits shall be issued by the Village prior to delineation of wetland setbacks in conformance with this regulation.

(3) Upon completion of an approved property/parcel split, commercial development or other land development or improvement, riparian and wetland setbacks shall be permanently recorded on the plat records for the Village and shall be maintained as open space thereafter through a permanent conservation easement. A third party, not the landowner or permittee of the Village, that is allowed by State law, shall be given the conservation easement. If no third party will accept the conservation easement, the Village may accept it and protect it in perpetuity.

(Ord. 2007-70. Passed 12-12-07.)

1252.07 USES PERMITTED.

(a) The following uses are permitted by right without a permit within the riparian and wetland setbacks.

(1) Open space uses that are passive in character shall be permitted in the riparian and wetland setback, including but not limited to those listed in (a)(1)A. through D. of this section. No use permitted under these regulations shall be construed as allowing trespass on privately-held lands.

(2) Alteration of this natural area is strictly limited. Except as otherwise provided in these regulations, the riparian and wetland setback shall be preserved in its natural state.

A. Recreational activity. Passive recreational uses, as permitted by Federal, State, and local laws, such as hiking, non-motorized bicycling, fishing, hunting, picnicking and similar uses and associated structures, including boardwalks, pathways constructed of pervious material, picnic tables, and wildlife viewing areas.

B. Removal of damaged or diseased trees. Damaged or diseased trees may be removed. Because of the potential for felled logs and branches to damage downstream properties and/or block ditches or otherwise exacerbate flooding, logs and branches resulting from the removal of damaged or diseased trees that are greater than six inches in diameter, shall be anchored to the shore or removed from the 100-year floodplain.

C. Revegetation and/or reforestation. The revegetation and/or reforestation of the riparian and wetland setback with non-invasive plant species shall be allowed without approval of the Village.

D. Maintenance of lawns, gardens and landscaping. Lawns, gardens and landscaping that existed at the time this chapter passed may be maintained, as long as they are not increased in size.

(b) The following uses are permitted by right within the riparian and wetland setbacks with prior approval of the design by the Village.

(1) Stream bank stabilization/erosion control measures. Best management practices (BMPs) for stream bank stabilization or erosion control may be allowed if such practices are within permitted uses by the local, State, and Federal government regulations and are ecologically compatible and emphasize the use of natural materials and native plant species where practical and available. Such stream bank stabilization/erosion control practices shall only be undertaken upon approval of a Soil Erosion and Sediment Control Plan by the Village.

(2) Crossings. In reviewing plans for stream crossings, the Village may confer with the Summit SWCD, the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary.

A. Limited crossings of designated streams through the riparian and wetland setback by vehicles, storm sewers, sanitary sewer and/or water lines, and public utility lines will be per the approval of local, County, and State governing agencies and as a part of the regular subdivision review process. Sewer, water lines, and utility crossings will require a permit from the U.S. Army Corps of Engineering and/or Ohio EPA.

B. One driveway crossing per stream per tax parcel will be permitted.

C. Roadway crossings for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the Village's design standards. If more than two crossings per 1,000 linear feet of stream center is required for these areas, the applicant must apply for a variance.

D. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the riparian and wetland setback and shall mitigate any necessary disturbances.

E. Erosive material shall not be used in making stream crossings.

(3) Placement of storm water retention or detention facilities may be considered within the riparian and wetland setback if:

A. Storm water quality treatment that is consistent with current State standards is incorporated into the basin.

B. The storm water quality treatment basin is located at least 25 feet from the ordinary high water mark of the stream.

(4) Selective harvesting of timber. Selective harvesting of timber may be allowed upon presentation of a Forest Management and Harvest Plan prepared by a qualified forester and accepted by the Village Engineer.

A. Any landowner harvesting timber for sale shall post a five thousand dollar ($5,000.00) performance guarantee with the Village. This performance guarantee shall be in the form of a security bond, escrow account, certified check or cash, and it shall be held until completion of the timber harvesting operation.

B. Due to the potential for felled logs and branches to damage downstream properties and/or to block ditches or otherwise exacerbate flooding, logs or branches resulting from permitted selective harvesting that are greater than six inches in diameter at the cut end shall be cut into sections no longer than six feet or removed from the 100-year floodplain. Harvested trees or felled logs and branches that are part of a designed and approved Streambank Stabilization and Erosion Control Measure shall be allowed to remain in a designated watercourse.

C. The Forest Management and Harvest Plan must:

1. Show that the site will be adequately stocked after the approved selective harvest. "Adequately stocked" shall be defined as the residual stocking level greater than the B-Level on the *Allegheny Hardwood Stocking Guide* produced by the United States Forest Service, or other United States Forest Service stocking guides as dictated by the Village for the forest to be harvested.
2. Show that trees located less than 25 feet from the ordinary high water mark will not be impacted by the proposed harvesting.
3. Include a map of the site. This map shall specify the location of any skid and haul roads required for transporting harvested trees and fire wood from riparian and wetland and wetland setbacks.
4. Include the method to be used to transport harvested trees from riparian and wetland setbacks.
5. Specify the erosion control best management practices that will be employed during and after the proposed harvest. These erosion control practices shall be in conformance with the Ohio Department of Natural Resources, Division of Forestry's *BMPs for Erosion Control on Logging Jobs in Ohio*.
6. Provide the U.S. Army Corps of Engineers and the Ohio EPA Wetland and Stream protection permit numbers and the associated permit requirements.

(Ord. 2007-70. Passed 12-12-07.)

1252.08 USES PROHIBITED.

The following uses are specifically prohibited within the riparian and wetland setbacks; however, prohibited uses are not limited to these examples listed below:

(a) Construction. There shall be no structures of any kind, except as permitted under these regulations.

(b) Dredging or Dumping. There shall be no drilling for petroleum or mineral products, mining activity, filling, dredging or dumping of soil, spoils, liquids or any material, natural or man-made, except as permitted under Section 1252.07.

(c) Roads or Driveways. There shall be no roads or driveways, except as permitted under Section 1252.07. All road and driveways within a wetlands or riparian area shall require a permit from the U.S. Army Corps of Engineers and/or the Ohio EPA.

(d) Motorized Vehicles. There shall be no use of motorized vehicles of any kind, except for those types of vehicles being used to maintain the riparian and wetland area prior to the adoption of this chapter.

(e) Modification of Natural Vegetation. Modification of the natural vegetation shall be limited to conservation maintenance that the landowner deems necessary to control noxious weeds; for such plantings as are consistent with these regulations; for such disturbances as are approved under these regulations; and for the passive enjoyment, access and maintenance of landscaping or lawns existing at the time of passage of these regulations. Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the riparian and wetland setbacks provided the landowner allows for natural succession.

(f) Parking Lots. There shall be no parking lots or other human-made impervious cover, except as permitted under Section 1252.07.

(g) New Surface and/or Subsurface Sewage Disposal or Treatment Area. Riparian and Wetland setbacks shall not be used for the disposal or treatment of sewage except for:

(1) Undeveloped parcels that have received site evaluation approval and/or permit approval prior to the enactment of this chapter.

(2) Dwellings served by disposal/treatment systems existing at the time of passage of these regulations when such systems are properly sited (approved site evaluation) and permitted or in accordance with the Summit County Health Department and/or the Ohio Environmental Protection Agency. Existing failing systems which are located within the riparian and wetland setback can be upgraded with approval of the Summit County Health Department and/or the Ohio Environmental Protection Agency.

(h) Crossings of publicly and privately-owned sewer, water lines and utility transmission lines without a permit issued by the U.S. Army Corps of Engineers of the Ohio EPA.

(Ord. 2007-70. Passed 12-12-07.)

1252.09 NONCONFORMING STRUCTURES OR USES.

(a) Structures and uses within a riparian and wetland setback, existing at the time of passage of these regulations that are not permitted under these regulations may be continued but shall not be expanded except as set forth in this chapter.

(b) If damaged or destroyed, these structures or uses may be repaired or restored within two years from the date of damage/destruction or the adoption of these regulations, whichever is later, at the property owners own risk.

(c) A residential structure or use within the riparian and wetland setback existing at the time of passage of these regulations may be expanded subject to the provisions of divisions (c)(1) through (3) below:

(1) The expansion conforms to existing zoning regulations.

(2) The expansion must not impact the stream channel or the 100-year floodplain.

(3) The expansion must not exceed an area of 25% of the footprint of existing structure or use that lies within the riparian and wetland setback. Expansions exceeding 25% of the footprint within the riparian and wetland setback must be obtained through the variance process.

(d) Nonresidential structure or use expansions will be permitted only through the variance process.

(Ord. 2007-70. Passed 12-12-07.)

1252.10 BOUNDARY INTERPRETATION AND APPEALS PROCEDURE.

(a) When an applicant disputes the boundary of a riparian and wetland setback or the ordinary high water mark of a stream, the applicant shall submit evidence to the Village that describes the boundary, presents the applicant's proposed boundary and presents all justification for the proposed boundary change.

(b) The Village shall evaluate all materials submitted and shall make a written determination within a reasonable period of time not to exceed 60 days. A copy of this determination shall be submitted to the applicant. If during this evaluation the Village requires further information to complete this evaluation, the applicant may be required to provide additional information, and the 60-day limit on the Village's review shall be postponed until the applicant provides such information.

(c) Any party aggrieved by any such determination or other decision or determination under these regulations may appeal to the Planning Commission for a variance. The Planning Commission shall decide such boundary disputes. The party contesting the location of the riparian and wetland setback or the ordinary high water mark of the streams as determined by these regulations shall have the burden of proof in case of any such appeal.

(Ord. 2007-70. Passed 12-12-07.)

1252.11 VARIANCES.

(a) The Village may grant a variance from this regulation as provided herein. In determining whether there is unnecessary hardship or practical difficulty, such as to justify the granting of a variance, the Village shall consider the potential harm or reduction in riparian and wetland and/or wetland area functions that may be caused by a proposed structure or use.

(b) The Village may consult with representatives from the Summit SWCD; the Ohio Department of Natural Resources, Division of Natural Areas; the Ohio Environmental Protection Agency, Division of Surface Water; the County of Summit Engineer; the Department of Environmental Services of Summit County; the Summit County Health Department; or other technical experts as necessary to consider variance requests.

(c) Expansions of residential structures or uses exceeding 25% of the footprint area and expansions of all nonresidential structures or uses are subject to division (c)(1) through (4) below:

(1) The expansion conforms to the existing zoning regulations.
(2) The expansion must not impact the stream channel or the 100-year floodplain.
(3) The expansion of a nonresidential structure or use must not affect upstream or downstream hydrologic conditions which could cause damage from flooding or stream bank erosion to landowners in those areas. A hydrologic study must be completed by nonresidential applicants only as a process of the variance application.
(4) The expansion of a nonresidential structure or use will not exceed 25% of the footprint area. The 25% expansion limit is per the portion of the structure or use that lies within the riparian and wetland setback.

(d) Requests for variances for subdivisions will be considered for the following:

(1) An additional stream crossing or crossings for a subdivision or open space development which is necessary for the health, welfare, and safety of the residents of the subdivision.
(2) A reduction of the setback width, not to exceed 10% of the prescribed riparian and wetland setback width.
(3) Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied.

(e) No variances shall be granted for expansion of the following structures or uses:

(1) Facilities which use, store, distribute, or sell petroleum-based products or any hazardous materials. Such facilities include, but are not limited to asphalt plants, dry cleaners, gasoline service stations, and road maintenance facilities.
(2) Facilities which use, store, distribute, or sell products which may contribute higher than acceptable concentrations of dissolved or particulate matter to

storm water runoff around the facility. Such facilities include, but are not limited to: landfills or transfer stations, junk yards, recycling facilities, quarries and borrow pits, sand and gravel extraction operations, and road salt storage barns.

(f) In reviewing whether to grant variances, the Planning Commission shall consider the following:

(1) The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, or other functions of the riparian and/or wetland area. This determination shall be based on sufficient technical and scientific evidence.
(2) The soil type and natural vegetation of the parcel as well as the percentage of the parcel that is in the 100-year floodplain.
(3) The degree of hardship these regulations place on the applicant and the availability of alternatives to the proposed activity.
(4) A parcel existing at the time of passage of this chapter is made unbuildable.
(5) Soil-disturbing activities permitted in a riparian and wetland and/or wetland setback through variances should be implemented in order to minimize clearing to the extent possible, and to include best management practices necessary to minimize soil erosion and maximize sediment control.
(6) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in riparian and wetland setbacks areas compromises their benefits to the Village.
(7) A requested above-ground fence does not increase the existing area of mowed grass or lawn.
(8) A reduction in storm water infiltration into the soil in wetland areas will occur.

(Ord. 2007-70. Passed 12-12-07.)

1252.12 INSPECTION.

(a) The riparian and wetland setback shall be inspected by the Village, as follows:

(1) When a preliminary subdivision plat, property/parcel split or other land development plan is submitted to the Village.
(2) When a building or zoning permit is requested.
(3) Prior to any soil-disturbing activity to inspect the delineation of the riparian and wetland setback as required under these regulations. The applicant shall provide the Village with at least ten working days notice prior to starting a soil-disturbing or land-clearing activity.

(b) The riparian and wetland setback shall also be inspected annually or as time permits by the Village or approved monitoring entity for compliance with any approvals under these regulations or at any time evidence is brought to the attention of the Village

that uses or structures are occurring that may reasonably be expected to violate the provisions of these regulations.

(c) Violations of these regulations will be handled as noted in Section 1252.02.
(Ord. 2007-70. Passed 12-12-07.)

CHAPTER 1253
Erosion and Sediment Control

1253.01 Purpose and scope.
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1253.10 Fees.
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1253.12 Enforcement.
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1253.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable standards to achieve a level of storm water management and erosion and sediment control that will minimize damage to property and degradation of water resources and wetlands, and will promote and maintain the health, safety and welfare of the citizens of Village of Northfield.

(b) This regulation will:

(1) Allow development while minimizing increases in erosion and sedimentation.

(2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(3) Control storm water runoff resulting from soil-disturbing activities.

(4) Assure that development site owners control the volume and rate of storm water runoff originating from their property so that surface water and ground water are protected, soil erosion is controlled, and flooding potential is not increased.

(5) Preserve to the maximum extent practicable natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed, storm drain systems.

(6) Preserve to the maximum extent practicable natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water sources, wetlands, and wells.

(7) Assure that storm water controls are incorporated into site planning and design at the earliest possible stage.

(8) Prevent unnecessary stripping of vegetation and loss of soil, especially adjacent to water resources and wetlands.
(9) Reduce the need for costly maintenance and repairs to roads, embankments, sewage systems, ditches, water resources, wetlands, and storm water management practices that are the result of inadequate soil erosion, sediment and storm water control.
(10) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water, erosion and sediment control.
(11) Require the construction of storm water management practices that serve multiple purposes, including flood control, soil erosion and sediment control, and require water quality protection and encourage such practices that promote recreation and habitat preservation.
(12) Ensure that all storm water management, soil erosion and sediment control practices are properly designed, constructed, and maintained.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in division (d) of this section.

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules as set forth in O.A.C. 1501:15-3-01 to 1501:15-3-09.
(Ord. 2007-73. Passed 12-12-07.)

1253.02 DEFINITIONS.

For purpose of this regulation, the following terms shall have the meaning herein indicated:

(a) "Abbreviated Storm Water Pollution Prevention Plan (Abbreviated SWP3)." The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
(b) "Acre." A measurement of area equaling 43,560 square feet.
(c) "Best Management Practices (BMPs)." Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. "BMPs" also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
(d) "Community." Throughout this regulation, this shall refer to Village of Northfield, its designated representatives, boards, or commissions.
(e) "Construction entrance." The permitted points of ingress and egress to development areas regulated under this regulation.

(f) "Development area." A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

(g) "Disturbed area." An area of land subject to erosion due to the removal of vegetative cover and/or soil-disturbing activities.

(h) "Drainage."

(1) The area of land contributing surface water to a specific point.

(2) The removal of excess surface water or ground water from land by surface or subsurface drains.

(i) "Erosion." The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.

(j) "Erosion and sediment control." The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.

(k) "Final stabilization." All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 70% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

(l) "Landscape architect." A professional landscape architect registered in the State of Ohio.

(m) "Larger common plan of development or sale." A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(n) "Maximum extent practicable." The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.

(o) "NPDES: National Pollutant Discharge Elimination System." A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.

(p) "Parcel." A tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a "permanent parcel number" assigned by the Summit County Fiscal Office, Auditor's Division.

(q) "Person." Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, County or State agency, the Federal government, other legal entity, or an agent thereof.

(r) "Phasing." Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

(s) "Professional engineer." A professional engineer registered in the State of Ohio.
(t) "Rainwater and Land Development." Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
(u) "Runoff." The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
(v) "Sediment." The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
(w) "Sedimentation." The deposition or settling of sediment.
(x) "Setback." A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil-disturbing activities in this area are restricted by this regulation.
(y) "Soil and Water Conservation District." An entity organized under Ohio R.C. Chapter 1515 referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Summit SWCD.
(z) "Soil-disturbing activity." Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human-made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
(aa) "Stabilization." The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
(bb) "Storm Water Pollution Prevention Plan (SWP3)." The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
(cc) "Unstable soils." A portion of land that is identified by the Village Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture, Natural Resource Conservation Service methodology as having low soil strength.
(dd) "Water resource." Any public or private body of water, including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
(ee) "Wetland." Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 C.F.R. 232, as amended).
(ff) "Wetland professional." An individual with training and experience in wetland delineation acceptable to the U.S. Army Corps of Engineers.
(Ord. 2007-73. Passed 12-12-07.)

1253.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this

regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
(Ord. 2007-73. Passed 12-12-07.)

1253.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.

(b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(d) Failure of the Village to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.
(Ord. 2007-73. Passed 12-12-07.)

1253.05 DEVELOPMENT OF A COMPREHENSIVE STORM WATER MANAGEMENT PLAN.

(a) A Construction Site Conservation Plan, Riparian and Wetland Setback Plan and a Post-Construction Water Quality Plan shall be developed to meet this regulation. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.

(b) This regulation requires that a Storm Water Pollution Prevention Plan (SWP3) be developed and implemented for all parcels of one acre or more. For parcels less than one acre in size an SWP3 may not be required; however, the owner shall comply with all other provisions of this chapter.
(Ord. 2007-73. Passed 12-12-07.)

1253.06 APPLICATION PROCEDURES.

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan. The applicant shall submit two sets of the SWP3 and the applicable fees to the Village and two sets of the SWP3 and the applicable fees to the Summit SWCD as follows:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
(2) For other construction projects: Before issuance of a zoning permit by the Zoning and Building Inspector.
(3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning and Building Inspector.

(b) The Village and the Summit SWCD shall review the plans submitted under division (a) of this section for conformance with this regulation and approve, or return for revisions with comments and recommendations for revisions. The Village shall review the plans submitted under this division (b) for conformance with this regulation and approve or return for revisions with comments and recommendations for revisions. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan.

(c) Soil-disturbing activities shall not begin and zoning permits shall not be issued without an approved SWP3.

(d) A pre-construction meeting must be held with the Summit SWCD inspector prior to earthwork activities. The applicant, contractor, and applicant's engineer should be in attendance at the pre-construction meeting.

(e) An SWP3 for individual sublots in a subdivision may not be approved unless the larger common plan of development or sale containing the sublot is in compliance with this regulation.

(f) Approvals issued in accordance with this regulation shall remain valid for two years from the date of approval.
(Ord. 2007-73. Passed 12-12-07.)

1253.07 COMPLIANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other Federal, State, and/or County agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to those listed below. All submittals required to show proof of compliance with these State and Federal regulations shall be submitted with Storm Water Pollution Prevention Plans.

(a) Ohio EPA NPDES permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from

Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES permit, or a letter from the site owner certifying and explaining why the NPDES permit is not applicable.

(b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an individual permit is required for the development project. If an individual permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineers' Nationwide Permit Program. This shall include one of the following:

(1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable nationwide permit. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

(e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable.

(f) Riparian Setbacks: Proof of compliance shall be a copy of the Summit SWCD letter, and or zoning certificate from the Village. Riparian setbacks must be shown on the SWP3.

(Ord. 2007-73. Passed 12-12-07.)

1253.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an SWP3 in accordance with the requirements of this regulation and the most recent Ohio EPA NPDES General Construction permit. The SWP3 must address

erosion and sediment control during construction as well as post-construction water quality practices.

(b) The SWP3 shall be certified by a professional engineer.

(c) The SWP3 shall incorporate measures as recommended by the most current edition of *Rainwater and Land Development* as published by the Ohio Department of Natural Resources and shall include the following information:

(1) Site description: The SWP3 shall provide:

A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).

B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas).

C. An estimate of the impervious area and percent of imperviousness created by the construction activity.

D. Existing data describing the soil within, or affected by, the development area and, if available, the quality of any known pollutant discharge from the site, such as that which may result from previous contamination caused by prior land uses.

E. A description of prior land uses at the site.

F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence. The plan must clearly describe, for each major construction activity, the appropriate BMPs and the general timing (or sequence) during the construction process of when the measures will be implemented; and/or who (which contractor) will be responsible for implementation (e.g., Contractor A will clear, grub and install perimeter controls and Contractor B will maintain perimeter controls until final stabilization; Contractor C will conduct and document the scheduled inspections).

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water and the major river watersheds in which it is located.

H. The aerial (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.

I. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.

J. The Village Engineer may require the SWP3 to include a Soils Engineering Report based upon the Village Engineer's determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the Village Engineer shall be incorporated in the grading plans and/or other specifications for site development listed below. Recommendations included in the report and approved by the Village Engineer shall be incorporated in the grading plans and/or other specifications for site development.

1. Data regarding the nature, distribution, strength and erodibility of existing soils. If applicable, data regarding the nature, distribution, strength and erodibility of the soil to be placed on the site.
2. If applicable, data regarding the nature, distribution, strength and erodibility of the soil to be placed on the site.
3. Conclusions and recommendations for grading procedures.
4. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
5. Design criteria for corrective measures when necessary.
6. Opinions and recommendations covering the stability of the site.

K. The location of permanent soil erosion control practices to be left in place after construction operations have been completed. (e.g., level spreaders, permanent erosion control matting, gabrons, rock lined channels, etc.)

L. BMPs that divert runoff away from disturbed areas and steep slopes, including rock check dams, pipe slope drains, diversions to direct flow away from exposed soils, and protective grading practices.

M. The location of any existing or planned riparian and/or wetland setback areas on the property.

(2) A vicinity map locating:

A. The larger common plan of development or sale.

B. The development area.

C. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to:

1. Water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank).
2. Conservation easements.
3. Other sensitive natural resources.
4. The sensitive areas receiving runoff from the development.

D. All off-site borrow or spoil areas.

E. All off-site utility installation areas that are related to the planned project.

(3) Site plan showing at a minimum, the following information:

A. Limits of earth-disturbing activity at the site, including excavations, filling, grading, clearing and off-site spoil and borrow areas.

B. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils as determined by the most current edition of the soil survey of Summit County by the National Resources Conservation Service (MRCS).

C. Existing and proposed one-foot contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.

D. 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) the applicant intends to fill or relocate for which the applicant is seeking approval from the U.S. Army Corps of Engineers and/or Ohio EPA.

E. Existing and planned locations of buildings, roads, parking facilities, and utilities.

F. The location of all erosion and sediment control BMPs, including: the location of areas likely to require temporary stabilization during the course of site development.

G. Sediment ponds, including their basic dimensions, sediment settling volume and contributing drainage area and calculations for size and volume. All sediment basins and traps must maintain a minimum 75% trapping efficiency throughout the construction period as determined by engineering calculations contained within the Summit County Water Quality and Trapping Efficiency Program. The approved program to determine trapping efficiency is available through Summit SWCD.

H. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.

I. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.

J. The location of any in-stream activities including stream crossings.

(4) Detailed drawings, standards and specifications for the construction site construction plans shall include, at minimum, the following:

A. Methods of controlling the flow of runoff from disturbed areas so as to prevent or minimize erosion.

B. Identification of the structural practices to be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. A

description shall be included of how each selected control will store runoff so as to let sediments settle out and/or divert flows away from exposed soils or act to limit runoff from exposed areas.

C. Identification for each structural practice of its size, detail drawings, maintenance requirements and design calculations.

D. The type and amount of plant seed, live plants, fertilizer, agricultural ground limestone and mulch to be used. Specification of soil testing requirements for fertility and lime requirements will be included. Specification for the use of perennial grass seed will also be included.

E. Settling ponds will be identified with basic dimensions and the calculations for size and volume.

F. Detailed drawings and installation requirements of all other structural control BMPs.

G. Any other soil erosion and sediment control related BMPs and items that are required by the Village Engineer.

H. For developments where the overall plan does not call for centralized sediment control capable of controlling multiple lots, a detail drawing of a project-specific typical individual lot showing standard individual lot soil erosion and sediment control practices and the sequence and timing of BMP installation for the individual lots. This does not remove or eliminate the responsibility to designate and install specific soil erosion and sediment control practices for the storm water discharges.

(5) The Construction Site Conservation Plan shall include a description of the Storm Water Management (SWM) practices to be used on the site. The SWM element of the Plan shall include, at a minimum, the following:

A. A map showing the location, drawn to scale, of permanent SWM conveyance, detention and retention structures, other SWM control structures and the SWM easements.

B. A general description of the SWM strategy proposed to meet this chapter.

C. Design calculations for all permanent SWM conveyance, detention and retention structures and other SWM control structures.

D. Any other SWM-related items required by the Village Engineer.

(Ord. 2007-73. Passed 12-12-07.)

1253.09 PERFORMANCE STANDARDS.

The SWP3 must contain a description of the controls appropriate for each construction operation and the applicant must implement such controls. The SWP3 must clearly describe, for each major construction activity, the appropriate control measures; the general sequence during the construction process under which the measures will be implemented; and the contractor responsible for implementation (e.g., contractor A will clear land and install perimeter controls, and Contractor B will maintain perimeter controls until final stabilization). The time frame for SWP3 implementation shall be consistent with the

current Ohio EPA NPDES Construction Permit. No project subject to this regulation shall commence without an SWP3 approval by the Summit SWCD. No project subject to this regulation shall commence without a pre-construction meeting held with the Summit SWCD. It will be the applicant's responsibility to contact the SWCD. The applicant shall inform all contractors and subcontractors not otherwise defined as "operators" as defined in the Ohio EPA's NPDES Permit, who will be involved in the implementation of the SWP3, of the terms and conditions of the SWP3. The applicant shall maintain a written document containing the signatures of all contractors and subcontractors involved in the implementation of the SWP3 as proof acknowledging that they have reviewed and understand the conditions and responsibilities of the SWP3. The written document shall be created and signatures shall be obtained prior to commencement of work on the construction site. A copy shall be provided to the Summit SWCD prior to commencing with the project. All projects regardless of the area of disturbance must utilize BMPs to minimize erosion and off site sedimentation. The controls shall include the following minimum components:

(a) Erosion Control Practices. The SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, the use of construction entrances, and the use of alternative ground cover. Erosion control practices must meet the following requirements:

(1) Stabilization of denuded areas. Disturbed areas must be stabilized as specified in Tables 1 and 2 below, or according to the Ohio EPA NPDES Storm Water Permit Rules, whichever is most restrictive.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any area that will lie dormant for one year or more.	Within seven days of the most recent disturbance.
Any area within 50 feet of a stream and at final grade.	Within two days of reaching final grade.
Any area at final grade.	Within seven days of reaching final grade within that area.

Table 2: Temporary Stabilization	
Area requiring temporary stabilization.	**Time frame to apply erosion controls.**
Any disturbed area within 50 feet of a stream and not at final grade.	Within two days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within the seven days of the most recent disturbance within that area.
Disturbed areas that will be idle over winter.	Prior to November 1.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.	

(2) Permanent stabilization of conveyance channels. Applicants shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams, all as defined in the most recent edition of *Rainwater and Land Development* or the Field Office Technical Guide available at www.nrcs.usda.gov/technical/efotg/.

(3) Pre-winter stabilization. If the development area will or is planned to remain, active through the winter months, the owner of the development area shall hold a pre-winter stabilization meeting. The meeting will be held before November 1. The owner shall invite the operator, developer, engineer, contractor, Village Engineer and anyone else requested by the Village Engineer to the meeting.

(b) Runoff Control Practices. The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.

(c) Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet

protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond. Sediment control practices must meet the following requirements:

(1) Timing. Sediment control structures shall be functional throughout the course of earth-disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

(2) Sediment settling ponds.

A. Concentrated storm water runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection, as determined in Table 3 below, shall pass through a sediment settling pond or equivalent best management practice upon approval from the Village Engineer and/or the Summit SWCD.

B. The sediment-settling pond shall be sized to provide at least 67 cubic yards of storage per acre of total contributing drainage area. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the sediment-settling pond must be less than or equal to five feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length: width ratio). Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40%. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

(3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range

is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to ten acres. This does not preclude the use of other sediment barriers designed to control sheet flow runoff.

Table 3: Maximum Drainage Area to Silt Fence

Maximum Drainage Area (acres) to 100 linear feet of silt fence	Range of Slope for a drainage area (%)
0.5	< 2%
0.25	≥ 2% but < 20%
0.125	≥20% but <50%

(4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.

(5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked off-site and that dust is controlled. These best management practices must include, but are not limited to, the following:

A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than two inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the *Rainwater and Land Development Manual*.

B. 1. Streets directly adjacent to construction entrances and receiving traffic from the development area shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly.

2. Based on site conditions, the Village Engineer and/or the Summit SWCD may require additional best management practices to control off-site tracking and dust. These additional BMPs may include: silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

C. Designated wheel-washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to

a sump pump for dewatering in conformance with division (f) of this section.

D. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Village Engineer and/or the Summit SWCD may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.

(6) Stream protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within 50 feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:

A. All BMPs and stream crossings shall be designed as specified in the most recent edition of the *Rainwater and Land Development Manual.*

B. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.

C. No structural sediment controls (e.g., the installation of silt fence or sediment settling pond in-stream) shall be used in a water resource or wetland.

D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.

E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.

F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.

(7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.

(d) Non-sediment Pollutant Controls. No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:

(1) Waste materials. A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.

(2) Concrete truck washout. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.

(3) Fuel/liquid tank storage. All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110% of the volume of all containers in the storage area.

(4) Toxic or hazardous waste disposal. Any toxic or hazardous waste shall be disposed of properly.

(5) Contaminated soils disposal and runoff. Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.

(e) Compliance with Other Requirements. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.

(f) Trench and Ground Water Control. There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

(g) Internal Inspections. All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. "Qualified inspection personnel" are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls. These inspections shall meet the following requirements:

(1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for pollutants entering the drainage system.

(2) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly.

(3) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.

(4) Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

(5) The applicant shall maintain for one year following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of noncompliance determined by these inspections.

(h) Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all upslope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Village Engineer. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

(1) When practices require repair or maintenance. If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three days of the inspection. Sediment settling ponds must be repaired or maintained within ten days of the inspection.

(2) When practices depicted on the SWP3 are not installed. If an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.

(i) Final Stabilzation. All soil-disturbing activities are complete and a uniform perennial vegetative cover with a density of 70% coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices have been removed and disposed of in an acceptable manner.

(Ord. 2007-73. Passed 12-12-07.)

1253.10 FEES.

The Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted as indicated in 1253.06 to either or both the Village of Northfield and the Summit SWCD before the review process begins. The applicant shall be charged per hour for all

review and inspection time by the Village Engineer at the current hourly contract rate charged for Village work. Fees for Summit SWCD will be invoiced separately by Summit SWCD.
(Ord. 2007-73. Passed 12-12-07.)

1253.11 BOND.

(a) If a Storm Water Pollution Prevention Plan or Abbreviated Storm Water Pollution Prevention Plan is required by this regulation, soil disturbing activities shall not be permitted until a cash bond has been deposited with the Finance Department. The bond amount for the Storm Water Pollution Prevention Plan shall be a twenty thousand dollar ($20,000) minimum, and an additional three thousand dollars ($3,000) paid for each subsequent acre or fraction thereof. The bond will be used for the Village to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less unpaid fees after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Village Engineer.

(b) No project subject to this regulation shall commence without an SWP3 or Abbreviated SWP3 approved by the Village Engineer.
(Ord. 2007-73. Passed 12-12-07.)

1253.12 ENFORCEMENT.

(a) All development areas may be subject to inspections by the Village and/or the Summit SWCD to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(b) After each inspection, the Village and/or the Summit SWCD shall prepare and distribute a status report to the applicant.

(c) If an inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the Village and/or the Summit SWCD may take action as detailed in Section 1253.13.

(d) The cost of all external inspections done by either the Village or Summit SWCD shall be the responsibility of the applicant.
(Ord. 2007-73. Passed 12-12-07.)

1253.13 VIOLATIONS.

(a) No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.

(b) Upon notice, the Mayor and/or Building and Zoning Inspector may suspend any active soil-disturbing activity and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which work may be resumed. In instances, however, where the Mayor and/or the Building and Zoning Inspector finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.

(c) No stop work order shall be issued under this section against any public highway, transportation, drainage improvement or maintenance project undertaken by a governmental agency or political subdivision.

(d) The Village may deny the issuance of any further plat approvals, for the property in question, until the site is brought into compliance with this Chapter 1253.

(e) The Village may suspend the issuance of occupancy permits within developments that are not in compliance with this Chapter 1253.
(Ord. 2007-73. Passed 12-12-07.)

1253.14 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Village in relation to this regulation may appeal to the Court of Common Pleas. Written notice of appeal shall be served on the Village and a copy shall be provided to the Summit SWCD.
(Ord. 2007-73. Passed 12-12-07.)

1253.15 PENALTY.

(a) Any person, firm, entity or corporation, including but not limited to the owner of the property, his or her agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars ($500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the Village instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Village.
(Ord. 2007-73. Passed 12-12-07.)

CHAPTER 1254
Post-Construction Water Quality Runoff Requirements

1254.01 Comprehensive Storm Water Management Plan.
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1254.01 COMPREHENSIVE STORM WATER MANAGEMENT PLAN.

The Post-Construction Water Quality Plan developed to meet this regulation will be coordinated and combined with the Riparian and Wetland Setback Plan and the Construction Site Conservation Plan that are developed for the same site. These plans will be titled and numbered in one consecutive sequence to make a Comprehensive Storm Water Management Plan for the site. The Comprehensive Storm Water Management Plan so developed will serve as the Storm Water Pollution Prevention Plan (SWP3) required by Ohio EPA as part of the NPDES Storm Water Permit for General Construction.
(Ord. 2007-72. Passed 12-12-07.)

1254.02 PURPOSE.

The intent of this regulation is to:

(a) Allow development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment activities.
(b) Protect and maintain the receiving stream's physical, chemical, biological characteristics and stream functions.
(c) Provide perpetual management of storm water runoff quality and quantity.
(d) Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the Village.

(e) Control storm water runoff resulting from soil-disturbing activities.
(f) Assure that storm water quality controls are incorporated into site planning and design at the earliest possible stage.
(g) Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.
(h) Reduce the long-term expense of remedial projects needed to address problems caused by inadequate storm water quality control.
(i) Ensure that all storm water quality practices are properly designed, constructed, and maintained.
(Ord. 2007-72. Passed 12-12-07.)

1254.03 DISCLAIMER OF LIABILITY.

Neither submission of a plan under the provisions herein, nor compliance with the provisions of these regulations, shall relieve any person or entity from responsibility for damage to any person or property that is otherwise imposed by law.
(Ord. 2007-72. Passed 12-12-07.)

1254.04 DEFINITIONS.

As used in this chapter:
(a) "Best management practice (BMP)." Any practice or combination of practices that is determined to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources of pollution to a level compatible with water quality goals. "BMPs" may include structural practices, conservation practices and operation and maintenance procedures.
(b) "Channel." A natural stream that conveys water, or a ditch or channel excavated for the natural flow of water.
(c) "Conservation." The wise use and management of natural resources.
(d) "Development area." Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership, where earth-disturbing activity is to be performed.
(e) "Detention basin." A storm water management pond that remains dry between storm events. A storm water management pond includes a properly engineered/ designed volume which is dedicated to the temporary storage and slow release of runoff waters.
(f) "Ditch." An excavation, either dug or natural, for the purpose of drainage or irrigation, and having intermittent flow.
(g) "Erosion." The process by which the land surface is worn away by the action of water, wind, ice or gravity.
(h) "Existing." In existence at the time of the passage of this chapter and these regulations.
(i) "Federal Emergency Management Agency (FEMA)." The agency with overall responsibility for administering the National Flood Insurance Program.

(j) "Grading." Earth-disturbing activity such as excavation, stripping, cutting, filling, stockpiling, or any combination thereof.
(k) "Grubbing." Removing, clearing or scalping material such as roots, stumps or sod.
(l) "Impervious cover." Any surface that cannot effectively absorb or infiltrate water. This includes roads, streets, parking lots, rooftops, and sidewalks.
(m) "Larger common plan of development or sale." A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
(n) "Local County SWCD." The local County Soil and Water Conservation District.
(o) "Natural Resources Conservation Service (MRCS)." An agency of the United States Department of Agriculture, formerly known as the Soil Conservation Service (SCS).
(p) "NPDES Permit." A National Pollutant Discharge Elimination System Permit issued by Ohio EPA under the authority of the USEPA, and derived from the Federal Clean Water Act.
(q) "Ohio EPA." The Ohio Environmental Protection Agency.
(r) "Person." Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, County, State agency, the Federal government, or any combination thereof.
(s) "Professional engineer." A person registered in the State of Ohio as a professional engineer, with specific education and experience in water resources engineering, acting in strict conformance with the Code of Ethics of the Ohio Board of Registration for Engineers and Surveyors.
(t) "Retention basin." A storm water management pond that maintains a permanent pool of water. These storm water management ponds include a properly engineered/designed volume dedicated to the temporary storage and slow release of runoff waters.
(u) "Riparian area." Naturally vegetated land adjacent to watercourses which, if appropriately sized, helps to, limit erosion, reduce flood flows, and/or filter and settle out runoff pollutants, or which performs other functions consistent with the purposes of these regulations.
(v) "Riparian setback." Those lands within the Village which are alongside streams, and which fall within the area that the Village prohibits and restricts changes in land use and the building of structures.
(w) "Sediment." Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, gravity or ice, and has come to rest on the earth's surface either on dry land or in a body of water.
(x) "Sediment control." The limiting of sediment being transported by controlling erosion or detaining sediment-laden water, allowing the sediment to settle out.
(y) "Soil." Unconsolidated erodible earth material consisting of minerals and/or organics.

(z) "Soil Conservation Service, USDA." The Federal agency now titled the "Natural Resources Conservation Service," which is an agency of the United States Department of Agriculture.

(aa) "Storm water runoff." Surface water runoff which converges and flows primarily through water conveyance features such as swales, gullies, waterways, channels or storm sewers, and which exceeds the maximum specified flow rates of filters or perimeter controls intended to control sheet flow.

(bb) "Stream." A body of water running or flowing on the earth's surface, or a channel with defined bed and banks in which such flow occurs. Flow may be seasonally intermittent.

(cc) "Wetland." Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(dd) "Wetland setback." Those lands within the Village that fall within the area defined by the criteria set forth in these regulations.

(ee) "100-year Floodplain." Any land susceptible to being inundated by water from a base flood, which is the flood that has a 1% or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the "100-year floodplain" shall be the area defined and shown on FEMA Flood Insurance Maps. (Ord. 2007-72. Passed 12-12-07.)

1254.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this chapter imposes a greater restriction upon land than is imposed or required by other Village provisions of law, ordinance, contract or deed, the provisions of this chapter shall prevail.

(b) If a court of competent jurisdiction declares any clause, section, or provision of these regulations invalid or unconstitutional, the validity of the remainder shall not be affected thereby.

(c) These regulations shall not be construed as authorizing any person to maintain a private or public nuisance on their property. Compliance with the provisions of this regulation shall not be a defense in any action to abate such nuisance.

(d) Failure of the Village to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2007-72. Passed 12-12-07.)

1254.06 CONSULTATIONS.

In implementing these regulations, the Village Engineer or other Village officials may consult with the local County SWCD, State and Federal agencies and other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant or his or her designated representative.
(Ord. 2007-72. Passed 12-12-07.)

1254.07 POST-CONSTRUCTION WATER QUALITY CONTROL PLAN.

In order to control post-construction water quality damage and damage to public and private lands, the owner of each development area shall be responsible for developing a Post-Construction Storm Water Management Plan.

(a) This plan will be combined with the Construction Site Conservation Plan and the Riparian and Wetland Setbacks Plans that are also developed for the site.

(b) This plan will contain a description of controls appropriate for each construction operation covered by these regulations, and the operator will implement such controls in a timely manner.

(c) The BMPs used to satisfy the conditions of these regulations shall meet the standards and specifications in the current edition of the Ohio *Rainwater and Land Development Manual*, *ODOT Post-Construction Storm Water Standards*, or other manual that is acceptable to the Village Engineer or Ohio EPA.

(d) To meet the post-construction requirements of this regulation, the Post-Construction Water Quality Plan must contain a description of the Post-Construction Best Management Practices (BMPs) that will be installed during construction for the site and the rationale for their selection. The rationale must address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality.

(e) This plan will identify the person or entity responsible for continued maintenance of all vegetative and/or mechanical BMPs for both the construction and post-construction phases of the development.

(f) Long-term maintenance requirements and schedules of all BMPs for both the construction and post-construction phases of the development will be identified.

(g) This plan will contain long-term maintenance inspection schedules, including the printed name and contact point of the post-construction landowner (e.g., president of the homeowners' association, store manager, apartment complex manager, etc.).

(h) This plan will identify the person or entity financially responsible for conducting the inspection and maintenance of permanent storm water conveyance and storage structures and other conservation practices.

(i) The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent storm water, soil erosion and sediment control and water quality practices will be identified.

(j) The Post-Construction Plan will also contain the following information depending on the size of the development sites as well as any additional information required by the Village Engineer:

(1) Development sites smaller than five acres. A development site that will disturb one or more, but less than five acres of land and is not a part of a larger common plan of development or sale which will disturb five or more acres of land shall identify:

A. Storm water issues. A statement as to how the decreased storm water quality that will be caused by the planned development project will be handled.

B. Description of measures. A description of the BMPs that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed.

C. Upland areas. Structural measures placed on upland areas to the degree attainable.

D. Map. A map of the entire site showing the overall development.

E. Riparian and/or wetland setback. All riparian and wetland setback areas will be identified on the plans. They will also be marked in the field prior to the start of construction.

F. BMPs. Best management practices used in the Post-Construction Water Quality Plan may include but are not limited to:

1. Permanent storm water detention ponds that provide extended detention of the water volume.
2. Flow attenuation by use of open vegetated swales and natural depressions.
3. On-site infiltration of runoff.
4. Sequential systems that combine several practices.
5. Permanent conservation easements, preferably with the easement being held by a third party with no vested interest in ever seeing the property developed.
6. Natural channel design for drainage ways.
7. Bioengineering in drainage ways.
8. Recreating floodplains.
9. Chemical and biological filters in storm sewer inlets.
10. Sand filters.
11. Allowing roof water from buildings to run across lawn areas to remove pollutants.
12. On-site sewage disposals system replacement or conversion to sanitary sewers.
13. Low impact development design.
14. Countryside development design meeting the criteria of the Western Reserve Resource Conservation and Development Area.
15. Aquatic benches in retention basins and ponds.

G. Technical basis. The plans will contain a rational statement utilized to select the BMPs used to control pollution and to maintain and protect water quality.

(2) Development sites five acres or larger. A development site that disturbs five or more acres of land or will disturb less than five acres, but is a part of a larger common plan of development or sale, which will disturb five or more acres of land, shall identify:

A. Storm water detention. The post-construction BMP(s) chosen must be able to detain storm water runoff for protection of the stream channels, stream erosion control, and improved water quality.

B. Structural BMPs. Structural (designed) post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site.

C. Properly sized BMPs. The BMP(s) chosen must be sized to treat the water quality volume (WQ_V) and ensure compliance with Ohio's Water Quality Standards in O.A.C. Chapter 3745-1. The WQ_V shall be equivalent to the volume of runoff from a 0.75-inch rainfall and shall be determined according to one of the two following methods:

1. Through a site hydrologic study approved by the Village permitting authority that uses continuous hydrologic simulation and local long-term hourly precipitation records; or
2. Using the following equation:

$$WQ_V = C * P * A / 12$$

where:

WQ_V = water quality volume in acre-feet
C = runoff coefficient appropriate for storms less than one inch (see Table 1)
P = 0.75-inch precipitation depth
A = area draining into the BMP in acres.

Table 1: Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial and commercial	0.8
High density residential (>8 dwellings/acre)	0.5
Medium density residential (4 to 8 dwellings/acre)	0.4
Low density residential (<4 dwellings/acre)	0.3
Open space and recreational areas	0.2

D. Where the land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is low density residential, 30% is high density residential, and 10% is open space, the runoff coefficient is calculated as follows: (0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = 0.35.

E. An additional volume equal to 20% of the WQ_V shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. The BMPs will be designed according to the methodology included in the Ohio *Rainwater and Land Development Manual*, ODOT *Post-Construction Storm Water Standards*, or other manual that is acceptable to Ohio EPA.

F. BMPs shall be designed such that the drain time is long enough to provide treatment, but short enough to provide storage available for successive rainfall events as described in Table 2 below.

Table 2: Target Draw Down (Drain) Times for Structural Post-Construction Treatment Control Practices

Best Management Practice	Drain Time of WQv
Infiltration	24 - 48 hours
Vegetated swale and filter strip	24 hours
Extended detention basin (dry basins)	48 hours
Retention basins (wet basins)*	24 hours
Constructed wetlands (above permanent pool)	24 hours
Media filtration, bioretention	40 hours

* Provide both a permanent pool and an extended detention volume above the permanent pool, each sized at 0.75 * WQv

G. The owner may request approval from the Village of Northfield Engineer to use alternative structural Post-Construction BMPs if the owner can demonstrate, in a way that is acceptable to Ohio EPA rules and regulations, that the alternative BMPs are equivalent in effectiveness to those listed in Table 2 above. The use of alternative or vender supplied post-construction BMPs should be limited to redevelopment projects where justification is provided that the traditional BMPs in Table 2 are technically and economically infeasible.

H. Construction activities shall be exempt from this condition if it can be demonstrated that the WQ_V is provided within an existing structural post-construction BMP that is part of a larger common plan of development or sale or if structural post-construction BMPs are addressed in a regional or local storm water management plan.

I. For redevelopment projects, such as developments on previously developed property, post-construction practices shall either ensure a 20% net reduction of the site impervious area, provide for treatment of at least 20% of the WQv, or a combination of the two.

J. Site description.
   1. The prior land uses of the site.
   2. The nature and type of construction activity, such as low-density residential, shopping mall, highway, etc.
   3. Total area of the site and the area of the site that is expected to be disturbed by grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas.
   4. Amount of the impervious area and percent imperviousness created by the construction activity.
   5. Name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water and the major river watersheds in which it is located.

K. A vicinity sketch locating:
   1. The development area.
   2. The larger common plan of development or sale.
   3. All pertinent surrounding natural features within 200 feet of the development site including, but not limited to water resources such as wetlands, springs, lakes, ponds, rivers and streams, including intermittent streams with a defined bed and bank.
   4. Conservation easements.
   5. Other sensitive natural resources and areas receiving runoff from the development.
   6. All off-site borrow or spoil areas.
   7. All off-site utility installation areas that are related to the planned project.

L. The existing and proposed topography shown in the appropriate contour intervals as determined by the Village Engineer.

M. The location and description of existing and proposed drainage patterns and facilities, including any allied drainage facilities beyond the development area and the larger common plan of development or sale.

N. Existing and proposed watershed boundary lines, direction of flow and watershed acreage.

O. The person or entity responsible for continued maintenance of all permanent vegetative and/or mechanical post-construction water quality conservation practices (BMPs).

P. The location of any existing or planned riparian and/or wetland setback areas on the property.

(Ord. 2007-72. Passed 12-12-07.)

1254.08 EASEMENTS.

Future access to all floodplains, flood control facilities, runoff drainage ditches and channels, storm sewers, permanent vegetative and/or mechanical post-construction water quality conservation practices (BMPs) and other areas, as required by the Village Engineer, shall be secured by means of easements.

(a) The easements shall be recorded in the name of the Village and, in single-family residential developments, the homeowners' association.

(b) Such easements shall be not less than 15 feet in width, in addition to the width of the ditch, channel, or other facility it is to serve. Further, an easement of this type shall be provided on one side of the flood control or storm drainage ditch, channel, or similar-type facility.

(c) Access along the initial drainage system shall be by means of easements. Such easements shall be not less than 20 feet in width, with a minimum ten-foot width on either side of the centerline.

(d) Access adjacent to storage facilities shall consist of a 15-foot easement in the case of detention (dry) basins, and a 15-foot easement with a 20-foot level bench in the case of retention (wet) basins, measured from the top of the bank, and shall include the storage facility itself.

(e) Easements for the emergency flow ways shall be a minimum of 20 feet in width, or larger if required by the Village Engineer.

(f) Flood control or storm drainage easements containing underground facilities shall have a minimum width of 20 feet.

(g) The easements shall be restricted against the planting within said easement of trees, shrubbery or plantings with woody growth characteristics, and against the construction therein of buildings, accessory buildings, fences, walls or any other obstructions to the free flow of storm water and the movement of inspectors and maintenance equipment and also restricted against the changing of final grade from that described by the grading plan.

(Ord. 2007-72. Passed 12-12-07.)

1254.09 MAINTENANCE.

Any portion of the permanent post-construction water quality management systems, including on-site and off-site treatment/storage facilities that are constructed by the owner, will be continuously maintained in perpetuity.

(a) Detail drawings and maintenance plans must be provided for all post-construction best management practices (BMPs).

(b) Maintenance plans must ensure that pollutants collect within structural post-construction BMPs be disposed of in accordance with local, State and Federal guidelines.

(c) Maintenance plans shall be provided by the permittee to both the Village Engineer and the post-construction operator of the BMP, including homeowner associations, upon completion of construction activities and prior to the Village Engineer giving final approval for the completed construction.

(d) Single-Family Residential Developments. A homeowners' association shall be created and placed in title of the affected lands and shall be continuously responsible for post-construction maintenance and inspections in perpetuity.

(e) Multi-Family, Commercial and Industrial Developments. The plans will clearly state that the owner of the property shall be continuously responsible for post-construction maintenance and inspections in perpetuity.

(f) Maintenance Design. Low maintenance requirements are a priority in the design and construction of all facilities. Multi-use facilities incorporating assets such as aesthetics and recreation may be incorporated into the design of the drainage facilities. All permanent drainage, soil erosion, sediment control, water quality management systems and BMPs, including on-site and off-site structures and vegetation that are constructed or planted, must be inspected and maintained in perpetuity by the responsible party designated in the plans and the requirements of this chapter. Inspections and maintenance will be incorporated periodically throughout the year to ensure that the facilities are properly operational.

(g) Perpetual Maintenance Inspections. One inspection with a written report will be performed each year by the party responsible for the maintenance and operation of the facility. The written report will be given to the Village Engineer by May 1 of each and every year after the best management practice (BMP) has been completed.

(1) Structures that require a permit from the Ohio Division of Water. A written and stamped report will be required from a professional engineer on the status of all structural BMPs that require a permit from the Ohio Department of Natural Resources (ODNR) Division of Water. This applies to all BMPs that require a permit either at the time of construction or fall under the jurisdiction of ODNR Division of Water at any time after construction is completed.

(2) Easements. A written report from an inspector for the party responsible for the maintenance and operation of the facility on the status of all storm water management easements for each project shall be submitted to the Village Engineer by May 1 of each year into perpetuity. These reports will document if restricted plantings, fences and structures are on the easement and will identify the location of the noted easement restriction violations.

(3) Best management practices (BMPs) that do not have a high risk for loss of life, bodily injury, or damage to structures or infrastructure related to imminent failure as determined by the Village Engineer: A written and stamped report from a professional engineer on the status of permanent soil erosion, sediment control, water quality management systems and the status of the related easements shall be submitted to the Village Engineer by May 1 of each year in perpetuity.

(4) BMPs that have a potential loss of life. A written and stamped report covering the status of all BMPs that have a potential for loss of life, bodily injury, or

damage to structures or infrastructure will be prepared by a professional engineer.
(Ord. 2007-72. Passed 12-12-07.)

1254.10 MINIMUM STANDARDS.

In order to control pollution of water resources, the owner or person responsible for the development area shall use conservation planning and practices to maintain the level of conservation established in the following standards.

(a) Standards and Specifications. Post-construction runoff practices used to satisfy these standards shall meet the standards and specifications in the current edition of the *Rainwater and Land Development Manual*, NRCS Field Office Technical Guide for the local county, or the Ohio EPA, which ever is most stringent.

(b) Water Quality Basins:

(1) Pool geometry. The minimum length-to-width ratio for the pond is 3:1 (the length will be three times the width).

(2) Riser in embankment. The riser shall be located within the embankment for purposes of maintenance access. Access to the riser will be by manholes.

(3) Water drains. Each retention basin shall have a drainpipe that can completely drain the pond. The drain shall have an elbow within the pond to prevent sediment deposition from plugging the drain.

(4) Adjustable gate valves. Both the water quality and the storm water management basin drains shall have adjustable gate valves. Valves shall be located inside of the riser at a point where they will remain dry and can be operated in a safe and convenient manner. During the annual inspections the valves shall be fully opened and closed at least once, and the certifying official for the party responsible for the maintenance and operation of the facility shall attest to this on the inspection form. To prevent vandalism, the hand wheel shall be chained to a ringbolt or manhole step.

(5) Principal spillway. Each principal spillway shall be designed in accordance with the Natural Resources Conservation Service (NRCS) standards and specifications for the office serving Summit County. Each principal spillway shall have the capacity to pass the 100-year design storm flows. The inlet or riser size for the pipe drops shall be designed so that the flow through the structure goes from weir flow control to pipe flow control without going into orifice control in the riser. The crest elevation of the primary spillway shall be no less than one foot below the emergency spillway crest. Premium joint pipe is required and a removable trash rack shall be installed at each location. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(6) Emergency spillway. An emergency spillway shall be provided on each water quality and storm water management basin. Emergency spillways shall convey flood flows safely past the embankment, and shall be designed in

accordance with NRCS standards and specifications for the office serving Summit County. Emergency spillways shall have a 100-year design storm capacity unless exempted in writing by the Village Engineer.

(7) Embankments. Each dam embankment shall be designed in accordance with the NRCS standards and specifications for the office serving Summit County. Anti-seep collars shall be provided for all pipe conduits through an embankment.

(8) Safety features:

A. The primary spillway opening shall not permit access to the public and other non-maintenance personnel.

B. The perimeter of all water pool areas that are deeper than three feet shall be surrounded by benches that meet the following:

1. A safety bench, with a maximum slope of 3%, which extends outward, on dry land, from the shoreline. This bench will be a minimum of 20 feet wide to provide for the safety of individuals and maintenance vehicles that are adjacent to the water pool. The safety bench may be landscaped, without the use of structures, to prevent access to the water pool.
2. Side slopes between the safety bench and the aquatic bench shall not be steeper than 3:1 (three feet horizontal for every one foot vertical).
3. An aquatic bench that extends inward from the shoreline far enough to ensure public safety and has a maximum depth of 15 inches below the normal water surface elevations. The aquatic bench may be landscaped to prevent access to the deeper water pool. The aquatic bench may also be incorporated into the Post-Construction Water Quality Plan.
4. Side slopes beyond the aquatic bench and below the permanent water level shall not be steeper than 2:1 (two feet horizontal for every one foot vertical).
5. The contours of the pond will be designed and managed to eliminate drop-offs and other hazards. Side slopes getting to the pond shall not exceed 3:1 and shall terminate on a safety bench.

(9) Water quality basin. If a water quality basin is needed and can not be incorporated into an existing or planned detention or retention basin, then a separate water quality basin will need to be planned, designed, constructed and maintained in perpetuity.

(10) Water quality basins will not be constructed in any permanent or intermittent stream channel.

(11) Flexibility.

A. These standards are general guidelines and shall not limit the right of the Village Engineer to impose at any time additional and/or more stringent requirements, nor shall the standards limit the right of the Village Engineer to waive, in writing, individual requirements.

B. If the Village Engineer waives, in writing, individual requirements, the owner will provide the Village Engineer with the information and documentation required to assure Ohio EPA that the waived requirement will not degrade water quality.
(Ord. 2007-72. Passed 12-12-07.)

1254.11 ALTERNATIVE ACTIONS.

(a) When the Village Engineer determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of storm water runoff. Such alternatives must be in keeping with the intent and likely cost of those measures that would otherwise be required to meet the objectives of this section. When possible, all practical alternatives shall be implemented within the drainage area of the proposed development project. Such alternatives shall meet the following standards:

(1) The same level of storm water quantity and quality control that would be effectuated by the on-site controls required under this regulation is achieved.
(2) The alternatives are implemented in the same Hydrologic Unit Code (HUC) 14 watershed unit as the proposed development project.
(3) The mitigation ratio of water quality volume is 1.5 to 1 or the water quality volume at the point of retrofit, whichever is greater.
(4) An inspection and maintenance agreement as described in Section 1254.16(C)(5) is established to ensure operations and treatment in perpetuity.
(5) Prior written approval from the EPA is obtained.

(b) Alternative actions may include, but are not limited to the following. All alternative actions shall be approved by the Village Engineer.

(1) Fees, in an amount specified by the Village, to be appliced to community-wide storm water management practices.
(2) Implementation of off-site storm water management practices and/or the retrofit of an existing practice to increase quantity and quality control.
(3) Stream, floodplain, or wetland restoration.
(4) Acquisition or conservation easements on protected open space significantly contributing to storm water control such as wetland complexes.

(Ord. 2007-72. Passed 12-12-07; Ord. 2012-60. Passed 8-22-12.)

1254.12 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(a) Ohio Dam Safety Laws. The provisions of the Ohio Dam Safety Laws shall be followed. Proof of compliance with the Ohio Dam Safety Law administered by the ODNR Division of Water shall be, but is not limited to, a copy of the ODNR Division of Water permit number or a copy of the project approval letter from the ODNR Division of Water or a letter from the site owner explaining why the Ohio Dam Safety Law is not applicable. The written proof will be provided to the Village Engineer before a construction permit will be issued.

(b) NPDES Permits. The provisions of the National Pollutant Discharge Elimination System (NPDES) Permits for construction activity, issued by the Ohio EPA, shall be followed. Proof of compliance shall be, but is not limited to, a copy of the Ohio EPA NPDES Permit number or a letter from the site owner explaining why the NPDES Permit is not applicable. The written proof will be provided to the Village Engineer before a construction permit will be issued.

(c) Federal and State Wetland Permits. The provisions of the U.S. Army Corps of Engineers dredge and fill permits for Federally-protected wetlands shall be followed. The

provisions of Ohio EPA's Isolated Wetlands Permits shall also be followed. Wetlands and other waters of the United States shall be delineated by protocols accepted by the U.S. Army Corps of Engineers and the Ohio EPA at the time of the application of these regulations. Written proof of compliance with both permit programs will be provided to the Village Engineer before a construction permit will be issued. Proof of compliance shall be, but is not limited to, the following:

(1) A copy of the U.S. Army Corps of Engineers Individual Permit, if required for the project, showing project approval and any restrictions that apply to site activities; or

(2) A site plan showing that any proposed fill of waters of the United States conforms to the general and specific conditions specified in the applicable nationwide permit; or

(3) A letter from the site owner verifying that a qualified professional has surveyed the site and found no wetlands or other waters of the United States. Such a letter shall be noted on site plans submitted to the Village.

(Ord. 2007-72. Passed 12-12-07.)

1254.13 VIOLATIONS.

No person shall violate, or cause, or knowingly permit to be violated, any of the provisions of these regulations, or fail to comply with any such provisions or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations.

(Ord. 2007-72. Passed 12-12-07.)

1254.14 PENALTIES.

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars ($500.00) for each offense.

(b) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Upon notice from the Zoning and Building Inspector, or designated representative, that work is being performed contrary to this regulation, such work shall immediately stop. Such notice shall be in writing and shall be given to the owner or person responsible for the development area, or person performing the work, and shall state the conditions under which such work may be resumed; provided, however, in instances where immediate action is deemed necessary for public safety or the public interest, the Zoning and Building Inspector may require that work be stopped upon verbal order pending issuance of the written order.

(d) The imposition of any other penalties provided herein shall not preclude the Village, by or through its Law Director and/or any of his or her assistants, from instituting

an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development or to restrain, correct or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, or ordinances, rules or regulations. (Ord. 2007-72. Passed 12-12-07.)

1254.15 CONSTRUCTION AND MAINTENANCE GUARANTEE.

All permanent storm water, soil erosion, sediment control and water quality practices not specifically waived by the Village shall be constructed prior to the granting of the final plat approval. Upon the request of the owner, the Village may defer the construction or installation of a permanent storm water, soil erosion, sediment control or water quality practice prior to the approval of the final plat where, in the Village Engineer's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions, or because in the case of concrete, building construction could cause cracking and excessive wear and tear on new structures. In such event, the Village shall require a security bond, escrow account, certified check or cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six months after the filing of such final plat. The owner will provide a maintenance guarantee for all permanent improvements, soil erosion, and sediment control and water quality practices. The Village shall require a security bond, escrow account, certified check or cash to guarantee that the planned temporary and permanent soil erosion, sediment control and water quality practices will be constructed and removed in a timely manner, as determined by the Village Engineer.

(a) The Guarantee. The guarantee of both performance and maintenance will be in the form of a security bond, escrow account, verified check or cash. The security bond, escrow account, verified check or cash will be used by the Village to complete any guaranteed construction or removal of improvements or temporary and permanent soil erosion, sediment control and water quality practices that are not adequately completed, maintained or removed by the owner in a timely manner, as determined by the Village Engineer. The security bond, escrow account, verified check or cash will be in the total amount of both the performance guarantee and the maintenance guarantee. Ohio municipalities and counties may require performance bonds or other guarantees for water management improvement as stated in Ohio R.C. 711.101.

(1) Security bond, escrow account, verified check or cash shall be deposited with the Village prior to review by the Village Engineer and/or its consultants to cover professional services of the Village Engineer, Building and Zoning Inspector and/or other experts required by the Village.

(2) No soil-disturbing activities shall be permitted until a security bond, escrow account, verified check or cash has been posted to the satisfaction of the Village Engineer sufficient for the Village to perform the obligations otherwise to be performed by the owner or person responsible for the development area

as stated in this regulation, and to allow all work to be performed as needed in the event that the owner or person responsible for the development area fails to comply with the provisions of this regulation. The security bond, escrow account, verified check or cash shall be released only after all work required by this regulation has been completed to the satisfaction of the Village Engineer and all permit and inspection fees required by these regulations have been paid in full.

(3) No project subject to this regulation shall commence without the Soil Erosion and Sediment Control, and Storm Water Management, and Water Quality Plans having been approved by the Village Engineer.

(b) Performance Guarantee. The furnishing of a performance guarantee will be maintained in an amount of not less than 120% of the estimate approved by the Village Engineer, of installation of the deferred improvements.

(c) Maintenance Guarantee. The maintenance guarantee shall be maintained for a period of not less than three years after final acceptance of the storm water, soil erosion, sediment control, and water quality practices in an amount equal to 20% of the estimate approved by the Village Engineer, of the construction and, where necessary, removal of such practices.

(d) Time Extension. The Village Engineer may extend the time allowed for the installation of the improvements for which the performance guarantee has been provided with the receipt of a written request from the owner.

(e) Completion. Upon completion of the construction of improvements or temporary and/or permanent, soil erosion, sediment control, and water quality practices and the removal of the temporary soil erosion, sediment control, and water quality practices for which the performance guarantee has been provided, the owner shall notify the Village Engineer of this fact.

(f) Inspection. The Village will not release the security bond, escrow account, verified check or cash guarantee until the Village Engineer has inspected the site to ensure that the guaranteed item(s) have been completed and/or removed.

(g) Release. The construction maintenance guarantee shall not be released by the Village until all temporary soil erosion and sediment control practices that are no longer needed have been removed, properly disposed of and any trapped sediment has been stabilized.

(h) Slow Release Devices. Performance and maintenance guarantees will be maintained on the temporary sediment removal slow release devices installed in detention and retention basins until the entire site has reached final soil stabilization. Final stabilization in single-family residential developments is when 90% of homes are constructed with their lawns completely installed and remaining unbuilt lots having been permanently stabilized with a uniform ground cover at a growth density of 80% or better.

(Ord. 2007-72. Passed 12-12-07.)

1254.16 APPLICATION PROCEDURES FOR POST-CONSTRUCTION WATER QUALITY PLANS.

(a) This plan will be combined with the Soil Erosion and Sediment Control, Storm Water Management, Riparian and Wetland Setbacks Plans that have also been developed for the site.

(b) Plans developed by the site owners and approved by the Village in accordance with this regulation do not relieve the site owner of responsibility for obtaining all other necessary permits and/or approvals from Federal, State, County, and local agencies and departments. If requirements vary, the most stringent requirement shall be followed. In addition to the Village Engineer, Summit SWCD will review all Post-Construction Water Quality Plans.

(c) The site owner shall submit a report from the Summit SWCD, which reviews the owner's development, plans and improvement plans. The applicant or his or her designated representative will pay any costs associated with obtaining the report(s) from the Summit SWCD. These reports shall address the planned development, and Soil Erosion and Sediment Control, Storm Water Management, Riparian and Wetland Setbacks Plans and other sensitive areas.

(d) Plans submitted to the Village Engineer for review and approval shall be accompanied by other required permits and documentation relevant to the project, including but not limited to the U.S. Army Corps of Engineers, Ohio EPA, ODNR Division of Water and Ohio EPA NPDES Permit for Construction Activities.

(e) Five sets of the plans and necessary data required by this regulation shall be submitted to the Village Engineer as follows:

(1) Format.
  A. Text material will be on 8.5 by 11-inch paper.
  B. Drawings will be on paper sized no larger than 24 inches by 36 inches.

(2) Construction projects.
  A. At the preliminary plan approval request, the preliminary plans shall show all of the following existing and planned features: streams, water bodies, wetlands, riparian and wetland setback areas, permanent BMPs, storm water management detention and retention basins.
  B. At the improvement plan approval request, all existing planned features plus all detail sheets and the entire Comprehensive Storm Water Management Plan.

(3) For general clearing projects: Submittals shall be received 30 calendar days prior to any soil-disturbing activities.

(4) Permits list. A list of all the permits that will be needed from Federal, State and local agencies.

(5) Long-term maintenance.

A. The requirements and schedules of all permanent vegetative and/or mechanical post-construction water quality conservation BMPs.

B. Long-term maintenance inspection schedules for all permanent vegetative and/or mechanical post-construction water quality conservation BMPs.

C. The person or entity financially responsible for inspecting and maintaining all permanent vegetative and/or mechanical post-construction water quality conservation BMPs.

D. The method of ensuring that funding will be available to conduct the long-term maintenance and inspections of all permanent vegetative and/or mechanical post-construction water quality conservation BMPs.

(f) SWCD Approval. A letter or report from the Summit SWCD that states that the Soil Erosion and Sediment Control, Storm Water Management and Riparian and Wetlands Setbacks Plans all appear to meet Ohio EPA and local regulations.

(g) The Village shall review the plans, including the approval report from the Summit SWCD, and shall approve or return these, with comments and recommendations for revisions, within 30 calendar days after receipt of the plan and Summit SWCD report as described above. A plan rejected because of deficiencies shall receive a report stating specific problems and the procedures for filing a revised plan. At the time of receipt of a revised plan another 30-day review period shall begin.

(h) Approved plans shall remain valid for two years from the date of approval. After two years the plan(s) approval automatically expires.

(i) No soil-disturbing activity shall begin before all necessary local, County, State and Federal permits have been granted to the owner or operator.

(j) The Village will do construction inspections until the site is stabilized as determined by the Village Engineer. The construction will not be considered completed until the Village Engineer has conducted the post-construction inspections.
(Ord. 2007-72. Passed 12-12-07.)

CHAPTER 1255
Illicit Discharge and Storm Water Connections

1255.01 Purpose.
1255.02 Definitions.
1255.03 Applicability.
1255.04 Responsibility for administration.
1255.05 Severability.
1255.06 Ultimate responsibilities.
1255.07 Discharge prohibitions.
1255.08 Suspension of MS4 access.
1255.09 Industrial or construction activity discharges.
1255.10 Monitoring of discharges.
1255.11 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.
1255.12 Watercourse protection.
1255.13 Notification of spills.
1255.14 Enforcement.
1255.15 Appeal of notice of violation.
1255.16 Enforcement measures after appeal.
1255.17 Cost of abatement of the violation.
1255.18 Injunctive relief.
1255.19 Violations deemed a public nuisance.
1255.20 Prosecution.
1255.21 Remedies not exclusive.

1255.01 PURPOSE.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Northfield through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by Federal and State law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
(Ord. 2007-71. Passed 12-12-07.)

1255.02 DEFINITIONS.

For the purposes of this chapter, the following shall mean:

(a) "Best management practices (BMPs)." Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. "BMPs" also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(b) "Clean Water Act." The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

(c) "Construction activity." Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(d) "Hazardous materials." Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(e) "Illegal discharge." Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 1255.07(a).

(f) "Illicit connections." An "illicit connection" is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances which allow any non-storm water discharge, including sewage, process wastewater, and wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Village: or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been approved by the Village.

(g) "Industrial activity." Activities subject to NPDES Industrial Permits as defined in 40 C.F.R., Section 122.26(b)(14).

(h) "National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit." A permit issued by EPA or by a State under authority delegated pursuant to 33 U.S.C. 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(i) "Non-storm water discharge" Any discharge to the storm drain system that is not composed entirely of storm water.

(j) "Person." Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(k) "Pollutant." Anything which causes or contributes to pollution. "Pollutants" may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(l) "Premises." Any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

(m) "Storm drainage system." Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(n) "Storm water." Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(o) "Storm Water Pollution Prevention Plan." A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

(p) "Village of Northfield." Employees or designees of the Mayor of the Village designated to enforce this chapter.

(q) "Wastewater." Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(Ord. 2007-71. Passed 12-12-07.)

1255.03 APPLICABILITY.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Village.
(Ord. 2007-71. Passed 12-12-07.)

1255.04 RESPONSIBILITY FOR ADMINISTRATION.

The Building and Zoning Inspector shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the Building and Zoning Inspector may be delegated in writing by the Mayor to persons or entities acting in the beneficial interest of or in the employ of the agency.
(Ord. 2007-71. Passed 12-12-07.)

1255.05 SEVERABILITY.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.
(Ord. 2007-71. Passed 12-12-07.)

1255.06 ULTIMATE RESPONSIBILITIES.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person

will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
(Ord. 2007-71. Passed 12-12-07.)

1255.07 DISCHARGE PROHIBITIONS.

(a) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the Village as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the Building and Zoning Inspector prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes illicit connections made in the past, unless they were permissible under law at the time of connection and are granted continuation of use by the Village.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue without the written permission of the Village Engineer.
(Ord. 2007-71. Passed 12-12-07.)

1255.08 SUSPENSION OF MS4 ACCESS.

(a) Suspension Due to Illicit Discharges in Emergency Situations. The Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Village may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) Suspension Due to the Detection of Illicit Discharge.

(1) Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Village will notify a violator of the proposed termination of its MS4 access. The violator may petition the Village for a reconsideration and hearing.

(2) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Village. (Ord. 2007-71. Passed 12-12-07.)

1255.09 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village prior to the allowing of discharges to the MS4.
(Ord. 2007-71. Passed 12-12-07.)

1255.10 MONITORING OF DISCHARGES

(a) Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

(b) Access to Facilities.

(1) The Village shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Village.

(2) Facility operators shall allow the Village ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by State and Federal law.

(3) The Village shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Village to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The Village has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Village and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Village access to a permitted facility is a violation of a storm water discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Village reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the Village has been refused access to any part of the premises from which storm water is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Village may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 2007-71. Passed 12-12-07.)

1255.11 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Village will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United states. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the

provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.
(Ord. 2007-71. Passed 12-12-07.)

1255.12 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
(Ord. 2007-71. Passed 12-12-07.)

1255.13 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
(Ord. 2007-71. Passed 12-12-07.)

1255.14 ENFORCEMENT.

(a) Whenever the Village finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the Village may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The performance of monitoring, analyses, and reporting;
(2) The elimination of illicit connections or discharges;
(3) That violating discharges, practices, or operations shall cease and desist;
(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
(5) Payment of a fine to cover administrative and remediation costs; and
(6) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
(Ord. 2007-71. Passed 12-12-07.)

1255.15 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Village. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his or her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the Village or their designee shall be final.
(Ord. 2007-71. Passed 12-12-07.)

1255.16 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the Village, then representatives of the Village shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Village or its designated contractor to enter upon the premises for the purposes set forth above.
(Ord. 2007-71. Passed 12-12-07.)

1255.17 COST OF ABATEMENT OF THE VIOLATION.

(a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the Village or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(b) Any person violating any of the provisions of this chapter shall become liable to the Village by reason of such violation. The liability shall be paid in not more than 12 equal monthly payments. Interest at the rate of 12% per annum shall be assessed on the balance beginning on the thirtieth day following discovery of the violation.
(Ord. 2007-71. Passed 12-12-07.)

1255.18 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Village may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. 2007-71. Passed 12-12-07.)

1255.19 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
(Ord. 2007-71. Passed 12-12-07.)

1255.20 PROSECUTION.

(a) Any person that has violated or continues to violate this chapter or fails to comply with any provision of this chapter is guilty of a misdemeanor of the third degree and shall be liable to prosecution to the fullest extent of the law, and shall be subject to a civil penalty of no more than five hundred dollars ($500.00) per violation per day. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The Village may recover all attorney's fees court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.
(Ord. 2007-71. Passed 12-12-07.)

1255.21 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable Federal, State or local law and it is within the discretion of the Village to seek cumulative remedies.
(Ord. 2007-71. Passed 12-12-07.)

APPENDIX A

APPLICATION FOR PRELIMINARY PLAN APPROVAL
VILLAGE OF NORTHFIELD, OHIO

Name of Subdivision: _____

Location: _____

Name of Subdivider: _____

Address of Subdivider: _____

Phone Number where Subdivider can be reached: _____

Application is hereby made for approval of the Preliminary Plan. The following documents are made a part of this application:

a. Ten copies of the Preliminary Plan including a Vicinity Map.

b. Any other data the Village of Northfield Planning Commission or Zoning Inspector deems necessary.

Action of the Village of Northfield Planning Commission should be sent to:

Name: _____

Address: _____

_____

Respectfully submitted this _____ day of _____, _____

Signed: _____

Number of lots: _____ Preliminary Plan Fee: _____

Comments: _____

_____

_____

Date: _____

APPENDIX B

APPLICATION FOR FINAL PLAT APPROVAL
VILLAGE OF NORTHFIELD, OHIO

Name of Subdivision: _____

Location: _____

Name of Subdivider: _____

Address of Subdivider: _____

Phone Number where Subdivider can be reached: _____

Application is hereby made for approval of the final plat. the following documents are made a part of this application:

a. One copy of the approved Preliminary Plan.

b. One copy of Protective Covenants, if proposed.

c. Eight copies of the Final Plat and Vicinity Map.

Action of the Village of Northfield Planning Commission should be sent to:

Name: _____

Address: _____

_____

Respectfully submitted this _____ day of _____, _____

Signed: _____

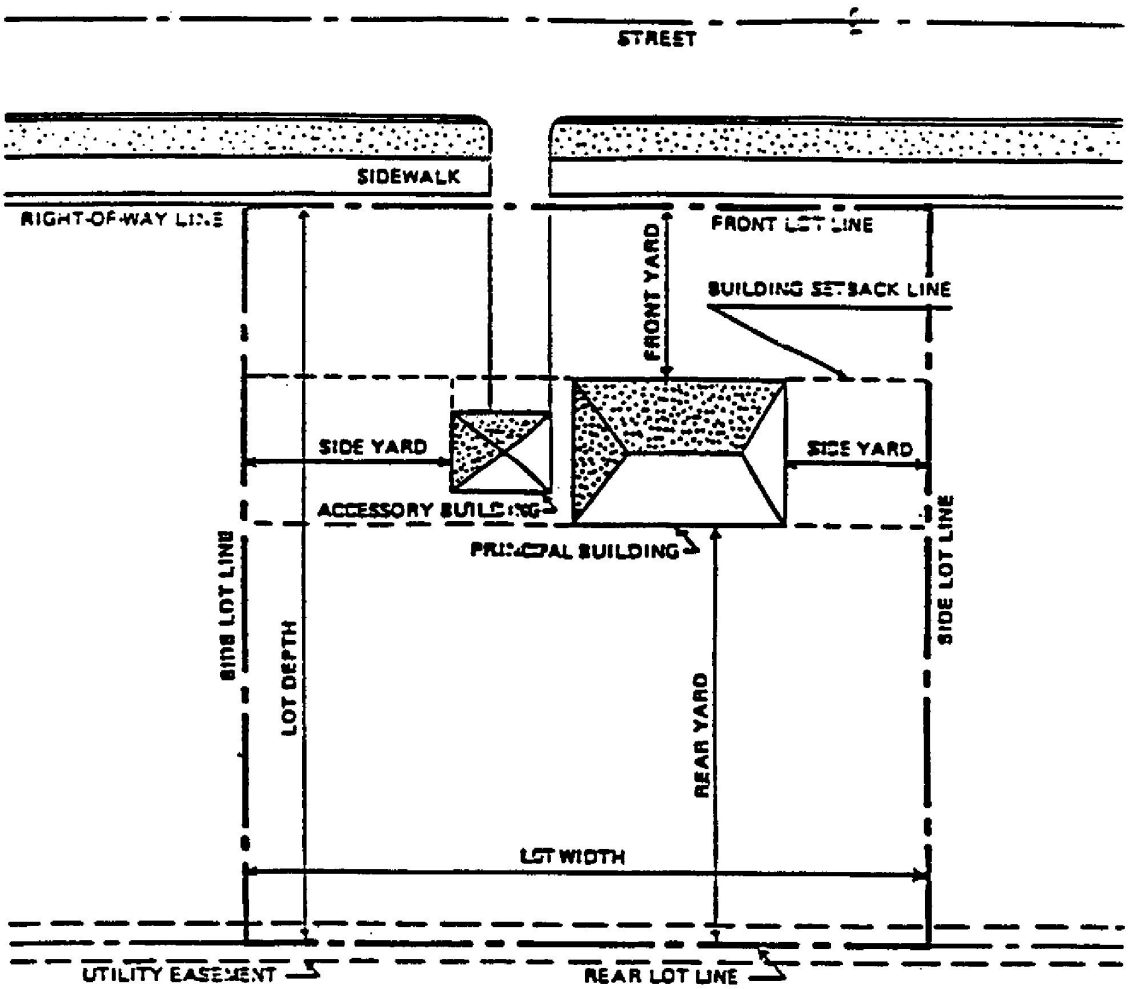
Final Plat Fee: _____

Comments: _____

_____

Date: _____

APPENDIX C

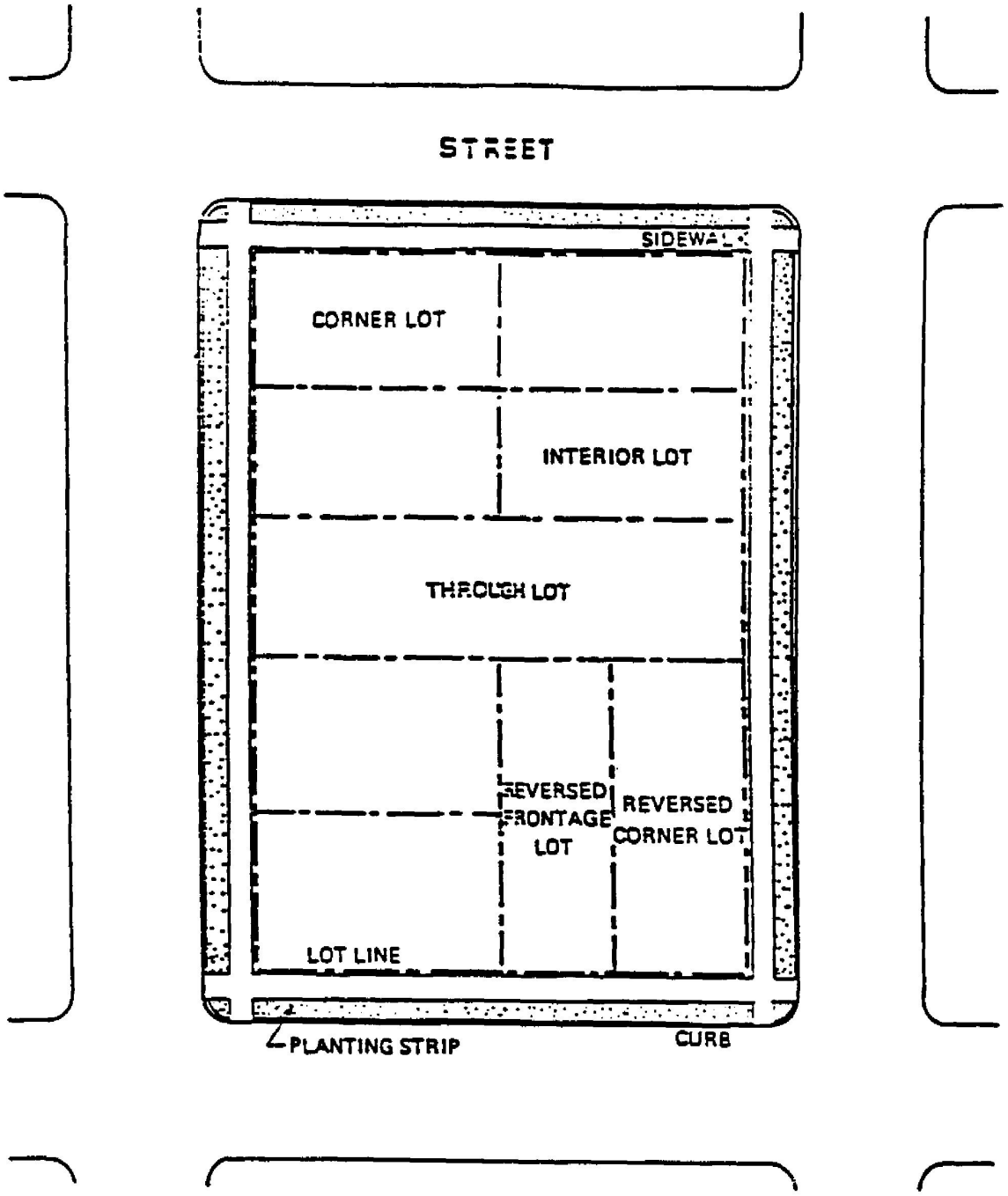


LOT AREA= TOTAL HORIZONTAL AREA

LOT COVERAGE= PER CENT OF LOT OCCUPIED BY BUILDING

LOT TERMS

APPENDIX D



TYPES OF LOTS

TITLE SIX - Zoning

Chap. 1260. General Provisions and Definitions.
Chap. 1262. Administration, Enforcement and Penalty
Chap. 1264. Districts Generally and Zoning Map.
Chap. 1266. Residential Districts.
Chap. 1268. Business Districts.
Chap. 1270. Industrial Districts.
Chap. 1272. Special Uses.
Chap. 1274. Nonconforming Uses.
Chap. 1276. Apartments and Apartment Houses.
Chap. 1278. Off-Street Parking and Loading.
Chap. 1280. Signs.
Chap. 1282. Fences.
Chap. 1284. Wireless Telecommunications Facilities.
Chap. 1288. Landscape Design Standards.

CHAPTER 1260
General Provisions and Definitions

1260.01 Purposes.
1260.02 Interpretation.
1260.03 Compliance required.
1260.04 Use of open space to satisfy more than one requirement prohibited.
1260.05 Obstruction of traffic visibility.
1260.06 Severability.
1260.07 Definitions.

CROSS REFERENCES

Division of municipal corporation into zones - see Ohio R.C. 713.06
Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12
Effect of zoning on laws and charters - see Ohio R.C. 713.14
Retroactive zoning ordinances prohibited - see Ohio R.C. 713.15
Administration, enforcement and penalty - see P. & Z. Ch. 1262

1260.01 PURPOSES.

To promote the public health, safety, convenience, prosperity and general welfare, this comprehensive plan for the improvement and development of the Municipality is established to regulate the use of buildings, structures, lots and lands; the location, type, height, number of stories and size of buildings and structures; the percentage of land area occupancy; setback building lines; the size of yards and other open space; fences; and the establishment of use districts or zones.
(Ord. 1963-95. Passed 7-30-63.)

1260.02 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements.
(Ord. 1963-95. Passed 7-30-63.)

1260.03 COMPLIANCE REQUIRED.

Except as hereinafter provided:

(a) No building, structure or land shall be used or occupied, and no building shall be erected, converted, moved or altered, unless the same is in conformity with the regulations herein specified for the district in which the building or land is located.

(b) No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards or inner or outer courts, than is specified herein for the district in which the building or structure is located.
(Ord. 1963-95. Passed 7-30-63.)

1260.04 USE OF OPEN SPACE TO SATISFY MORE THAN ONE REQUIREMENT PROHIBITED.

No part of a yard or other open space about any building, required for the purpose of complying with the provisions of this Zoning Code, shall be included as a part of a yard or other open space similarly required for another building.
(Ord. 1963-95. Passed 7-30-63.)

1260.05 OBSTRUCTION OF TRAFFIC VISIBILITY.

No wall, fence or shrubbery shall be erected, maintained or planted on any lot if it unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection.
(Ord. 1963-95. Passed 7-30-63.)

1260.06 SEVERABILITY.

It is hereby declared to be the legislative intent that if any provision or provisions of this Zoning Code, or the application thereof to any zoning lot, building or other structure or tract of land, is declared by a court of competent jurisdiction to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building, structure or tract of land immediately involved in the controversy. All other provisions of this Zoning Code shall continue to be separate and fully effective, and the application of any such provisions to other persons or situations shall not be affected. (Ord. 1963-95. Passed 7-30-63.)

1260.07 DEFINITIONS.

For the purposes of this Zoning Code, words used in the present tense include the future; the singular number includes the plural and the plural the singular; all distances are horizontal measurements unless otherwise specified; and "shall" is mandatory and not directory. In addition:

(1) "Accessory building or use" means a subordinate building or use customarily incidental to and located upon the same lot occupied by the main building and use.

(2) "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of such an accessory use shall be secondary to that of the normal agricultural activities, and provided, further, that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agricultural only if agriculture is the principal or main use of the land.

(3) "Alley" means a public thoroughfare that affords only a secondary means of access to a lot or abutting property.

(4) "Apartment" means a room or suite of rooms intended, designed or used as a residence by a single family.

(Ord. 1963-95. Passed 7-30-63.)

(5) "Apartment house" means a building or structure erected or converted for residence purposes for more than two family units per acre but not to exceed seven family units per acre.

(Ord. 1996-59. Passed 2-12-97.)

(6) "Basement" means a story having part, but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations.

(7) "Basement house" means a basement in which there are cooking facilities and sleeping quarters and two means of ingress and egress.

(8) "Boarding house" means a building, other than a hotel, where, for compensation by the week or month, meals or lodging and meals are provided for at least five, but not more than twenty persons.

(9) "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

(10) "Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

(Ord. 1963-95. Passed 7-30-63.)

(11) "Building line" means the front building line, which shall be the rear line of the front yard along a street frontage. The rear building line shall be the front line of the rear yard and shall be the line that is the greatest distance from the front property line.

(Ord. 1971-69. Passed 9-22-71.)

(12) "District" means any section of the Municipality for which zoning regulations governing the use of buildings and premises, the height of buildings and the area of buildings are uniform.

(13) "Cellar" means a story having more than one-half of its height below grade. A cellar is counted as a story for the purpose of height regulation only if it is used for dwelling purposes other than by a janitor employed on the premises.

(14) "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residence purposes. An attached garage, for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling.

(15) "Dwelling, single-family" means a building designed for or occupied by one family.

(16) "Dwelling, two-family" means a building designed for or occupied exclusively by two families.

(17) "Family" means one or more persons occupying a premises and living as a single nonprofit housekeeping unit, whether or not related to each other by birth or marriage as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

(18) "Frontage" means all the property on one side of a street between two intersecting streets, crossing or terminating, measured along the line of the street, or, if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

(19) "Garage, private" means an accessory building designed for and to be used for storage of passenger automobiles and in which no occupation, business or service for profit is carried on.

(20) “Garage, repair shop” means a building or portion thereof, other than a private garage, for the storage or repair of motor vehicles with or without ordinary maintenance service and within which building or portion thereof filling station service and/or sales of accessories are permitted.

(21) “Grade, finished” means the elevation of the finished surface of the ground adjoining a building or structure within a distance of ten feet of the foundation wall.

(22) “Grade, natural” means the elevation of the undisturbed natural surface of the ground adjoining a building or structure.

(23) “Grade, street” means the roadway elevation established by construction or usage measured along the roadway centerline in front of a lot.

(24) “Home occupation” means any use or profession conducted by members of a family entirely within a dwelling, provided that no enterprise is conducted that will substantially change the residential character of the premises and provided, further, that the use or profession is not one that should properly be conducted within a Business District. Such home occupation shall occupy no more than twenty-five percent of the floor area of only one story of a dwelling and shall not be objectionable because of odor, noise, dust, vibration or added traffic. No sign, other than one unlighted nameplate not more than two square feet in area, shall be installed within the metes and bounds of the place of residence.

(25) “Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.

(26) “Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(27) “Lodging house” means a building where lodging only is provided by the week or month for compensation for three or more but not more than twenty persons, and where table board may or may not be furnished.

(28) “Lot” means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one main building with its accessory buildings, and the open spaces and parking space required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved place.

(29) “Lot, corner” means a lot abutting upon two intersecting streets.

(30) “Lot, double-frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

(31) “Lot, interior” means a lot other than a corner lot.

(32) “Lot, minimum area of a” means the area of a lot as computed exclusive of any portion of the right-of-way of any public thoroughfare.

(33) “Lot of record” means a lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder, or a parcel of land, the deed to which was of record on or prior to the effective date of this section (Ordinance 1963-95, passed July 30, 1963).

(34) “Motel” means a one or two-story attached building used or intended to be used as overnight sleeping quarters for automobile tourists.

(35) “Nonconforming use” means any building or land lawfully occupied by a use on the effective date of this Zoning Code (Ordinance 1963-95, passed July 30, 1963), or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.

(36) “Outdoor advertising sign” means a fixed or portable appliance, structure or surface, including the supporting structure made necessary thereby, which is, or is to be, erected upon the ground or wall of a building, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause not residing or located on the lot or in the building, or on a lot adjoining the lot or building where the appliance, structure or surface is, or is to be, located. An outdoor advertising sign includes any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or other thing. As used in this definition, “placed” includes erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

(37) “Private stable” means a stable with a capacity of not more than two animals.

(38) “Roadside stand” means a removable structure used or intended to be used, solely by the owner or inhabitant of the property on which it is located, for the sale of seasonal agricultural products produced on the premises and to be removed and stored back of the setback building line of the property at the conclusion of seasonal sales. During seasonal sales such structure shall not be placed nearer than ten feet from the front line of the property on which it is located and shall not be located so as to cause congestion of the highway abutting such property. Not more than two unlighted signs, each to be not over two square feet in area and attached to the roadside stand, shall be used on each lot where a roadside stand is located.

(39) “Story” means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

(40) “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

(41) “Street” means all property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public easements therefor.

(42) “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract or parcel of land has been conveyed to the center of the street, the street line then becomes the inside line of land reserved for street purposes.

(43) “Structural alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

(44) “Structure” means anything built or erected, including, but without limiting the generality of the foregoing, buildings, reviewing stands, bandstands, bleachers, booths, swimming pools, platforms, towers, bridges, trestles, sheds, bins, poles, tents, tanks, (above or below ground), signs and gasoline and fuel oil pumps, but not including fences. “Structure” shall also include the supporting framework or parts of a building. “Structure” shall be construed as if followed by the words “or parts thereof”.

(45) “Tourist dwelling” means a dwelling where overnight accommodations are provided for automobile tourists, but not to exceed seven persons at one time.

(46) “Trailer camp” or “cabin camp” means a tract or parcel of land open to the public upon which cabins for automobile tourists and/or spaces for trailers or trailer coaches are provided for a consideration, whether for an overnight stay, or by the day, the week or the month.

(47) “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot lines and the main building shall be used.

(48) “Yard, front” means a yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and any enclosed portion of the main building or projection thereof. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

(49) “Yard, rear” means a yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building, or any projection other than steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(50) “Yard, side” means a yard between the main building and the side lines of the lot and extending from the front yard to the rear yard.

(51) “Zoning Code” means Ordinance 1963-95, passed July 30, 1963, as amended, which is codified as Title Six Part Twelve - Planning and Zoning Code.

(Ord. 1963-95. Passed 7-30-63.)

CHAPTER 1262
Administration, Enforcement and Penalty

1262.01 Zoning certificate required; fee.
1262.02 Issuance of certificates; compliance with Zoning Code required.
1262.03 Application for certificates.
1262.035 False statements furnished in connection with application for zoning certificate.
1262.04 Authority of Building and Zoning Inspector; appeals.
1262.05 Permit fees.
1262.99 General Code penalty.

CROSS REFERENCES

Planning Commission - see CHTR. Art. X; P. & Z. Ch. 1220
Administrative board; powers and duties - see Ohio R.C. 713.11
Limitation on procedural challenges - see Ohio R.C. 713.121
Violation of zoning ordinances may be enjoined - see Ohio R.C. 713.13
Appeals, variances, conditional zoning permits - see P. & Z. 1220.03 et seq.
General provisions and definitions - see P. & Z. Ch. 1260

1262.01 ZONING CERTIFICATE REQUIRED; FEE.

For the purpose of enforcing the provisions of this Zoning Code, there is hereby established a system of zoning certificates. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any building, structure or portion thereof; open, relocate, or change the nature of a business; or change the use of any lot or land, without first making application for and obtaining a zoning certificate and paying the fee applicable therefor. The fee for such certificate shall be seventy-five dollars ($75.00).
(Ord. 1963-95. Passed 7-30-63; Ord. 2013-63. Passed 6-12-13.)

1262.02 ISSUANCE OF CERTIFICATES; COMPLIANCE WITH ZONING CODE REQUIRED.

No zoning certificate shall be issued by the Building and Zoning Inspector, or his or her assistants, unless the proposed building, structure, use of the lot or land, and the plans therefor, fully comply with the provisions of this Zoning Code.
(Ord. 1963-95. Passed 7-30-63; Ord. 2013-63. Passed 6-12-13.)

1262.03 APPLICATION FOR CERTIFICATES.

All applications for zoning certificates shall be made on the proper form furnished or approved by the Building and Zoning Inspector. For applications that involve new construction, reconstruction, enlargements, or structural or interior alterations; plot plans

or drawings shall be attached that clearly indicate: the exact location of the lot or land involved; any and all buildings or structures presently existing or proposed; all pertinent dimensions; the proposed location and nature of any new construction, reconstruction, enlargements or structural or interior alterations intended therefor; and such additional and pertinent information as the Building and Zoning Inspector deems necessary for the issuance of a zoning certificate. All applications shall indicate the proposed use of such property, and if the property is to be used for a business, the applicant shall provide a detailed description of the nature of the business to be conducted on the property.
(Ord. 1963-95. Passed 7-30-63; Ord. 2013-63. Passed 6-12-13.)

1262.035 FALSE STATEMENTS FURNISHED IN CONNECTION WITH APPLICATION FOR ZONING CERTIFICATE.

No person shall knowingly make a false statement or provide false information in connection with an application for a zoning certificate. The penalty for violation of the within section is as is provided for in Section 1262.99. In addition, the Building and Zoning Inspector may revoke any zoning certificate issued pursuant to an application that contains false statements or information.
(Ord. 2013-63. Passed 6-12-13)

1262.04 AUTHORITY OF BUILDING AND ZONING INSPECTOR; APPEALS.

Within ten business days after receipt of an application for a zoning certificate, unless the subject matter requires reasonable additional time, the Building and Zoning Inspector shall either issue to the applicant a zoning certificate as applied for, or reject such application, stating in writing his or her reasons for such rejection and notifying the applicant of his or her right to appeal the decision to the Planning Commission pursuant to Section 1220.04 of this Code.
(Ord. 1963-95. Passed 7-30-63; Ord. 2013-63. Passed 6-12-13.)

1262.05 PERMIT FEES.

(a) Plans. The following plans shall be required in connection with an application for a zoning certificate:

(1) Plat and topographics.
(2) Foundation and soil test borings.
(3) Floor plans.
(4) Elevations.
(5) Sections.
(6) Structural plans.
(7) Structural details.
(8) Plumbing.
(9) Heating, ventilation and air conditioning.
(10) Electrical power, grounds and lighting.

(11) Drainage, storm sewer, catch basin and curb inlet.
(12) Sanitary sewer, septic tank and percolation tests.
(13) Water connections and/or well and pump.
(14) Specifications.

(b) Permits. The following kinds of permits may be issued:
(1) Zoning certificate (occupancy permit).
(2) Plumbing permit (percolation test).
(3) Heating and air conditioning permit.
(4) Electrical permit, motors and equipment.
(5) Building permit.
(6) Temporary permit for moving, demolition, etc.

(c) Tap-in Fees. The following connection and tap-in fees shall be due and payable to the Municipality:
(1) Water line tap-in fee (Municipality and City of Cleveland).
(2) Sewer connection tap-in fee.

(d) Inspections. The following inspections shall be carried out:
(1) Grade line, walk, basement, setback, side (edge) distance.
(2) Foundation.
(3) Structural framing.
(4) Rough plumbing, underground.
(5) Rough electrical, grounds.
(6) Architectural, floors, walls, partitions, firestops, fireproofing, insulation.
(7) Heating and air conditioning.
(8) Finished plumbing.
(9) Finished electrical.
(10) Finished heating and air conditioning.
(11) Finished architectural (see paragraph (d)(6) hereof).
(12) Fire protection and safety.

(e) Examination of Detailed Plans. The following items are to be included in the examination of detailed plans by the Municipality:
(1) Performance bond, maintenance bond and certificates of insurance.
(2) Referenced monuments and bench marks with descriptions.
(3) Test corings, foundation borings, logs and drawings.
(4) Property plat, topographic map with original contours.
(5) Drainage with original condition.
(6) Building grade line, surface drainage, access, egress and ingress.
(7) Architectural elevations.
(8) Engineering:
A. Storm sewerage.

B. Sanitary sewerage.
C. Sanitary sewage treatment:
   1. Hydraulic data.
   2. Treatment plant plans.
   3. B.O.D. and D.O. control.
   4. Points of effluent discharge.
   5. Disposal of solid wastes.
D. Street and Road: curb, inlets, catch basins, traffic flow.
E. Structural foundation plans: show loadings, use, occupancy.
F. Water source: location and elevation of well, pump and capacity, service mains, fire hydrants (details), hydraulic data, water treatment required, purification, potability, controls and hardness.
G. Electrical plans: conduit size, equipment operating temperature, power and load, ground lighting, warning lights and safety lights.
H. Mechanical: ventilation, dust, and particle size control, duct sized and locations, heating and air conditioning.
I. Gases and fumes: dangerous materials, explosives fire hazards, processing hazards and storage hazards.
J. Discharges: waste disposal, sewerage, dust, gas, fumes, process employed and control, noise, traffic hazard and road and bridge capacities.
K. Detail specifications: material source, manufacture, catalog numbers, date, descriptions and specifications with reference to design or contract drawings.
L. Quantities: estimate of quantities by item.
M. Construction: estimated cost and proposed date of beginning and completion.
N. Copies required: three of plans, specifications and estimates.
O. As built plans and specification changes, revised quantities and costs, three copies at the completion of the job.
P. Release of performance bond after all permit and inspection fees have been paid.
(Ord. 1963-95. Passed 7-30-63.)

(f) Fees for Zoning Certificates and Conditional Zoning Certificates. The following fees shall be charged and collected for the filing of applications and issuance of permits as hereinafter set forth:

(1) Residential (single or two-family dwellings).

A. New construction:

Initial fee.	$500.00
Plus : $8.00 per 100 sq. ft. of floor area or fraction thereof on all floors.	

B. Additions:

Initial fee.	$250.00
Plus: $8.00 per 100 sq. ft. of floor area or fraction thereof on all floors.	

C. Alterations:

Initial fee.	$150.00
Plus: $8.00 per $1,000 improvement valuation or fraction thereof or $8.00 per 100 sq. ft., whichever is less.	

D. Accessory buildings and detached garages, carports and breezeways, etc:

Initial fee.	$150.00
Plus: $8.00 per 100 sq. ft. of floor area or fraction thereof.	

E. Down spouts, footer drains and storm drains.

Initial fee.	$100.00
Plus: $8.00 per $1,000 in improvement valuation.	
Inspection fee, per inspection.	$75.00

F. Waterproofing.

Initial fee.	$100.00
Plus: $8.00 per $1,000 of improvement valuation.	
Initial inspection fee.	$75.00
Re-inspection fee.	$40.00

G. Sidewalks, concrete pads and patios.

Initial fee.	$50.00

H. Concrete or asphalt driveway additions or repairs.

Initial fee.	$75.00

I.	Sanitary sewer lateral repair or replacement.	$150.00
J.	Storm sewer lateral repair or replacement	$150.00
K.	Additional re-inspection fees related to any of the above	$75.00

(2) Multiple dwellings (apartments, condominiums, townhouses, high-rises, etc., having three or more dwelling units).

A. New construction:

Initial fee, per unit.	$800.00

	Plus: $8.00 per 100 sq. ft. of floor area or fraction thereof.	
B.	Alterations or repairs with no addition or enlargement of floor area:	
	Initial fee, per unit.	$250.00
	Plus: $8.00 for each $1,000 improvement valuation or fraction thereof or $6.00 per 100 sq. ft., whichever is less.	
C.	Additions:	
	Initial fee, per unit.	$400.00
	Plus: $8.00 per 100 sq. ft. of floor area or fraction thereof in all stories.	
D.	Accessory buildings and detached garages:	
	Initial fee, per unit.	$250.00
	Plus: $8.00 per 100 sq. ft. of floor area or fraction thereof.	
E.	Grade line: elevation.	$400.00
F.	Downspout drains, footer drains and storm drains.	
	Initial fee.	$200.00
	Plus $8.00 per $1,000 of improvement valuation or fraction thereof.	
	Inspection fee.	$75.00
G.	Waterproofing.	
	Initial fee.	$200.00
	Plus: $8.00 per $1,000 of improvement valuation or fraction thereof.	
	Initial inspection fee.	$75.00
	Re-inspection fee.	$40.00
H.	Sidewalks, concrete pads and patios.	
	Initial fee.	$180.00
I.	Concrete or asphalt driveways or access roads.	
	Initial fee.	$150.00
J.	Parking lot replacement.	
	Initial fee.	$400.00
	Parking lot repairs.	
	Initial fee.	$200.00

K. Additional re-inspection fees related to any of the above $75.00

(3) Commercial, industrial, public and quasipublic buildings. (Including buildings appurtenant thereto of which the Municipality has jurisdiction, including new construction and not specifically provided for elsewhere in the Building and Housing Code).

A. New construction:

Initial fee. $1,500.00

Plus: $10.00 per 100 sq. ft. of floor surface or fraction thereof.

B. Alterations:

Initial fee. $250.00

Plus: $10.00 per $1,000 improvement valuation or fraction thereof or $8.00 per 100 sq. ft., whichever is less.

C. Additions:

Initial fee. $750.00

Plus: $10.00 per 100 sq. ft. of floor area or fraction thereof.

D. Accessory buildings, detached garages, etc.

Initial fee, per unit. $800.00

Plus: $10.00 per 100 sq. ft. of floor area.

E. Grade line: elevation $500.00

(4) Signs.

A. New signs, alterations, or repairs.

All advertising signs, regardless of method, with a total of 30 sq. ft. or less of sign area. $120.00

For each additional 30 sq. ft. or less of sign area. $35.00

Grade line and elevation. $500.00

B. Temporary signs.

Inspection fee. None

(5) Miscellaneous fees.

A. Aluminum or vinyl siding.

Initial fee. $50.00

Plus: $8.00 per $1,000 valuation.

(Fee waived for persons sixty-two and older)

B. Basement addition. Raising or constructing foundation walls for the addition of a basement, covering, re-connection or sewer and water connections, but no additional fixtures except for basement drainage.

Initial fee, each unit	$100.00
Plus: $8.00 per $1,000 valuation.	

C. Curb cutting fees.

Curb cutting, lowering or removing.

1. New work - minimum fee.	$125.00
Plus fee, per foot of curb.	$5.00
2. Widening previous cuts - minimum fee.	$200.00
Plus fee, per foot of curb.	$5.00

D. Demolition fees.

One and two-family buildings.	$100.00
Detached garages or other accessory buildings.	$50.00
(Fee waived for persons sixty-two and older)	
All other buildings.	
Residential.	$125.00
Commercial.	$200.00

E. Fence permit.

Fee:	
Residential.	$50.00
(Fee waived for persons sixty-two and older)	
Commercial Industrial/Public/Quasi Public.	$100.00

F. Greenhouse building fees.

Private.	
Initial fee:	$50.00
Plus: $5.00 for each 100 sq. ft. of floor area or fraction thereof.	
Commercial.	
Initial fee:	$150.00

	Plus: $8.00 for each 100 sq. ft. of floor area or fraction thereof.	
G.	Moving fees. Moving any building or structure upon or over public or private roadways or public property.	
	Initial fee:	$300.00
	Plus: When building is on public street or alley an hourly fee of	$35.00/hr.
	Moving any open building or shed across a property line.	$35.00
	Moving any building on one's own property where utilities are not affected.	$35.00
	Moving any building on one's own property where utilities are affected.	$50.00
	In addition, a minimum bond to indemnify the Municipality and the public against any damage in the amount of $10,000 shall be furnished for moving any building on a public right-of-way.	
	A larger bond shall be required where Public Safety or Public Service Department officials deem such to be necessary. Such additional bond may be required at any time, before, during or after the moving shall occur.	
H.	Storage tanks, not including septic tanks.	
	Capacity (gallons).	
	2000 or less	$60.00
	2001 to 4999	$100.00
	5000 or more	$125.00
I.	Swimming pools and lakes.	
	Permit fee - in-ground pools and lakes.	$100.00
	Above-ground pools with depths greater than 3 feet.	$50.00
J.	Circus, carnival, tent show, side show, midway, artificial curiosity, etc., where admission in any form is charged:	$500.00
	For temporary structures, of any type, each (grandstands, seating, etc., for spectators and approved by the engineer).	$500.00
	Plus: $100,000 safety bond.	
	For grade line and elevation.	$500.00
	Deposit for cleaning up premises, etc., to be refunded if left in satisfactory condition upon removal.	$1,500.00

K. Any building or structure, not specifically enumerated herein.

Initial fee:

Residential	$75.00
Commercial/Industrial/Public/Quasi Public	$150.00

Plus: $8.00 per $1,000 improvement valuation or fraction thereof.

L. Excavation, extraction, removal or stripping of topsoil, subsoil, gravel, sand or open mining from lots or acreage of land for all work greater than 50 cubic yards.

Residential	$400.00
Commercial/Industrial/Public/Quasi Public	$600.00
Grade line and elevations.	$500.00
Recheck grade line or elevations.	$300.00

M. Examination of plans for residential, commercial and/or industrial site development.

1. Site development plans.

Initial fee:

Residential	$150.00
Commercial/Industrial/Public/Quasi Public	$300.00

Plus: $200.00 per acre of development or fraction thereof.

Plus all necessary review work performed by the Village Engineer will be billed at the Engineer's Village approved hourly rate for that calendar year.

2. Subdivision dedication plat. $ 250.00

N. Change of use of commercial or industrial property.

Initial fee: $250.00

Plus: $9.00 per 100 sq. ft. of building.

O. New windows (for work exceeding $750.00).

Initial fee:

Residential	$50.00
Commercial/Industrial/Public/Quasi Public	$100.00

Plus: $8.00 per $1,000 valuation or fraction thereof.

(Fee waived for persons sixty-two and older)

P. Satellite dishes. $50.00

Q. Storage sheds. $30.00

(Fee waived for persons sixty-two and older)

R. Re-roofing.

Initial fee.

Residential $50.00

Commercial/Industrial/Public/Quasi Public $100.00

Plus: $8.00 per $1,000 valuation or fraction thereof.

S. Driveways.

Residential $75.00
(Fee waived for persons sixty-two and older)

Commercial/Industrial/Public/Quasi Public $200.00

T. Decks.

Initial fee: $50.00

Plus: $8.00 per $1,000 valuation or fraction thereof.

U. Retaining walls.

Initial fee: $50.00

Plus: $8.00 per $1,000 valuation or fraction thereof.

(Fee waived for persons sixty-two and older)

(6) Surcharge. A fee of $50.00 will be charged for any re-inspection of work on an original permit, unless otherwise specified herein.

(7) Maintenance repairs. Maintenance repairs in residential and commercial areas with a value less than $850.00 will not require any permit.

(8) Painting. Painting of structures in all areas will not require any permit.

(9) Penalty. The penalty for the failure to obtain a zoning certificate, as provided by Ohio R.C. 713.13 and these Codified Ordinances, shall be the zoning certificate fee plus 200 percent thereof. A zoning certificate shall be required for the erection, construction, alteration, repair or maintenance of any building or structure, or the use of land or a lot, for any work exceeding $850.00 in value.

(10) Inspections performed outside of regular work hours. In the event that the applicant requests an inspection by the Municipality for a time that is outside the inspector's regular work hours and the inspector is available to conduct such an inspection, an additional $100.00 inspection fee shall be required aside from the regular fee for the particular inspection.

(11) Inspector on site. If a municipal inspector needs to be on a construction site to observe and/or inspect work for more than one-half hour, the permit holder will be billed at the rate of $42.00 per hour. The project manager or project foreman shall sign an inspection time sheet identifying the time period the inspector was present for the inspection. A minimum extra time inspection fee of $75 shall be charged. The re-inspection fee shall be $40.00.
(Ord. 1997-63. Passed 9-10-97; Ord. 2001-14. Passed 2-14-01; Ord. 2004-27. Passed 5-26-04; Ord. 2008-53. Passed 9-24-08; Ord. 2011-65. Passed 10-26-11; Ord. 2013-39. Passed 5-8-13.)

1262.99 GENERAL CODE PENALTY.

Whoever violates any of the provisions of this Zoning Code, or fails to comply therewith for which no penalty is otherwise provided, shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 1963-95. Passed 7-30-63; Ord. 2013-63. Passed 6-12-13.)

CHAPTER 1264
Districts Generally and Zoning Map

1264.01 Establishment of districts.
1264.02 Uniformity of regulations.
1264.03 Zoning District Map.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Residential district regulations - see P. & Z. Ch. 1266
Business district regulations - see P. & Z. Ch. 1268
Industrial district regulations - see P. & Z. Ch. 1270

1264.01 ESTABLISHMENT OF DISTRICTS.

The Municipality is hereby divided into districts or zones as follows:

R-1 Residential District
R-2 Multiple Family Residential District
R-3 Townhouse District
B-1 Retail Business District
B-2 Highway Business District
B-3 Restrictive Business District
C-1 Industrial District.
C-2 Light Industrial District.

(Ord. 1963-95. Passed 7-30-63; Ord. 1983-87. Passed 8-17-83; Ord. 1996-42. Passed 8-14-96.)

1264.02 UNIFORMITY OF REGULATIONS.

All regulations should be uniform for each class or kind of building or other structure, or house, throughout each district or zone.
(Ord. 1963-95. Passed 7-30-63.)

1264.03 ZONING DISTRICT MAP.

The districts or zones and their boundary lines are indicated upon a map entitled "Northfield Village Zoning Plan," which map, together with all notations, references and other matters shown thereon, is attached to original Ordinance 1963-95, passed July 30, 1963, and is hereby made a part of this Zoning Code. The Map shall be maintained at the office of the Administrative Clerk and shall show all additions or changes made thereon.
(Ord. 1963-95. Passed 7-30-63.)

CHAPTER 1266
Residential Districts

1266.01 R-1 District permitted uses.
1266.02 R-1 District height regulations.
1266.03 R-1 District yards.
1266.04 R-1 District minimum lot areas.
1266.05 R-1 District minimum lot widths.
1266.06 R-1 District minimum foundation sizes.
1266.07 R-1 District parking facility and driveway.
1266.075 Parking and storage of recreational motor vehicles and equipment, trailers, and construction or landscaping vehicles and equipment, on residential property.
1266.08 R-2 District permitted uses.
1266.09 R-2 District height regulations.
1266.10 R-2 District yards.
1266.11 R-2 District minimum lot areas.
1266.12 R-2 District minimum lot widths.
1266.13 R-2 District minimum foundation sizes.
1266.14 R-2 District parking facilities.
1266.15 R-3 District establishment and purpose.
1266.16 R-3 District permitted uses.
1266.17 R-3 District height regulations.
1266.18 R-3 District yards.
1266.19 R-3 District minimum lot areas.
1266.20 R-3 District minimum lot widths.
1266.21 R-3 District minimum foundation sizes.
1266.22 R-3 District parking facilities.
1266.23 R-3 District townhouse site plan approval.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Apartments and apartment houses - see P. & Z. Ch. 1276
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Fences - see P. & Z. Ch. 1282
Barbecue pits - see B. & H. Ch. 1462

1266.01 R-1 DISTRICT PERMITTED USES.

In an R-1 Residence District, no building, structure, lot or land shall be used except for the following purposes:

(a) Single-family dwellings.
(b) Agriculture.
(c) Publicly owned or operated buildings and facilities.
(d) Public and parochial schools.

(e) Buildings for religious worship, instruction or devotion, but excluding tents temporarily erected for such purposes.
(Ord. 1978-111. Passed 1-24-79.)

1266.02 R-1 DISTRICT HEIGHT REGULATIONS.

In an R-1 Residence District, no main building or structure shall exceed thirty-five feet in height above the natural grade. No accessory building shall exceed fifteen feet in height. (Ord. 1963-95. Passed 7-30-63.)

1266.03 R-1 DISTRICT YARDS.

In an R-1 Residence District:

(a) Front Yard. There shall be a front yard having a minimum depth of forty feet measured from the street line to the building line. If there is an overhang structure protruding from the building, then the forty-foot measurement shall be taken from the street line to such structure overhang line. (Ord. 1976-114. Passed 11-10-76.)

(b) Front Yard in Partially Built Area. No front yard depth shall be required to exceed the average of the depth of the existing front yards on the lots adjacent on each side, if each of such lots is within 200 feet. If the average setback line of existing adjacent structures is greater than that required by this section, the average setback line shall govern. The rear line of the front yard shall be considered the building line.
(Ord. 1963-95. Passed 7-30-63.)

(c) Side Yards. No dwelling or other structure shall be erected within six feet of any adjoining lot on one side of a lot or less than twelve feet from an adjacent structure, except that in the case of garages or other accessory buildings a minimum of three feet from the side line shall be maintained. If there is an overhang protruding from the dwelling, garage or other structure, then the measurement shall be taken from the side line to such overhang protrusion. No driveway is to be paved closer than one foot from the side property line.

(d) Side Yard of Corner Lot. The side yard nearest the street line on a corner lot shall have a minimum width of ten feet. On a corner lot whose street side line is an extension of front lot lines of lots in the same block, the minimum width of the side yard nearest the street line shall not be less than the front yard depth of lots that are the extension of such street line. The side yard minimum width shall be measured from the street line to the structure line. If the structure has an overhang, then the minimum measurement shall be from the street line to that overhang line.

(e) Rear Yards. There shall be provided a rear yard having a minimum depth of forty-five feet to the building. Garages and accessory buildings may be erected or placed to within three feet of the rear lot or property line, but shall not exceed in size more than thirty percent of the rear yard area. On a corner lot, garages and accessory

buildings or structures shall be erected or placed within the permitted building area only. The minimum dimension measurements as stated above shall be measured from the property line to the building, garage or structure. If, however, the building, garage or structure has an overhang, then the minimum depths and measurements shall be from the property line to such overhang.
(Ord. 1976-114. Passed 11-10-76.)

1266.04 R-1 DISTRICT MINIMUM LOT AREAS.

In an R-1 Residence District, the minimum area of each lot or parcel of land shall be 8,400 square feet. In areas where lot depths of 117 feet or less were on record on the date of enactment of this Zoning Code (July 30, 1963) the minimum number of square feet of land of each lot shall be 7,020 square feet.
(Ord. 1996-68. Passed 11-25-96.)

1266.05 R-1 DISTRICT MINIMUM LOT WIDTHS.

In an R-1 Residence District, the minimum width which each lot or parcel of land must have at the building line is sixty feet. The minimum width for each lot for a two-family dwelling shall be eighty feet. Corner lots shall be not less than 100 feet in width at the building line. (Ord. 1963-95. Passed 7-30-63.)

1266.06 R-1 DISTRICT MINIMUM FOUNDATION SIZES.

In an R-1 Residence District, no one-story dwelling shall be erected on any lot or parcel of land if such dwelling has a foundation size of less than 1,110 square feet exclusive of porches, garages and breezeways. No one and one-half or two-story dwelling shall be erected with a foundation size of less than 860 square feet on the first floor and 340 square feet on the second floor. In computing the required minimum foundation sizes, the area of breezeways, garages and other accessory buildings or structures shall be excluded.
(Ord. 1997-34. Passed 6-11-97.)

1266.07 R-1 DISTRICT PARKING FACILITY AND DRIVEWAY.

(a) In an R-1 Residence District, for each single-family dwelling unit there shall be provided a parking facility and driveway for off-street and outside of public right-of-way parking for at least two motor vehicles. The parking facility shall be a minimum of eighteen feet by twenty feet in area and shall be located within and at least one foot from the lot line. The driveway shall be within and at least one foot from the lot line, and the driveway width shall be a minimum of nine feet and a maximum of twenty-six feet, except where the dimension between the side building line and the side lot line does not permit the construction of a minimum nine-foot wide driveway. In this event, the allowable driveway width shall be that dimension which can be constructed under the circumstances for the side lot.

(b) All parking areas shall be constructed of asphalt or concrete with an adequate base material. All driveways shall be constructed of asphalt or concrete and conform to Section 1442.14(d) of these Codified Ordinances. Residential parking areas and driveways that were constructed of stone or gravel prior to the 2013 amendment of this section shall be made to conform to the mandate contained herein that parking areas and driveways be asphalt or concrete in connection with the issuance of a compliance document under the Chapter 1444 Point of Sale Exterior Inspection Ordinance or the Chapter 1446 Rental Certificate and Exterior Inspection Rental Certificate Ordinance.
(Ord. 1998-27. Passed 3-25-98; Ord. 2013-110. Passed 11-13-13; Ord. 2014-54. Passed 10-23-14.)

(c) All parking and driveways shall have an adequate drainage so that water is drained within the lot on which the parking area or driveway is located, in such a manner that water shall not drain off the parking facility pavement except through the proper sewers or drainage ditches.

(d) All motor vehicles shall be prohibited from parking upon any materials other than those specified in subsection (b) hereof.

(e) The maximum permissible grade for all driveways approved after the adoption of this section shall be ten percent.

(f) Property owners shall be responsible for the maintenance, repair, and replacement of sewer pipes within the apron areas of their driveways.
(Ord. 1986-38. Passed 5-14-86; Ord. 2004-47. Passed 8-25-04; Ord. 2014-54. Passed 10-23-14.)

1266.075 PARKING AND STORAGE OF RECREATIONAL MOTOR VEHICLES AND EQUIPMENT, TRAILERS, AND CONSTRUCTION OR LANDSCAPING VEHICLES AND EQUIPMENT, ON RESIDENTIAL PROPERTY.

(a) Definitions. For the purposes of this section, certain items are defined as follows:

(1) "Construction vehicle and equipment", for the purposes of this section, excludes any motor vehicle licensed to travel by itself on a roadway, and means any powered or motorized vehicle, machine, equipment or apparatus used to construct or repair any building or appurtenance thereto, or power or fuel any such vehicle, machine, equipment, or apparatus.

(2) "Landscaping vehicle and equipment", for the purposes of this section, excludes any motor vehicle licensed to travel by itself on a roadway, and means any powered or motorized vehicle, machine, equipment or apparatus used to maintain or improve the outside portions of real property or power or fuel such vehicle, machine, equipment or apparatus.

(3) "Recreational motor vehicle and equipment" means a transportation structure, including a boat, whether self-propelled or capable of being towed by a

passenger car, station wagon, SUV, or small pick-up truck, of such a size and weight as not to require any living quarters for recreational, camping, or travel use, or to carry equipment for such use. It shall include (but not be limited to) the following defined types of recreational vehicles and equipment:

A. "Motor home", defined as a vehicular unit built on or as a part of a self-propelled motor vehicle chassis primarily designed to provide temporary living quarters for travel, camping, recreation, and vacation use;

B. "Travel trailer", defined as a rigid structure, without its own motive power, designed as a temporary dwelling for travel, camping, recreation, and vacation use;

C. "Camping trailer", defined as a folding or collapsible vehicular structure designed as a temporary living quarters for travel, camping, recreation, and vacation use; and

D. "Truck camper", defined as a portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation, and vacation use.

(4) "Trailer" means any form of device, equipment, or machinery on wheels or a single wheel that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle, and includes, without limitation, truck trailers, auto trailers, boat trailers, house trailers, and trailer coaches, excluding, however, recreational motor vehicles and equipment, as that term is defined in this section.

(b) Conditions for parking or storing. Any owner, operator, or custodian of any recreational motor vehicle and equipment, trailer, or construction or landscaping vehicle and equipment, may park or store such equipment on any residential property, subject to the following conditions:

(1) Recreational motor vehicles and equipment and trailers shall be parked at said residence either on the driveway or other approved parking area constructed of asphalt or concrete with an adequate base material; in a side yard behind the building line and at least six feet from the rear property line;

(2) The recreational motor vehicle and equipment or trailer shall be at least twelve feet from the face of the curb or street line, shall not extend over the public sidewalk, and shall not impair a view of the right-of-way for persons on the right-of-way or about to enter it;

(3) Construction or landscaping vehicles and equipment must be stored in a side yard behind the building line and at least six feet from any adjoining property line or in a rear yard at least ten feet from the rear property line;

(4) No more than two recreational motor vehicles or trailers shall be permitted to be stored outside at any one time. For the purposes of this section, a recreational motor vehicle stored on a trailer shall be deemed to be one recreational motor vehicle or trailer;

(5) Construction vehicles and equipment may only be stored on the property while permitted construction work is being performed on the property;
(6) No more than two lawn mowers, other landscaping vehicles, or other pieces of landscaping equipment may be stored on the outside portion of a property at any one time;
(7) In order to allow convenient access for fire and safety personnel, no part of a recreational motor vehicle or trailer may be closer than three feet to the actual building;
(8) Recreational motor vehicles and equipment, trailers, and landscaping vehicles and equipment shall not be used for living, sleeping, cooking, housekeeping, storage, or business purposes;
(9) Recreational motor vehicles and equipment and trailers shall not be permanently connected to sewer lines, water lines, or electricity lines, except for being connected to electricity or water temporarily for charging batteries, cleaning, or making repairs;
(10) Recreational motor vehicles and equipment, trailers, and construction or landscaping vehicles and equipment shall not be used for the storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use;
(11) Notwithstanding the above noted provisions, recreational motor vehicles and equipment, trailers, and construction or landscaping vehicles and equipment may be parked anywhere at the residence during active loading or unloading not to exceed four hours, and the use of electricity or propane fuel is permitted when necessary to prepare the recreational vehicle, trailer, or construction or landscaping vehicle or equipment for use;
(12) Trailers with noncommercial cargo shall be permitted to park on rear or side yards provided that the total weight of the trailer and cargo is less than 5000 pounds;
(13) Recreational motor vehicles and equipment, trailers, and construction or landscaping vehicles and equipment shall at all times be kept in good repair and in such condition that they can be used for their intended purpose. For example, the engines must work, the wheels shall not be removed, and the tires shall not be flat; and
(14) If required by state law, recreational motor vehicles and equipment and trailers shall be properly registered and licensed and be registered and licensed to the resident of the property on which the items are parked and stored.

(c) Whoever violates this section is guilty of a minor misdemeanor. If within one year of this offense, the offender previously has been convicted of one or more prior violations of this section, whoever violates this offense is guilty of a misdemeanor of the fourth degree. Each day such violation continues may constitute a separate offense.
(Ord. 2012-33. Passed 11-28-2012; Ord. 2013-110. Passed 11-13-13.)

1266.08 R-2 DISTRICT PERMITTED USES.

In an R-2 Multiple-Family Residence District, no building, structure, lot or land shall be used except for the following purposes:

(a) Single-family dwellings.
(b) Two-family dwellings.
(c) Publicly owned or operated buildings and facilities.
(d) Buildings for religious worship, instruction or devotion, but excluding tents temporarily erected for such purposes.
(e) Agriculture.
(f) Apartments and apartment houses may be permitted, subject to the provisions of Chapter 1139.

(Ord. 1963-95. Passed 7-30-63.)

1266.09 R-2 DISTRICT HEIGHT REGULATIONS.

In an R-2 Multiple Family Residence District, no main building or structure shall exceed thirty-five feet in height above the natural grade and no accessory building shall exceed fifteen feet in height.

(Ord. 1963-95. Passed 7-30-63.)

1266.10 R-2 DISTRICT YARDS.

In an R-2 Multiple Family Residence District, yards shall be as required by Section 1266.03.

(Ord. 1963-95. Passed 7-30-63.)

1266.11 R-2 DISTRICT MINIMUM LOT AREAS.

In an R-2 Multiple Family Residence District, the minimum area of each lot or parcel of land shall be 15,000 square feet.

(Ord. 1963-95. Passed 7-30-63.)

1266.12 R-2 DISTRICT MINIMUM LOT WIDTHS.

In an R-2 Multiple Family Residence District, the minimum width which each lot or parcel of land must have at the building line shall be ninety feet. Corner lots shall be not less than 100 feet at the building line.

(Ord. 1963-95. Passed 7-30-63.)

1266.13 R-2 DISTRICT MINIMUM FOUNDATION SIZES.

In an R-2 Multiple Family Residence District:

(a) Every single-family, one-story dwelling shall have a minimum foundation size of 1,200 square feet.

(b) Every single-family one and one-half story or two-story dwelling shall have a minimum foundation size of 860 square feet.

(c) Every two-family, one-story dwelling shall have a minimum foundation size of 1,800 square feet.

(d) Every two-family, two-story dwelling shall have a minimum foundation size of 900 square feet.

(e) In computing the required minimum foundation sizes, the area of breezeways, garages and other accessory buildings or structures shall be excluded.

(Ord. 1963-95. Passed 7-30-63.)

1266.14 R-2 DISTRICT PARKING FACILITIES.

In an R-2 Multiple Family Residence District, parking facilities shall be as required by Chapter 1278. (Ord. 1963-95. Passed 7-30-63.)

1266.15 R-3 DISTRICT ESTABLISHMENT AND PURPOSE.

A District, designated the R-3 Townhouse District, is hereby established to provide for townhouse development at a density of seven dwelling units per acre. It is the purpose of this District to allow the maximum amount of freedom in the design and layout of buildings constructed in this District, to provide the amenities normally associated with less dense zoning districts and to prevent detrimental effects on the use or development of adjacent properties or neighborhoods.

(Ord. 1996-42. Passed 8-14-96.)

1266.16 R-3 DISTRICT PERMITTED USES.

In an R-3 Townhouse District, no building, structure, lot or land shall be used except for the following purposes:

(a) Townhouses.

(b) Accessory buildings, including garages for the storage of no more than two vehicles per living unit.

(c) Publicly owned or generated buildings or facilities.

(d) Public and parochial schools.

(e) Buildings for religious worship, instruction or devotion.

(Ord. 1996-42. Passed 8-14-96.)

1266.17 R-3 DISTRICT HEIGHT REGULATIONS.

In an R-3 Townhouse District, no main building or structure shall exceed thirty-five feet in height above the natural grade. No accessory building shall exceed fifteen feet in height. (Ord. 1996-42. Passed 8-14-96.)

1266.18 R-3 DISTRICT YARDS.

In an R-3 Townhouse District:

(a) Front Yard. There shall be a front yard having a minimum depth of twenty-five feet measured from the street line to the building line. If there is an overhang structure protruding from the building, then the twenty-five foot measurement shall be taken from the street line to such structure overhang line.

(b) Side Yard. A side yard of at least ten feet in width shall be provided at each end of every row of townhouses.

(c) Side Yard of Corner Lot. Each corner lot shall have a side yard of at least twenty-five feet from and parallel to an existing street line.

(d) Rear Yard. Each lot shall have a rear yard of at least twenty feet in depth. An accessory building shall be located only in the rear yard and shall be located no closer than three feet from the side lot line, five feet from the rear lot line and ten feet from the closest point of the main building, except in the case of a corner lot, which shall be located at least twenty feet from the side street line.

(Ord. 1996-42. Passed 8-14-96.)

1266.19 R-3 DISTRICT MINIMUM LOT AREAS.

In an R-3 Townhouse District, the minimum lot area shall be at least 3,000 square feet of net lot area per townhouse, and no townhouse development shall be located on a lot or parcel containing less than 15,000 square feet.
(Ord. 1996-42. Passed 8-14-96.)

1266.20 R-3 DISTRICT MINIMUM LOT WIDTHS.

In an R-3 Townhouse District, the minimum lot width is 100 feet for exterior lots and 120 feet for corner lots.

(Ord. 1996-42. Passed 8-14-96.)

1266.21 R-3 DISTRICT MINIMUM FOUNDATION SIZES.

In an R-3 Townhouse District, the minimum floor area for living purposes of a townhouse shall be 750 square feet, and the minimum width of a townhouse shall be sixteen feet. In computing the required minimum foundation sizes, the area of breezeways, garages and other accessory buildings or structures shall be excluded.

(Ord. 1996-42. Passed 8-14-96.)

1266.22 R-3 DISTRICT PARKING FACILITIES.

In an R-3 Townhouse District, parking facilities shall be as required by Section 1278.04.

(Ord. 1996-42. Passed 8-14-96.)

1266.23 R-3 DISTRICT TOWNHOUSE SITE PLAN APPROVAL.

Townhouses shall be permitted only after the review and approval of the site plans by the Planning Commission and Council in accordance with this chapter and all applicable zoning and building regulations. In addition to those provisions, the Commission and Council shall be guided by the intent and purpose of an R-3 District in making its judgments concerning site plans and building elevations.

(Ord. 1996-42. Passed 8-14-96.)

CHAPTER 1268
Business Districts

1268.01 B-1 District permitted uses.
1268.02 B-1 District height regulations.
1268.03 B-1 District yards and parking.
1268.04 B-2 District permitted uses.
1268.05 B-2 District height and yards.
1268.06 B-2 District parking.
1268.07 B-3 District permitted uses.
1268.08 B-3 District height and yards.
1268.09 B-3 District parking.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Zoning certificates - see P. & Z. 1262.01 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Fences - see P. & Z. Ch. 1282

1268.01 B-1 DISTRICT PERMITTED USES.

In a B-1 Retail Business District no building, structure, lot or land shall be used except for the following purposes:

(a) Publicly owned or operated buildings and facilities.

(b) Establishments, marts, shops or stores for the sale, at retail only, of commodities, drink, food, goods, merchandise or wares, including facilities or shops for the manufacture of products to be sold, at retail only, on the premises, such as baked goods, candy, dairy products, etc.

(c) Establishments, shops or studios for rendering or selling personal services, whether administrative, business, educational or professional.

(d) Business or professional offices; banks; automotive, supply and service; garages wherein body and fender work is incidental and provided no scrap piles are permitted to accumulate outside enclosures; mortuaries; newspapers; parking garage or lot; job printing; telephone exchange; theaters.

(e) None of the foregoing uses shall be permitted if they are offensive by reason of excessive dust, fumes, noise, odor, smoke or vibration.
(Ord. 1963-95. Passed 7-30-63; Ord. 2001-72. Passed 10-24-01.)

1268.02 B-1 DISTRICT HEIGHT REGULATIONS.

In a B-1 Retail Business District, no building shall exceed three stories or fifty feet in height except with the approval of Council.
(Ord. 1963-95. Passed 7-30-63.)

1268.03 B-1 DISTRICT YARDS AND PARKING.

In a B-1 Retail Business District:

(a) Front Yards. There shall be a front yard having a minimum depth of fifty feet, provided that parking requirements are complied with in a location other than between the building line and the street line. If parking facilities are located within the front yard, the building line shall be as established by the Planning Commission.

(b) Side Yards. No side yard shall be required, except where a building or structure abuts an existing residence or where a B-1 District boundary line is contiguous to an R-1 or R-2 boundary line. In such cases the abutting side yard shall have a minimum width of twenty-five feet and the owner of the commercial property shall be required to install landscaping that is sufficient to significantly minimize the effect of the commercial property on the residences or district. Such landscaping plans shall be submitted to and approved by the Planning Commission and Council. No side yard shall be required for properties with side yards abutting other commercial properties if the building is of fireproof construction with a minimum twelve-inch masonry fire wall, four-hour test.

(c) Side Yards of Corner Lots. The side yard nearest the street line on a corner lot shall have a minimum width of twenty feet, provided that such side yard is not used for parking of motor vehicles. If parking facilities are located within such side yard, the Planning Commission shall establish the building line.

(d) Rear Yards. There shall be provided a rear yard having a minimum depth of five feet unless there exists an access alley or if loading docks are planned. In either of such cases, the rear yard shall have a minimum depth of twenty-five feet where a commercial property abuts an existing residence or where a business district boundary line is contiguous to a residential district boundary line, and the owner of the commercial property shall be required to install landscaping that is sufficient to significantly minimize the effect of the commercial property on the residences or district. Such

landscaping plans shall be submitted to and approved by the Planning Commission and Council.

(e) Parking Facilities. Parking facilities shall be as required by Chapter 1278.

(Ord. 1963-95. Passed 7-30-63; Ord. 1965-105. Passed 9-27-65; Ord. 2000-45. Passed 4-12-00.)

1268.04 B-2 DISTRICT PERMITTED USES.

In a B-2 Highway Business District, no building, lot or land shall be used except for the following purposes:

(a) Any use permitted in the B-1 Retail Business District; a business or commercial school, when located not less than 100 feet from an R-District:

(1) Drive-in restaurant;
(2) Dancing or music academy;
(3) Frozen food locker;
(4) Farm implement display and sales;
(5) Hotel, motel or tourist home;
(6) Radio or television broadcasting station or studio;
(7) Gasoline service station.

(b) When not employing more than ten persons on the premises:

(1) Dyeing and cleaning establishment or laundry;
(2) Painting, plumbing or tinsmithing shop;
(3) Upholstering shop not involving furniture manufacture;
(4) Any other general service or repair establishment of a similar character.

(Ord. 1963-95. Passed 7-30-63.)

1268.05 B-2 DISTRICT HEIGHT AND YARDS.

In a B-2 Highway Business District, the height and yard regulations shall be as required by Sections 1268.02 and 1268.03.
(Ord. 1963-95. Passed 7-30-63.)

1268.06 B-2 DISTRICT PARKING.

In a B-2 Highway Business District, parking shall be as required by Chapter 1278.
(Ord. 1963-95. Passed 7-30-63.)

1268.07 B-3 DISTRICT PERMITTED USES.

In a B-3 Restrictive Business District, no building lot or land shall be used except for the following purposes:

(a) Publicly owned or operated buildings and facilities.

(b) Offices occupied by those engaged in professional or semi-professional services. This classification includes, but is not limited to, accountants, architects, engineers, attorneys, bank and loan offices, physicians, dentists, surgeons, osteopaths, optometrists, insurance or real estate agents and brokers.

(c) Any business office not specifically classified elsewhere, provided that any product sold on the premises is a small and incidental part of the services being rendered at the place of business, and provided that it is not of a detrimental nature to the neighborhood. Such business offices shall be by conditional zoning certificate only, approved by the Planning Commission and a resolution of Council.

(Ord. 1963-95. Passed 7-30-63.)

1268.08 B-3 DISTRICT HEIGHT AND YARDS.

In the B-3 Restrictive Business District, the height and yard regulations shall be as required by Sections 1268.02 and 1268.03.

(Ord. 1963-95 . Passed 7-30-63.)

1268.09 B-3 DISTRICT PARKING.

In a B-3 Restrictive Business District, parking shall be as required by Chapter 1278.

(Ord. 1963-95. Passed 7-30-63.)

CHAPTER 1270
Industrial Districts

1270.01 C-1 Industrial District - purposes.
1270.02 C-1 District permitted uses.
1270.03 C-1 District height regulations.
1270.04 C-1 District building yards.
1270.05 Parking setbacks in the C-1 Industrial District.
1270.06 C-2 District uses, height, yards and parking.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Industrial wastes - see S.U. & P.S. 1042.17, 1042.21 et seq.
Zoning certificates - see P. & Z. 1262.01 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Fences - see P. & Z. Ch. 1282

1270.01 C-1 INDUSTRIAL DISTRICT - PURPOSES.

The purposes of the C-1 Industrial District are to:

(a) Permit office and industrial uses as well as a wide range of recreational, entertainment, and hospitality uses;

(b) Recognize the development characteristics associated with the range and mix of uses expected are unique to this district with respect to such factors as: the marketing and image requirements and expectations, parking, lighting, signs, etc. and which are not expected, intended, or appropriate on other lands in the Village;

(c) Recognize the unique size, location, and existing development characteristics of the property zoned C-1; and, therefore,

(d) Establish development review procedures and criteria that are appropriate given the uniqueness of the land zoned C-1 and the range and mix of uses permitted. (Ord. 2012-52. Passed 8-8-12.)

1270.02 C-1 DISTRICT PERMITTED USES.

In a C-1 Industrial District, no building, structure, lot or land shall be used except for the following purposes:

(a) Agriculture.

(b) Single or two-family dwellings, if in direct relation to an agricultural use, but only with the approval of the Planning Commission and Council. If so approved, all provisions of R-1 Residence District shall apply thereto.

(c) Private or not-for-profit recreation and entertainment uses such as, but not limited to, horse racing, casinos, video lottery terminals and other related activities (when permitted by State law), theaters, concert venues and related supporting retail, bars, and restaurants.
(d) Hotels/motels and related conference facilities, offices, and other supporting retail, bars and restaurants.
(e) Industrial uses permitted in the C-2 Light Industrial District as specifically listed in subsections 1270.06 (c)(1)C., D. and E.
(f) Public parks or recreational facilities.
(g) Accessory uses such as: offices, dormitories, or other commercial or residential facilities, associated with permitted uses; off-street parking; signs; storage areas; etc.

(Ord. 1963-95. Passed 7-30-63; Ord. 2012-52. Passed 8-8-12.)

1270.03 C-1 DISTRICT HEIGHT REGULATIONS.

In a C-1 Industrial District, no building or structure shall exceed 150 feet in height but shall not include appurtenant structures such as, but not limited to, mechanical and electrical equipment, elevator shafts, towers/antennas.
(Ord. 1963-95. Passed 7-30-63; Ord. 2012-52. Passed 8-8-12.)

1270.04 C-1 DISTRICT BUILDING YARDS.

In a C-1 Industrial District:
(a) Front Yard. There shall be a front yard having a minimum depth of fifty feet measured from the street line to the building or structure overhang line which shall be increased for each foot of building height over fifty feet. Such additional setback shall only apply to the portion of the building with such additional height.
(b) Side Yard. There shall be provided a side yard on each side of a building or structure, which side yard shall have a minimum width of twenty feet. If such building or structure abuts a Residential Zoning District there shall be provided a side yard thereto having a minimum width of fifty feet provided that such setback shall be increased:
    (1) By one foot for each foot of wall length that exceeds 200 feet, measured parallel to the property line, up to a maximum setback of 150 feet. (Note: the maximum setback is reached when the wall length is 300 feet.)
    (2) By two feet for each foot of building height that exceeds fifty feet. This only applies to the portion of the building with the additional height. (Note: A building height of 150 feet would require a setback of 250 feet.)

    The owner of the commercial property shall be required to install landscaping that is sufficient to significantly minimize the effect of the commercial property on the residences or Residential District. Such landscaping plans shall be submitted and approved by the Planning Commission and Council pursuant to Section 1220.02.
(c) Side Yard of Corner Lot. The side yard nearest the street line on a corner lot shall have a minimum width of fifty feet.

(d) Rear Yard. There shall be provided a rear yard having a minimum depth of twenty feet. If the rear of the building or structure adjoins an existing residence or a Residential District there shall be provided a rear yard having a minimum depth of fifty feet. In such case, the owner of the commercial property shall be required to install landscaping that is sufficient to significantly minimize the effect of the commercial property on the residences or Residential District. Such landscaping plans shall be submitted and approved by the Planning Commission and Council. (Ord. 1963-95. Passed 7-30-63; Ord. 2000-45. Passed 4-12-00; Ord. 2012-52. Passed 8-8-12.)

1270.05 PARKING SETBACKS IN THE C-1 INDUSTRIAL DISTRICT.

(a) In the C-1 Industrial District off-street parking spaces, access drives, and related site circulation drives shall be setback from the lot lines as follows:

(1) Front yard shall have a minimum parking setback of twenty feet.

(2) Side yards adjacent to residential zoning districts shall have a minimum parking setback of thirty-five feet.

(b) The area of the setbacks shall be landscaped and the existing vegetation in any parking setback area shall be preserved to the maximum extent practicable and supplemental landscaping may be incorporated into a General Development Plan pursuant to Section 1220.02
(Ord. 2012-52. Passed 8-8-12.)

1270.06 C-2 DISTRICT USES, HEIGHT, YARDS AND PARKING.

(a) Creation. There is hereby created a C-2 Light Industrial District within the Municipality.

(b) Purpose. This District is established to provide for and accommodate light industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential, retail and institutional uses. The uses allowed are those which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.

(c) Uses.

(1) Permitted uses. Within this District, all buildings, structures or premises shall be used, arranged to be used, or designed to be used, for only one or more of the following uses:

A. Off-street parking lot; deck and garage; but not including truck terminals or truck storage businesses;

B. Plant greenhouse;

C. Warehousing;

D. Wholesale establishments;

E. The following types of manufacturing, processing, cleaning, servicing, testing or repair activities so long as they are not materially injurious or offensive to the occupants of adjacent premises or the community at large by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare, heat or electromagnetic disturbances:
   1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products;
   2. Products from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, metal (except where presses over twenty tons rated capacity are employed), rubber, plastics, shell, textiles, tobacco, wax, wood (where saw and planing mills are employed within a completely enclosed building), yards;
   3. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity;
   4. Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products;
   5. Electrical and electric appliances, instruments and devices, television sets, radios, phonographs, household appliances;
   6. Laboratories and processing: experimental, film or testing;
   7. Company headquarters and research center;
   8. Machine shop operations of the tool, die and gauge types;
   9. Casting and production of lightweight ferrous and nonferrous metals;
   10. Electric and neon signs, billboards and other commercial advertising structures; and
   11. Office and multi-occupancy industrial complex;

F. Accessory uses clearly incidental to the uses permitted on the same premises; and

G. Signs, as regulated by Chapter 1280.

(2) Conditionally permitted uses. None.

(3) Prohibited uses. Any other uses permitted in any other district shall be prohibited in this District as either a main or incidental use.

(d) Height Regulations. Height regulations shall be as provided for in Section 1270.02.

(e) Yards. Yard regulations shall be as provided for in Section 1270.03.

(f) Parking. Parking regulations shall be as provided for in Section 1278.10 and in other sections of Chapter 1278. In addition, parking areas shall be of usable shape, improved with bituminous, concrete or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the area. All lighting used to illuminate such

parking areas shall be so arranged as to direct the light away from adjoining premises or streets, and no open light sources, such as the stringing of light bulbs, shall be permitted. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five cars or more, and shall be constructed so as to direct the storm water surface drainage to controlled outlets, to contain the cars on sloping surfaces and to prevent bumper overhang.

(1) On-street parking shall be prohibited.
(2) Unless the area is enclosed within a building, parking of vehicles shall be prohibited for storage purposes for a period of more than seventy-two hours.

(g) Conformance With Site Plan.
(1) The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas and curb cuts, and the installation of landscaping, fences and walks, shall conform to the approved site plan.
(2) A performance bond or other financial guarantee, in an amount determined by the Planning Commission, shall be placed with the Municipality to insure that the landscaping, the hard-surfacing of the private drives and parking areas, and the surface water drainage, are accomplished, all in conformance with the approved plans.

(h) Supplementary Regulations.
(1) No outside storage, other than vehicles as stated in paragraph (f)(2) hereof, is permitted in this District.
(2) Loudspeakers which cause a hazard or annoyance shall not be permitted.
(3) There shall be no more than one advertisement oriented to each abutting road, identifying the activity.
(4) No lighting shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway. Exposed light bulbs, except for those used in holiday decorations, shall be prohibited.
(5) Site locations shall be preferred if they offer natural or man-made barriers that would lessen the effect of intrusion into an area.
(6) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, to any individual or to the community in general. A bond may be required to insure that this provision is complied with.
(7) All permanent and temporary structures shall be indicated as such on site plans. If structures are not so marked, they shall be conclusively deemed to be temporary structures. Such structures shall not be continued as permanent structures, and shall be removed from the construction site within six months after completion of construction. The period of continuance shall be set by the Planning Commission.
(Ord. 1983-37. Passed 8-17-83; Ord. 2000-98. Passed 10-25-00; Ord. 2012-52. Passed 8-8-12.)

CHAPTER 1272
Special Uses

1272.01 Conditionally permitted special uses. (Repealed)

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Adult entertainment businesses - see B.R. & T. Ch. 802
Zoning certificates - see P. & Z. 1262.01 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Apartments and apartment houses - see P. & Z. Ch. 1276
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Fences - see P. & Z. Ch. 1282

1272.01 CONDITIONALLY PERMITTED SPECIAL USES. (REPEALED)

(Editor's Note: *This section was repealed by Ordinance 2012-52, passed 8-8-12.)*

CHAPTER 1274
Nonconforming Uses

1274.01 Nonconforming use defined.
1274.02 Continuance.
1274.03 Enlargement; extension; removal.
1274.04 Discontinuance.
1274.05 Completion or substitution.
1274.06 Restoration.

CROSS REFERENCES
Municipal zoning - see Ohio R.C. 713.06 et seq.
Zoning certificates - see P. & Z. 1262.01 et seq.
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280
Nonconforming signs - see P. & Z. 1280.09
Fences - see P. & Z. Ch. 1282

1274.01 NONCONFORMING USE DEFINED.

A nonconforming use of a building, structure, lot or land is one that does not conform to and comply with the use regulations of the zoning district in which it is located. (Ord. 1963-95. Passed 7-30-63.)

1274.02 CONTINUANCE.

The use of any building, structure, lot or land, as existing and lawful on the effective date of this section (Ordinance 1963-95, passed July 30, 1963), may be continued although such use does not conform to the use regulations of the zoning district in which it is located. (Ord. 1963-95. Passed 7-30-63.)

1274.03 ENLARGEMENT; EXTENSION; REMOVAL.

No nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of a lot or land than that occupied on the effective date of this section (Ordinance 1963-95, passed July 30, 1963). No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or land occupied by such nonconforming use on the effective date of this section. If any building or structure, in which any nonconforming use is conducted or

maintained, is hereafter removed or torn down, the subsequent location and use of such building or structure shall be in full compliance with the use regulations for the zoning district in which it is located. No existing building or structure designed, arranged, intended or devoted to a nonconforming use shall be enlarged, extended or structurally altered unless such use is changed to a use permitted in the district in which it is located.
(Ord. 1963-95. Passed 7-30-63.)

1274.04 DISCONTINUANCE.

If any nonconforming use is voluntarily discontinued for a period of two years or more, any subsequent use of the building, structure, lot or land involved shall be in full compliance with the use regulations for the zoning district in which it is located.
(Ord. 1963-95. Passed 7-30-63.)

1274.05 COMPLETION OR SUBSTITUTION.

Any partially completed building or structure, the lawful construction or reconstruction of which has been commenced on the effective date of this section (Ordinance 1963-95, passed July 30,1963), may be completed and used, but only for the purposes for which it was originally designed and intended, unless, upon proper appeal, the Planning Commission approves a substituted nonconforming use therefor.
(Ord. 1963-95. Passed 7-30-63.)

1274.06 RESTORATION.

Any nonconforming building or structure that is damaged to an extent of more than fifty percent of the value thereof, by any natural cause or Act of God, shall not be restored or thereafter used except in full compliance with the use regulations for the zoning district in which it is located, unless approved by Council. Any nonconforming building or structure that is damaged to an extent of less than fifty percent of the value of the same, by any natural cause or Act of God, may be restored. However, any such repairs or reconstruction shall be in full compliance with a conditional zoning certificate issued by the Planning Commission to do so, upon proper application made therefor. Any such applicant shall furnish any plans or other information regarding such repairs or reconstruction as the Commission requires.
(Ord. 1963-95. Passed 7-30-63.)

CHAPTER 1276
Apartments and Apartment Houses

1276.01 Conditional zoning certificate and resolution of Council required.
1276.02 Apartment house defined.
1276.03 Height limitation.
1276.04 Construction and suite separation.
1276.05 Minimum living area.
1276.06 Front yards; parking facilities.
1276.07 Side yards; storage or parking of vehicles.
1276.08 Rear yards; storage or parking of vehicles; accessory buildings.
1276.09 Group development.
1276.10 Covenant running with the land.
1276.11 Access; open space; proximity of main buildings.
1276.12 Parking facilities.
1276.13 Maximum number of units for multiple-family apartments.
1276.14 Maximum number of bedrooms per apartment.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Zoning certificates - see P. & Z. 1262.01 et seq.
Fees for zoning certificates and conditional zoning certificates for multifamily dwellings - see P. & Z. 1262.05(f)(2)
Residential Districts - see P. & Z. Ch. 1266
Nonconforming uses - see P. & Z. Ch. 1274
Off-street parking and loading - see P. & Z. Ch. 1278

1276.01 CONDITIONAL ZONING CERTIFICATE AND RESOLUTION OF COUNCIL REQUIRED.

No apartment or apartment house shall be erected, nor shall any building be altered or converted to contain an apartment or apartments, except pursuant to a conditional zoning certificate, approved by the Planning Commission, and a resolution of Council approving the plot plan, the location and site for such use, sewage and water facilities therefor, the location of the required off-street parking facilities and proposed means of access thereto, and adequate incinerators for the disposal of waste. The plot plan shall also show the proposed means of drainage of storm waters.
(Ord. 1963-95. Passed 7-30-63.)

1276.02 APARTMENT HOUSE DEFINED.

"Apartment house," as used in this chapter, means a building or structure erected or converted for residence purposes for more than two families, but not to exceed seven families. (Ord. 1996-59. Passed 2-12-97.)

1276.03 HEIGHT LIMITATION.

No apartment house more than three stories in height shall be erected without specific Council approval.
(Ord. 1963-95. Passed 7-30-63.)

1276.04 CONSTRUCTION AND SUITE SEPARATION.

All apartment houses arranged to accommodate three or more family units living side by side shall be fireproof and of soundproof construction, and shall have each suite separated from the adjacent suites by an unpierced two-hour fireproof and soundproof party wall or walls extending from the lowermost floor up through the roof. No more than fifty percent of any wall of a habitable room shall be below grade, nor shall any part of a window furnishing light or air to any room used for living or sleeping purposes be placed below the finished grade.
(Ord. 1963-95. Passed 7-30-63.)

1276.05 MINIMUM LIVING AREA.

The minimum living space per family shall not be less than the following:

(a) One bedroom suite, 675 square feet.
(b) Two bedroom suites, 900 square feet.
(c) Three bedroom suites, 1,100 square feet.
(Ord. 1972-84. Passed 3-28-73.)

1276.06 FRONT YARDS; PARKING FACILITIES.

Apartment houses shall have a front yard having a depth of not less than forty feet, and all parking facilities shall be situated to the side or rear, back of the building line. (Ord. 1963-95. Passed 7-30-63.)

1276.07 SIDE YARDS; STORAGE OR PARKING OF VEHICLES.

There shall be a side yard having a width of not less than ten feet on each side of an apartment house. The side yard nearest the street on a corner lot shall have a width of at least ten percent of the average width of such lot but need not be more than fifteen feet. No part of any required side yard within twenty feet of the main building shall be used for storage or parking of motor vehicles.
(Ord. 1963-95. Passed 7-30-63.)

1276.08 REAR YARDS; STORAGE OR PARKING OF VEHICLES; ACCESSORY BUILDINGS.

There shall be provided a rear yard having a depth of not less than fifteen feet. No part of any required rear yard within twenty feet of the main building shall be used for storage or parking of motor vehicles. The portion of the rear yard which may be occupied by the permitted accessory building shall not exceed thirty-five percent.
(Ord. 1963-95. Passed 7-30-63.)

1276.09 GROUP DEVELOPMENT.

All of the provisions of Sections 1276.01 through 1276.09 shall be applicable, insofar as practicable, to a group of multiple-family dwellings.
(Ord. 1963-95. Passed 7-30-63.)

1276.10 COVENANT RUNNING WITH THE LAND.

Before a zoning certificate of building permit is issued for the construction of a multiple-family group development, where two or more apartment buildings are to be grouped on one parcel of land, the owner of such parcel shall be bound by a covenant running with the land, approved by the Law Director, that so long as any such apartment buildings, or part thereof, is upon such parcel of land, such parcel on which such group is erected shall remain in one parcel and shall not thereafter be subdivided without the approval of Council.
(Ord. 1963-95. Passed 7-30-63.)

1276.11 ACCESS; OPEN SPACE; PROXIMITY OF MAIN BUILDINGS.

Each main building of a multiple-family group development shall face a public street or an open unoccupied space having at least a dimension of forty feet. The least dimension from each main building in the group to any other main building shall be thirty feet.
(Ord. 1963-95. Passed 7-30-63.)

1276.12 PARKING FACILITIES.

Parking facilities for apartment houses shall be as required by Chapter 1278.
(Ord. 1963-95. Passed 7-30-63.)

1276.13 MAXIMUM NUMBER OF UNITS FOR MULTIPLE-FAMILY APARTMENTS.

There shall be a maximum of seven units per acre for multiple-family apartments.
(Ord. 1998-28. Passed 4-22-98.)

1276.14 MAXIMUM NUMBER OF BEDROOMS PER APARTMENT.

There shall be a maximum of three bedrooms constructed per apartment.
(Ord. 1974-21. Passed 6-12-74.)

CHAPTER 1278
Off-Street Parking and Loading

1278.01 Plot plan required; minimum parking space size.
1278.02 Single-family dwellings.
1278.03 Two-family dwellings.
1278.04 Apartments.
1278.05 Buildings for religious worship.
1278.06 Bowling alleys.
1278.07 Retail businesses.
1278.08 Food or drink service establishment.
1278.09 Other retail businesses.
1278.10 Industrial uses.
1278.11 Private recreation and entertainment uses and hotels in the C-1 District.
1278.12 Minimum requirements; exceptions.
1278.99 Penalty.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Parking generally - see TRAF. Ch. 452
Zoning certificates - see P. & Z. 1262.01 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Signs - see P. & Z. Ch. 1280
Fences - see P. & Z. Ch. 1282

1278.01 PLOT PLAN REQUIRED; MINIMUM PARKING SPACE SIZE.

(a) No application for a zoning certificate shall be granted for any use unless the plot plan therefor shows the required off-street and outside of the public right-of-way facility and/or driveway for the parking of motor vehicles. Each parking space shall be a minimum of nine feet by twenty feet in area, exclusive of access thereto, and each driveway shall be a minimum of nine feet in width.

(b) The parking areas and driveways shall be constructed of asphalt or concrete with an adequate base material as designated by the Ohio Department of Transportation Construction and Material Specifications, the current edition.

(c) All parking areas, loading areas and driveways shall have adequate drainage so that water is drained within the lot on which the parking area or driveway is located, in such a manner that water shall not drain off the parking facility pavement except through the proper sewers or drainage ditches.

(d) Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall be no more than two accessways abutting on any one street, except that if the accessways are off a street where the property exceeds 1,800 feet in length, then there shall be no more than three accessways abutting on that street.

(e) All motor vehicles shall be prohibited from parking upon any materials other than those specified in subsection (b) hereof.
(Ord. 1986-42. Passed 6-11-86; Ord. 2013-110. Passed 11-13-13.)

1278.02 SINGLE-FAMILY DWELLINGS.

(a) Single-family dwelling parking facilities shall be as required by Section 1266.07.

(b) No owner, tenant or person having control of any property in the Municipality shall cause or permit more than six vehicles per dwelling to be parked outdoors at any one time on any single-family property in the Village. The word "vehicle" shall be as defined in Section 402.57 of the Codified Ordinances and shall include trailers and boats. Cars parked on any property for less than twenty-four hours as a result of any gathering or function taking place on the property shall not be counted in connection with a violation of this section.
(Ord. 1963-95. Passed 7-30-63; Ord. 2001-79. Passed 10-24-01.)

1278.03 TWO-FAMILY DWELLINGS.

(a) Two-family dwelling parking facilities shall be as required by Section 1266.07.

(b) No owner, tenant or person having control of any property in the Municipality shall cause or permit more than six vehicles per dwelling to be parked outdoors at any one time on any two-family property in the Village. The word "vehicle" shall be as defined in Section 402.57 of the Codified Ordinances and shall include trailers and boats. Cars parked on any property for less than twenty-four hours as a result of any gathering or function taking place on the property shall not be counted in connection with a violation of this section.
(Ord. 1963-95. Passed 7-30-63; Ord. 2001-79. Passed 10-24-01.)

1278.04 APARTMENTS.

Apartment house or multiple-family dwelling facilities shall have parking facilities for at least two motor vehicles for each family unit or suite, including the custodial suite, if any, and shall be paved with concrete or blacktop with adequate drainage for storm water. Provision for collective facilities for two or more apartment houses or for a group of multiple-family dwellings may be arranged to promote orderly development of space and diminish traffic hazards, provided that the total of such facilities shall not be less than the sum of the requirements for the various individual units computed separately.

Any such parking facilities shall be used solely for the parking of passenger motor vehicles owned by occupants of the dwelling structure intended to be served, or their guests.
(Ord. 1963-95. Passed 7-30-63.)

1278.05 BUILDINGS FOR RELIGIOUS WORSHIP.

Buildings for religious worship, instruction or devotion shall have facilities for at least one motor vehicle for each five seats in the main building.
(Ord. 1963-95. Passed 7-30-63.)

1278.06 BOWLING ALLEYS.

Bowling alleys shall have parking facilities for at least four motor vehicles for each bowling alley.
(Ord. 1963-95. Passed 7-30-63.)

1278.07 RETAIL BUSINESSES.

For every type of retail business permitted by Section 1268.01, except businesses where food or drink in any form is served for consumption on the premises, parking facilities for at least one motor vehicle for each 200 square feet of gross floor area, or fraction thereof, shall be provided.
(Ord. 1963-95. Passed 7-30-63.)

1278.08 FOOD OR DRINK SERVICE ESTABLISHMENT.

Where food or drink in any form is served for consumption on the premises, parking facilities for at least one motor vehicle for each fifty square feet of gross floor area, or fraction thereof, or one space for each two seats, whichever requires the greater number of spaces, shall be provided.
(Ord. 1963-95. Passed 7-30-63.)

1278.09 OTHER RETAIL BUSINESSES.

For every type of retail business permitted by Section 1268.01 that is not otherwise provided for in this chapter, parking facilities for at least one motor vehicle for each 150 square feet of gross floor area, or fraction thereof, shall be provided.
(Ord. 1963-95. Passed 7-30-63.)

1278.10 INDUSTRIAL USES.

For every type of industrial use permitted by Section 1270.01, parking facilities for at least one motor vehicle for each two persons employed on the premises, located within the side yards back of the building line or within the rear yard, shall be provided. Adequate yard space, outside the public right-of-way, shall be provided for commercial vehicles for waiting, loading, unloading and turn-around, in every case where the character of the use may require ingress and egress of such types of motor vehicles.
(Ord. 1963-95. Passed 7-30-63.)

1278.11 PRIVATE RECREATION AND ENTERTAINMENT USES AND HOTELS IN THE C-1 DISTRICT.

(a) It is recognized that development in C-1 District anticipates a unique mix of uses for which it is difficult to prescribe, in advance, the required number of parking spaces.

Therefore, the appropriate number of parking spaces for a mixed development of recreational, entertainment and hospitality uses shall be established by the Planning Commission during the review of a General Development Plan pursuant to Section 1220.02(c). In making such determinations the Planning Commission shall consider:

(1) Overlapping peak demands;
(2) The length of time that cars are parked on the premises;
(3) The likelihood that the same person may utilize multiple facilities - similar to a shopping center - while the car is parked in one location; and
(4) Historical utilization/demand patterns from similar uses as demonstrated to the Planning Commission by the applicant.

(b) Except as provided herein, the requirements contained in the remaining sections of Chapter 1278 (with the exception of Section 1278.99) shall not apply to mixed use recreational, entertainment, and hospitality development(s). However, if a portion of C-1 property is proposed to be independently developed in a manner and with uses that are not part of a mixed use recreational, entertainment, or hospitality use development, the parking standards otherwise set forth in this Chapter 1278 shall apply.
(Ord. 2012-52. Passed 8-8-12.)

1278.12 MINIMUM REQUIREMENTS; EXCEPTIONS.

The facilities hereinabove required shall be considered as minimum requirements. However, in specific cases, because of undue hardship, irregular terrain, etc., the Planning Commission shall have authority to grant a variance from such requirements.
(Ord. 1963-95. Passed 7-30-63; Ord. 2012-52. Passed 8-8-12.)

1278.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned not more than thirty days, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. 2001-179. Passed 10-24-01.)

CHAPTER 1280
Signs

1280.01 Purposes.
1280.02 Compliance; application of chapter.
1280.03 Classification of signs.
1280.04 Permitted signs; zoning certificate required.
1280.05 Construction.
1280.06 Application and approval.
1280.07 Maintenance.
1280.08 Removal.
1280.09 Nonconforming signs.
1280.10 Change of ownership.
1280.11 Sign permit requirements.
1280.12 Fees.
1280.99 Penalty.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Street name signs in subdivisions - see P. & Z. 1250.05
Zoning certificates - see P. & Z. 1262.01 et seq.
Fees for zoning certificates and conditional zoning certificates - see P. & Z. 1262.05(f)(4)
Nonconforming uses - see P. & Z. Ch. 1274
Off-street parking and loading - see P. & Z. Ch. 1278
Fences - see P. & Z. Ch. 1282

1280.01 PURPOSES.

The purpose of this chapter is to provide for the use, location and size of signs and to regulate their installation and maintenance, in order to:

(a) Coordinate the integrity of Residential Districts and promote attractive public facilities;

(b) Provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in Business Districts, products manufactured in Industrial Districts, and professional services rendered, identifying a home occupation or the name of residents in Residential Districts;

(c) Eliminate conflict between advertising signs and traffic control signs which would be hazardous to the safety of the motoring public and/or pedestrians;

(d) Control the design of signs so that their appearance will be aesthetically harmonious with an overall urban design for the area; and

(e) Promote the most desirable developments and economic activity in accordance with the objectives of the Comprehensive Plan of the Municipality.

(Ord. 1987-95. Passed 12-30-87.)

1280.02 COMPLIANCE; APPLICATION OF CHAPTER.

(a) Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the provisions of this chapter.

(b) The construction, erection, safety and maintenance of all signs shall be in accordance with this chapter, but the provisions of this chapter shall not amend or in any way interfere with the codes, rules or regulations governing traffic signs within the Municipality.

(c) The display of official public notices, or the flag, emblem or insignia of an official governmental body, shall not be governed by the provisions of this chapter.
(Ord. 1987-95. Passed 12-30-87.)

1280.03 CLASSIFICATION OF SIGNS.

(a) Sign Defined. As used in this chapter, "sign" means any display, figure, painting, drawing, placard, poster or other device, visible from a public way, which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or a part thereof or it may be painted on or attached directly or indirectly to a structure. It may be painted on stone or be formed out of shrubbery.

(b) Classification by Use Types.

(1) "Automobile sign" means any kind of advertising or political sign placed on a motor vehicle.
(2) "Business sign" means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or the services rendered, on the lot on which the sign is located.
(3) "Directional sign" means a sign indicating the direction to which attention is called on the lot on which the sign is located.
(4) "Garage or yard sale sign" means a sign which depicts the sale of items from a residential garage or yard.
(5) "Highway safety sign" means a sign authorized by the Ohio Department of Transportation to regulate traffic safety.
(6) "Identification sign" means a sign indicating the name, owner or manager of an existing project or building on the lot on which the sign is located.
(7) "Industrial or service sign" means a sign which directs attention to the name, service or industrial establishment, goods produced or sold, or service rendered, on the lot on which the sign is located.

(8) "Informational sign" means a public sign which is designed to give general information concerning a private drive, danger, private security and alarm, the location of places for lodging or eating, vehicle service, natural phenomenon, weather, time, historic sites, announcements and other similar information.

(9) "Nameplate" means a sign indicating the name, address or profession of the person or persons occupying a lot or a part of a building.

(10) "Political sign" means a sign advocating action on a public issue or indicating a candidate for public office.

(11) "Project sign" means a sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved in the construction.

(12) "Real estate sign" means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. It includes a sign announcing that a property has been sold or leased or is no longer available.

(13) "Temporary sign" means a sign of any type to announce special events or sales, to announce the sale, lease or rental of property, to announce the opening of a new business and designed for use for a limited period of time, or to announce restrictions such as no trespassing and no salesmen.

(Ord. 1987-95. Passed 12-30-87.)

(c) Classification by Structural Types.

(1) "Awning sign" means any hood or awning made of cloth or with metal frames attached to a building and supported by the ground or sidewalk.

(2) "Bulletin board" means an announcement sign which directs attention to and is located on the lot of a public or semipublic institution.

(3) "Canopy sign" means a sign attached to the soffit or fascia of a canopy, covered entrance or walkway, or to a permanent awning or marquee.

(4) "Free-standing ground sign" means a stationary sign which is not affixed to a building or supported by a pole or poles.

(5) "Marquee sign" means a sign attached to the soffit or fascia of a marquee, to a roof over an entrance or to a permanent awning.

(6) "Menu sign" means a sign relating to a fast food restaurant depicting a food menu for the convenience of customers ordering food at a drive-in take-out window.

(7) "Pole sign" means a stationary two-face sign erected on a metal pole or poles and wholly independent of any building for support. The faces shall be back-to-back and shall not be more than a foot apart.

(8) "Wall or panel sign" means a sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than twelve inches therefrom.

(9) "Window sign" means a sign painted, attached or affixed to the interior or exterior surface of a window or door of a building.

(Ord. 1995-51. Passed 9-27-95.)

1280.04 PERMITTED SIGNS; ZONING CERTIFICATE REQUIRED.

Unless otherwise provided herein, a zoning certificate shall be required for all signs. No signs except highway safety signs shall extend into any street right-of-way.

(a) The following signs are permitted in any zoning district:

(1) Permanent signs requiring a zoning certificate, without a sign fee, unless otherwise designated:

A. Signs incident to legal process and necessary to the public safety and welfare.

B. Memorial signs or tablets, names of buildings and/or signs indicating the date of erection of a building. Such signs or tablets shall have an area not to exceed six square feet facing each street and shall be affixed to the building. A sign fee is required.

C. Awnings and canopies for public convenience. No advertising shall be placed on any awning or canopy, except that the name of the owner and the business industry or pursuit conducted within the premises may be permanently placed in a space not exceeding eight inches in height on the front and side portions thereof. A sign fee is required.

D. Nameplates, not exceeding one square foot in area, containing only the name of the resident and/or the title of the person practicing a profession and/or the name of a building and/or the name of the agent and/or the identification of a home occupation.

E. Signs appropriate to a public or semi-public building for the purpose of displaying the name and activities or services therein, provided such sign is not larger than a total of twenty square feet and restricted to the premises. A sign fee is required.

F. One permanent sign not more than twenty square feet in area identifying a subdivision or neighborhood at each entrance to such subdivision or neighborhood. Such signs, exclusive of decorative walls, fences or a base, shall not exceed six feet in height, shall not be located closer than twenty-five feet from any street right-of-way line and shall not obstruct visibility at street corners. A sign fee is required.

(2) Temporary signs requiring a zoning certificate, without a sign fee, unless otherwise designated.

A. Real estate and development signs. No zoning permit or certificate is required in connection with the erection of real estate or development signs. One unlighted real estate sign, not exceeding six square feet in area, or not exceeding twelve square feet in area in C-2 Districts, pertaining only to the sale, lease or rent of the particular building, property or premises upon which such sign is displayed, shall be permitted. The sign shall be removed no later than five days after the sale, lease or rental of the building or property.

B. Special events signs. The Building and Zoning Inspector may permit the placement of temporary signs within the Municipality for a period not to exceed thirty days, which signs shall be limited to advertising public activities and activities of organizations within the Municipality. No sign fee shall be required. Such signs shall be removed within five days after such activities terminate or within five days subsequent to such thirty-day period, whichever comes first.

C. Political signs. No zoning permit or certificate is required in connection with the erection of political signs. Political signs, whether they endorse or oppose candidates, causes and/or issues at any general, regular, primary or special election on all levels of government, shall be permitted, subject to the following regulations:

1. Such signs shall not be located closer than ten feet from the street right-of-way, nor closer than ten feet from an adjoining property line.
2. Such signs shall not be illuminated in any manner.
3. Such signs are prohibited from being placed within public rights of way or on utility poles, traffic signs, other government owned signs, or trees.
4. Such signs shall not obstruct the sight lines of vehicular traffic.

D. Construction signs. One sign denoting the architect, engineer and/or contractor, when placed upon work under construction, and not exceeding twelve square feet in area, shall be permitted.

E. Signs for roadside stands. One unlighted sign, not more than twenty square feet in area, in conjunction with a roadside stand, which shall be used only to advertise agricultural products produced on the premises, shall be permitted. Such signs are only permitted during hours in which the roadside stand is open for business.

F. Business signs. Temporary business signs shall not be permitted.

G. Garage or yard sale signs. Such signs shall not exceed six square feet in area and shall be posted no more than one day before the sale and shall be removed no later than two days after the sale. No sign shall be posted upon any utility pole, traffic sign, other government owned sign, or tree, or upon any public right-of-way.

H. Automobile signs. The motor vehicle upon which such a sign is located shall be parked at least twenty-five feet from any street and in a manner not to obstruct vehicular traffic approaching street intersections.

(Ord. 1987-95. Passed 12-30-87; Ord. 2012-73. Passed 11-28-12.)

(b) The following signs are permitted in B-1, B-2, B-3, C-1 and C-2 Districts:

(1) Wall signs. One exterior wall sign on a store front may be erected which displays a logo or advertises a business or service conducted upon the premises and/or advertises, without duplication, products, merchandise or commodities stocked and sold on the premises. The sign shall be limited to one side of the building. The wall sign shall be affixed flat against the wall of the building and shall not project therefrom more than one foot. No such sign shall extend beyond the width or height of the wall to which it is attached.

A. The maximum sign area for a wall sign shall be two square feet per one linear foot of store frontage.

B. Buildings or building units with lot frontage on two public streets shall be permitted signs and sign area in addition to that otherwise permitted, only if such building or unit has either (1) direct vehicular access from the secondary street or (2) a customer entrance on the secondary facade. One additional sign shall be placed only on the secondary facade or in relation to the secondary lot frontage. Such additional sign shall not exceed twenty-five percent of the area of the sign permitted for the principal facade and street.

C. In addition to signs and sign face area otherwise permitted, each building or building unit shall be entitled to one wall, window or canopy identification sign not exceeding six square feet in area and located at a rear entrance, as designated by the business owner or proprietor.

(2) Window signs. Only displays or signs pertaining directly to the business on the premises shall be allowed to be displayed in a window for exterior viewing, provided that such signs do not cover more than twenty-five percent of the area of the window, do not remain on display in excess of ten days and do not face contiguous properties.

(3) Pole signs. One pole sign may be erected on a business or industrial property. The sign edge shall be located in front of the setback building line and shall not hang over the sidewalk. Such sign shall not exceed thirty-five feet in height from ground level. The lowest horizontal projecting feature of such sign shall be not less than ten feet above the established grade. The face of the sign shall be at right angles to the major thoroughfare abutting the front property line.

A. The maximum area for all faces of such a sign shall be one and one-half square feet per linear foot of store (or business) frontage, but shall not exceed a total of seventy-two square feet.

B. A planter may be constructed around the base of the sign pole to provide for shrubbery or flowers, but in no event shall any one side of the base exceed thirty inches in height.

C. For a multi-tenant parcel, where more than one business establishment is located on a single tract of land having an entrance or entrances or parking area or areas in common for the customers of such establishments, only one free-standing pole sign shall be authorized for the entire tract. The intent of this provision is to limit each shopping center, office building or similar joint operation to one free-standing pole sign to promote uniformity and to prevent visual pollution caused by a clutter of disharmonious signs. In the case of a multi-tenant pole sign, the area may be increased twenty percent for all additional tenants after the first up to a maximum of sixty square feet. The area of such signs shall be divided equally among the tenants of the parcel.

(4) Directional signs. Directional signs shall be permitted but shall not exceed two square feet per sign.

(5) Reader board signs. One reader board sign shall be allowed for each restaurant fast food drive-in and carry-out service, which sign shall not exceed twelve square feet.

(6) Theater, shopping center and race track signs. The size, area and design of a sign for a theater, shopping center exceeding 50,000 square feet and race track shall be determined separately for each establishment and regulated by conditional use permits.

(7) Free-standing ground-type signs.

A. Height. The maximum height of a free-standing ground sign shall be eight feet.

B. Supplemental regulations and requirements.

1. Free-standing signs are only permitted when the principal building is set back from the street right-of-way a minimum of twenty-five feet and the site has a minimum lot frontage of 100 feet.

2. One free-standing identification sign, with a maximum area of forty square feet per sign face, is permitted per project or development.

3. No portion of any free-standing sign shall be closer to the street right-of-way than a distance equal to the height of the sign or five feet, whichever is greater. A free-standing sign shall also be a minimum of ten feet from any side property line.

C. Content of free-standing signs in multiple tenant facilities. When a free-standing sign is permitted on a site with more than one tenant, it is the property owner's responsibility to determine if the allowable area shall be devoted to the identification of the building or project, be a directory for a select group of tenants or all the tenants in the project or be for project identification and a tenant directory in combination.

D. Additional allowances for free-standing signs in Business and Industrial Districts. The allowable area for any free-standing monument-type sign may be increased by ten square feet of area for every 100 linear feet of lot frontage, or fraction thereof, greater than 300 linear feet.

(Ord. 1995-51. Passed 9-27-95.)

1280.05 CONSTRUCTION.

(a) All signs shall be constructed in conformance with the Building and Housing Code and other applicable requirements of the Municipality.

(b) All signs shall be rigidly secured and no sign shall swing from a bar, crane or awning, nor shall all or part of any sign be revolving, oscillating or otherwise designed to move to attract attention.

(c) No sign shall be so erected as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress to or egress from any building.

(d) Signs shall be erected so as not to obstruct traffic sight lines or traffic control devices.

(e) Signs visible from a street shall not contain an arrow or words such as “stop”, “go”, “slow”, etc., or otherwise resemble highway traffic or directional signals.

(f) No sign shall be erected upon the roof of any building.

(g) Any sign which is illuminated must be internally illuminated; no spotlights shall be allowed thereon. Such an illuminated sign shall not have a light source of excessive brightness which might be hazardous to pedestrians or motorists and shall be shielded and directed away from adjacent Residential Districts and streets. Flashing, moving or intermittent illumination signs shall be prohibited, except those that provide a changing message.

(h) When the sign copy is fastened directly to the building, straight horizontal and vertical lines drawn closest to the copy extremities encompassing individual letters or words shall be used to compute the rectangular area of the sign.

(i) No sign shall be located closer than twenty-five feet from any lot located in any R-1 or R-2 District.

(j) No light-reflecting paint shall be used on any sign.

(k) Outdoor signs shall be constructed of rigid plastic or acrylic material capable of being internally illuminated.

(l) The facing of all signs shall be permanent and shall not be changeable or removable. Nothing in this section shall preclude permanent signs from having the facility for changing copy, should they be designed for that purpose.

(m) No advertising sign shall be permitted except on the premises on which the business that is being advertised is located.

(n) No advertising signs, messages or informational or directional signs shall be painted directly on the wall of any structure.

(o) No sign shall be erected, converted, enlarged, reconstructed, structurally altered or arranged for any purpose other than in accordance with the provisions of this chapter. A sign which was erected before the adoption of this chapter shall not be rebuilt or relocated without conforming to the provisions of this chapter.

(p) Anchored advertising balloons and searchlights shall be prohibited within the Municipality.

(q) Free-standing signs shall only be erected on the property at the location of the place of business which is identified by the copy or reading matter appearing on the sign face.

(r) Office buildings occupied by a single occupant who carries on more than one activity within the building, or which contain two or more activities carried on by different occupants, shall be limited to only one sign displayed in accordance with Section 1280.02 and all other pertinent sections of this chapter.
(Ord. 1987-95. Passed 12-30-87.)

1280.06 APPLICATION AND APPROVAL.

Application for the construction or alteration of signs coming within the purview of this chapter shall be submitted to the Building and Zoning Inspector for approval and a sign permit. All sign permit applications for permanent signs shall be accompanied by a drawing showing the dimensions, layout and design, and the color of the letters, lines and symbols, of the sign, together with the horizontal frontage of the store or building. No temporary or permanent sign shall be mounted upon utility poles or trees, except those placed for traffic control purposes or for identification purposes by utility companies. Signs placed for traffic control purposes and authorized by the Building and Zoning Inspector shall be exempted from this chapter.
(Ord. 1987-95. Passed 12-30-87; Ord. 2005-66. Passed 12-14-05.)

1280.07 MAINTENANCE.

The Building and Zoning Inspector may order any sign to be painted or fixed at least once each year. All supports, guy wires, braces and anchors for such sign shall be maintained and kept in a safe condition, and it shall be unlawful for the owner or person having charge of such sign not to remove the same after receiving notice to do so from the Building and Zoning Inspector.
(Ord. 1987-95. Passed 12-30-87.)

1280.08 REMOVAL.

(a) Any sign which no longer advertises a bona fide business that is conducted within a building or structure shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign is found, within ten days after written notification from the Building and Zoning Inspector to remove same. If such sign is not taken down and removed within such time, the Building and Zoning Inspector may cause the same to be removed at the expense of the owner, agent or person having the beneficial use of the building or structure upon which such sign is found.

(b) If the Building and Zoning Inspector finds that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, has been constructed or erected in violation of the provisions of this chapter, is in need of repair, or is being maintained in violation of the provisions of this chapter, notice shall be given in writing by the Building and Zoning Inspector to the permittee thereof to remove or repair the sign or structure so as to make it comply with the provisions of this chapter. If the permittee fails to remove or repair such sign or other advertising structure, within ten days after receiving such notice, such sign or other advertising structure may be removed by the Building and Zoning Inspector at the expense of the permittee or owner of the property upon which it is located. The Building and Zoning Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay the costs so assessed for the removal of such sign or other advertising structure.

The Building and Zoning Inspector may cause any sign or other advertising structure which is an immediate peril to any person or property to be removed summarily and without notice, at the expense of the permittee or owner of the property upon which it is located.

(c) Notwithstanding any other provisions of this chapter, every sign or other advertising structure in existence on the date of adoption of this chapter, which violates or does not conform to the provisions of this chapter, shall be removed, altered or replaced so as to conform to the provisions of this chapter within five years after the passage of this chapter.

(Ord. 1987-95. Passed 12-30-87.)

1280.09 NONCONFORMING SIGNS.

(a) A permanent sign existing lawfully at the time this section becomes effective, but which does not conform to the sign regulations of the district in which it is located, may be maintained, and the structural or electrical parts thereof may be repaired or restored to a safe condition; otherwise a nonconforming sign shall not be altered or moved or a substitution made therefor unless it is made to conform to this chapter. If any sign or part thereof is damaged or destroyed to an extent of more than fifty percent of its reproduction value or taken down, it shall not be rebuilt or relocated unless it shall be made to comply with the regulations of the district in which it is located.

(b) However, all such nonconforming signs shall be registered with the Municipality within ninety days of the effective date of this chapter. Being informed of such requirement by the Building and Zoning Inspector, each property owner shall apply for and receive a five-year temporary permit at no charge for continuation of the nonconforming use. Upon expiration of the five-year temporary permit, the sign shall be brought into compliance or removed.

(c) Failure of an owner to maintain a nonconforming sign in a safe and attractive condition shall be just cause to void any temporary permit and give the Municipality the right to demand immediate removal of such nonconforming sign.
(Ord. 1987-95. Passed 12-30-87.)

1280.10 CHANGE OF OWNERSHIP.

Upon change of ownership of any business, all nonconforming signs shall be made to conform to all provisions of this chapter notwithstanding other provisions of this chapter.
(Ord. 1987-95. Passed 12-30-87.)

1280.11 SIGN PERMIT REQUIREMENTS.

No display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained within the Municipality by any person, firm or corporation until a permit for the same has been issued by the Building and Zoning Inspector. The application for such permit shall include the following information:

(a) The name, address and telephone number of the applicant;

(b) The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(c) The position of the sign or the advertising structure in relation to nearby buildings or structures, side lot lines and streets, shown by means of a plat map;

(d) Two scale drawings of the plans and specifications, the color and the method of construction and attachment of the sign to the building or in the ground;

(e) The name of the person, firm, corporation or association erecting such sign and evidence that the sign erector is qualified, licensed, bonded and insured;

(f) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected if the applicant for such sign is a tenant and not the owner;

(g) Evidence that any required electrical permit has been issued for such sign;

(h) Such other information as the Building and Zoning Inspector may require to show full compliance with this and all other laws of the Municipality.

(Ord. 1987-95. Passed 12-30-87.)

1280.12 FEES.

For appropriate sign fees, see Section 1262.05(f)(4).
(Ord. 1987-95. Passed 12-30-87.)

1280.99 PENALTY.

Whoever violates any of the provisions of this chapter, or fails to comply therewith, shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 1987-95. Passed 12-30-87.)

CHAPTER 1282
Fences

1282.01 Fence defined.
1282.02 Maximum height.
1282.03 Restrictions on location in yards.
1282.04 Construction; permit required; application; fee.
1282.05 Permitted types.
1282.06 Prohibited types.
1282.07 Fences behind rear building lines.
1282.08 Decorative fencing.
1282.09 Swimming pools.

CROSS REFERENCES

Municipal zoning - see Ohio R.C. 713.06 et seq.
Barbed wire and electric fences- see GEN. OFF. 660.12
Fences for commercial parking lots - see B.R. & T. 814.02
Zoning certificates - see P. & Z. 1262.01 et seq.
Nonconforming uses - see P. & Z. Ch. 1274
Off-street parking and loading - see P. & Z. Ch. 1278
Signs - see P. & Z. Ch. 1280

1282.01 FENCE DEFINED.

For the purpose of this Zoning Code, "fence" means any structure acting as a yard or area enclosure, divider, screen or exterior partition.
(Ord. 1971-69. Passed 9-22-71.)

1282.02 MAXIMUM HEIGHT.

All fences in R-1 and R-2 Residential Districts shall be limited to a maximum height of six feet, except as provided in Sections 1282.07 and Section 1282.08. Fences in Business and Industrial Districts may be higher, with the approval of Council.
(Ord. 1993-35. Passed 7-28-93.)

1282.03 RESTRICTIONS ON LOCATION IN YARDS.

No fence shall be constructed between the front building line and the street line, except as provided in Section 1282.08. In the absence of a building line, the closest projection of the building or residence to the street shall be construed as the building line. In any case where there is a distance of fifty feet or more between the rear building line and the rear lot line, no fence shall be constructed between the rear building line and the street line. However, where there is a distance of fifty feet or more between the rear building line and the rear lot line and the building has an entrance opening onto the side yard, a fence may be erected in such side yard no more than five feet in front of such door.
(Ord. 1971-69 . Passed 9-22-71.)

1282.04 CONSTRUCTION; PERMIT REQUIRED; APPLICATION; FEE.

Prior to the construction of any fence as provided in this chapter, a permit shall be obtained by the owner, or his or her agent, from the Building and Zoning Inspector. The application for such a permit shall be made in writing and upon printed forms furnished by the Inspector. The application shall include a sketch of the proposed fence, giving its material, height and location. In the case of a fence to be constructed on a property line, the application shall be signed by all property owners involved and a written agreement between all the owners in regard to the type of fence and materials used must accompany the application for the permit. In the case of single ownership, the fence shall be constructed so that the rails and posts, if any, will be on the side facing the owner's property. Fences that are not jointly owned may be built within one inch of the property line, provided that:

(a) The fence is built of maintenance-free materials;
(b) The fence is so constructed that it can be dismantled from the owner's side for the purpose of maintaining the fence entirely within the owner's property line; or
(c) The owner has a written agreement from his or her concerned neighbors that the owner has free access to his neighbor's property for the purpose of maintaining the fence. A copy of this agreement must accompany and be made a part of the application for a permit.

The permit fee shall be as set forth in Section 1262.05(f)(5)E. Upon receipt of all fence permit applications and required application fees, the Building and Zoning Inspector shall approve or disapprove of the application. The decision of the Building and Zoning Inspector with respect to approval or disapproval may be appealed to the Planning Commission upon payment of the appeal fee specified in Section 1262.05(f)(5)E. Requests for variances must be made to the Planning Commission pursuant to the procedures set forth in Chapter 1220.

The Building and Zoning Inspector shall issue the required fence permit after the approval of the application by the Planning Commission or Council.
(Ord. 1996-43. Passed 8-28-96; Ord. 2002-18. Passed 4-10-02.)

1282.05 PERMITTED TYPES.

The following types of fences are permitted:

(a) Chain-link;

(b) Basketweave;

(c) Picket, which shall have vertical posts not to exceed four-inches by four-inches, no more than two horizontal members not exceeding four-inches in height, and pickets of three-fourths of an inch minimum thickness and not exceeding four-inches in width. Open space between pickets shall not be less than two-thirds of the width of the pickets. If more than one picket width is used, the total width of open space between pickets shall not be less than forty percent of the combined total width of all pickets and open spaces. In all cases, distribution of pickets, picket sizes and open spaces shall be uniform throughout the length of the fence.

(d) Corral, consisting of vertical posts not exceeding four-inches and connecting horizontal or diagonal members. The vertical posts shall be at least equal to the width of the horizontal or diagonal members.

(e) Stockade.

(Ord. 1996-43. Passed 8-28-96.)

1282.06 PROHIBITED TYPES.

The following types of fences are prohibited, but the following list does not limit the kinds of fences that may be prohibited by the Municipality:

(a) Barbed wire, chicken wire and other wire construction fences, except ornamental wire fencing that is commonly used as a border around plantings and that does not exceed eighteen inches in height;

(b) Stone, brick or masonry, except as provided in Section 1282.08;

(c) Split-rail, having horizontal members in a criss-crossed, zig-zag pattern without vertical supporting members.

(Ord. 1996-43. Passed 8-28-96.)

1282.07 FENCES BEHIND REAR BUILDING LINES.

A fence not to exceed six feet in height may be erected to the rear of, and enclose an area contiguous to, the rear building line, provided that such fencing meets all of the following conditions:

(a) The fence does not extend more than sixteen feet behind the rear building line on a line perpendicular to the rear building line.

(b) No part of the fence extends beyond the line of the side wall of the building in such a way that it would substantially be visible from the street.

(c) The fence complies with all of the provisions of this chapter.

Where the rear building line lies behind a portion of the rear yard of a building, such portion of the rear yard may be fenced as described in this section, provided that no part of the fence extends beyond the line of the side wall of the building as heretofore provided. Such portion of the rear yard shall be regarded as if it were behind the rear building line, and all provisions of this section shall apply to such portion. (Ord. 1971-69. Passed 9-22-71.)

1282.08 DECORATIVE FENCING.

Decorative fencing may be erected between the front building line and the street line, provided that such decorative fencing meets all of the following conditions:

(a) It does not exceed three feet in height.

(b) It does not exceed twenty feet in total length, except that on a lot with eighty feet or more of frontage, the decorative fencing shall be limited to forty feet in total length. In either case, the maximum length need not be in one continuous fence, but may be divided into separate sections in accordance with the following regulations:

(1) No individual section shall be less than four feet in length.

(2) The total length of the fence erected parallel to a side lot line shall not exceed fifty percent of the distance between the front building line and the street line.

(3) Fencing parallel to the street line shall not exceed ten feet in any one continuous section and shall not exceed twenty feet in total length, except for a fence erected within twelve feet of and parallel to the building line.

(c) The decorative fencing is constructed of wood, metal, masonry or other material of a clearly decorative nature. The type of fence and construction requirements shall be the same as provided in Sections 1282.05 and 1282.06, except that chain-link and basketweave shall be prohibited. Masonry construction shall be of decorative brick, stone, lattice-type or shadow block, and shall be constructed with adequate footing as provided in the Building and Housing Code. Metal construction shall be of the decorative railing type, such as wrought iron or a similar style.

In the case of a corner lot, decorative fencing may be erected between both street lines and the corresponding front and side building lines, and a maximum total length of forty feet shall be allowed for the side yard in addition to the maximum total length allowed for the front yard, as otherwise specified in this section, provided that such decorative fencing complies with all other provisions of this section.

Prior to construction of any decorative fencing, a permit shall be obtained as provided in Section 1282.04. The Building and Zoning Inspector may require the approval of Council on any application where, in his or her judgment, there is a question of whether or not the proposed fencing enhances the general appearance of the neighborhood or fulfills the aesthetic purposes intended in this section.

(Ord. 1971-69. Passed 9-22-71.)

1282.09 SWIMMING POOLS.

A fence not less than four feet in height and conforming to all of the other provisions of this chapter shall be erected to totally enclose any rear yard in which there is built, installed or maintained a swimming pool having a height of eighteen inches or more below the ground. No part of such pool shall be less than three feet from the fence. All fence openings shall be equipped with self-closing gates. A building may be considered as part of the enclosure required by this section.

(Ord. 1971-69. Passed 9-22-71.)

CHAPTER 1284
Wireless Telecommunications Facilities

1284.01 Purpose; scope.
1284.02 Definitions.
1284.03 General requirements.
1284.04 Nonresidential districts.
1284.05 Residential districts; exceptions.
1284.06 Criteria for a conditional use.

CROSS REFERENCES

Interrupting or impairing television, radio, telephone, telegraph or other mass communication service - see Ohio R.C. 2909.04
Telegraph and telephone companies - see Ohio R.C. Ch. 4931
Powers and restrictions on public utility services - see Ohio R.C. 4931.11
Property defined to include cable television service - see GEN. OFF. 606.01(o)
Cable television services defined - see GEN. OFF. 642.01(a)
Prosecutions for theft of utilities - see GEN. OFF. 672.06
Dish-type satellite antennas - see B. & H. Ch. 1466

1284.01 PURPOSE; SCOPE.

(a) Wireless telecommunications facilities are either permitted or conditional uses in a variety of zoning districts contingent upon a number of requirements being met. The provisions of this chapter are set forth in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and a reduction in the need for new wireless telecommunications towers.

(b) Wireless telecommunications facilities are permitted under varying conditions dependent upon their form and the zoning district in which they are to be located. This chapter sets forth such conditions. (Ord. 1998-11. Passed 2-25-98.)

1284.02 DEFINITIONS.

As used in this chapter:

(a) "Collocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

(b) "Lattice tower" means a support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.

(c) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

(d) "Open space" means land devoted to conservation or recreational purposes and/or land designated by a municipality to remain undeveloped (may be specified on a zoning map).

(e) "Telecommunications" means the technology which enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.

(f) "Wireless telecommunications antenna" means the physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

(g) "Wireless telecommunications equipment shelter" means the structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

(h) "Wireless telecommunications facility" means a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

(i) "Wireless telecommunications tower" means a structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.

(Ord. 1998-11. Passed 2-25-98.)

1284.03 GENERAL REQUIREMENTS.

The following requirements shall apply to all wireless telecommunications facilities, regardless of the zoning district in which they are to be located. These general standards are to be supplemented with the specific regulations for nonresidential and residential districts as set forth in Sections 1284.04 and 1284.05, respectively.

(a) When the proposed wireless telecommunications facility is to include a new tower, a plot plan at a scale of not less than one inch equals 100 feet shall be submitted. This plot plan shall indicate all building uses within 300 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plan.

(b) The location of the tower and equipment shelter shall comply with all natural resource protection standards established in the Zoning Code, including those for floodplains, wetlands and steep slopes.

(c) Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires, either completely or individually, as determined by the Planning Commission.

(d) The following buffer plantings may be located around the perimeter of the security fence as deemed appropriate by the Planning Commission: An evergreen screen that consists of either a hedge planted three feet on center maximum or a row of evergreen trees planted five feet on center maximum.

(e) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(f) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who or which supply service within one-quarter of a mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter or letters, as well as any response or responses thereto, shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.

(g) Any application to locate an antenna on a building or structure that is listed on an historic register, or is in an historic district, shall be subject to review by the Building and Zoning Inspector.

(h) The tower shall be painted a noncontrasting gray or similar color minimizing its visibility, unless otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

(i) No advertising shall be permitted anywhere on the facility, with the exception of identification signage.

(j) All providers utilizing towers shall present a report to the Building and Zoning Inspector notifying him or her of any tower facility located in the Municipality whose use will be discontinued and the date this use will cease. If, at any time, the use of the facility is discontinued for 180 days, a designated local official may declare the facility abandoned. (This excludes any dormancy period between construction and the initial use of the facility.) The facility's owner/operator will receive written notice from the Building and Zoning Inspector and will be instructed to either reactivate the facility's use within 180 days or dismantle and remove the facility. If reactivation or dismantling does not occur, the Municipality will remove, or contract to have removed, the facility, and assess the owner/operator for the costs thereof.

(k) No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA. Any tower between 150 and 200 feet in height shall follow safety marking and obstruction lighting requirements as prescribed by the FAA. Security lighting around the equipment shelter is permitted.

(l) “No Trespassing” signs shall be posted around the facility with a telephone number of the person to contact in the event of an emergency.

(m) Applicants will provide evidence of legal access to the tower site, thereby maintaining this access regardless of other developments that may take place on the site.

(n) A conditional use permit must be approved by the Planning Commission and/or Council with a subsequent building permit issued by the Building and Zoning Inspector for construction of new towers in nonindustrial districts. Collocation of antennas on a single tower, antennas attached to existing structures/buildings, towers located in industrial districts or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the conditional use permitting process.

(o) Any decision to deny a request to place, construct or modify a wireless telecommunications antenna and/or tower shall be in writing and supported by evidence contained in a written record of the proceedings of the Planning Commission.

(p) Underground equipment shelters are encouraged, especially in nonindustrial districts, and may be requested by the Planning Commission.

(Ord. 1998-11. Passed 2-25-98.)

1284.04 NONRESIDENTIAL DISTRICTS.

Wireless telecommunications facilities proposed for Business and Industrial Districts are subject to the following conditions:

(a) Sole Use on a Lot. A wireless telecommunications facility is permitted as a sole use on a lot subject to the following:

(1) Minimum lot size.

A. Business. The minimum lot size for B-1, B-2 and B-3 Districts shall be as set forth in Section 1268.03.

B. Industrial. The minimum lot size for C-1 and C-2 Districts shall be as set forth in Section 1270.03.

(2) Minimum yard requirements. Minimum yard requirements shall be as follows:

A. Tower. The minimum distance to any single-family or two-family residential use or district lot line shall be 300 feet.

B. Equipment shelter. The minimum setback shall comply with the minimum setback requirements for the district.

(3) Maximum height. The maximum height of a tower or an equipment shelter shall be as follows:

A. Tower: 200 feet (includes antenna).

B. Equipment shelter: Equipment shelters must comply with the maximum building height requirements for the district.

(4) Maximum size of equipment shelter. The maximum size of an equipment shelter shall be 300 square feet for a single shelter or, if there is more than one, 750 square feet.

(b) Combined With Another Use. A wireless telecommunications facility is permitted on a property with an existing use, subject to the following conditions:

(1) Existing use on the property. The existing use on the property may be any permitted use in the district or any lawful nonconforming use and need not be affiliated with the wireless telecommunications provider. The wireless telecommunications facility will not be considered an addition to the structure or the value of a nonconforming use.

(2) Fully-automated facility. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

(3) Minimum lot area. The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment shelter, security fencing and buffer planting.

(4) Minimum yard requirements. Minimum yard requirements shall be as follows:

A. Tower. The minimum distance to any single-family or two-family residential use or district lot line shall be 300 feet.

B. Equipment shelter. Equipment shelters shall comply with the minimum setback requirements for the primary lot.

(5) Service access. Service access to the equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

(6) Maximum height. The maximum height of a tower or equipment shelter shall be as follows:

A. Tower: 200 feet (includes antenna).

B. Equipment shelter: Equipment shelters must comply with the maximum building height requirements for the district.

(7) Maximum size of equipment shelter. The maximum size of an equipment shelter shall be 300 square feet for a single shelter or, if there is more than one, 750 square feet.

(c) Combined With an Existing Structure. Where possible, an antenna for a wireless telecommunications facility shall be attached to an existing structure or building, subject to the following conditions:

(1) Maximum height. The maximum height of an antenna shall be twenty feet, or twenty percent of the building height above the existing building or structure, whichever is greater.

(2) Separate shelters. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to, the building), the shelter shall comply with the following:

A. The shelter shall comply with the minimum setback requirements for the subject zoning district.

B. A buffer yard may be planted to accordance with Section 1284.03(d).

C. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.

D. The maximum size of the equipment shelter shall be 300 square feet or, if there is more than one, 750 square feet.

(Ord. 1998-11. Passed 2-25-98; Ord. 1998-82. Passed 10-28-98.)

1284.05 RESIDENTIAL DISTRICTS; EXCEPTIONS.

Wireless telecommunications facilities that include towers are not permitted in R-1 or R-2 Districts, with the exception of the placement on any property with an institutional use (e.g. a church, park, library, municipal/governmental building, facility or structure, hospital, school or utility) located in either of these two districts. However, antennas attached to existing buildings or structures are permitted. In applying for a permit in any residential district, the applicant must present substantial evidence as to why it is not technically feasible to locate such facilities in a more appropriate nonresidential zone. Once those efforts have been exhausted, a wireless telecommunications facility may be located in a residential district subject to the following conditions:

(a) Fully Automated Facility Required. The wireless telecommunications facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic and necessary maintenance. This provision shall also apply to subsections (b), (c), (d) and (e) hereof.

(b) Combined With a Nonresidential Use. An antenna may be attached to a nonresidential building, or to a structure that is a permitted use in the district, including, but not limited to, a church, a municipal or governmental building or facility, an agricultural building and a building or structure owned by a utility. The following conditions shall be met:

(1) The maximum height of an antenna shall be twenty feet above the existing building or structure.

(2) If the applicant proposes to locate the telecommunications equipment in a separate shelter, the shelter shall comply with the following:

A. The shelter shall comply with the minimum setback requirements for the subject zoning district.

B. The maximum size of the equipment shelter shall be 300 square feet or, if there is more than one, 750 square feet.

C. A buffer yard shall be planted in accordance with Section 1284.03(d).

D. Vehicular access to the shelter shall not interfere with parking or vehicular circulation on the site for the principal use.

(c) Located on a Nonresidential Property. A tower to support an antenna may be constructed on a property with a nonresidential use that is a permitted use within the district, including, but not limited to, a church, hospital, school, municipal or governmental building, facility or structure, an agricultural use and a utility use, subject to the following conditions:

(1) The tower shall be set back from any property line abutting a single-family or two-family residential lot by 300 feet.

(2) The maximum height of a tower or equipment shelter shall be as follows:

A. Tower: 200 feet (includes antenna).

B. Equipment shelter: The equipment shelter must comply with the maximum building height requirements for the district.

(3) The maximum size of the equipment shelter shall be 300 square feet or, if there is more than one, 750 square feet.

(4) Vehicular access to the tower and equipment shelter shall, whenever feasible, be provided along the circulation driveways of the existing use.

(5) In order to locate a telecommunications facility on a property that is vacant or with an agricultural use, the tract shall be at least 2.5 acres in size.

(d) Located on a Residential Building. An antenna for a wireless telecommunications facility may be attached to a mid-rise or high-rise apartment building subject to the following conditions:

(1) The maximum height shall be twenty feet above the existing building.

(2) If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located in, or attached to, the building), the shelter shall comply with the following:

A. The shelter shall comply with the maximum setback requirements for the subject zoning district.

B. The maximum size of the equipment shelter shall be 300 square feet or, if there is more than one, 750 square feet.

C. A buffer yard shall be planted in accordance with Section 1284.03(d).

D. Vehicular access to the shelter shall, if at all possible, use the existing circulation system.

(e) Located in an Open Space or Park. A wireless telecommunications facility is permitted on land that has been established as a permanent open space or park, subject to the following conditions:

(1) Ownership. The open space shall be owned by the Municipality, the County, the State, a homeowners association, a charitable organization or a private, nonprofit conservation organization.

(2) Maximum height. The maximum height of a tower or equipment shelter shall be as follows:
   A. Tower: 200 feet (includes antenna).
   B. Equipment shelter: The equipment shelter must comply with the maximum building height requirements for the district in which it is located.
(3) Maximum size of equipment shelter. The maximum size of the equipment shelter shall be 300 square feet for a single shelter or, if there is more than one, 750 square feet.
(4) Tower setback. The tower shall be set back from any single-family or two-family property line 300 feet.
(Ord. 1998-11. Passed 2-25-98; Ord. 1998-82. Passed 10-28-98.)

1284.06 CRITERIA FOR A CONDITIONAL USE.

(a) The application and review process for a conditional use shall be as set forth in Sections 1220.01(c)(6) and 1220.06.

(b) A wireless telecommunications facility which includes a tower may be permitted as a conditional use in a multifamily, residential, institutional or commercial district, or located on an institutionally-used property in any residential district. In order to be considered for review, the applicant must prove that a newly-constructed tower is necessary, in that opportunities for collocation on an existing tower are not feasible. The following steps must also be taken for the application to be considered for review in this category:
(1) The applicant shall present a landscaping plan that indicates how the wireless telecommunications facility shall be screened from adjoining uses.
(2) The applicant shall demonstrate that the telecommunications tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower on the proposed site is technically necessary.
(3) Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that vehicular access is provided to the facility.
(4) Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within one-quarter of a mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within thirty days. The applicant's letter or letters, as well as any response or responses thereto, shall be presented to the Planning Commission as a means of demonstrating the need for a new tower.
(Ord. 1998-11. Passed 2-25-98.)

CHAPTER 1288
Landscape Design Standards

1288.01 Purpose.
1288.02 Landscaping plan to be submitted to Building and Zoning Inspector.
1288.03 Location of trees and plants and tree and plant materials.
1288.04 Tree and plant quality.
1288.05 Maintenance.
1288.99 Penalty.

1288.01 PURPOSE.

The purpose of the regulations in this chapter is to provide criteria to be used by the Building Department, Planning Commission, and Council when evaluating the appropriateness of landscaping and landscaping plans for commercial, business, industrial, and multi-family residential properties in the Municipality. This chapter is intended to insure that future developments and newly constructed or renovated properties comply with these standards and balance the concerns of permitting the property to be utilized in conformance with this Code; providing an adequate buffer from residential and other properties; protecting existing landscaping, trees, and vegetation cover; maintaining an appropriate proportion of deciduous and non-deciduous trees; controlling erosion and sediment runoff; providing shade; and promoting the aesthetic appearance of the Village. (Ord. 2013-127. Passed 11-13-13.)

1288.02 LANDSCAPING PLAN TO BE SUBMITTED TO BUILDING AND ZONING INSPECTOR.

Applications to construct a new structure or renovate the exterior portion of an existing property or structure on any commercial, business, industrial, or multi-family residential property in the Village shall be accompanied by a landscaping plan, showing the location and type of any trees or landscaping currently on the property and the location, type, and size of any landscaping to be installed or modified in connection with the development or renovation. Such plans shall be designed to address the concerns and requirements set forth in Sections 1288.01, 1288.03, and 1288.04 of this Chapter. The landscaping plan shall be filed with the Building and Zoning Inspector for submission to the Planning Commission and Council for review and approval or rejection based upon the criteria set forth in Sections 1288.01, 1288.03, and 1288.04. No occupancy permit or final approval for the development or renovation shall be issued until the landscaping plan is approved. Such permit or approval shall be conditional on the items set forth in the plan being implemented and/or planted. For the purposes of this Section, a renovated structure shall be defined as any

existing building that has the building exterior, which includes doors, entrances, roofing, brick work, or siding, modified, replaced, or reconstructed. An exterior property renovation shall be defined as any modification or reconstruction, including re-grading, paving, changes in the surface conditions, or the addition of signage or lighting on the property. With respect to structural renovations or exterior property renovations, landscaping plans shall be required for: (1) all structural renovations for which the contracted or fair market value of the total work exceeds twenty percent of the tax value of the structure; and (2) all exterior property renovations for which the contracted or fair market value of the total work exceeds twenty percent of the tax value of the parcel of land on which the exterior property renovation takes place.
(Ord. 2013-127. Passed 11-13-13.)

1288.03 LOCATION OF TREES AND PLANTS AND TREE AND PLANT MATERIALS.

Trees, plants, and other landscaping shall be in such locations, scale, and amounts to be integrated with the overall building design; assist with clearly designating entrances, exits, and vehicular and pedestrian traffic areas; reasonably screen paved area from the street through the use of mounding, the land's natural topography, and or adequate vegetation; and provide a suitable buffer between other properties and residentially zoned land. Landscaping shall be aesthetically pleasing and positioned and of the type so as to reduce the potential of damage to sewers and sidewalks. Trees and plant materials shall be appropriate for the climate and site conditions. The Planning Commission or Council, after a review by and recommendation from the Planning Commission, may establish a list of allowable and preferred plant species.
(Ord. 2013-127. Passed 11-13-13.)

1288.04 TREE AND PLANT QUALITY.

Trees and plants used shall be healthy and free of any defects or disease. The height and leaf density of trees and plants shall be appropriate for the location and shall not constitute a traffic hazard. Tree trunk diameters breast high (DBH) shall be a minimum of two inches. Shrubs that are planted shall be at least one gallon container in size.
(Ord. 2013-127. Passed 11-13-13.)

1288.05 MAINTENANCE.

Trees and vegetation shall be considered important elements of developed and renovated properties. If landscaping materials are damaged during construction or die subsequent to their installation, they shall be promptly replaced with trees and plants of identical or similar quality in conformance with the requirements and guidelines of this chapter.
(Ord. 2013-127. Passed 11-13-13.)

1288.99 PENALTY.

(a) Any person, firm, entity, or corporation, including, but not limited to, the owner of the property, his or her agents and assigns, an occupant, a property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this chapter, is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars ($500.00) and be subject to up to ninety days in jail for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the Municipality from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful landscaping plan in connection with a development; restrain, correct, or abate a violation; or require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, regulations, or orders of the Municipality.

(Ord. 2013-127. Passed 11-13-13.)