PART ELEVEN - PLANNING AND ZONING CODE

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TITLE ONE - Planning

Chap. 1103. Planning and Zoning Commission.
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CHAPTER 1103
Planning and Zoning Commission

EDITOR'S NOTE: There are no sections in Chapter 1103. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Composition, term and removal - see CHTR. Art. V §11(A)

Officers, rules, quorum and compensation - see CHTR. Art. V §11(B)

Powers and duties - see CHTR. Art. V §(C)

CHAPTER 1105
Board of Appeals

1105.01 Established.
1105.02 Granting variances.

CROSS REFERENCES

Creation, powers and duties - see CHTR. Art. V §12(A)
Composition and terms - see CHTR. Art. V §12(B)
Vacancies and removal - see CHTR. Art. V §12(C)
Officers, rules, quorum and compensation - see CHTR. Art. V §12(D)

1105.01 ESTABLISHED.

There is hereby established a Board of Appeals having the powers and duties and consisting of such members as provided under the Charter.

(Ord. 75-3. Passed 1-20-75.)

1105.02 GRANTING VARIANCES.

(a) The Board of Appeals shall have no power or authority to grant any change of or variance in any land use or classification of district from the existing zoning ordinances or the Zoning Map of the Municipality, or to permit any land use to become nonconforming therewith.

(b) Any property owner, or person with a lawful interest in a subject property, may appeal the decision of the Building Commissioner or Planning Commission for the purpose of obtaining an exception to, or variance from, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building codes in the Municipality.

(c) No variance or exception to the codes of the Municipality shall be considered by the Board until notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. However, lack of service on any random property will not nullify any variance granted by the Board.

(d) After the Board has rendered its decision on a particular case, any interested party may appeal the decision of the Board to Council within ten days of receiving notice of such decision, or approval of the minutes at which such action was determined, whichever is the earlier. Council may review the transcript and minutes of the Board hearing, or have a rehearing in front of Council, and may affirm the decision of the Board of Zoning Appeals, or, with a two-thirds majority vote, modify or reverse the decision.

(e) The Board may not grant a variance or exception to the zoning regulations or building codes, unless the applicant has shown that the literal application of the provisions of the zoning code or building code would result in unnecessary hardships or practical difficulties as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question. (Ord. 96-10. Passed 3-18-96.)

TITLE THREE - Land Planning and Subdivision Regulations

Chap. 1111. Title, Purpose and Interpretation.
Chap. 1113. Definitions.
Chap. 1115. Land Subdividing Procedures.
Chap. 1117. Planning Criteria.
Chap. 1119. Required Improvements.
Chap. 1121. Plans and Plats.
Chap. 1123. Administration and Enforcement.
Chap. 1125. Flood Damage Reduction.
Chap. 1127. Riparian Setbacks.
Chap. 1128. Comprehensive Storm Water Management.
Chap. 1129. Erosion and Sediment Control.
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CHAPTER 1111
Title, Purpose and Interpretation

1111.01 Title.
1111.02 Purpose and intent.
1111.03 Relation to other laws.
1111.04 Interpretation as minimum requirements.
1111.05 Severability.

CROSS REFERENCES

Intent of planning criteria - see P. & Z. 1117.01

1111.01 TITLE.

The regulations contained in this Title Three of Part Eleven - Planning and Zoning Code are the Land Planning and Subdivision Regulations of the Municipality which consist of Ordinance 69-38, passed April 20, 1970, as amended.

(Ord. 69-38. Passed 4-20-70.)

1111.02 PURPOSE AND INTENT.

The purpose of these Subdivision Regulations and the intent of the legislative body, in its adoption, are to guide and control the planning, subdividing and development of land and to provide procedures for the administration thereof in order to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the Municipality, and to achieve, among others, the following objectives:

(a) To encourage the orderly development and redevelopment of the land to obtain harmonious and stable neighborhoods; and

(b) To provide for the reservation and dedication of land for safe and convenient pedestrian and vehicular circulation and public open spaces for schools, recreational and other public purposes; and

(c) To provide for the construction of streets and utilities which will be adequate and economical to maintain; and

(d) To assure the accurate surveying of land and the preparing and recording of plats; and

(e) To provide for the coordination of land development in accordance with the objectives of the Master Plan, the Street Plan, the Community Facilities Plan and the Zoning Code of the Municipality.

(Ord. 69-38. Passed 4-20-70.)

1111.03 RELATION TO OTHER LAWS.

The provisions of the Land Planning and Subdivision Regulations shall supplement any and all laws of the State, ordinances of this Municipality or any and all rules and regulations promulgated by authority of such law or ordinance relating to the purpose and scope of such Subdivision Regulations.

(Ord. 69-38. Passed 4-20-70.)

1111.04 INTERPRETATION AS MINIMUM REQUIREMENTS.

In interpreting and applying the provisions of the Land Planning and Subdivision Regulations such provisions shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare and the objectives set forth throughout the Regulations. Except as specifically provided herein, it is not intended by the Subdivision Regulations to repeal, abrogate or annul any existing provision of any law or ordinance or any rule or regulation previously adopted or issued pursuant to law relating to the planning and subdivision of land and the construction of improvements thereon.

(Ord. 69-38. Passed 4-20-70.)

1111.05 SEVERABILITY.

Each section of the Land Planning and Subdivision Regulations and each part of such section are declared to be independent sections and parts of sections, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of the sections, or the application thereof to any person or circumstance, is held invalid for any reason, the remaining sections or parts of sections and the application of such provision to any person or circumstance other than as to those to which it is held invalid, shall not be affected thereby, and it is hereby declared that these Subdivision Regulations would have been passed independently of the section, sections or parts of a section held to be invalid.

(Ord. 69-38. Passed 4-20-70.)

CHAPTER 1113
Definitions

1113.01 Interpretation.
1113.02 General terms.
1113.03 Areas, buildings and land.
1113.04 Automotive uses.
1113.05 Block.
1113.06 Buildings and structures.
1113.07 Family.
1113.08 Dwellings and other living accommodations.
1113.09 Grades.
1113.10 Height of building.
1113.11 Home offices.
1113.12 Junk or wrecking yard.
1113.13 Loading space.
1113.14 Lots and land; Homes Association.
1113.15 Maps; plans; plats.
1113.16 Motor freight station.
1113.17 Nonconforming building, land and use.
1113.18 Occupancy certificate.
1113.19 Performance standard.
1113.20 Signs.
1113.21 Streets.
1113.22 Subdivision.
1113.23 Trailers.
1113.24 Use.
1113.25 Variance.
1113.26 Yards and courts.

CROSS REFERENCES

Zoning definitions - see P. & Z. 1145.01

1113.01 INTERPRETATION.

Words in these Regulations are used in their ordinary English usage. Certain terms and words, however, are herein defined and wherever used in the Land Planning and Subdivision Regulations and the Zoning Code, shall have the meaning indicated in this chapter, except where the context clearly indicates a different meaning.

(Ord. 69-38. Passed 4-20-70.)

1113.02 GENERAL TERMS.

(a) The word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision, "should" is to be interpreted as expressing that the application of the criterion or standard is desired and essential unless commensurate criteria or standards are achieved.

(b) All words used in the singular shall include the plural, and all words used in the present tense shall include the future tense, unless the context clearly indicates the contrary.

(c) The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for" or "occupied for".

(d) The term"such as" shall be construed as introducing a typical or illustrative enumeration of uses. A colon used to introduce an enumeration shall be construed as being the complete enumeration of uses and not illustrative.

(e) "Regulation" means a rule, restriction or other mandatory provision intended to control, require or prohibit an act.

(f) "Standard" means a test, measure, model or example of quantity, extent or quality.

(g) "Criterion" means a principle by which the planning of a subdivision or development area shall be guided.

(h) "Municipality" means the Municipality of Mayfield Village.

(i) "Commission" means the Planning and Zoning Commission of the Municipality.

(j) "Council" means the Council of the Municipality.

(k) "Board" means the Board of Appeals.

(1) "Commissioner" means the Building Commissioner of the Municipality.

(m) "Clerk" means the duly acting and qualified Clerk of Council of the Municipality.

(n) "Engineer" means the Engineer of the Municipality.

(o) "Person" means an individual, firm, association, corporation, trust or any other legal entity, including his or its agents.

(p) "Developer" means a person commencing proceedings under these Regulations to effect a subdivision or development of land for himself or for another.

(q) "Subdivision Regulations", or "Regulations" means the Land Planning and Subdivision Regulations of the Municipality.

(r) "Zoning Code" means the Zoning Code of the Municipality which is codified as Title Five of this Part Eleven - Planning and Zoning Code.

(Ord. 69-38. Passed 4-20-70.)

1113.03 AREAS, BUILDINGS AND LAND.

(a) "Area of buildings" means the area at the ground level of the main building and all accessory buildings, excluding unenclosed porches, terraces and steps, measured from the outside surface of exterior walls.

(b) "Area of dwelling unit" means the sum of the gross floor areas above the basement level, including those rooms and closets having the minimum ceiling height, light, ventilation and other features as required by the Building Code and as further defined in the Zoning Code.

(c) "Area of lot" means the total horizontal area within the lot boundary lines of a zoning lot.

(Ord. 69-38. Passed 4-20-70.)

1113.04 AUTOMOTIVE USES.

(a) "Private garage" means an accessory building or part of the main building used for the parking or temporary storage of passenger automobiles of occupants of any one or two-family dwelling, and in which no occupation, business or service shall be conducted for remuneration.

(b) "Storage garage" means a main or accessory building, other than a private garage used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

(c) "Repair garage" means a main or accessory building used or designed for repairing motor vehicles; a service garage if accessory to an automobile salesroom.

(d) "Accessory parking area" means an open or enclosed private area, other than a street, used for the free parking of passenger automobiles for occupants, their guests or customers of a main building.

(e) "Public parking area" means an open or enclosed publicly owned area used for passenger automobile parking, with or without a fee.

(f) "Sales lot" means an open area used for the display, sales or rental of new or used motor vehicles, on which no repair, except minor work, is performed.

(Ord. 69-38. Passed 4-20-70.)

(g) "Service station" means a building and land including pumps, tanks and grease racks, used for minor services and repairs and for the retail sale of gasoline, lubricants, batteries, tires, automobile accessories, pre-packaged foodstuffs and sundry items, not including alcoholic beverages.

(Ord. 90-28. Passed 6-18-90.)

1113.05 BLOCK.

"Block" means an area of land bounded by streets, public or common land, railroad rights of way, shore lines or by other definite limits.

(Ord. 69-38. Passed 4-20-70.)

1113.06 BUILDINGS AND STRUCTURES.

(a) "Structure" means that which is constructed on or under the ground or attached or connected thereto, included but not limited to: buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, platforms, pools, poles, tanks, tents, towers, sheds, signs and walls, and excluding trailers and other vehicles whether on wheels or other supports.

(b) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals or enclosure for property. The term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof".

(c) "Main building" means the building occupied by the main use or activity on the premises, all parts of which are connected in a substantial manner by common walls and a continuous roof.

(d) "Accessory building" means a subordinate building detached from, but located on the same lot as the main building, the use of which is incident and accessory to that of the main building or use.

(e) "Building line" (synonymous with setback line) means a line established by the Zoning Code, generally parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground except as may be provided in the Zoning Code.

(f) "Detached building" means a building surrounded by open space.

(g) "Basement" means the space within a building where the floor level is more than two feet below adjoining ground but less than half the floor to ceiling height is below adjoining ground.

(Ord. 69-38. Passed 4-20-70.)

1113.07 FAMILY.

(a) "Family" means either one individual, two or more persons related by blood, marriage or adoption, or not more than three persons not related by blood, marriage or adoption, who live together in one dwelling unit and maintain a common household.

(b) "Roomer" means a person, other than a member of the family as defined in subsection (a) hereof, who rents one or more rooms in a dwelling from the resident family.

(Ord. 69-38. Passed 4-20-70.)

1113.08 DWELLINGS AND OTHER LIVING ACCOMMODATIONS.

(a) "Dwelling unit" means space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

(b) "Dwelling" means a building designed or occupied exclusively for nontransient residential use and permitted accessory uses, including one-family, two-family or multi-family buildings.

(c) "One-family dwelling" means a dwelling consisting of a single dwelling unit with the main entrance to its living quarters at ground level.

(1) "Detached dwelling" means a one-family dwelling which is separated from all other dwelling units by open space on all sides.

(2) "Semi-attached dwelling" means a one-family dwelling which is constructed as one of two one-family dwellings attached by a common fireproof party wall.

(3) "Attached dwelling" means a one-family dwelling which is constructed as one of a sequence of three or more one-family dwellings attached by common fireproof party walls.

(d) "Two-family dwelling" means a building consisting of two dwelling units one above the other, having either a separate or combined entrance or entrances.

(e) "Apartment dwelling" means a dwelling comprised of three or more dwelling units arranged one above the other and side by side, with each unit having at least one entrance to a common hall leading to the exterior.

(f) "Accessory living accommodations" means a building, or part thereof, used solely as accommodations for occupants, personal guests, or persons employed on the premises or other nonpaying transients and in which no cooking or similar housekeeping equipment is provided.

(g) "Dormitory" means a building or group of buildings, designed or intended to provide sleeping accommodations as the main use for six or more students or faculty members; cooking, dining and social facilities may be also provided. This definition includes fraternity and sorority houses.

(h) "Foster home" means a building operated for compensation by a resident family to accommodate children of less than eighteen years of age who are not members of the resident family.

(i) "Rooming house" means a building operated for compensation by a resident family, in which a room or rooms are provided for living and sleeping facilities to one or more persons.

(j) "Tourist home" means a one-family dwelling operated for compensation by a resident family in which overnight sleeping accommodations are provided.

(k) "Motel" means a building, or buildings, providing overnight accommodations principally for automobile travelers in which access to each rental unit is provided directly through an exterior door; a "hotel" provides overnight accommodations, but access to each rental unit is provided through halls and a central control space.

(Ord. 69-38. Passed 4-20-70.)

1113.09 GRADES.

(a) "Established street grade" means the elevation established by the Municipality at the roadway center line or curb in front of the lot.

(b) "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

(c) "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.

(Ord. 69-38. Passed 4-20-70.)

1113.10 HEIGHT OF BUILDING.

"Height of building" means the vertical distance measured at the center line of its principal front from the established grade or from the natural grade, if higher than the established grade, to the level of the highest point in the coping of flat roofs or to the deck line of a mansard roof or to the top of the peak of a gable, hip or similar type roof.

(Ord. 94-20. Approved by electors 11-8-94.)

1113.11 HOME OFFICES.

"Home office" means a secondary office in a dwelling occupied by a person practicing a profession or engaged in a business as permitted in the Zoning Code.

(Ord. 69-38. Passed 4-20-70.)

1113.12 JUNK OR WRECKING YARD.

"Junk or wrecking yard" means an open area where materials including, but not limited to; vehicles, trailers, airplanes, equipment, building materials, waste, scrap iron and other metals, paper, rags and rubber tires are bought, sold, exchanged, stored, baled, packed, disassembled or otherwise handled.
(Ord. 69-38. Passed 4-20-70.)

1113.13 LOADING SPACE.

"Loading space" means an open or enclosed space, other than a street, used for the temporary parking of a commercial vehicle while its goods are being loaded or unloaded.

(Ord. 69-38. Passed 4-20-70.)

1113.14 LOTS AND LAND; HOMES ASSOCIATION.

(a) "Lot" means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map or by metes and bounds.

(b) "Lot of record" means land designated as a separate parcel on a plat map or deed in the records of Cuyahoga County, Ohio.

(c) "Zoning lot" means a parcel of land abutting a dedicated street, occupied or intended to be occupied by a main and/or accessory use or a main or accessory building, as a unit together with such open spaces as required by the Zoning Code. Unless the context clearly indicates the contrary, the term lot is used synonymously with zoning lot in the Zoning Code and it may or may not coincide with a lot of record.

(d) "Corner lot" means a lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

(e) "Interior lot" means a lot other than a corner lot or through lot.

(f) "Lot line" means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

(g) "Front lot line" means the lot line separating an interior lot from the street upon which it abuts; or the shortest lot line of a corner lot which abuts upon a street. Unless the context clearly indicates the contrary, it shall be construed as synonymous with "street line".

(h) "Rear lot line" means a lot line parallel or within forty-five degrees of being parallel to the front lot line.

(i) "Side lot line" means a lot line which is neither a front nor rear lot line, or the longest lot line of a corner lot which abuts upon a street.

(j) "Lot depth" means the mean horizontal distance of a lot measured between the front and rear lot lines.

(k) "Lot width" means the horizontal distance of a lot measured along the building line at a right angle to the mean lot depth line. Width at the front lot line is measured on the street line.

(1) "Private land" means land in a subdivision or development area which shall be adjoining, attached and assigned to the land occupied by a one-family dwelling, to be held as an open space in common ownership with other dwellings in the subdivision or development area for the exclusive use of the occupants of a particular dwelling unit, and which shall be identified on subdivision and development plans submitted to the Municipality. It is similar to the term "exclusive use of the limited common areas" under condominium property.

(m) "Common land" means land in a subdivision or development area not owned as private land or occupied by dwellings created for common usage by restrictions, easements, covenants or other conditions running with the land, and which is held for the use and enjoyment by or for the owners or occupants of the dwellings in a development area. It is similar to the term"undivided common areas and facilities" under condominium property.

(n) "Homes Association" means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a development area is a member, and each lot is subject to charges for a proportionate share of the expenses for the organization's activities such as maintaining the common property.

(Ord. 69-38. Passed 4-20-70.)

1113.15 MAPS; PLANS; PLATS.

(a) "Map" means a drawing showing geographic, topographic or other physical features of the land.

(b) "Plan" means a drawing of a proposed design or of work to be performed.

(c) "Plat" means a map of a lot, parcel or subdivision on which the lines of each element are shown by accurate distances and bearings.

(d) "Master Plan" means the plan and statement of the objectives and recommendations for the general location and extent of desirable future land development, community facilities and street plans for the Municipality duly adopted or officially accepted.

(e) "Community Facilities Plan" means the plan which shows the location and extent of existing, planned and proposed parks, playgrounds, public land and buildings and other public facilities for the Municipality, duly adopted or officially accepted, separately or as a part of the Master Plan.

(f) "Street Plan" means the plan which shows general location and extent of existing, planned and proposed streets and other transportation facilities for the Municipality, duly adopted or officially accepted, separately or as a part of the Master Plan.

(g) "Area Plan" means a plan prepared by the Municipality for implementing components of the Master Plan and may include, but not be limited to design, bulk, use, height, location and arrangements of buildings in respect to streets, open spaces, other structures and natural features.

(h) "Development area" means the area of a parcel or assembled parcels of land required by the Zoning Code to be developed by a single owner or a group of owners, acting jointly under a planned development procedure.

(i) "Sketch plan of a subdivision" means a sketch for the purpose of study and approval of minor subdivisions.

(j) "Preliminary plan" means a drawing prepared by a developer for the purpose of study of a major subdivision of land, or a preliminary plan of land and buildings of a development area and when approved by the designated authority, permits proceeding with the preparation of the final plat of a subdivision or final plan of a development area.

(k) "Final plat" means the final map prepared by a developer based upon the approved preliminary plan of a subdivision, and after the land improvements are constructed, or construction guaranteed, the approved plat shall be recorded.

(l) "Final plan of a development area" means the final plan prepared by a developer based upon the approved preliminary plan of a development area and consisting of detailed drawings, specifications, agreements and other documents required for construction of the land improvements and buildings within a development area.

(Ord. 69-38. Passed 4-20-70.)

1113.16 MOTOR FREIGHT STATION.

"Motor freight station" means a building in which freight brought by motor truck is assembled, sorted or reloaded for shipment by motor truck.

(Ord. 69-38. Passed 4-20-70.)

1113.17 NONCONFORMING BUILDING, LAND AND USE.

(a) "Nonconforming building" means a building existing lawfully at the time the Zoning Code, or an amendment thereto, became effective but which does not conform to the area, height or bulk of building, yard or other regulations of the district in which it is located.

(b) "Nonconforming lot" means a lot existing lawfully at the time the Zoning Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

(c) "Nonconforming use" means the use of a building or land existing lawfully at the time the Zoning Code, or an amendment thereto, became effective but which does not conform to the use regulations, off-street parking and loading requirements, performance standards or other use regulations of the district in which it is located.

(Ord. 69-38. Passed 4-20-70.)

1113.18 OCCUPANCY CERTIFICATE .

"Occupancy certificate" means an official statement certifying that a building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.
(Ord. 69-38. Passed 4-20-70.)

1113.19 PERFORMANCE STANDARD.

"Performance standard" means a criterion established to control the dust, smoke, fire and explosive hazards, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

(Ord. 69-38. Passed 4-20-70.)

1113.20 SIGNS.

(a) "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 part thereof painted on or attached directly or indirectly on a structure.

(b) "Business sign" means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or services rendered on the lot on which the sign is located.

(c) "Real estate and development sign" means a sign which directs attention to the promotion, development, construction, rental, sale, or lease of property on which it is located.

(d) "Poster panel or billboard" means a sign directing attention to a specific business, product, service, entertainment or any other activity sold, offered or conducted elsewhere than upon the same lot on which the sign is located.

(Ord. 69-38. Passed 4-20-70.)

1113.21 STREETS.

(a) "Street" means a public way for purposes of vehicular travel including the entire area within the rights of way. The term includes, but is not limited to, avenue, alley, boulevard, drive, highway, road and freeway. Streets shall be classified and further defined as follows:

(1) "Freeway" means a divided arterial highway for through traffic to which access from the abutting properties is prohibited and all street crossings are made by grade-separated interchanges.

(2) "Arterial street" means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

(3) "Collector street" means a street supplementary to and connecting arterial streets to local streets.

(4) "Local street" means a street primarily for access to abutting residential properties and to serve local needs.

A. "Cul-de-sac" means a street, one end of which connects with another street and the other end of which terminates in turning facilities for vehicles .

B. "Marginal access street" means a local street providing access to lots which abut or are adjacent to a limited-access highway or arterial street.

C. "Loop street" means a local street, both ends of which intersect with the same street at different points and which intersects with no other street.

(5) "Private street" means a street held in private ownership.

(6) "Right of way" means all of the land included within an area which is dedicated, reserved by deed or granted by easement for street purposes.

A. "Roadway" means that portion of a right of way available for vehicular travel, including parking lanes.

B. "Tree lawn" means that portion of a right of way lying between the exterior line of the roadway and the outside right-of-way line.

(7) Other rights of way as follows:

A. "Pedestrian way" means a dedicated public right of way solely for pedestrian circulation.

B. "Drainage way" means the land required for construction or maintenance of storm water sewers or required along a drainage ditch, natural stream or watercourse.

C. "Easement" means a grant by a property owner of the use of land for a specific purpose, by the general public, a corporation or another person.

(Ord. 69-38. Passed 4-20-70.)

1113.22 SUBDIVISION.

"Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding records of the County Auditor 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.

Subdivision also includes the improvement of one or more parcels of land for residential, business 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, or as easements for the extension and maintenance of public sewers, drainage, water supply or other public facilities and the division or allocation of land as open spaces for common use by owners, occupants or lease holders.

The term includes resubdivision and replatting; it may refer also to the process of subdividing and the land subdivided when appropriate to the context.

(Ord. 69-38. Passed 4-20-70.)

1113.23 TRAILERS.

(a) "House trailer" means a self propelled or nonself propelled vehicle designed, constructed or added to by means of accessories in such a manner as will permit the use and occupancy therein for human habitation; it may be supported on wheels, jacks or other supports and used or so constructed as to permit its being used as a conveyance upon the public highways.

(b) "Trailer park" means a lot occupied by, or designed to be occupied by, more than one family in house trailers, tents, camp cars or similar facilities and shall include the roadway, structures, vehicles or other structures used or intended for use as a part of the facilities of such trailer park.

(Ord. 69-38. Passed 4-20-70.)

1113.24 USE.

(a) "Use" means any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained or occupied; or any activity, occupation, business, profession or operation conducted in a building, other structure or on land.

(b) "Main use" means the principal purpose of or activity conducted in a building, other structure or land.

(c) "Accessory use" means a use located on the same zoning lot with the main use of the building, other structure or land, but incidental to the main building or land use.

(d) "Conditional use" means a use which may be permitted in specific districts subject to the compliance with certain standards and explicit conditions set forth in the Zoning Code and the granting of a conditional use permit.

(Ord. 69-38. Passed 4-20-70.)

1113.25 VARIANCE.

"Variance" means a modification of the zoning or building regulations, permitted in instances where a literal application of the provisions of the Zoning or Building Code would result in unnecessary hardships or practical difficulties as a result of some peculiar or unique condition or circumstance pertaining only to the zoning lot in question in accordance with procedures and standards set forth in the Zoning Code.
(Ord. 96-10. Passed 3-18-96.)

1113.26 YARDS AND COURTS.

(a) "Yard" means that portion of the open area on a lot extending between a building and the nearest lot line, or certain uses and the nearest lot line as established in the Zoning Code.

(b) "Front yard" means the yard extending from the front wall of the building to the front lot line across the full width of the lot.

(c) "Rear yard" means the yard extending from the rear wall of the building to the rear lot line across the full width of the lot.

(d) "Side yard" means the yard extending between a side lot line and the nearest wall of the building, and from the front yard to the rear yard, provided that for a corner lot, the side yard extends from the front yard to the rear lot line on the street side.

(e) "Required yard" means the minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the zoning lot is located. A required yard shall be open and unobstructed from the ground upward except for projections on buildings as permitted in the Zoning Code and except for walks, landscaping and other yard or site features.

(f) "Court" means an open space other than a yard, bounded on two or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.

(Ord. 69-38. Passed 4-20-70.)

CHAPTER 1115
Land Subdividing Procedures

1115.01 Intent.
1115.02 Copies available; discussion with developer .
1115.03 Minor subdivision: classification; application; approval.
1115.04 Minor subdivision: recording.
1115.05 Major subdivision: preliminary plan.
1115.06 Major subdivision: final plat.
1115.07 Land for public and common use.
1115.08 Multi-family, business and industrial subdivisions.
1115.09 Municipal map.
1115.10 Resubdivision and vacation.

CROSS REFERENCES

Fee of designated public land to vest when plat recorded - see Ohio R. C. 711.07, 711.11
Dedication and plat approval - see PRELIM. Table D
Public land uses - see P. & Z. 1117.10
Contents of plans and plats - see P. & Z. 1121.02 et seq.

1115.01 INTENT.

Procedures are herein established for achieving effectiveness, efficiency and uniformity in the administration of the Subdivision Regulations, including:

(a) Procedures by which a developer may obtain information, plan land developments, make applications for review, record plats and construct land improvements; and

(b) Procedures by which the Planning and Zoning Commission may review, study, make recommendations, approve the plans and plats and otherwise administer these regulations; and

(c) Procedures for planning and developing land consistent with procedures for planned development areas which include buildings as set forth in the Zoning Code, and in accordance with the objectives of the Master Plan.

(Ord. 69-38. Passed 4-20-70.)

1115.02 COPIES AVAILABLE; DISCUSSION WITH DEVELOPER.

The Municipality shall make available copies of these Subdivision Regulations, the Zoning Code, the Street Plan, Community Facilities Plan and other maps and relevant information at a cost to be determined by Council. Any developer may request an advance discussion of the procedures and criteria for developing land at regular meetings of the Planning and Zoning Commission.

(Ord. 69-38. Passed 4-20-70.)

1115.03 MINOR SUBDIVISION: CLASSIFICATION; APPLICATION; APPROVAL.

(a) Classification. A subdivision as defined in Section 1113.22 is classified as a minor subdivision if it comprises a division of a parcel of land along an existing public street not involving the opening, widening or extension of any street or road, not involving the installation of any underground public utilities and not involving more than five lots after the original tract and all the contiguous land owned by the developer has been completely subdivided. The replatting of not more than five lots along a public street is also classified as a minor subdivision.

(b) Application. An application for approval for each minor subdivision including a sketch plan complying with the requirements set forth in Section 1121.02 shall be filed by the developer with the secretary of the Planning and Zoning Commission. The Commission shall take action upon the application at the next regularly scheduled meeting after receipt of all required information.

(c) Approval. If the Commission finds after reviewing the proposed division of land that:

(1) Not more than five lots will be created and all the land in the original tract and all the contiguous land owned by the developer would be completely subdivided; and

(2) The sketch plan is properly coordinated with adjoining developments and adjoining unplatted land; and

(3) The sketch plan complies with the planning criteria and other provisions of these regulations and other codes and plans of the City applying to minor subdivision, then the Commission shall approve the proposed minor subdivision.

A notation of the action taken shall be made on the sketch plan and deed by the secretary, chairman or other official as may be designated by the Commission, and the developer shall be informed if a metes and bounds deed description or a plat will be required. Three prints of the approved sketch plan shall be furnished to the Commission.

If the Commission determines the proposal should be reviewed as a major subdivision or if the proposal cannot be approved for other reasons, the Commission may suggest revisions to the plan before it is resubmitted.

(Ord. 69-38. Passed 4-20-70.)

1115.04 MINOR SUBDIVISION: RECORDING.

After approval of the sketch plan of a minor subdivision, the developer shall submit a conveyance with either a metes and bounds description or plat, as required by the Planning and Zoning Commission, to the Municipal Engineer for review. If he finds it complies with the approved sketch plan and is otherwise satisfactory, he shall certify the approval thereon within seven working days after he has received it. The approval shall expire within 120 days unless the deed description or plat has been filed and recorded in the office of the County Recorder and the Commission so notified by the developer in writing.
(Ord. 69-38. Passed 4-20-70.)

1115.05 MAJOR SUBDIVISION: PRELIMINARY PLAN.

(a) Classification. A subdivision as defined in Section 1113.22 is classified as a major subdivision if more than five lots are created or if any subdivision or resubdivision involves the opening, widening or extension of any street, the allocation of land for open space for common use, or the granting of easements for the extension and maintenance of water supply, sewage disposal or other public facilities in connection with the improvement of one or more parcels of land for residential, business or industrial developments.

(b) Application. An application for approval along with five black-on-white prints of the preliminary plan, or alternate plans, complying with the planning criteria set forth in Chapter 1117 shall be submitted to the secretary of the Planning and Zoning Commission for each proposed major subdivision. The purposes of the preliminary plan are to explore the best subdivision design and its relationship to adjoining developments or vacant land, to outline a program of land improvements and obtain the suggestions and recommendations of the Commission before a firm plan is prepared.

For subdivisions where public utilities are not accessible at the site or where rezoning is involved, the developer may submit as a preapplication step, a sketch plan and an outline program for land improvements without all of the required maps, data and plans before proceeding with the preliminary plan as otherwise required.

(c) Planning and Zoning Commission Action. Whenever the Commission has received an application and all of the maps, drawings, data and plans as required by Section 1121.03, the secretary shall place such application on the agenda of its next regular meeting for preliminary discussion, provided it is received in sufficient time to be accommodated on the agenda, and shall set a date for a public hearing.

The secretary shall refer one copy to the Commission's planning consultants if there are any, and two copies to the Municipal Engineer for review and report as to compliance with all relevant regulations, standards and criteria, as to coordination of the design with the natural features of the site and surrounding developments and as to conformance with the components of the Master Plan. They shall also make recommendations for improvements to the design. Within three weeks from receiving such a preliminary plan, the planning consultant and Municipal Engineer shall provide and furnish their reports to the Commission.

The Commission shall act at the next regular meeting after the meeting at which the preliminary discussion was held, or within a mutually agreed upon extension, otherwise the plan shall be deemed to have been approved. If the Commission, after an evaluation of the preliminary plan and reports of the planning consultant and Municipal Engineer, approves the preliminary plan, the chairman and secretary shall affix their signatures to five copies of the plan with a notation of any special conditions, as the Commission may attach, and shall recommend the plan to Council for its approval. Council shall approve or disapprove the recommendation within sixty days, but a vote of not less than five members of Council shall be required in order to disapprove a decision of the Commission which approved the plan. Upon approval, the Clerk of Council shall return one copy to the developer, one copy to the Commission, submit one copy to the Mayor and one copy to the Board of Education and retain one copy.

If the Commission or Council fails to approve the preliminary plan, it shall state in its records the reason or reasons for such disapproval.

(d) Authorization to Proceed. The approval of the preliminary plan by Council authorizes the developer to proceed with the preparation of the final plat and assures him that for a one-year period from the date of such authorization, that:

(1) The general layout of streets, lots and other features of the preliminary plan may serve as the basis for the preparation of the final plat; and

(2) Any special conditions under which the approval of the plan was granted shall not be changed; and

(3) The developer may submit a final plat and drawings and specifications for improvements for the whole or part of the subdivision.

(Ord. 69-38. Passed 4-20-70.)

1115.06 MAJOR SUBDIVISION: FINAL PLAT.

(a) Application. An application for approval of a final plat shall be filed with the secretary of the Planning and Zoning Commission within one year after authorization to proceed unless the Commission extends the time. The application shall include the original tracing of the final plat, the original tracing of the drawings for the required improvements, three black-on-white prints of each tracing, three sets of specifications and other maps, data and certificates as required and set forth in Section 1121.04.

The developer may obtain conditional approval of the plat and install the required improvements before applying for approval of the final plat, or alternatively, he may apply for approval of the final plat and drawings and specifications of required improvements concurrently and furnish a performance guarantee bond, a surety bond or security in such form as may be approved by Council, in the amount of 100 percent of the estimate of all the improvements guaranteeing that he will install all the improvements thereafter within two years of the approval of the final plat unless an extension of time is granted by Council. If approved, the developer may construct sections of the improvements before approval of the final plat and furnish a performance guarantee bond, a surety bond or security for the construction of the remaining improvements.

If, however, after two years, or after the period of extension granted by Council, the improvements have not been installed, Council may authorize the work to be completed and may then proceed against the developer and its surety for reimbursement.

The developer may apply for final plat approval for only that section of an approved preliminary plan of a subdivision which he proposes to develop and record as the first stage. However, the approval of any section of the preliminary plan shall become null and void if an application for final plat approval is not submitted within one year after approval of the preliminary plan, unless an extension of time is granted by the Commission.

(b) Review by Municipal Engineer. The secretary of the Planning and Zoning Commission shall transmit two prints of each drawing and the specifications to the Municipal Engineer for determination if:

(1) The final plat conforms to the approved preliminary plans and any special conditions or modification stipulated, and for correctness of mathematical data and computations; and

(2) The designs and details of the required improvements as shown on the drawings and specifications are in conformance with the plans for utilities and streets and constructed in conformance with the approved standards of the Municipality. One copy of the drawings and specifications shall be returned to the Commission within ten days, indicating the Engineer's findings and recommendations.

(c) Planning Commission Action. If the Engineer determines that the final plat, drawings and specifications are satisfactory in regard to the aforesaid provisions and if the subdivision complies with all other applicable provisions of these regulations, the Commission shall approve it. Action shall be taken within one month after the meeting at which the application for approval and all required plats, maps and data were submitted to the Commission, or within an extension of time set by the Commission.

The Commission shall act upon the final plat, drawings and specifications, either separately or concurrently, but in no event shall it approve the final plat for recording until the improvements are constructed by the developer or their construction guaranteed by an approved surety bond. The amount of the bond shall be the estimated costs of the improvements, as estimated by the Engineer. The form of the bond shall be approved by the Law Director.

(d) Approval; Disapproval. The approval of the final plat shall be indicated by a certification to that effect on the original tracing of the plat with the signatures of the chairman and secretary of the Commission. The Commission shall obtain one duplicate tracing thereof at the developer's expense before returning the tracing to him. The reason for disapproval of a plat shall be stated in the records of the Commission.

The approval of the drawings and specifications for the required improvements shall be indicated by a certification to that effect on the original drawings and specifications with the signature of the Municipal Engineer. Approval of the improvements as constructed shall likewise be certified by the Engineer.

(e) Recording. The developer shall file the approved final plat in the office of the County Recorder. The approval of the Commission shall expire within sixty days unless within that period, the plat has been duly filed and recorded and the Commission so notified by the developer in writing. If the final plat is revised in any manner after approval, a new approval shall be necessary.

(f) Approval and Recording. If drawings and specifications for improvements are approved and construction guaranteed, the final plat may be approved and recorded, construction of improvements started, building permits issued, and lots may be sold, leased or transferred.

Occupancy permits for a building shall not be issued until streets and utilities are installed for public use.

(Ord. 69-38. Passed 4-20-70.)

1115.07 LAND FOR PUBLIC AND COMMON USE.

(a) Dedication and Acceptance for Public Use. The plat shall be submitted to Council for acceptance of dedication of any land for public use and acceptance of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance, and assignment of street names, shall be by separate action of Council. Six months after the completion of the permanent paving, but not sooner than June 1 of the year following the completion of the pavement, an inspection of all improvements installed by the developer shall be made by a committee of Council and the Municipal Engineer. Any defects disclosed by this inspection shall be corrected by the developer. When the improvements installed by the developer are approved by Council, the developer shall file with the Law Director an abstract, certificate of title, guarantee of title or title insurance in the amount of at least one thousand dollars ($1,000) showing the title to the street or streets in the subdivision of the Municipality to be good for street purposes and to be free and clear from all encumbrances whatsoever. Council shall then approve the plat for the dedication of such street areas, shall accept the streets as Municipal streets and release all of the bonds.

(b) Land Reserved for Public Use. In addition to land for local streets which principally serve the subdivision under consideration, the Municipality may request by resolution that land for other streets, for parks, playgrounds or other public uses as shown on the official Master Plan, the Street Plan or Community Facilities Plan or determined by adopted standards, be set aside and reserved for a period of 120 days after the application for approval of a preliminary plan of a subdivision is submitted, or for a longer period as may be mutually agreed, to allow the Municipality time to start proceedings to acquire such land by gift, purchase, exchange, devise or appropriation.

During such period, no structure shall be erected, no trees or topsoil shall be removed or destroyed, no grading shall be done, nor shall any land so reserved be put to any use whatsoever except on written approval of the Planning and Zoning Commission.

If land for a recreational use is shown within a proposed subdivision on an official plan, the developer may be required to contribute land, or if no land for recreational use is shown within a proposed subdivision on an official plan, the developer may be required to contribute a fee to a land acquisition fund for playground use. Any required contributions of land or a fee shall be in accordance with established standards based on costs prorated among the properties served by the recreation facility.

(c) Common Land. Whenever a developer submits a plan showing common land either for recreation, streets, pedestrian circulation or other purposes, the covenants and restrictions of such land shall be submitted with the plans of the subdivision to the Commission. The Commission shall not approve any common land unless such covenants and restrictions set forth that the common land shall be:

(1) Used only for the uses set forth in the restrictions and covenants; and

(2) Improved by the developer; and

(3) Owned by a home association, condominium ownership or similar private organizations with owners of each dwelling unit having a share in the common land; and

(4) Maintained at no cost to the Municipality with the owner of each dwelling responsible for his share of the maintenance cost, which share when not paid shall be a lien against the property. Such covenants and restrictions are approved by the Law Director.

(Ord . 69-38. Passed 4-20-70.)

1115.08 MULTI-FAMILY, BUSINESS AND INDUSTRIAL SUBDIVISIONS.

(a) An application and preliminary plan shall be submitted by the developer to the Commission for all proposals for multi-family, business and industrial subdivisions involving the division or allocation of land for open spaces, for common use, for the opening or extensions of streets or as easements for the extension and maintenance of sewers, water supply or other public facilities.

(b) The preliminary plans of such subdivisions shall be planned in accordance with the planning criteria established in Chapter 1117 and all maps, plans and other data required and set forth in Section 1121.03 shall be furnished if determined applicable by the Planning and Zoning Commission.

(c) All procedures, maps and other data required and set forth in Section 1121.04 shall be complied with and furnished if determined applicable by the Commission, in the preparation of final plats of subdivisions where streets or other areas are to be used by the public and where public utilities are to be constructed.

(Ord. 69-38. Passed 4-20-70.)

1115.09 MUNICIPAL MAP.

In order that proposed subdivisions may be properly planned and reviewed, a map of the Municipality showing all streets, lot lines and topographic contours shall be kept up to date by the Municipal Engineer and maintained on file by the Clerk. Preliminary plans, when approved, shall be indicated on a print of the Municipal Map, and every final plat or deed description, when recorded, shall be added to the tracings thereof.

(Ord. 69-38. Passed 4-20-70.)

1115.10 RESUBDIVISION AND VACATION.

An application for resubdividing, replatting or vacation of a subdivision or a part thereof, shall be made by the owner or owners to the Planning and Zoning Commission in the same form as for an original subdivision along with all required maps and other information. The original lots shall be shown, by dotted lines, and lot numbers and other references made to previously recorded subdivisions. After a replatting or vacation is approved by the Commission, it shall be submitted to the Clerk of the Court of Common Pleas if required by Ohio R.C. 711.17 to 711.31.

(Ord. 69-38. Passed 4-20-70.)

CHAPTER 1117
Planning Criteria

1117.01 Intent.
1117.02 Land planning.
1117.03 Streets.
1117.04 Street pattern: residential areas.
1117.05 Streets for apartment developments.
1117.06 Streets for business developments.
1117.07 Streets for industrial subdivisions.
1117.08 Design of blocks.
1117.09 Design of lots.
1117.10 Public land uses.

CROSS REFERENCES

Land for public and common use - see P. & Z. 1115.07
Grading - see P. & Z. 1119.03
Street design - see P. & Z. 1119.09

1117.01 INTENT.

Planning criteria are herein established as fundamental principles and each are to be applied with professional skill in the planning, subdividing and resubdividing the land so as to achieve, among others, the following purposes:

(a) To provide for the planning of attractive and harmonious neighborhoods, to take advantage of the topography and natural features; and

(b) To relate the planning of neighborhoods to a pedestrian and vehicular circulation system, to implement the Street Plan, to provide convenient and safe local streets; and

(c) To provide quiet neighborhoods - to plan a common green area network where desired - under all types of neighborhood planning; however, each lot shall form a functional building site; and

(d) To provide for the implementation of the community facilities plan by reserving and acquiring sites for public uses; and

(e) To provide for planned unit industrial subdivisions by the application of the same basic planning criteria; and

(f) To provide for the coordination of planning and division of land in connection with planned development areas, where buildings are included, and to carry out the objectives of the Master Plan.

(Ord. 69-38. Passed 4-20-70.)

1117.02 LAND PLANNING.

Land developments shall be planned to take advantage of the topography of the land in order to utilize the natural contours, to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the neighborhoods. Detailed topographic maps shall be utilized in the land planning.

(a) Streets and Topography. Land which is relatively flat, or of very gentle undulations, shall be planned so that the streets follow the natural drainage courses and, insofar as possible, all building sites shall be above the street grade. On more irregular topography, streets should follow the ridges or be planned approximately parallel to contour lines and designed to avoid extensive cuts and fills.

(b) Natural Drainage. All developments, particularly of land of very gentle slopes, shall be designed to take advantage of natural contours so that all the land can be drained with a minimum of reshaping. Unless water courses or drainage ways are enclosed, the plan shall be adjusted so that rear lot lines, or areas held as public or private common land, shall be approximately parallel to the natural or straightened water course, and only where such a plan is not practical, may side lot lines be arranged parallel to an open drainage course. Easements for drainage ways and low-lying areas which are subject to flooding may be included as part of a lot but shall not be utilized as a building site or included in calculation of required lot area or width.

(c) Natural Features. Natural features, irregularities, changes in level, brooks, hills and other focal points within the site, and distant views outside the subdivision shall be coordinated with the design to obtain natural variety and interest in each neighborhood and the most attractive building sites and views possible. Trees, topsoil and other natural resources shall be preserved and utilized in the development of the subdivision. Certain required dimensions may be adjusted to preserve such features when approved in accordance with the provisions of the Subdivision Regulations and Zoning Code.

(Ord. 69-38. Passed 4-20-70.)

1117.03 STREETS.

Streets shall be designed to implement the Street Plan, to be in accord with the functions served as classified in Section 1113.21 and to be related to the use of abutting land. Furthermore, streets shall be designed to comply with planning criteria as follows:

(a) Arterial Street System. The arterial street system shall be planned in compliance with the duly adopted Street Plan, and unless shown otherwise on the Plan, arterial streets shall be planned for continuation of existing streets in the system and at the same width, or at greater width in accordance with adopted standards. Access to arterial streets shall be controlled in the interest of public safety and to maintain the design capacity of the street system. Arterial streets should be planned to have a minimum distance of 600 to 800 feet between intersections. Access driveways to developments between intersecting streets should be regulated insofar as possible to one driveway at intervals of 200 feet by combining the access to several developments or by other means.

(b) Collector Street System. Collector streets connect the local residential street system and the main highway and should be oriented to one or more focal points of traffic generation. They should be planned for continuity and will normally contain a relatively large number of intersections with local streets.

(c) Relation to Residential Developments. Wherever a one-family residential development abuts an arterial street, the Planning and Zoning Commission may, in order to protect residential property from the movements of heavy traffic and to control intersections with arterial streets, require:

(1) Marginal streets parallel to the arterial street; or

(2) Reverse frontage lots between an arterial street and a parallel local street with screen planting located in a nonaccess reservation along the right-of- way line of the arterial street; or

(3) The fronting of lots with extra width on perpendicular local streets; or

(4) Lots with extra depth fronting on the arterial street with access provided by combined driveways.

(d) Right-of-Way Widths. The right of way for arterial streets shall be determined by the Commission but in no case shall the right of way be less than eighty feet. The right of way for collector streets shall be not less than seventy feet.

(Ord. 69-38. Passed 4-20-70.)

1117.04 STREET PATTERN: RESIDENTIAL AREAS.

The primary function of local streets is to provide direct access to each lot and development. The local street system should be designed to minimize through traffic movements. This can be accomplished by adequate peripheral collector street capacity, and by creating discontinuities in the local street pattern, by offsetting local street intersections and providing loop streets or cul-de-sac streets. Every part of a residential area should be interconnected for convenience and to avoid excessive indirect travel except where connections are not feasible because of topographic conditions.

The pattern should be logical and comprehensive for the convenience of the local residents, visitors and for providing services. The design should be planned to provide these basic functions so as not to need to rely on extensive traffic regulations. The streets should be designed for uniformly low volumes of traffic, commensurate with residential amenities, and to discourage speeds of more than twenty-five miles per hour. The amount of space devoted to local streets should be minimized for costs and economy of land use.

There should be a basic underlying design related to the topography and natural features. The pattern should also be related to attaining functional, economical and practical patterns, shapes and sizes of areas for development. Necessary traffic generators such as schools, bus routes and playgrounds should serve as focal points in the pattern and such routes should have a minimum number of pedestrian crossings. There should be a minimum number of intersections; tee-intersections should predominate, cross-intersections should be minimized.

(Ord. 69-38. Passed 4-20-70.)

(a) Right-of-Way and Pavement Widths. Whenever local streets are planned in accordance with the criteria set forth in this section, the right-of-way width of such street shall be sixty feet and the pavement width between curbs shall be twenty-six feet. However, in constructing a street in accordance with Section 1119.09(a)(3), the right-of-way width shall be sixty feet and the pavement width shall be twenty feet from berm to berm.

(Ord. 85-5. Passed 4-15-85.)

(b) Intersections. Streets shall be designed to intersect as nearly at ninety degrees as possible; no street shall intersect another at less than seventy degrees. The intersection of more than two streets at a point or with center line offsets of less than 200 feet shall not be permitted.

The vertical alignment, or grade within 100 feet of an intersection should not exceed three percent. An unobstructed "sight triangle" of not less than seventy- five feet measured along the center lines of the intersecting streets shall be provided. Property lines at street intersections shall be rounded with a radius of not less than thirty feet for arterial streets; twenty feet for collector streets; twelve feet for local streets.

(c) Vertical Alignment. The maximum grade for local streets should not exceed four percent in "ordinary (0% to 8%) terrain"; grades exceeding seven percent should be permitted for only short distances of approximately 200 feet. A rate of change of three to four percent per 100 feet is the maximum recommended to provide a safe sight distance.

(d) Horizontal Alignment. Properly designed curving residential streets are encouraged. Angles of horizontal alignment of the center lines of streets shall be connected by a curve with a radius of not less than 150 feet; between reverse curves there shall be a center line tangent of not less than 100 feet.

(e) Streets: Cul-de-sac; Permanent Dead-end. Cul-de-sac streets or permanent dead-end streets shall be permitted where parcels are surrounded by allotments, where irregular topography would require excessive grading for continuous streets or where other types of nonthrough streets would not provide sufficient discouragement of through traffic. All cul-de-sac streets shall be terminated with a permanent turn-around or square having a minimum curb radius of fifty feet and a street property line radius of sixty-five feet. Cul-de-sac streets shall not exceed 500 feet in length unless an additional turn-around or square is provided. If the cul-de-sac street does not open in the direction of schools or playgrounds, a pedestrian-way may be required. In addition, the Commission may require that the center of the turn-around be planted with permanent evergreens and ground cover, and that the turn-around be designed to provide additional parking spaces.

(f) Temporary Dead-end Streets. Where a proposed subdivision adjoins undeveloped land, a temporary "T" turn-around may be provided for each street if not more than 500 feet in length. Provisions shall be made for the future extension of such streets and utilities, and for the reversion of the excess right of way to the abutting properties.

(g) Streets of Nonconforming Width. Streets of less than the required width shall not be permitted except where the Planning and Zoning Commission finds such a street will be adequate to serve the proposed development. Wherever property abuts a street which does not conform to the width required by the Street Plan, the Subdivision Regulations or plans of the County or State Department of Transportation, the additional width shall be provided when the land is subdivided.

(h) Reserve Strips Adjoining Streets. A division of land to prevent access or extensions to pavement and/or utilities to another property shall not be permitted except where the control and provisions for

disposal of such land division has been assigned to the City.

(i) Driveways. Driveways shall be located at least sixty feet from the intersection of the projection of the right-of-way lines of the nearest intersecting streets.

(j) Street Names. Names shall be selected which will not duplicate or be confused with the names of existing streets in Cuyahoga County irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be subject to the approval of the Commission.

(Ord. 69-38. Passed 4-20-70.)

1117.05 STREETS FOR APARTMENT DEVELOPMENTS.

Streets serving apartment buildings shall be planned to connect with arterial or collector streets so as to not generate traffic on local residential streets. Vehicular and pedestrian access shall be adequate and convenient to each dwelling unit, planned so that a street, service drive, parking area or delivery area will be located not more than 100 feet from every main or service entrance of every apartment building.

The criteria for horizontal and vertical alignment, intersections and other design criteria of streets in apartment developments shall be the same as the design criteria for one-family subdivisions. The distinguishing feature is the heavier traffic volumes caused by the greater population density. A cul-de-sac street shall not exceed 300 feet in length. The minimum rights of way shall be not less than sixty feet; the minimum paved surface between curbs shall be thirty-two feet.

(Ord. 69-38. Passed 4-20-70.)

1117.06 STREETS FOR BUSINESS DEVELOPMENTS.

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as to not generate traffic on local residential streets. The intersection of service streets or driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with the movement of traffic on the arterial streets, and wherever possible, shall be located not less than 100 feet from the intersection of an arterial or collector street, measured from the intersection of the projection of the right-of-way lines or spaced not less than 200 feet from each other.

Parking areas serving adjoining business establishments shall be interconnected by on-site drives and designed to provide the maximum safety and convenience, and to accomplish such purposes, the Planning and Zoning Commission may require marginal service roads along arterial streets.

(Ord. 69-38. Passed 4-20-70.)

1117.07 STREETS FOR INDUSTRIAL SUBDIVISIONS.

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed onto any residential streets. The intersections of service streets and access driveways to parking areas with arterial streets should be located at intervals of not less than 200 feet in the interest of public safety and to maintain the design capacity of the street.

The street layout of the industrial subdivision shall be planned to provide the lot areas and widths as required in the Zoning Code; it may be planned for progressive extension as the subdivision is developed. The street plan shall be in general conformity with plans for the development of the adjoining industrial areas and the adopted Street Plan. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for topographic or other physical conditions, or if the Planning and Zoning Commission finds such extension is not in accord with the approved plan of the area. In such locations, the Commission may permit a cul-de-sac street as a temporary measure as part of a progressive development program.

The minimum pavement width shall be thirty-two feet; the minimum radius of curbs at intersections shall be thirty-five feet; the minimum right of way shall be not less than seventy feet. Each street shall be of sufficient width to safely accommodate the projected traffic volumes and access for fire protection equipment. The pavement turn-around shall have a minimum outside curb radius of fifty-five feet and a property line radius of at least sixty-five feet. The criteria for horizontal and vertical alignment, intersections and other design criteria shall be the same as set forth in this chapter for collector streets.

(Ord. 69-38. Passed 4-20-70.)

1117.08 DESIGN OF BLOCKS.

The boundaries and lines of blocks and other parts of neighborhoods shall be designed and adjusted to conform to the topography and natural features to the corporation lines, to the street planning criteria as set forth in Section 1117.04, to accommodate lots and building sites of the size and character required for the district as set forth in the Zoning Code and to provide for the required community facilities.

(a) Size of Blocks. For one-family subdivisions the length of blocks shall be planned to not exceed 2500 feet or be less than 800 feet unless approved by the Planning and Zoning Commission. The width of blocks shall be planned to accommodate two tiers of lots. A single tier of lots may, however, be required by the Commission to separate residential development from major streets as set forth in Section 1117.03, from adjoining nonresidential land uses, from areas of unusual topographic or natural features, and tiers of lots may be separated by common green areas.

(b) Small Subdivisions. Whenever a parcel is too small to be planned for the use intended and would result in fractional or odd-shaped lots or lack of street frontage, or otherwise does not conform to the planning criteria of the Subdivision Regulations and the Zoning Code, the Planning and Zoning Commission may request the developer to include adjoining unsubdivided land so that the project may be coordinated with the neighborhood and eventually developed as a unit.

(c) Pedestrian Circulation. Pedestrian ways of not less than twenty feet in width may be required for walkways across excessively long blocks or at the end of cul-de-sac streets for access to schools, playgrounds or bus stops, or to other public facilities where convenient pedestrian circulation has not been provided by the street pattern. (Ord. 69-38. Passed 4-20-70.)

1117.09 DESIGN OF LOTS.

Each lot shall be designed to form a functional site for the type of dwelling and the ancillary open space and the lot lines shall not be considered as merely a geometric shape enclosing the minimum requirements. The lots shall generally be rectangular in form; triangular, elongated or other shapes that restrict its use as a building site and utilization of yards shall be avoided.

(a) Area and Width of Lot. In residential subdivisions the area and width of lots shall be in accordance with the requirements set forth in the Zoning Code, which requirements shall be construed as absolute minimum and not as optimum dimensions. The width of lot shall be not less than required at the front yard building line, on curved streets; the arc of the front lot line or a rear lot line shall be not less than sixty percent of the required width at the building line.

(b) Depth of Lots. The depth of a lot abutting a local street in a proposed one-family subdivision should not exceed three and one-half times its width. This ratio shall be increased when the rear line of such lots abuts a railroad, a freeway, other nonresidential land uses or where the rear yard contains rugged topography. Lots abutting major streets may exceed the aforesaid depth ratio as set forth in Section 1117.03 in order to increase the safety and privacy thereon. The Municipality may prepare a local street plan of partially subdivided areas and reserve openings at intervals along the major roads for future local streets to serve the interior areas in accordance with duly adopted mapped street procedures .

(c) Corner Lots. In one-family subdivisions, corner lots shall have extra width to obtain the required side yards and building setback from both streets and to obtain appropriate orientation to both streets and as set forth in the Zoning Code.

(d) Side Lot Lines. In one-family subdivisions, side lot lines shall be designed to be at approximately right angles to street lines or radial to curved street lines. Where a street intersects another to form a "T" intersection, the side lot lines shall be planned so that one line will be located approximately on the projected center line of the street which terminates.

(Ord. 69-38. Passed 4-20-70.)

1117.10 PUBLIC LAND USES.

The subdivision regulations shall aid in the implementation of the Community Facilities Plan as follows:

(a) Sites for Community Facilities. Sites for parks, playgrounds, schools and other public uses as shown on the duly adopted Community Facilities Plan, if located in whole or in part in a proposed subdivision, shall be incorporated in the subdivision plan and the land reserved for such purposes. Drainage courses, ponds, lakes or isolated parcels shall not be accepted for public use and maintenance unless conforming with the plan for public lands.

(b) Utility Easements. Where utilities are not located in the street, easements of at least twelve feet total width shall be located on the center of rear lot lines or on side lot lines where necessary.

(c) Drainage Ways. Where a subdivision is traversed by a drainage way, channel or stream, a storm water easement or drainage right of way conforming substantially with the lines of such watercourse shall be established. Such easements shall be not less than twenty feet wide, exclusive of the required lot area, or of such further width as deemed adequate for the purpose. Rear lot lines should be planned along such drainage ways.

(Ord. 69-38. Passed 4-20-70.)

CHAPTER 1119
Required Improvements

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CROSS REFERENCES

Cornerstones and permanent markers - see Ohio R C. 711.03, 711.14
Application to construct gas main - see S.U. & P.S. 935.01
Private sewage disposal systems - see S.U. & P.S. 943.01 et seq.

1119.01 INTENT.

Provisions for requiring improvements are hereby established to be applied to each proposed subdivision and resubdivision for designing, constructing and assuring the construction of land improvements so as to achieve, among others, the following purposes:

(a) That the natural site assets such as existing trees and topsoil are preserved and the site graded to the extent necessary to provide a system of drainage; and

(b) That all on-site and off-site extensions of pavements and utilities are constructed to complete the street and utility system; and

(c) That the Village is assured all required improvements are constructed for the entire project, or for a progressive series of parts thereof; and

(d) To provide measures for enforcement thereof by withholding recording and transfer of land until the construction is satisfactorily completed.

(Ord. 69-38. Passed 4-20-70.)

1119.02 DEVELOPER RESPONSIBLE FOR REQUIRED IMPROVEMENTS.

The developer shall provide and install at his expense the improvements required herein, or he shall provide financial guarantees in lieu of actual installation as precedents to the recording and sale of lots and the issuance of building permits.

(a) Improvements Within the Subdivision. Land for rights of way for all local and collector streets within the subdivision, and land for the widening or extension of arterial streets on the boundary of any proposed subdivision shall be dedicated by the developer, and all easements shall be provided. Utilities and pavements shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the development of the proposed subdivision, and as may be necessary to serve adjacent undeveloped land which is an integral part of the service area. The developer shall be required to extend improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land. However, where the Planning and Zoning Commission determines that a connecting street is necessary for the future subdividing of adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Commission may require the dedication of land for such connecting street and the pavement for the intersections constructed and connections to the utilities made available for future extension.

(b) Off-Site Extensions. The construction of off-site improvements to serve a proposed subdivision may be required of the developer as a precedent to approval if adequate utilities or streets are not available at the boundary of the proposed subdivision, provided the Commission finds the extension of the improvements across undeveloped or unserved areas would not be warranted as a special assessment to the intervening properties or a Municipal expense until some future date.

(Ord. 69-38. Passed 4-20-70.)

1119.03 GRADING.

The developer shall prepare a grading plan for each subdivision in order to establish street grades, floor elevation of buildings and a system of drainage for private lots, all in proper relation to each other and to existing topography, as follows:

(a) Grading of Block. The grading plan for the block shall be in accordance with criteria as set forth in Section 1117.02. The purposes are:

(1) To divert water away from buildings;

(2) To prevent standing water and soil saturation detrimental to buildings and the use of the lot;

(3) To provide for disposal of water from the lot except that which should be retained for irrigation;

(4) To preserve desirable site features; and

(5) To provide grades for safe and convenient access to and around buildings and the lot for their use and maintenance.

The finished grading shall be designed in accordance with the chapter on Lot Improvements, details 88 through 91, of the FHA Minimum Property Standards for One and Two Living Units, and Section M 309 Grading Design of the Municipal Property Standards for Multifamily Housing.

The grading of the roadway shall be in accordance with criteria set forth in Section 1117.02, and extend the full width of the right of way except in rolling topography. Tree lawns should be graded at a gradient of not less than two percent or more than four percent upward from the curb to the sidewalk or property line.

(b) Lot Grading. The floor elevation of each building shall be established in proper relation to the surrounding grades, to the driveway and the street. There should be a minimum grade of two percent around each building so that water drains to lower areas or drainage swales which shall have a minimum grade of 0.5 percent. The lot drainage system shall be designed so that surface water will drain onto the driveway, a drainage structure on the lot, a street gutter and storm sewer, or a natural drainage way.

The minimum grades of driveways shall be 0.5 percent; the maximum shall be twelve percent. Grading should be adjusted so there will be no abrupt grades in the front yards and along side lot lines. The grades of earth terraces shall not exceed a two and one-half to one slope. If a masonry retaining wall exceeds three feet in height, a hedge, fence or railing shall be provided on it.

(c) Topsoil and Trees. The topsoil shall be stripped from the roadway and construction areas, piled separately and not removed from the site or used as spoil. The Planning and Zoning Commission may require that as many trees as can be reasonably utilized in the final development plan be retained, and that grading be adjusted to the existing grade around the trees.

(Ord. 69-38. Passed 4-20-70.)

1119.04 DRAINAGE FACILITIES.

A drainage system shall be designed and constructed by the developer as required for the district in which the proposed subdivision is located for the proper drainage of the surface water of the subdivision and each lot as follows:

(a) Enclosed Storm Sewer. An enclosed storm sewer system shall be provided and connected to an existing storm sewer system, drainage ditch or other waterway, as determined by the Municipal Engineer. The system shall have a capacity to serve the subdivision and drainage area of which it is a part. The system shall include pipes, culverts, manholes, catch basins, drain inlets and a connection for each lot.

(b) Open Drainage System. Subject to the approval of the Planning and Zoning Commission, the developer may rechannel any water course through his property in order to contain the storm drain flow within a lesser width. The developer may be required to deed in fee, dedicate or grant an easement to the Municipality for a drainage channel not less in width than required by a plan or standards adopted by the Municipality or as directed by the Municipal Engineer. The developer shall be responsible for clearing the drainage way of all debris as a condition of acceptance. The Municipal Engineer shall determine the proper cross section, grade, width of channel and horizontal alignment.

(c) Design Standards. The drainage system shall be designed in accordance with standards of the Municipal Engineer and the Cuyahoga County Sanitary Engineering Department. The design of storm frequency shall be as indicated in the following schedule:

One and two-family	5
All other uses	10

(d) Acceptance of Storm and Sanitary Sewers. Prior to final approval of any newly installed sewer system and/or reconstructed sewer, the contractor constructing such sewer or the developer of the subdivision in which such sewer was installed shall cause to be made at his expense one set of photographs of the entire sewer system installed, both sanitary and storm, at the completion of all mains, showing thereby that the sewer system was constructed upon sound engineering standards and that the system is free of any and all accumulations of foreign substance and debris and that the passage and flow of sewage and storm water will be free and clear. Upon inspection of such photographs, and if satisfied that such sewer is free and clear of all foreign substances and debris and is of sound workmanship and complies with sound engineering standards, the Municipal Engineer is thereupon authorized to approve the same as a final inspection, placing in safe keeping for future reference all photographs which shall remain the property of the Municipality.

(Ord. 69-38. Passed 4-20-70.)

1119.05 SANITARY SEWERS.

Sanitary sewers shall be designed in accordance with the Master Sewer Plan of the Municipality and constructed by the developer of each proposed subdivision or development; a house connection shall be provided for each lot. The sanitary system shall be designed and constructed in accordance with such regulations and standards as may be established by the Municipal Engineer and the Cuyahoga County Sanitary Engineering Department. Final approval and acceptance shall be as indicated in Section 1119.04(d). (Ord. 69-38. Passed 4-20-70.)

1119.06 WATER SERVICE.

A public water distribution system shall be designed and constructed by the developer of each subdivision or development and a supply shall be provided for each lot. The water distribution system shall be designed and constructed in accordance with the rules and standards as may be established by the Municipal Engineer and the Division of Water and Heat of the City of Cleveland.

(Ord. 69-38. Passed 4-20-70.)

1119.07 ELECTRIC AND TELEPHONE SERVICE.

The electrical contractor shall install code approved galvanized conduit of rigid type at a minimum burial depth of twenty-four inches below the finished grade. The initial backfill shall be a minimum depth of twelve inches of sand. The conduit shall run from the Illuminating Company grade level connection chamber to the meter socket and shall conform to specifications of the Illuminating Company. Galvanized conduits of rigid type shall be used for all bends and connections.

The electrical contractor shall also install in like manner conduit to service telephone lines from the telephone company roadway ground connection to the telephone entrance elf. The installation shall conform to specifications of the telephone company.

(Ord. 74-22. Passed 4-15-74.)

1119.08 GAS FUEL SERVICE.

The developer shall submit plans for a gas fuel distribution system for the proposed subdivision or development and a supply line shall be provided for each lot. The gas system shall be designed and constructed in accordance with the rules and standards of the East Ohio Gas Company as approved by the City.

(Ord. 69-38. Passed 4-20-70.)

1119.09 PAVEMENT, CURBS AND SIDEWALKS.

The pavement, curbs and sidewalks shall be designed and constructed by the developer as required for the district in which the subdivision is located and set forth in the schedules in the Subdivision Regulations and in the Street and Sidewalk Code of the Municipality.

(a) Pavement.

(1) For all pavement constructed in accordance with this subsection and subsection (a)(2) and (3) hereof, the width of the pavement shall be measured between the vertical faces of straight curbs and the outside edges of rolled curbs. The materials and the construction shall be in accordance with the "Detailed Specifications" as required by and now on file with the Municipal Engineer and "Material Specifications" of the State Department of Transportation, whichever is applicable. The pavement requirements may be modified if found necessary by the Engineer and if approved by the Planning and Zoning Commission, because of extraordinary traffic loads or unusual soil conditions in specific locations. After the underground utilities and house connections are installed and backfilled, and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. In those residential subdivisions already under construction and approved for concrete streets and in those planned residential subdivisions which have streets that are continuations or extensions of existing residential subdivisions with concrete streets, the developer shall construct the final pavement of reinforced concrete with integral curbs, or the developer may request to construct a temporary pavement of slag or stone for use during the building construction period and furnish a cash bond of at least ten percent (10%) of the amount of the performance bond or in other amounts mutually agreed to, guaranteeing that all pavements shall be maintained in a passable and reasonable condition and rebuilt as necessary to comply with the standards of the Municipality at the completion of the construction of the buildings and without expense to the Municipality, until final acceptance of final pavement for maintenance and use.

(2) Except for pavement construction referred to in subsection (a)(l) hereof, the developer shall construct asphalt pavement in accordance with the "Detailed Specifications for Asphalt Paving" as prepared by the Municipal Engineer and on file with the Municipality. All other pertinent provisions of subsection (a)(l) shall apply to the construction of the pavement authorized in this subsection.

(3) In residential subdivisions where the smallest lot is at least 24,000 square feet and where, in the opinion of the Engineer, the topography is undulating such that lot grades shall create difficulties in construction, then the developer may elect to construct an asphalt pavement in accordance with subsection (a)(2) hereof or, alternatively, an asphalt pavement with flush curbs and no gutters provided that such construction is in accordance with the "Detailed Specifications for Rural Asphalt Pavement" as prepared by the Engineer and on file with the Municipality. All other pertinent provisions of subsection (a)(l) hereof shall apply to the construction of the pavement authorized in this subsection.

(b) Curbs and Gutters. Where required in subsection (a)(l) hereof, concrete roll curbs integral with the pavement shall be constructed as required in the district where the subdivision is located. Concrete roll curbs and gutters shall be in accordance with the "Detailed Specifications for Concrete Paving" of the Engineer. Straight curbs may be provided at intersections where rolled curbs are used elsewhere. However, where pavement construction is in accordance with subsection (a)(2) hereof, the developer shall construct vertical concrete curbs integral with the pavement and in accordance with the "Detailed Specifications for Asphalt Paving" as prepared by the Engineer and on file with the Municipality.

(c) Driveways and Curb Cuts. Driveways and curb cuts should be located along the lowest side of the lot, not less than three feet from the side lot line or another driveway. Driveways shall be not less than eight feet and not more than sixteen feet wide in one family districts. Curb cuts for straight curbs and the flare for rolled curbs of driveways shall be three to five feet wider than the driveway pavement on each side; the driveway grade of the apron shall not exceed three percent (3%) from the edge of the pavement to the property line and the maximum grade of the on-site driveway shall not exceed ten percent (10%).

(d) Parking Areas. The design of off-street parking areas and their service driveways shall be in accordance with the standards as set forth in Section 1165.06 of the Zoning Code.

(Ord. 85-5. Passed 4-15-85.)

(e) Public Sidewalks. In residential subdivisions where streets are constructed pursuant to subsection (a)(3) hereof, sidewalks shall not be constructed contemporaneous with the street construction. The developer shall grade the treelawn on both sides of the street so that sidewalks may be constructed at a future date. Such grading shall be done in conformance with the standards on file with the Engineer. However, all sidewalks shall be made available on vacant lots when fifty-one percent (51%) of the lots in the development have been sold or two years of time has elapsed since the development was opened for sale, whichever first occurs. (Ord. 93-35. Passed 9-20-93.)

On local residential streets, sidewalks shall be located in the public right-of-way so that the inner line is approximately six inches from the property line. On corner lots each sidewalk shall be extended to the curb. In residential developments walks shall be not less than five feet wide and not less than ten feet wide in

business developments.

Sidewalks shall be constructed of concrete four inches thick. The design and construction shall be in accordance with the standards on file with the Engineer.

In residential subdivisions where streets are constructed pursuant to subsection (a)(3) hereof, sidewalks shall not be constructed contemporaneous with the street construction. The developer shall grade the treelawn on both sides of the street so that sidewalks may be constructed at a future date. Such grading shall be done in conformance with the standards on file with the Engineer.

(Ord. 85-5. Passed 4-15-85.)

1119.10 MONUMENTS.

Monument boxes shall consist of an adjustable cast-iron monument box No. R-1968, Type "B" as manufactured by Neenah Foundry Company, or an approved equal. Monument boxes shall be set at all points in the pavement indicated on the plans. These shall be located so as to conform to the line and grades as shown on the plans and standard detailed drawings for pavements in the Municipality.
(Ord. 69-38. Passed 4-20-70.)

1119.11 STREET TREES.

(a) Spacing and Selection. The selection and spacing of trees shall be in accord with a street tree plan approved by the Planning and Zoning Commission. Trees should be planted along new streets at an interval of fifty feet. Tree species should be selected with such habit of growth that they shall fill the space desired within a reasonable time, producing a pleasing effect in scale with adjacent developments. Miniature tree species should not be used except for special design considerations of scale, such as in a mall, and not used merely as a means of reducing pruning and a tree care program. Trees of untried species, of unknown endurance or those requiring frequent spraying should not be used. Trees generally recommended along streets are Red Maple, Norway Maple, Sugar Maple, Red Oak, White Oak, Thornless Honey Locust, London Plane, Amur Cork and Sweet Gum. Trees which have undesirable characteristics such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or which have large root systems, such as Poplar, Willow, Cottonwood, American Elm, various nut and fruit trees, Ailanthus, Mountain Ash and Oregon Maple shall not be planted in any tree lawn.

(b) Tree Planting Program. A tree planting program should be prepared by qualified landscape architects for trees along the public streets and public areas. Such program should consider the species to be used on specific streets along with regulations controlling spacing and also controlling the distance from curbs, street intersections, private driveways and street lights. Such program should be in accordance with the objectives of Policy No. 29, January, 1964, of the American Society of Landscape Architects.

(c) Specifications. All trees planted pursuant to this section shall include the following as minimum specifications for each such tree:

(1) The minimum caliper of each tree planted, regardless of species, shall be two and one-half inches. The caliper measurement shall be taken twelve inches above the ground line.

(2) The minimum height for each tree planted shall be in relation to its caliper and species, and in accordance with the standards of the American Nurseryman's Association.

(3) All trees planted shall be balled and burlapped.

(4) All trees planted shall survive one full growing season after the date it is planted. If, before the expiration of one full growing season after the date it is planted, any such tree is either dead or in poor condition, based on the opinion of the Municipal Landscape Architect, it shall be replaced by the developer during the next planting season.

(d) Inspections. All trees planted pursuant to this section shall be inspected by the Municipal Landscape Architect to assure that all requirements herein have been fulfilled.

(Ord. 81-52. Passed 10-5-81.)

1119.12 STREET NAME SIGNS.

Street name signs shall be furnished and installed by the developer. The design of the signs shall be in accord with the present signs as approved by the Municipality. Signs shall be placed on diagonally opposite corners, on the far right hand of the intersection for traffic on the more important street and as close to the corner as possible.

(Ord. 69-38. Passed 4-20-70.)

1119.13 EXTRA-SIZE AND OFF-SITE IMPROVEMENTS.

The utilities, pavements and other land improvements as required shall be designed of extra size and/or extensions provided as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage area in addition to the improvements required for the development of the proposed subdivision.

(a) Extra-Size Improvements. The developer shall be required to pay a part of the improvements but shall not be required to pay for that part of the materials or construction of the pavements of arterial streets, trunk sewers or water mains which are determined by the Municipal Engineer, according to standards set forth in this chapter, to be in excess of the size required for the development of the subdivision and the integral neighborhood service or drainage area.

If a storm sewer, a sanitary sewer or a water main in excess of the size necessary to service the development is required, but each less in size than the sewer trunk lines or water mains which are to be constructed and financed on a regional basis, the Municipality may construct the extra-size utility and require a deposit in advance from the developer for the cost of the utility he is required to install and his portion of other costs which the Municipality may assess against the benefitted property owners of the service or drainage area.

(b) Extensions to Boundaries. The developer shall be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the Planning and Zoning Commission.

(c) Off-Site Extensions. If streets or utilities are not available at the boundary of a proposed subdivision, and if the Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the developer may be required, prior to approval of the final plat, to obtain necessary easements or right of way and construct and pay for such extensions. Such improvements shall be available for connections by developers of adjoining land.

(d) Prorating Costs. In making determinations for prorating costs for the construction of off-site extensions or extra-size improvements, the Commission and Council shall consider in addition to the standards set forth in this chapter and other regulations of the Municipality the following conditions:

(1) The relative location and size of the proposed subdivision; and
(2) The traffic estimated to be generated by the development in relation to present streets; and
(3) The natural drainage area for sewers and the service area for water; and
(4) The development benefits that will accrue to the subdivision; and
(5) The sequence of land and utility developments in the vicinity; and
(6) Any other condition it may find pertinent.

(Ord. 69-38. Passed 4-20-70.)

1119.14 DESIGN STANDARDS FOR IMPROVEMENTS.

The design of the water system, storm and sanitary sewerage systems and roadways, the grading of the subdivision and each lot shall be in accord with the various aforesaid standards and requirements. Drawings and specifications for the improvements shall be reviewed and approved by the Municipal Engineer and the installation shall be subject to his continuous inspection.

At the completion of the construction, and before acceptance, the developer shall furnish the Municipality a set of records or "as-built" tracings showing the locations, sizes and elevations of all underground utilities. (Ord. 69-38. Passed 4-20-70.)

1119.15 PERFORMANCE GUARANTEE IN LIEU OF INSTALLATION OF IMPROVEMENTS.

Concurrently with the application for approval of the final plat, the developer may execute and file with the Municipality a performance bond, secured as hereinafter required, in lieu of actual installation or completion of required improvements.

(a) Form of Bond. The performance bond shall be conditioned upon proper installation of all improvements required by the Codified Ordinances of the Municipality, according to the approved plans and specifications, within two years after approval by the Planning and Zoning Commission or Council of the final plat of the subdivision, and shall provide that the Municipality shall have the right, in the event of default, to install the required improvements after first giving ten days written notice to the developer, to proceed against the developer and against any surety on the bond for the cost thereof and to apply to the cost of such improvements any funds deposited with the Municipality or in escrow as security for performance of the conditions of the bond. The bond shall further provide that the developer shall hold harmless the Municipality, its officers and employees from all claims, demands and causes of action of every nature and description arising out of the installation of improvements within the developer's subdivision, conditions existing during the construction or installation of such improvements and all damages to neighboring property owners resulting from approval of the developer's subdivision by the Municipality and the installation of improvements therein, including, without limitation, damages resulting from increase in surface water flowing from the subdivision and all claims arising out of changes to natural ditches or drainage courses. The terms "claims, demands and causes of action", shall include all expenses of defending against such claims, demands and causes of action, including fees payable to attorneys and expert witnesses, wages paid to Municipal employees while occupied in defense of such claims, demands and causes of actions and wages or salaries reimbursed by the Municipality to Municipal officers to compensate them for wages and salaries lost while engaged in such defense. The form of each performance bond shall be approved in writing by the Director of Law and shall be in a form substantially as shown in Appendix B of original Ordinance 79-86.

(b) Security for Bond. Performance bonds shall be secured as follows:

(1) By the written guarantee of one or more surety companies authorized to conduct business within the State of Ohio. The form of guarantee shall be approved in writing by the Director of Law. The Director may reject a performance bond in the event that he reasonably determines that the assets of the surety company or companies, subject to attachment within the State of Ohio, are insufficient to secure performance of the developer's obligations, taking into account other outstanding liabilities and contingent liabilities of the surety company or companies; or

(2) By deposit of cash in the full face amount of the bond, with the Municipality or with an escrow agent or trustee. In the event funds are deposited with an escrow agent or trustee, all documents or instruments governing the terms of such deposit shall be approved in writing by the Director.

(c) Amount of Bond. The amount of performance bonds shall be determined by the Municipal Engineer and shall be in an amount equal to the estimated total cost of materials and labor required to install or construct all improvements required by the Codified Ordinances of the Municipality, including the estimated cost of repairing or reconstructing public improvements outside the subdivision which may be damaged by construction activity. The amount of a performance bond shall also include estimated damages, if any, to neighboring properties which are the subject of the hold harmless provision contained in subsection (a) hereof, and the estimated costs of defending against claims for any such damages.

(d) Reduction of Bond and Return of Security. When the Engineer shall have certified in writing that all subdivision improvements have been satisfactorily completed in accordance with approved plans and specifications, the performance bond submitted by the developer shall be canceled and all funds deposited as security therefor shall be returned. Upon written certification by the Engineer that any portion of the improvements has, upon inspection, been found satisfactorily completed, a reduction in the amount of the bond or partial withdrawal of funds deposited as security therefor, equal to the cost of such completed improvements, as estimated by the Engineer, may be authorized by the Engineer if, in the opinion of the Engineer the remaining bond or security shall be fully sufficient, under all the circumstances, to guarantee performance of the conditions of the bond. In the event that the developer shall have been required to post a maintenance bond for the same subdivision, pursuant to the requirements of Section 1119.16, the Municipality may retain so much of the funds posted as security for the developer's performance bond as may, in the judgment of the Engineer, be necessary to provide adequate security for the performance of the conditions of the developer's maintenance bond.

(e) Progressive Installation. The developer may apply for final approval and recording of only a portion of the entire subdivision. Under such a progressive unit development procedure, the installation of required improvements and sale or lease of lots may proceed only on that portion of the subdivision which has been approved and recorded.

(Ord. 79-86. Passed 12-3-79.)

1119.16 CERTIFICATION OF COMPLETION; MAINTENANCE BOND.

(a) Certification of Completion. With respect to all improvements which have been installed by the developer prior to the granting of final approval of the subdivision, the Municipal Engineer shall furnish to the Planning and Zoning Commission, at the time that request is made for final approval, a certification that all such improvements have been constructed and installed according to the approved plans therefor, and are ready for use and that they have been approved by the various agencies whose approval is required.
(Ord. 85-5. Passed 4-15-85.)

(b) Maintenance Bond. The developer shall furnish to the Municipality a maintenance bond in the amount of the total cost of all improvements which have been installed. This bond shall be conditioned on the proper operation of these improvements for a period of three years from the date of the granting of the final approval. The bond shall provide that the Municipality shall be held harmless and free of tort and contract claims of third persons, with the right given to the Municipality to effect any necessary repair or correction of these improvements during such three year period and hold the principal and surety jointly and severally liable on the bond. Before the Municipality exercises its right to effect any necessary repairs or correction to the required improvements during such three year period it shall first give a ten day written notice to the developer of its intention to do so.
(Ord. 90-30. Passed 7-16-90.)

1119.17 INSURANCE.

The developer agrees to indemnify and save harmless the Municipality against and from any and all loss, cost, damage, liability and expense on account of damage to property of, or injury to or death of, the Municipality and any of its employees, agents or representatives or any third person, caused by, growing out of or in any way whatsoever attributable to the construction of the improvements and the use of the street delineated on the subdivision plat during construction. The developer further agrees, but without limiting its liability to indemnify the Municipality to carry liability insurance contracts with any insurance company or companies authorized to do business in Ohio and with an A.M. Best rating acceptable to the Village during the period of the construction in the sum of one million dollars ($1,000,000) combined single limit for injury to or death of persons or destruction of property, which insurance contracts shall include the Municipality as a named insured. The developer agrees to maintain on file with the Municipality during the period of the construction, certificates or memoranda of insurance evidencing that the insurance contracts are in force.

(Ord. 2009-61. Passed 12-21-09.)

1119.171 IDENTIFICATION OF LOT BOUNDARIES.

The developer shall install metal pins indicating the location of subdivision lot boundaries which pins need not be installed prior to grading but which shall be permanently affixed to the parcels prior to the issuance of an occupancy permit. The developer shall furnish to the Building Commissioner a certificate evidencing the placement of the pins as required by this section.

(Ord. 79-40. Passed 7-16-79.)

1119.18 FAILURE OF DEVELOPER TO COMPLETE IMPROVEMENTS.
(EDITOR'S NOTE: This section was repealed by Ordinance 79-86, passed December 3, 1979.)

1119.19 TEMPORARY STREET PAVEMENT; BUILDING PERMIT AND TEMPORARY CERTIFICATE OF OCCUPANCY; BOND.

A building permit may be issued and construction started after the completion of the underground utilities. If a temporary pavement is constructed, a temporary certificate of occupancy, which shall include a statement that the Municipality is not liable for maintenance of such improvements, may be issued, provided the developer furnishes a cash bond in an amount required by the Municipality, guaranteeing that all streets shall be maintained in a passable and reasonable condition until such time as the final pavement is completed and accepted for use and maintenance as set forth in Section 1119.09(a).

(Ord. 69-38. Passed 4-20-70.)

1119.20 SEDIMENT POLLUTION CONTROL REGULATIONS.

(a) No developer shall conduct any earth disturbing activities unless the same are performed in accordance with the Sediment Pollution Control Regulations which are on file at the Civic Center and available for inspection or copying, the same being incorporated herein as if totally rewritten.

(b) Any developer who performs any earth disturbing activities in violation of these Regulations shall for each and every violation or noncompliance be fined not more than one thousand dollars ($1,000). Each day during or on which a violation continues shall constitute a separate offense.

(Ord. 79-20. Passed 3-19-79; Ord. 2008-12. Passed 2-18-08.)

CHAPTER 1121
Plans and Plats

1121.01 Intent.
1121.02 Minor subdivision: sketch plan.
1121.03 Major subdivision: preliminary plan.
1121.04 Major subdivision: final plat.
1121.05 Public use of lands.

CROSS REFERENCES

Lot numbering and revision - see Ohio R. C. 711.02, 711.06, 711.28 et seq.
Recording plan of minor subdivision - see P. & Z. 1115.04
Recording plat of major subdivision - see P. & Z. 1115.06(e)
Development plans - see P. & Z. 1173.10

1121.01 INTENT.

Plans, maps, data and plats shall be prepared and furnished by the developer as required herein to assure accurate surveying, to provide adequate information for designing, preparing plans, reviewing and recording subdivisions.

(Ord. 69-38. Passed 4-20-70.)

1121.02 MINOR SUBDIVISION: SKETCH PLAN.

The developer shall furnish with the application for approval of a sketch plan for a minor subdivision, or as a pre-application for a major subdivision as provided in Section 1115.05, either separate or combined, the following:

(a) Maps and Data.

(1) Location. A drawing or print of a Municipal map, or a part thereof, showing the location of the proposed subdivision.

(2) Property. A drawing or print showing by scale and dimensions, the parcel which is to be subdivided and all contiguous land of the same ownership, including locations of existing structures within 100 feet of the boundaries.

(3) Topography. A section of the topography and drainage map of Cuyahoga County, 200 foot scale, two foot contours, of the proposed subdivision and within 100 feet thereof.

(4) Utilities. Information on the accessibility of required utilities.

(5) Name. The name of the owner and of the adjoining property owners, including designations of parcel according to official records.

(b) Sketch Plan. The sketch plan shall be clearly drawn on transparent paper or cloth at a scale of not less than 100 feet to the inch showing the proposed layout and dimensions of each lot.

(Ord. 69-38. Passed 4-20-70.)

1121.03 MAJOR SUBDIVISION: PRELIMINARY PLAN.

The developer shall furnish, with the application for approval of a preliminary plan of a major subdivision as required in Section 1115. 05, the following maps, data and plans:

(a) Maps and Data. Maps and data shall, unless submitted in connection with a sketch plan, include the following, either separate or combined:

(1) Vicinity Map. A print of a section of the 800 foot scale map of the Municipality showing the proposed subdivision and relationship to adjacent developments, streets and all community facilities which serve or influence it.

(2) Property Line Map. A property line map showing bearings and distances of the parcel to be subdivided; location, width and purpose of easements; the name, width and location of abutting streets including location of pavements and sidewalks; structures on parcels within 100 feet on adjoining property.

(3) Utility Map. A utility map showing utilities on and adjacent to the tract, including location, size and invert elevations of all sewers, location and size of water and gas mains, location of fire hydrants and electric power and telephone poles.

(4) Topographic Map. A section of the Cuyahoga County Topographic Map, 200 foot scale, contours at two foot intervals based on the county datum plane.

(5) Titles and Certifications. Titles and certifications indicating present parcel designations according to official records, name of developer, name and address of owners, certification of registered surveyor, scale and date of survey.

(b) Preliminary Plan. The subdivision shall be planned in accord with the planning criteria set forth in Chapter 1117 and designed by either a professional planner, registered landscape architect or registered civil engineer. The plan shall be accurately and clearly drawn at a scale of not less than 100 feet to one inch. It may be drawn in pencil on transparent tracing paper. The drawing shall include the aforesaid topographic and property line data, the surrounding streets and lots, and the proposed plan or alternate plans of the subdivision, including the following:

(1) Streets. The layout, right of way and pavement widths, approximate grades, names;

(2) Other rights of way. Location, width and purpose;

(3) Lot lines. Approximate dimensions and number;

(4) Sites. To be reserved or dedicated for parks, playgrounds or other public uses;

(5) Sites. For multi-family, institutions, business or industrial uses;

(6) Building lines. If uniform or if a group development;

(7) Title. Graphic scale, north arrow and date.

(c) Protective Covenants. An outline of the protective covenants proposed to regulate and protect the development, restrictions and bylaws of a homes association and its incorporation, declaration of condominium ownership and any other covenants, if any.

(d) Other Preliminary Plans. The Planning and Zoning Commission may require additional preliminary drawings showing information such as street profiles and grades, typical cross section of proposed roadway, proposed sanitary and storm sewers, and water service, or prospective street system of adjacent land owned by the developer.

(e) Ownership Certificate. The Commission may require a certificate as to ownership and that proposed subdivision is satisfactory to the owner.

(Ord. 69-38. Passed 4-20-70.)

1121.04 MAJOR SUBDIVISION: FINAL PLAT.

The developer shall furnish, with application for approval of final plat of a subdivision as required in Section 1115.06, the following plans, data and plats:

(a) Final plat shall be drawn and signed in India ink on the tracing cloth at a scale not less than fifty feet to one inch.

Sheets shall not be less than twenty-four by thirty-six inches or larger than thirty-six by forty-eight inches in size; if necessary the plat shall consist of several sheets including an index and references to adjoining sheets. The plat shall include only the portion of the subdivision proposed for immediate recording and development and show the following:

(1) Control points to which all dimensions, angles and bearings are to be referred; nearest street or section line or other established point.

(2) Lines and boundaries, center lines and right-of-way lines of streets, easements and other rights of way; natural and artificial watercourses, streams, shorelines; corporation and property lines of all lots and parcels with distances, radii, arcs, chords and tangents of all curves to the nearest one hundredth of a foot; bearings or deflection angles to the nearest second.

(3) Street name and width of each street within proposed subdivision and those adjoining; building setback line.

(4) Lot and block identification, number or letter, in progressive order, for each lot and block conforming with the Recorder's procedures.

(5) Dedication and acceptance, boundaries of and the purpose for which any parcels, other than residential lots, area to be dedicated or reserved for public use; purpose of easements.

(6) Monuments, location and description of those found, set or to be set.

(7) Names of recorded owners of adjoining unplatted land.

(8) Reference to subdivision plats of adjoining platted land by name, volume and page of Recorder's maps.

(9) Certification by owner of acceptance of plat and statement offering dedication of streets, rights of way and any sites for public use or reserved by deed covenants for common use of all property owners.

(10) Certification and seal by a registered surveyor or engineer as to preparation and details of survey and plat.

(11) Protective covenants, reference to or included on plat.

(12) Title of subdivision, municipality, county, state, original township section, tract or lot; scale, shown graphically, north arrow, date.

(13) Approval statement for the Planning and Zoning Commission and Municipal officials and/or County officials as may be required.

(14) The above title, certificates, statements, etc. shall be in accord with the forms set forth in the Appendix of these regulations.

(b) Drawings and specifications showing cross sections, profiles, elevations, construction details and specifications for all required improvements. The drawings and specifications shall be in accordance with the requirements of Chapter 1119.

(c) Certification by the Municipal Engineer, stating that the developer has:

(1) Installed all required improvements in accordance with the provisions of these Subdivision Regulations and any conditions set forth by the Commission in their approval of the preliminary plan, or

(2) Posted financial guarantees in sufficient amount to assure completion of all required improvements.

(d) Protective covenants, restrictions, bylaws, declarations and any other covenants in final form, to be recorded separately.

(e) Other statements and data are required as follows:

(1) A statement that there are no unpaid taxes or special assessments against the tract and that the developer owns the property.

(2) Other data, certificates or affidavits, as may be required by the Commission in the enforcement of these regulations.

(Ord. 69-38. Passed 4-20-70.)

1121.05 PUBLIC USE OF LANDS.

(a) Allocation of Areas for Public Use; Consideration. In connection with the submission to the Planning and Zoning Commission of subdivision plats, due consideration shall be given by the owner thereof to the allocation of areas reasonably suitable for schools, playgrounds or park or recreational areas to be dedicated or deeded to public use or to be reserved by covenants in deeds to the sublots thereof for the common use of all property owners within the proposed subdivision.

In determining such reasonable suitability, consideration shall be given to such factors as the topography of the area to be so allocated, the major physical characteristics of such area, the location thereof in relation to the remaining area of the subdivision, the shape of the area, to be so allocated and other similar consideration relative to a determination of whether or not the area to be so allocated can be reasonably used for schools, playgrounds or park or recreation areas. If the Commission, applying the standards set forth in this section, finds that the area to be so allocated for schools, playgrounds or park and recreation areas is reasonably suitable for such uses, and if it further finds that the area to be so allocated is equal to or greater than the minimum area required by subsection (b) hereof to be dedicated or deeded to the Municipality for public park or recreation uses, the requirements of subsection (b) hereof shall not be applicable to such subdivision and there shall be no requirement that land shall be dedicated or deeded to the Municipality for public park or recreational uses as a condition precedent to the approval of a subdivision by the Commission.

(b) Mandatory Dedication of Area for Park and Recreation Uses. In the interests of public safety, health and welfare, to provide proper open spaces for circulation of light and air and to avoid future congestion of population detrimental to the public safety, health and welfare, no subdivision plat shall be approved by the Commission, except as provided in subsections (a), (c) and (d) hereof unless in addition to all other lawful requirements, after deducting the area of such subdivision to be dedicated or deeded for public street, sidewalk or utility purposes, eight percent (8%) of the balance of the area of such subdivision is dedicated or deeded to the Municipality for public park or recreational uses, provided that the area to be so dedicated or deeded to the Municipality for public park or recreational uses shall be reasonably suitable, in the judgment of the Commission, for use as a public park or recreational area. In determining such reasonable suitability, the Commission shall consider such factors as the topography of the area to be so dedicated or deeded, the major physical characteristics of such area, the location thereof in relation to the remaining area of the subdivision, the shape of the area to be so dedicated or deeded and other similar considerations as in the judgment of the Commission are relative to a determination of whether or not the area to be so dedicated or deeded can reasonably be used for public park or recreational purposes.

(c) Exceptions and Considerations. Notwithstanding the requirement of subsection (b) hereof, the Commission shall have authority, after public notice and hearing as provided in subsection (e) hereof, to determine that it would not be adverse to the interests of public safety, health and welfare to provide proper open spaces for circulation of light and air and the avoidance of future congestion of population detrimental to the public safety, health and welfare, to approve a subdivision plan wherein less than the minimum area required by subsection (b) hereof is dedicated or deeded to the Municipality for public park or recreational uses when it is further determined by the Commission, after such public notice and hearing, that it would be unreasonable to require the minimum area as set forth in subsection (b) hereof to be so dedicated or deeded and that practical difficulties or unnecessary hardship would result from such requirement. In making such determination, the Commission shall consider such factors as the following:

(1) The aggregate area of the subdivision after deducting the area to be dedicated or deeded for public street, sidewalk or utility purposes;

(2) The topography of the subdivision;

(3) The major physical characteristics of the land within the area of the subdivision;

(4) The aggregate area of the subdivision, after deducting the area to be dedicated or deeded for public street, sidewalk or utility purposes, which can reasonably be developed for uses authorized under the Planning and Zoning Code;

(5) The uses which may be made of the proposed subdivision under the Planning and Zoning Code and the density of population which reasonably would result from such permitted uses;

(6) The proximity of existing public park or recreational areas with consideration given to whether or not such existing public park or recreational areas would reasonably satisfy the need for public park and recreational areas within the proposed subdivision;

(7) Proposed deed restrictions and setback lines;

(8) Other exceptional conditions as in the judgment of the Commission are relative to a reasonable determination of the area of land to be dedicated to the Municipality for public park and recreational uses; and

(9) Whether or not the refusal to approve a subdivision plan with less than the minimum area required by subsection (b) hereof to be dedicated or deeded to the Municipality for public park or recreational uses would deprive the owner of the subdivision of substantial property rights.

(d) Alternate Requirement for Small Subdivisions. Recognizing that in certain cases, subdivisions may be of such a minimum area that it would be unreasonable under any circumstances to require any land therein to be dedicated or deeded to the Municipality for public park or recreational areas, neither subsection (b) nor subsection (c) hereof shall apply. In such cases, in lieu of setting aside lands for park and recreation purposes, the developer shall pay over to the Municipality the sum of three hundred dollars ($300.00) for each lot shown on all subdivision plats submitted for approval. Such funds shall be deposited in a special account for providing and maintaining open space for parks and recreation in the Municipality. No subdivision plat shall be approved or streets dedicated to public use until such funds have been paid to the Municipality.

(e) Public Notice of Hearings. Public notice as required by subsection (c) hereof shall mean a notice posted for fifteen days in five of the most public places in the Municipality, as determined by Council, and published one time in a newspaper of general circulation in the Municipality. The notice shall set forth that a subdivision plat, stating the name thereof, has been submitted to the Commission, that the owner thereof has requested that it be approved by the Commission pursuant to subsection (c) hereof, although less than the minimum area required by subsection (b) is to be dedicated to the Municipality for public park or recreational uses, and the place, date and time that a public hearing shall be held on the request. The notice shall be published at least ten days prior to the date of such hearing and posted so that fourteen full days elapse between the day the notice is posted and the date of the hearing.

(f) Grading and Seeding Lands Allocated for Public Use. In those cases where land is allocated to public use as provided in subsection (a) hereof or is to be dedicated or deeded to the Municipality for public park or recreational uses pursuant to subsections (b) or (c) hereof, the owner of the proposed subdivision, prior to approval of the subdivision plot, shall grade such area and plant it with grass seed of such quality and character, and in such amount, as is reasonably suitable for park or recreational uses, or in lieu thereof, he may furnish a one hundred percent (100%) performance bond. The amount of such bond shall be determined in the manner provided by Section 1119.15, in the case of a subdivision improvement bond. The form of such bond and the security therefor shall be a s provided in Section 1119.15.

(g) Title Guaranty Required. In those cases where land is to be deeded or dedicated to public use as required by subsections (a), (b) or (c) hereof, other than land reserved by covenants in deeds to the sublots of a proposed subdivision for the common use of all property owners within the proposed subdivision, the proposed streets of such subdivision shall not be dedicated to public use until the owner of such proposed subdivision delivers a good and sufficient warranty deed conveying title in such deeded land to the Municipality free and clear of all liens, encumbrances, taxes and assessments, both general and special, except zoning and building ordinances.

Prior to the dedication to public use of the streets within such proposed subdivision, the deed shall be deposited with an escrow agent selected by the Director of Law under such instructions as the Director may deem proper to effectuate the purposes of this section. The deed shall be recorded by the Director upon the acceptance of such streets for dedication and the issuance of a title guaranty in the amount of the value of the land, which title guaranty shall show good title in the Municipality free and clear of all liens, encumbrances, taxes and assessments, both general and special, except zoning and building ordinances of record. All escrow fees, the recording fees and the cost of the title guaranty shall be paid by the developer.

(h) Penalty. Whoever violates any provision of this section shall be fined not more than five hundred dollars ($500.00). Each succeeding day of continued violation, after notice thereof, shall constitute a separate offense.

(Ord. 86-8. Passed 9-18-86.)

CHAPTER 1123
Administration and Enforcement

1123.01 Intent.
1123.02 Plans for unplatted areas; hearing; construction restrictions.
1123.03 Fees: plan review; examination; inspection.
1123.04 Appeals.
1123.05 Adoption; amendments to Subdivision Regulations.
1123.99 Enforcement and penalty.

CROSS REFERENCES

Violations of rules and regulations - see Ohio R. C. 711.102
Unlawful transfer of lots - see Ohio R. C. 711.17 et seq., 711.39

1123.01 INTENT.

Procedures are herein established for adopting the Subdivision Regulations by Council after public hearing and administering them thereafter by the Planning and Zoning Commission; and

(a) To relate the Subdivision Regulations to other Codes of the Municipality and to provide for their interpretation; and

(b) To provide for appeals for refusal of approval of a plan; and

(c) To provide procedures for the enforcement of the Subdivision Regulations, the construction of improvements and recording of plats, all consistent with Ohio laws and the Charter of the Municipality.

(Ord. 69-38. Passed 4-20-70.)

1123.02 PLANS FOR UNPLATTED AREAS; HEARING; CONSTRUCTION RESTRICTIONS.

The Planning and Zoning Commission is empowered by authority of Ohio R. C . Chapters 711 and 713, or such statutes hereinafter in effect, to prepare plans of unsubdivided or improperly subdivided or platted areas showing a system of future streets and public open spaces, and show as "mapped streets", those rights of way to be reserved.

The Commission shall hold a public hearing thereon. Notice of the time, place and purpose of such hearing shall be given by written notice mailed not less than fifteen days prior to the date of such hearing, to the owners of all property within, contiguous to and directly across the street from the area being planned. The address of such owner shall be obtained from current records of the County Auditor and Municipal records.

After the hearing, such "mapped street" or "mapped public land" plans, may be adopted by the Commission and recorded, and thereafter no subdivision may be approved and no street may be accepted or improved unless it conforms substantially to such recorded plan, and no application for a permit to construct a building on land shown within the right of way of a future street shall be issued until the Municipality has started procedures to acquire such land for street purposes, but such permit may not be withheld for a period exceeding 120 days.

(Ord. 69-38. Passed 4-20-70.)

1123.03 FEES: PLAN REVIEW; EXAMINATION; INSPECTION.

In making applications for approval of a preliminary plan or a final plat of a subdivision, the developer shall deposit fees as follows:

(a) Preliminary Plans. The minimum fee for review shall be twenty dollars ($20.00) for each preliminary plan plus fifty cents (50¢) for each lot exceeding five; plus the fee for an independent analysis when required by the Planning and Zoning Commission; plus fifty dollars ($50.00) fee for a public hearing.

(b) Final Plats. The minimum fee for the examination shall be twenty dollars ($20.00) for each final plat plus one dollar ($1.00) for each lot exceeding five.

(c) Inspection. The fee for inspections of the construction shall be not less than the expenses incurred by the Municipality, and the developer shall deposit not less than two percent of the estimated cost of the improvements in a specific fund for such purpose not to exceed five thousand dollars ($5,000).

(Ord. 69-38. Passed 4-20-70.)

1123.04 APPEALS.

A developer aggrieved by an action of the Planning and Zoning Commission in regard to refusal to approve a subdivision may, within sixty days after such refusal, appeal to the appropriate court to correct errors of law and/or questions of fact in accordance with Ohio R. C. 711.09.

(Ord. 69-38. Passed 4-20-70.)

1123.05 ADOPTION; AMENDMENTS TO SUBDIVISION REGULATIONS.

The adoption of and amendments to the Subdivision Regulations may be initiated by the Planning and Zoning Commission or Council. If initiated by Council, they shall be referred to the Commission, and after receiving recommendations thereon, the Commission shall hold a public hearing in accordance with the provisions set forth in the Zoning Code. If the amendment is approved by the Commission, Council may adopt the amendment by a majority vote, or, if such amendment is not approved by the Commission, it shall require a vote of five members of Council for adoption.

After adoption, or amendment to the Regulations, a copy thereof shall be certified by the Commission or Council to the Cuyahoga County Recorder.

(Ord. 69-38. Passed 4-20-70.)

1123.99 ENFORCEMENT AND PENALTY.

Compliance with the Subdivision Regulations shall be obtained by applying penalties for noncompliance as follows:

(a) Violations of Rules and Regulations. Whoever violates any provision of these Regulations as duly adopted or fails to comply with any order issued pursuant thereto, shall be fined not more than one thousand dollars ($1,000). Each violation shall be considered a separate offense.

(b) Improvements to be Installed. The utilities and other improvements required by these Regulations and deemed necessary in the public interest to provide essential services and access to a lot shall be installed or their installation guaranteed, in conformance with the provisions of these Regulations before the issuance of a building permit for construction upon the lot and before the recording, sale or lease of the lot.

(c) Transfer of Land Before Recording. Whoever, being the owner or agent of the owner of any land located within the jurisdiction of these Regulations, transfers any lot, parcel or tract of such land, or in accordance with any plat of a subdivision before such plat has been recorded, shall be fined not more than five hundred dollars ($500. 00) for each lot, parcel or tract of land sold. The description of such lot, parcel or tract by metes and bounds in the deed of transfer shall not serve to exempt the seller from the forfeit herein provided. The Municipality may enjoin such sale or agreement by a civil action in any court of competent jurisdiction. The sale of lots, parcels or tracts from a plat of a subdivision on which any and all areas indicated as streets or as open ground are expressly indicated as for the exclusive use of the abutting or other owners in such subdivision and not as public streets, ways or grounds shall not serve to exempt the seller from the requirements of these Regulations or from the penalty provided herein.

(Ord. 69-38. Passed 4-20-70.)

CHAPTER 1125
Flood Damage Reduction

1125.01 **General provisions.**
1125.02 **Definitions.**
1125.03 **Administration.**
1125.04 **Use and development standards for flood hazard reduction.**
1125.05 **Appeals and variances.**
1125.06 **Enforcement.**

CROSS REFERENCES

Marking flood areas - see Ohio R. C. 1521.14
Pumping out residential basements - see S. U. & P. S. 969.01
Flood Plain District - see P. & Z. Ch. 1177

1125.01 GENERAL PROVISIONS.

(a) Statutory Authorization. Article XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of Mayfield Village, State of Ohio, does ordain as follows:

(b) Findings of Fact. The Village has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

(8) Minimize the impact of development on adjacent properties within and near flood prone areas;

(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;

(10) Minimize the impact of development on the natural, beneficial values of the floodplain;

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and

(12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of Mayfield Village as identified in Section 1125.01(f), including any additional areas of special flood hazard annexed by Mayfield Village.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and/or maps are adopted:

(1) Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas both effective December 3, 2010.

(2) Other studies and/or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.

(3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the Village as required by Section 1125.04(c) Subdivisions and Large Developments.

Any revisions to the aforementioned maps and/or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Mayfield Village Civic Center, 6622 Wilson Mills Road, Mayfield Village, Ohio 44143.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances (resolutions) including Subdivision Regulations, Zoning or Building Codes. In the event of a conflict between these regulations and any other ordinance (resolution), the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject

to such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the Village, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2010-35. Passed 8-16-10.)

1125.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(a) **Accessory Structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) **Appeal.** A request for review of the Floodplain Administrator's interpretation of any provision of these regulations or a request for a variance.

(c) **Base Flood.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one percent (1%) chance annual flood or one hundred (100) year flood.

(d) **Base (100-Year) Flood Elevation (BFE).** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.

(f) **Development.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) **Enclosure Below the Lowest Floor.** See "Lowest Floor."

(h) **Executive Order 11988 (Floodplain Management).** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

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

(j) **Fill.** A deposit of earth material placed by artificial means.

(k) **Flood or Flooding.** general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(l) **Flood Hazard Boundary Map (FHBM).** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(m) **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(n) **Flood Insurance Risk Zones.** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

(1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

(2) Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

(3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

(4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

(5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

(6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

(7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

(o) **Flood Insurance Study (FIS).** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(p) **Flood Protection Elevation.** The Flood Protection Elevation, or FPE, is the base flood elevation plus [1] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or

approved by the Floodplain Administrator.

(q) **Floodway.** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

(r) **Freeboard.** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(s) **Historic structure.** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

(4) Individually listed on the inventory of historic places maintained by Mayfield Village's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

(t) **Hydrologic and hydraulic engineering analysis.** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(u) **Letter of Map Change (LOMC).** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

(1) Letter of Map Amendment (LOMA). A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR). A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

(3) Conditional Letter of Map Revision (CLOMR). A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(v) **Lowest floor.** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(w) **Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

(x) **Manufactured home park.** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

(y) **National Flood Insurance Program (NFIP).** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(z) **New construction.** Structures for which the "start of construction" commenced on or after the initial effective date of the Village Flood Insurance Rate Map, December 24, 1976, and includes any subsequent improvements to such structures.

(aa) **Person.** Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the General Assembly, the Controlling Board, the Adjutant General's Department, or any court.

(bb) **Recreational vehicle.** A vehicle which is:

(1) Built on a single chassis,

(2) 400 square feet or less when measured at the largest horizontal projection,

(3) Designed to be self- propelled or permanently towable by a light duty truck, and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(cc) **Registered Professional Architect.** A person registered to engage in the practice of architecture under the provisions of Ohio R.C. 4703.01 to 4703.19.

(dd) **Registered Professional Engineer.** A person registered as a professional engineer under Chapter 4733 of the Ohio Revised Code.

(ee) **Registered Professional Surveyor.** A person registered as a professional surveyor under Chapter 4733 of the Ohio Revised Code.

(ff) **Special Flood Hazard Area.** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal, state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(gg) **Start of construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(hh) **Structure.** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(ii) **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(jj) **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any improvement to a structure that is considered "new construction,"

(2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development

permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(kk) **Variance.** A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(ll) **Violation.** The failure of a structure or other development to be fully compliant with these regulations. (Ord. 2010-35. Passed 8-16-10.)

1125.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Village Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(1) Evaluate applications for permits to develop in special flood hazard areas.

(2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.

(4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.

(5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.

(6) Enforce the provisions of these regulations.

(7) Provide information, testimony, or other evidence as needed during variance hearings.

(8) Coordinate map maintenance activities and FEMA follow-up.

(9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1125.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

(1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

(2) Elevation of the existing, natural ground where structures are proposed.

(3) Elevation of the lowest floor, including basement, of all proposed structures.

(4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

(5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

A. Floodproofing certification for non-residential floodproofed structure as required in Section 1125.04(e).

B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1125.04(d)(5) are designed to automatically equalize hydrostatic flood forces.

C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1125.04(i)(3).

D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1125.04(i)(2).

E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1125.04(i)(1).

F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1125.04(c).

(6) A Floodplain Development permit application fee in the amount as adopted in the schedule of fees by the Village.

(e) Review and Approval of a Floodplain Development Permit Application.

(1) Review.

A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1125.03(d) has been received by the Floodplain Administrator.

B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections. The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required. The following as-built certifications are required after a floodplain development permit has been issued:

(1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

(2) For all development activities subject to the standards of Section 1125.03(j)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit. A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1125.05 of these regulations.

(i) Exemption from Filing a Development Permit. An application for a floodplain development permit shall not be required for:

(1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than five thousand dollars ($5,000).

(2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.

(3) Major utility facilities permitted by the Ohio Power Siting Board under Chapter 4906 of the Ohio Revised Code.

(4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Chapter 3734 of the Ohio Revised Code.

(5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 - Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) Map Maintenance Activities. To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Village flood maps, studies and other data identified in Section 1125.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months

of the date such information becomes available. These development proposals include:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1125.04(c).

B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1125.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1125.03(j)(1)A.

(2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor, and may be submitted at any time.

(3) Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Village have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village's Flood Insurance Rate Map accurately represent the Village boundaries, include within such notification a copy of a map of the Village suitable for reproduction, clearly showing the new corporate limits or the new area for which the Village has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation. The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

(1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.

(2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

(3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:

A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.

B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1125.05, Appeals and Variances.

(5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(l) Substantial Damage Determinations. Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

(1) Determine whether damaged structures are located in special flood hazard areas;

(2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

(3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

(Ord. 2010-35. Passed 8-16-10.)

1125.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1125.01(f) or 1125.03(k)(1):

(a) Use Regulations.

(1) Permitted Uses. All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the Village are allowed provided they meet the provisions of these regulations.

(2) Prohibited Uses.

A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Chapter 3701 of the Ohio Revised Code.

B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Chapter 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;

(2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.

(5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1125.03(j)(1)A.4. when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 1125.04(c)(4).

(d) Residential Structures.

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (1125.04(d)(1)) and construction materials resistant to flood damage (1125.04(d)(2)) are satisfied.

(2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.

(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:

A. Be used only for the parking of vehicles, building access, or storage; and

B. Be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or

C. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices

provided that they permit the automatic entry and exit of floodwaters.

(6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

(7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1125.04(d).

(e) Nonresidential Structures.

(1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1125.04(d)(1)-(3) and (5) -(7).

(2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

C. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 1125.04(e)(2)A. and B.

(3) Where flood protection elevation data are not available, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(f) Accessory Structures. Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

(1) They shall not be used for human habitation;

(2) They shall be constructed of flood resistant materials;

(3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;

(4) They shall be firmly anchored to prevent flotation;

(5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and

(6) They shall meet the opening requirements of Section 1125.04(d)(5)C.;

(g) Recreational Vehicles. Recreational vehicles must meet at least one of the following standards:

(1) They shall not be located on sites in special flood hazard areas for more than 180 days, or

(2) They must be fully licensed and ready for highway use, or

(3) They must meet all standards of Section 1125.04(d).

(h) Above Ground Gas or Liquid Storage Tanks. All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) Assurance of Flood Carrying Capacity. Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(1) Development in Floodways.

A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or

B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. Meet the requirements to submit technical data in Section 1125.03(j)(1);

2. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;

4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and

5. Concurrence of the Mayor and the Mayor of any other communities impacted by the

proposed actions.

(2) Development in Riverine Areas with Base Flood Elevations but No Floodways.

A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,

B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:

1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;

2. Section 1125.04(i)(1)B., items 1. and 3.-5.

(3) Alterations of a Watercourse. For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.

C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the Village specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

D. The applicant shall meet the requirements to submit technical data in Section 1125.03(j)(1)A.3. when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(Ord. 2010-35. Passed 8-16-10.)

1125.05 APPEALS AND VARIANCES.

(a) Appeals Board Established. The Mayfield Village Board of Appeals is hereby appointed to serve as the Appeals Board for this chapter in accordance with Village Charter Article V, Section 12.

(b) Powers and Duties.

(1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.

(2) Authorize variances in accordance with Section 1125.05(d) of these regulations.

(c) Appeals. Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Board of Appeals provided that such person shall file, within thirty (30) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Board of Appeals.

Upon receipt of the notice of appeal, the Board of Appeals shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Board of Appeals shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Board of Appeals.

B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

C. All applications for a variance shall be accompanied by a variance application fee set forth in the schedule of fees adopted by Mayfield Village, Ohio.

(2) Notice for Public Hearing. The Board of Appeals shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

(3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

A. The danger that materials may be swept onto other lands to the injury of others.

B. The danger to life and property due to flooding or erosion damage.

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

D. The importance of the services provided by the proposed facility to the community.

E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

F. The necessity to the facility of a waterfront location, where applicable.

G. The compatibility of the proposed use with existing and anticipated development.

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

I. The safety of access to the property in times of flood for ordinary and emergency vehicles.

J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) Variances shall only be issued upon:

A. A showing of good and sufficient cause.

B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.

D. A determination that the structure or other development is protected by methods to minimize flood damages.

E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(5) Other Conditions for Variances.

A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 1125.05(d)(3)A. to K. have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Procedure at Hearings.

(1) All testimony shall be given under oath.

(2) A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.

(3) The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.

(4) The Administrator may present evidence or testimony in opposition to the appeal or variance.

(5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.

(6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.

(7) The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.

(8) The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

(f) Appeal to the Court. Those aggrieved by the decision of the Board of Appeals may appeal such decision to the Cuyahoga Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code. (Ord. 2010-35. Passed 8-16-10.)

1125.06 ENFORCEMENT.

(a) Compliance Required.

(1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1125.03(i).

(2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1125.06(c).

(3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1125.06(c).

(b) Notice of Violation. Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

(1) Be put in writing on an appropriate form;

(2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;

(3) Specify a reasonable time for performance;

(4) Advise the owner, operator, or occupant of the right to appeal;

(5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties. Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a 4th degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. The Village shall prosecute any violation of these regulations in accordance with the penalties stated herein.

(Ord. 2010-35. Passed 8-16-10.)

CHAPTER 1127
Riparian Setbacks

1127.01 **Purpose and scope.**
1127.02 **Applicability, compliance and violations.**
1127.03 **Conflicts with other regulations and severability.**
1127.04 **Definitions.**
1127.05 **Establishment of designated watercourses and riparian setbacks.**
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CROSS REFERENCES

Storm water management - see P. & Z. Ch. 1128
Erosion and sediment control - see P. & Z. Ch. 1129
Illicit discharge - see P. & Z. Ch. 1130

1127.01 PURPOSE AND SCOPE.

(a) It is hereby determined that the system of rivers, streams, and other natural watercourses within Mayfield Village contributes to the health, safety, and general welfare of the residents of the Mayfield Village. The specific purpose and intent of this regulation is to regulate uses and developments within riparian setbacks that would impair the ability of riparian areas to:

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

(2) Assist stabilizing the banks of watercourses to reduce woody debris from fallen or damaged trees, streambank erosion, and the downstream transport of sediments eroded from watercourse banks.

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

(4) Reduce pollutants in watercourses by filtering, settling, and transforming pollutants in runoff before they enter watercourses.

(5) Provide watercourse habitats with shade and food.

(6) Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.

(7) Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.

(8) Benefit Mayfield Village by minimizing encroachment on watercourse channels and the need for costly engineering solutions such as gabion baskets 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 environment of Mayfield Village, and thereby preserving the character of Mayfield Village, the quality of life of the residents of Mayfield Village, and corresponding property values.

(b) The following regulation has been enacted to protect and enhance these functions of riparian areas by providing reasonable controls governing structures and uses within a riparian setback along designated watercourses in Mayfield Village.

(Ord. 2013-10. Passed 8-19-13.)

1127.02 APPLICABILITY, COMPLIANCE AND VIOLATIONS.

(a) This regulation shall apply to all zoning districts.

(b) This regulation shall apply to all structures and uses on lands containing a designated watercourse as defined in this regulation, except as provided herein.

(c) No approvals or permits shall be issued by Mayfield Village without full compliance with the terms of this regulation.

(Ord. 2013-10. Passed 8-19-13.)

1127.03 CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY.

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

(b) This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in Section 1127.03(a) of this regulation.

(c) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby. (Ord. 2013-10. Passed 8-19-13.)

1127.04 DEFINITIONS.

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

(a) COMMUNITY: Throughout this regulation, this shall refer to Mayfield Village or its designated representatives, boards, or commissions.

(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 watercourse or onto a structure.

(c) DESIGNATED WATERCOURSE: A watercourse within Mayfield Village that is in conformity with the criteria set forth in this regulation.

(d) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.

(e) IMPERVIOUS COVER: Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools

(f) IN-LINE POND: A permanent pool of water created by impounding a designated watercourse.

(g) NOXIOUS WEED: Any plant 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 this regulation shall prevail.

(h) 100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

(i) OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout this regulation as the "Ohio EPA."

(j) 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 bed of a watercourse.

(k) RIPARIAN AREA: Land adjacent to watercourses that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

(l) RIPARIAN SETBACK: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.

(m) SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as Cuyahoga SWCD.

(n) 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.

(o) SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, 50% of the market value of the structure before the damage occurred.

(p) WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(q) 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 CFR 232, as amended).

(Ord. 2013-10. Passed 8-19-13.)

1127.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS.

(a) Designated watercourses shall include those watercourses meeting any ONE of the following criteria:

(1) All watercourses draining an area greater than ½ square mile, OR

(2) All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, Mayfield Village may consult with a representative of the Cuyahoga SWCD or other technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.

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

(1) A minimum of 75 feet on either side of all watercourses draining an area greater than ½ square mile and up to 20 square miles.

(2) A minimum of 25 feet on either side of all watercourses draining an area less than ½ square mile and having a defined bed and bank as determined by Mayfield Village in Section 1127.05 of this regulation.

(c) Riparian Setback Map. Mayfield Village shall create a map identifying designated watercourses and their riparian setbacks. Said map is attached hereto and made part of this regulation and is identified as Exhibit A. The following shall apply to the Riparian Setback Map:

(1) It shall be used as a reference document and the information contained therein shall be believed to be accurate.

(2) It shall be a guide only.

Communities should add the following disclaimer language to this map. ''This map was prepared as a Riparian Setback Map by Mayfield Village in accordance with Section 1127.05 of Chapter 1127. Mayfield Village digital data is a representation of recorded plats, surveys, deeds, and other collected information for use within a Geographic Information System for purposes of analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use. Mayfield Village assumes no legal responsibility for this information.''

(3) Nothing herein shall prevent Mayfield Village from amending the Riparian Setback Map from time to time as may be necessary.

(4) If any discrepancy is found between the Riparian Setback Map and this regulation, the criteria set forth in Section 1127.05(a) and (b) shall prevail.

(d) The following conditions shall apply in riparian setbacks:

(1) Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of each designated watercourse, except for in-line ponds as addressed in Section 1127.05.

(2) Except as otherwise provided in this regulation, riparian setbacks shall be preserved in their natural state.

(3) Where the 100-year floodplain is wider than a minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to the outer edge of the 100-year floodplain. The 100-year floodplain shall be defined by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, Mayfield Village may require a site-specific floodplain delineation in conformance with standard engineering practices and approved by Mayfield Village. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.

(4) Where a wetland is identified within a minimum riparian setback, the minimum riparian setback width shall be extended to the outermost boundary of the wetland. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by Mayfield Village to the applicant.

(5) The minimum riparian setback on an in-line pond existing at the time of application of this regulation shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on inline ponds existing at the time an application is made under this regulation shall be expanded to include wetlands and floodplains as detailed in Section 1127.05. The creation of new in-line impoundments shall not be permitted under these regulations. (Ord. 2013-10. Passed 8-19-13.)

1127.06 APPLICATIONS AND SITE PLANS.

(a) The applicant shall be responsible for delineating riparian setbacks as required by this regulation and shall identify such setbacks on a site plan included with all subdivision plans, land development plans, and/or zoning permit applications submitted to Mayfield Village. The site plan shall be prepared by a professional engineer, surveyor, landscape architect, or such other qualified professional as determined by Mayfield Village and shall be based on a survey of the affected land. Two (2) copies of the site plan shall be submitted. The site plans shall include the following information:

(1) The boundaries of the lot with dimensions.

(2) The locations of all designated watercourses.

(3) The limits, with dimensions, of the riparian setbacks.

(4) The existing topography at intervals of two (2) feet.

(5) The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all designated watercourses.

(6) North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.

(7) Other such information as may be necessary for Mayfield Village to ensure compliance with this regulation.

(b) Mayfield Village may, in reviewing the site plan, consult with the Cuyahoga SWCD or other such experts. Any costs associated with this review may be assessed to the applicant.

(c) If soil disturbing activities will occur within 50 feet of the outer boundary of the applicable riparian setback as specified in this regulation, the riparian setback shall be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.

(d) No approvals or permits shall be issued by Mayfield Village prior to identification of riparian setbacks on the affected land in conformance with this regulation.

(Ord. 2013-10. Passed 8-19-13.)

1127.07 USES PERMITTED IN RIPARIAN SETBACKS.

(a) By Right Uses Without A Permit. Open space uses that are passive in character shall be permitted in riparian setbacks, including, but not limited to, those listed in this regulation. No use permitted under this regulation shall be construed as allowing trespass on privately held lands.

(1) Recreational Activity. Hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws.

(2) Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.

(3) Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species.

(b) By Conditional Use Permit Granted by the Planning and Zoning Commission: When granting Conditional Use Permits for the following uses, the Planning and Zoning Commission may, for good cause, attach such conditions as it deems appropriate. Permits issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

(1) Crossings: Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances. Such crossings shall only be undertaken upon approval of a Crossing Plan by the Planning and Zoning Commission. Any costs associated with review of Crossing Plans may be assessed to the applicant.

If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to Mayfield Village. Proof of compliance shall be the following:

A. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or

B. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or

C. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(2) Streambank Stabilization Projects. Streambank stabilization projects along designated watercourses may be allowed, provided that such measures are ecologically compatible and substantially utilize natural materials and native plant species to the maximum extent practicable. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the Planning and Zoning Commission. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Mayfield Village.

Proof of compliance shall be the following:

A. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or

B. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or,

C. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

(3) Storm Water Management Facilities: Storm water management facilities may be constructed in the riparian setback, provided:

A. Where the minimum riparian setback is less than or equal to 50-feet, the storm water management facilities are located outside the minimum riparian setback.

B. Where the minimum riparian setback is greater than 50-feet, storm water management facilities are located at least 50-feet from the ordinary high water mark of the designated watercourse.

(4) Landscaping: The removal of natural vegetation within a riparian setback and the subsequent cultivation of lawns, landscaping, shrubbery, or trees may be allowed provided that such cultivation is done in conformance with a Landscaping Plan approved by the Planning and Zoning Commission. Any costs associated with review of Landscaping Plans may be assessed to the applicant. Landscaping Plans shall meet the following criteria:

A. Maintain trees in the riparian setback larger than nine (9) inches in caliper (diameter) as measured fifty-four inches above the ground to the maximum extent practicable.

B. Maintain trees, shrubbery, and other non-lawn, woody vegetation in the riparian setback to the maximum extent practicable.

(Ord. 2013-10. Passed 8-19-13.)

1127.08 USES PROHIBITED IN RIPARIAN SETBACKS.

Any use not authorized under this regulation shall be prohibited in riparian setbacks. By way of example, the following uses are specifically prohibited, however, prohibited uses are not limited to those examples listed here:

(a) Construction. There shall be no buildings or structures of any kind.

(b) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for noncommercial composting of uncontaminated natural materials and except as permitted under this regulation.

(c) Fences and Walls: There shall be no fences or walls, except as permitted under this regulation.

(d) Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.

(e) Motorized Vehicles. There shall be no use of motorized vehicles, except as permitted under this regulation.

(f) Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within riparian setbacks except for the following:

(1) Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.

(2) Cultivation of lawns, landscaping, shrubbery, or trees in accordance with an approved Landscaping Plan submitted in conformance with this regulation.

(3) Conservation measures designed to remove damaged or diseased trees or to control noxious weeds or invasive species.

(g) Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, or loading/unloading spaces.

(h) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system and in accordance with recommendations of the Cuyahoga County Board of Health.

(Ord. 2013-10. Passed 8-19-13.)

1127.09 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACKS.

(a) A non-conforming use, existing at the time of passage of this regulation and within a riparian setback, that is not permitted under this regulation may be continued but shall not be changed or enlarged unless changed to a use permitted under this regulation.

(b) A non-conforming structure, existing at the time of passage of this regulation and within a riparian setback, that is not permitted under this regulation may be continued but shall not have the existing building footprint or roofline expanded or enlarged.

(c) A non-conforming structure or use, existing at the time of passage of this regulation and within a riparian setback, that has substantial damage and that is discontinued, terminated, or abandoned for a period of six (6) months or more may not be revived, restored, or re-established.

(Ord. 2013-10. Passed 8-19-13.)

1127.10 VARIANCES WITHIN RIPARIAN SETBACKS.

(a) The Board of Zoning Appeals may grant a variance to this regulation as provided herein. In granting a variance, the following conditions shall apply:

(1) In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the riparian setback as established in this regulation, such as to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.

(2) The Board of Zoning Appeals may not authorize any structure or use in a Zoning District other than those authorized in the Zoning Code.

(3) Variances shall be void if not implemented within one (1) year of the date of issuance.

(b) In making a determination under Section 1127.10(a) of this regulation, the Board of Zoning Appeals may consider the following:

(1) The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of Chapter 1125 Flood Damage Prevention may be used as guidance when granting variances in the 100-year floodplain.

(2) The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.

(3) The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.

(4) Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.

(5) The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the riparian setback compromises its benefits to Mayfield Village. Variances should not be granted for asphalt or concrete paving in the riparian setback. Variances may be granted for gravel driveways when necessary.

(6) Whether a property, otherwise buildable under the ordinances of Mayfield Village, will be made unbuildable because of this regulation.

(c) In order to maintain the riparian setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variances to other area or setback requirements imposed on a property by the Planning and Zoning or Building Codes. These may include, but are not limited to, parking requirements, requirements for the shape, size, or design of buildings, or front, rear, or side lot setbacks.

(d) In granting a variance under this regulation, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation and to mitigate any necessary impacts in the riparian setbacks permitted by variance. In determining appropriate mitigation, the Board of Zoning Appeals may consult with the Village Engineer or other agencies including Cuyahoga SWCD.

(Ord. 2013-10. Passed 8-19-13.)

1127.11 PROCEDURES FOR VARIANCES AND APPEALS.

(a) Any applicant seeking a variance to the conditions imposed under this regulation or an appeal to an administrative decision made under this regulation, other than a decision by the Planning and Zoning Commission, may apply to or appeal to the Board of Zoning Appeals. The following conditions shall apply:

(1) When filing an application for an appeal to an administrative decision, the applicant shall file a notice of appeal specifying the grounds therefore with the administrative official within 20 days of the administrative official's decision. Upon determining that the application is complete and upon receipt of the required fee of one hundred dollars ($100.00), the administrative official shall transmit to the Board of Zoning Appeals the application and a transcript constituting the record from which the administrative decision subject to appeal was based. This transmission shall occur no less than fourteen (14) days prior to a regularly scheduled meeting of the Board of Zoning Appeals in order to be placed on the agenda for that meeting.

(2) When applying for a variance, the applicant shall file a variance request with the Board of Zoning Appeals.

(3) Applications for appeals or variances made under this regulation shall contain the following information:

A. The name, address, and telephone number of the applicant.

B. Proof of ownership or authorization to represent the property owner.

C. The location of the property, including street address and permanent parcel number.

D. The current zoning of the property.

E. A description of the project for which the appeal or variance is sought.

F. A description of the administrative decision being appealed or the conditions of the regulation from which a variance is sought.

G. Names and addresses of each property owner within 500 feet as shown in the current records of the Cuyahoga Fiscal Officer typed on gummed labels.

(4) Applications for variances or appeals of administrative decisions shall not be resubmitted to the Board of Zoning Appeals within one (1) year of the date of a final decision by the Board of Zoning Appeals on the original application, unless the applicant shows the Board of Zoning Appeals either of the following:

A. Newly discovered evidence that could not have been presented with the original submission, or

B. Evidence of a substantial change in circumstances since the time of the original submission.

(b) A decision by the Board of Zoning Appeals in response to an application for a variance request or an appeal of an administrative decision filed pursuant to this regulation shall be final, unless appealed to Mayfield Village Council per Codified Ordinance Section 1105.02(d).

(Ord. 2013-10. Passed 8-19-13.)

1127.12 INSPECTION OF RIPARIAN SETBACKS.

The identification of riparian setbacks shall be inspected by Mayfield Village:

(a) Prior to soil disturbing activities authorized under this regulation. The applicant shall provide Mayfield Village with at least two (2) working days written notice prior to starting such soil disturbing activities.

(b) Any time evidence is brought to the attention of Mayfield Village that uses or structures are occurring that may reasonably be expected to violate the provisions of this regulation. (Ord. 2013-10. Passed 8-19-13.)

1127.99 PENALTY.

(a) Any person who shall violate any section of this regulation shall be guilty of a misdemeanor of first degree and, upon conviction thereof, shall be subject to punishment as provided in the Ohio Revised Code and shall be required to restore the riparian setback through a restoration plan approved by the Planning and Zoning Commission.

(b) The imposition of any other penalties provided herein shall not preclude Mayfield Village 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, ordinances, rules, or regulations, or the orders of Mayfield Village. (Ord. 2013-10. Passed 8-19-13.)

CHAPTER 1128
Comprehensive Storm Water Management

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CROSS REFERENCES

Drainage facilities - see P. & Z. 1119.04
Soil removal - see BLDG. Ch. 1371
Flood damage prevention - see BLDG. Ch. 1375

1128.01 PURPOSE AND SCOPE.

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

(b) This regulation requires owners who develop or re-develop their property within Mayfield Village to:

(1) Control storm water runoff from their property and ensure that all storm water management practices are properly designed, constructed, and maintained.

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

(3) Control the volume, rate, and quality of storm water runoff originating from their property so that surface water and ground water are protected and flooding and erosion potential are not increased.

(4) Minimize the need to construct, repair, and replace subsurface storm drain systems.

(5) Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.

(6) Incorporate storm water quality and quantity controls into site planning and design at the earliest possible stage in the development process.

(7) Reduce the expense of remedial projects needed to address problems caused by inadequate storm water management.

(8) Maximize use of storm water management practices that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.

(9) Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize Mayfield Village future expenses related to the maintenance and repair of stream crossings.

(10) Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.

(c) This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1128.01.

(d) Public entities, including the State of Ohio, Cuyahoga County, and Mayfield Village shall comply with this regulation for roadway projects initiated after March 10, 2006 and, to the maximum extent practicable, for projects initiated before that time.

(e) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(f) This regulation does not require a Comprehensive Storm Water Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the Mayfield Village Engineer. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1129 Erosion and Sediment Control.

(Ord. 2011-18. Passed 6-20-11.)

1128.02 DEFINITIONS.

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

(a) ACRE: A measurement of area equaling 43,560 square feet.

(b) AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a Registered Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

(c) BEST MANAGEMENT PRACTICES (BMPs): Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other practices to reduce the pollution of water resources and to control storm water volume and rate.

(d) CLEAN WATER ACT: Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.

(e) COMMUNITY: Mayfield Village, its designated representatives, boards, or commissions.

(f) COMPREHENSIVE STORM WATER MANAGEMENT PLAN: The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.

(g) CRITICAL STORM: A storm that is calculated by means of the percentage increase in volume of runoff by a proposed development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.

(h) DETENTION FACILITY: A basin, pond, oversized pipe, or other structure that reduces the peak flow rate of storm water leaving the facility by temporarily storing a portion of the storm water entering the facility.

(i) 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.

(j) DEVELOPMENT DRAINAGE AREA: A combination of each hydraulically unique watershed with individual outlet points on the development area.

(k) DISTURBED AREA: An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.

(l) DRAINAGE: The removal of excess surface water or groundwater from land by surface or subsurface drains.

(m) 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.

(n) EXTENDED CONVEYANCE: A storm water management practice that replaces and/or enhances traditional open or closed storm drainage conduits by retarding flow, promoting percolation of runoff into the soil, and filtering pollutants during the storm water quality event.

(o) EXTENDED DETENTION: A storm water management practice that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.

(p) FINAL STABILIZATION: All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.

(q) GRADING: The process in which the topography of the land is altered to a new slope.

(r) HYDROLOGIC UNIT CODE: A cataloging system developed by the United States Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

(s) 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.

(t) INFILTRATION: A storm water management practice that does not discharge to a water resource during the storm water quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants in the facility.

(u) LARGER COMMON PLAN OF DEVELOPMENT: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

(v) MAXIMUM EXTENT PRACTICABLE: The level of pollutant reduction that operators 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.

(w) 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.

(x) NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE: Storm water runoff control and treatment techniques that use natural practices to control runoff and/or reduce pollution levels.

(y) POST-DEVELOPMENT: The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.

(z) PRE-CONSTRUCTION MEETING: Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as approved and submitted.

(aa) PRE-DEVELOPMENT: The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.

(bb) PROFESSIONAL ENGINEER: A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.

(cc) REDEVELOPMENT: A construction project on land where impervious cover has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project. (Refer to Table 1 in Section 1128.09)

(dd) RIPARIAN AREA: Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

(ee) RUNOFF: The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.

(ff) SEDIMENT: The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

(gg) SEDIMENTATION: The deposition of sediment in water resources.

(hh) SITE OWNER/OPERATOR: 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 that is responsible for the overall construction site.

(ii) 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, increased storm water quantity and/or decreased storm water quality.

(jj) STABILIZATION: The use of Best Management Practices that reduce or prevent soil erosion by storm water runoff, trench dewatering, wind, ice, gravity, or a combination thereof.

(kk) STRUCTURAL STORM WATER MANAGEMENT PRACTICE: Any constructed facility, structure, or device that provides storage, conveyance, and/or treatment of storm water runoff.

(ll) SURFACE WATERS OF THE STATE: All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(mm) TOTAL MAXIMUM DAILY LOAD: The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensures attainment and maintenance of water quality standards.

(nn) WATER QUALITY VOLUME. The volume of runoff from a contributing watershed that must be captured and treated, equivalent to the maximized capture volume as defined in the American Society of Civil Engineers (ASCE) Manual and Report on Engineering Practice No. 87 and Water Environment Federation Manual of Practice No. 23 titled Urban Runoff Quality Management.

(oo) WATER RESOURCE: Any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow.

(pp) WATER RESOURCE CROSSING: Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.

(qq) WATERSHED: The total drainage area contributing storm water runoff to a single point.

(rr) 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 CFR 232, as amended). (Ord. 2011-18. Passed 6-20-11.)

1128.03 DISCLAIMER OF LIABILITY.

(a) 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 any particular parcel of property.

(b) By approving a Comprehensive Storm Water Management Plan under this regulation, Mayfield Village does not accept responsibility for the design, installation, and operation and maintenance of storm water management practices.

(Ord. 2011-18. Passed 6-20-11.)

1128.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the Mayfield Village Engineer, 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 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 Mayfield 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 Mayfield Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2011-18. Passed 6-20-11.)

1128.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This regulation requires that a Comprehensive Storm Water Management Plan be developed and implemented for soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1128.01(c) is proposed.

(b) Mayfield Village shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. Mayfield Village may consult with the Cuyahoga County SWCD, private engineers, storm water districts, or other technical experts in reviewing the Comprehensive Storm Water Management Plan. (Ord. 2011-18. Passed 6-20-11.)

1128.06 APPLICATION PROCEDURES.

(a) Pre-Application Meeting: The applicant shall attend a Pre-Application Meeting with the Mayfield Village Engineer to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

(b) Preliminary Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets of a Preliminary Comprehensive Storm Water Management Plan (Preliminary Plan), Calculations and the applicable fees to the Mayfield Village Building Department. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the Mayfield Village Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed storm water management practices are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees as follows:

(1) For subdivisions: In conjunction with the submission of the preliminary subdivision plan.

(2) For other construction projects: In conjunction with the application for a zoning permit.

(3) For general clearing projects: In conjunction with the application for a zoning permit.

(c) Final Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets of a Final Comprehensive Storm Water Management Plan (Final Plan), Calculations and the applicable fees to the Mayfield Village Building Department in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of Section 1128.08 and shall be approved by the Mayfield Village Engineer prior to approval of the final plat and/or before issuance of a building permit by the Building Inspector.

(d) Review and Comment: The Mayfield Village Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised Preliminary or Final Plan.

(e) Approval Necessary: Land clearing and soil-disturbing activities shall not begin and zoning and/or building permits shall not be issued without an approved Comprehensive Storm Water Management Plan.

(f) Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.

(Ord. 2011-18. Passed 6-20-11.)

1128.07 COMPLIANCE WITH 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 other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before Mayfield Village will issue a building or zoning permit.

(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 Engineer's 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.

(Ord. 2011-18. Passed 6-20-11.)

1128.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Comprehensive Storm Water Management Plan Required: The applicant shall develop a Comprehensive Storm Water Management Plan describing how the quantity and quality of storm water will be managed after construction is complete for every discharge from the site and/or into a water resource. The Plan will illustrate the type, location, and dimensions of every structural and non-structural storm water management practice incorporated into the site design, and the rationale for their selection. The rationale must address how these storm water management practices will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the storm water management practices minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current degradation of water resources that is occurring or take measures to prevent predictable degradation of water resources.

(b) Preparation by Professional Engineer: The Comprehensive Storm Water Management Plan shall be prepared by a registered professional engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the Mayfield Village Engineer, a site survey shall be performed by a Registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.

(c) Community Procedures: The Mayfield Village Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the storm water management system for the site. These procedures may be updated from time to time, at the discretion of the Mayfield Village Engineer based on improvements in engineering, science, monitoring, and local maintenance experience. The Mayfield Village Engineer shall make the final determination of whether the practices proposed in the Comprehensive Storm Water Management Plan meet the requirements of this regulation. The Mayfield Village Engineer may also maintain a list of acceptable Best Management Practices that meet the criteria of this regulation to be used in Mayfield Village.

(d) Contents of Comprehensive Storm Water Management Plan: The Comprehensive Storm Water Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Agreement, and a site description with the following information provided:

(1) Site description:

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 areas).

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

D. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity at the beginning and at the conclusion of the project.

E. Existing data describing the soils throughout the site, including the soil series and association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.

F. 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.

G. The location and name of the immediate water resource(s) and the first subsequent water resource(s).

H. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or will receive discharges from the project.

I. Describe the current condition of water resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high sediment loading or loss of channel stability.

(2) Site map showing:

A. Limits of soil-disturbing activity on the site.

B. Soils types for the entire site, including locations of unstable or highly erodible soils.

C. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.

D. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.

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

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

(3) Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:

A. The Professional Engineer who prepared the Comprehensive Storm Water Management Plan.

B. The site owner.

(4) Phase, if applicable, of the overall development plan.

(5) List of sublot numbers if project is a subdivision.

(6) Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.

(7) Location, including complete site address and sublot number if applicable.

(8) Location of any easements or other restrictions placed on the use of the property.

(9) A site plan sheet showing:

A. The location of each proposed post-construction storm water management practice.

B. The geographic coordinates of the site and each proposed practice in North American Datum Ohio State Plan North.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

(10) An Inspection and Maintenance Agreement. The Inspection and Maintenance Agreement required for storm water management practices under this regulation shall be between Mayfield Village and the applicant and shall contain the following information and provisions:

A. The location of each storm water management practice, including those practices permitted to be located in, or within 50 feet of, water resources, and identification of the drainage area served by each storm water management practice.

B. A schedule for regular maintenance for each aspect of the storm water management system to ensure continued performance of that system as is detailed in the approved Comprehensive Storm Water Management Plan. This schedule may include additional standards, as required by Mayfield Village Engineer, to ensure continued performance of storm water management practices permitted to be located in, or within 50 feet of, water resources.

C. Identification of the landowner(s), organization, or municipality responsible for long-term maintenance, including repairs, of the storm water management practices.

D. The landowner(s), organization, or municipality shall maintain storm water management practices in accordance with this regulation.

E. Mayfield Village shall conduct or cause to conduct inspections as necessary to verify that the storm water management practices are being maintained and operated in accordance with this regulation.

F. Mayfield Village shall maintain public records of the results of site inspections, shall inform the landowner(s), organization, or municipality responsible for maintenance of the inspection results, and shall specifically indicate any corrective actions required to bring the storm water practices into proper working condition.

G. If Mayfield Village notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time frame as determined by Mayfield Village.

H. Mayfield Village is authorized to enter upon the property and to perform the corrective actions identified in the inspection report if the landowner(s), organization, or municipality responsible for maintenance does not make the required corrections in the specified time period. Mayfield Village shall be reimbursed by the landowner(s), organization, or municipality responsible for maintenance for all expenses incurred within 10 days of receipt of invoice from Mayfield Village.

I. The method of funding long-term maintenance and inspections of all storm water management practices.

J. A release of Mayfield Village from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against Mayfield Village from the construction, presence, existence, or maintenance of the storm water management practices.

K. Mayfield Village has the authority to enter upon the property to conduct inspections as necessary to verify that the storm water management practices are being maintained and operated in accordance with this regulation.

L. If Mayfield Village notifies the landowner(s), organization, or municipality responsible for maintenance of the maintenance problems that require correction, the specific corrective actions shall be taken within a reasonable time frame as determined by Mayfield Village.

M. Mayfield Village shall maintain public records of the results of site inspections, shall inform the landowner(s), organization, or municipality responsible for maintenance of the inspection results, and

shall specifically indicate any corrective actions required to bring the storm water.

Alteration or termination of these stipulations is prohibited. The applicant must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Storm Water Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to Mayfield Village to receive final inspection approval of the site.

(11) Calculations required: The applicant shall submit calculations for projected storm water runoff flows, volumes, and timing into and through all storm water management practices for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its the floodplain, as required in Section 1128.09 of this regulation. These submittal shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from upper watershed areas have been considered in the calculations.

(12) List of all contractors and subcontractors before construction: Prior to construction or before the pre-construction meeting, provide the list of all contractors and subcontractors names, addresses, and phones involved with the implementation of the Comprehensive Storm Water Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Storm Water Management Plan.

(13) Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and storm water management practices, including any related storm water management practices beyond the development area and the larger common development area.

(14) For each storm water management practice to be employed on the development area, include the following:

A. Location and size, including detail drawings, maintenance requirements during and after construction, and design calculations, all where applicable.

B. Final site conditions including storm water inlets and permanent nonstructural and structural storm water management practices. Details of storm water management practices shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.

C. Any other structural and/or non-structural storm water management practices necessary to meet the design criteria in this regulation and any supplemental information requested by the Mayfield Village Engineer. (Ord. 2011-18. Passed 6-20-11.)

1128.09 PERFORMANCE STANDARDS.

(a) General: The storm water system, including storm water management practices for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:

(1) Integrated practices that address degradation of water resources. The storm water management practices shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving storm water discharges from the site. Acceptable practices shall:

A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project and complies with Chapter 1128 Mayfield Village's Riparian Setback requirements.

B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.

C. Only install new impervious surfaces and compact soils where necessary to support the future land use.

D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing storm water peak flows to less than predevelopment levels.

Storm water management practices that meet the criteria in this regulation, and additional criteria required by the Mayfield Village Engineer, shall comply with this regulation.

(2) Practices designed for final use: Storm water management practices shall be designed to achieve the storm water management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with minimal maintenance.

(3) Storm water management for all lots: Areas developed for a subdivision, as defined in Section 1113.22 Mayfield Village's Planning and Zoning Code, shall provide storm water management and water quality controls for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from the lot.

(4) Storm water facilities in water resources: Storm water management practices and related activities shall not be constructed in water resources unless the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1128.07 of this regulation, and the activity is in compliance with Chapter 1129 [Mayfield Village's Erosion and Sediment Control requirements] all as determined by the Mayfield Village Engineer.

(5) Storm water ponds and surface conveyance channels: All storm water pond and surface conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing storm water ponds and conveyance channels, the applicant shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.

(6) Exemption: The site where soil-disturbing activities are conducted shall be exempt from the requirements of Section 1128.09 if it can be shown to the satisfaction of the Mayfield Village Engineer that the site is part of a larger common plan of development where the storm water management requirements for the site are provided by an existing storm water management practice, or if the storm water management requirements for the site are provided by practices defined in a regional or local storm water management plan approved by the Mayfield Village Engineer.

(7) Maintenance: All storm water management practices shall be maintained in accordance with Inspection and Maintenance Agreements approved by the Mayfield Village Engineer as detailed in Section 1128.08.

(8) Ownership: Unless otherwise required by Mayfield Village, storm water management practices serving multiple lots in subdivisions shall be on a separate lot held and maintained by an entity of common ownership or, if compensated by the property owners, by Mayfield Village. Storm water management practices serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.

(9) Preservation of Existing Natural Drainage. Practices that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation; and maintaining unconcentrated storm water runoff to and through these areas.

(10) Preservation of Wetland Hydrology: Concentrated storm water runoff from BMPs to

wetlands shall be converted to diffuse flow before the runoff enters a wetland in order to protect the natural hydrology, hydroperiod, and wetland flora. The flow shall be released such that no erosion occurs down slope. Practices such as level spreaders, vegetative buffers, infiltration basins, conservation of forest covers, and the preservation of intermittent streams, depressions, and drainage corridors may be used to maintain the wetland hydrology.

If the applicant proposes to discharge to natural wetlands, a hydrological analysis shall be preformed to demonstrate that the proposed discharge matches the pre-development hydroperiods and hydrodynamics.

(b) Storm Water Conveyance Design Criteria: All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

(1) Stream relocation or enclosure: The Mayfield Village Engineer may allow the enclosure or relocation of water resources only if the applicant shows proof of compliance with all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies as required in Section 1128.07 of this regulation, and the activity is in compliance with Section 1129 Mayfield Village's Erosion and Sediment Control requirements as determined by the Mayfield Village Engineer. At a minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.

(2) Off-site storm water discharges: Off-site storm water runoff that discharges to or across the applicant's development site shall be conveyed through the storm water conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around storm water quality control facilities or, if this in not possible, the storm water quality control facility shall be sized to treat the off-site flow. Comprehensive Storm Water Management Plans will not be approved until it is demonstrated to the satisfaction of the Mayfield Village Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.

(3) Sheet flow. The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. In no case shall the sheet flow length be longer than 300 feet, nor shall a sheet flow area exceed 1.5 acres. Flow shall be directed into an open channel, storm sewer, or other storm water management practice from areas too long and/or too large to maintain sheet flow, all as determined by the Mayfield Village Engineer.

(4) Open channels: Unless otherwise allowed by the Mayfield Village Engineer, drainage tributary to storm water management practices shall be provided by an open channel with landscaped banks and designed to carry the 10 year, 24-hour storm water runoff from upstream contributory areas.

(5) Open drainage systems: Open drainage systems shall be preferred on all new development sites to convey storm water where feasible. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under Mayfield Village zoning or where the use of an open drainage system affects public health or safety, all as determined by the Mayfield Village Engineer. The following criteria shall be used to design storm sewer systems when necessary:

A. Residential storm sewers shall be designed such that they do not surcharge from runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 10-year, 24-hour storm. Commercial storm sewers shall be designed such that they do not surcharge from runoff caused by the 10-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 25-year, 24-hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributory area within the proposed development and existing flows from offsite areas that are upstream from the development.

B. The minimum inside diameter of pipe to be used in public storm sewer systems is 12 inches. Smaller pipe sizes may be used in private systems, subject to the approval of the Mayfield Village Engineer.

C. All storm sewer systems shall be designed taking into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.

D. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.

E. Headwalls shall be required at all storm sewer inlets or outlets to and from open channels or

lakes.

(6) Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource in Mayfield Village:

A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm.

B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, coldwater habitat, exceptional warmwater habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.

C. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed.

D. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.

E. The maximum slope allowable shall be a slope that produces a 10 fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

F. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.

G. Headwalls shall be required at all culvert inlets or outlets to and from open channels or lakes.

H. Streams with a drainage area of 5 square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.

I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.

(7) Overland flooding: Overland flood routing paths shall be used to convey storm water runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or storm water management practice such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation at the structure. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

(8) Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within floodplains approved by Mayfield Village must be compensated by removing an equivalent volume of material. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by Mayfield Village, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited. FEMA allows a 1'-0" rise in the 100-year floodplain elevation when fill is placed in the floodplain fringe.

(9) Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.

(c) Storm Water Quality Control:

(1) Direct runoff to a BMP: The site shall be designed to direct runoff to one or more of the following storm water management practices. These practices are listed in Table 2 of this regulation and shall be designed to meet the following general performance standards:

A. Extended conveyance facilities that slow the rate of storm water runoff; filter and biodegrade pollutants in storm water; promote infiltration and evapotranspiration of storm water; and discharge the controlled runoff to a water resource.

B. Extended detention facilities that detain storm water; settle or filter particulate pollutants; and release the controlled storm water to a water resource.

C. Infiltration facilities that retain storm water; promote settling, filtering, and biodegradation of pollutants; and infiltrate captured storm water into the ground.

D. The Mayfield Village Engineer may require a soil engineering report to be prepared for the site to demonstrate that any proposed infiltration facilities meet these performance standards.

E. For sites less than five (5) acres, but greater than one (1) acre and not part of a common plan of development, where (1) or more acres are disturbed, the Village Engineer may approve other BMPs if the applicant demonstrates to the Village Engineer's satisfaction that these BMPs meet the objectives of this regulation as stated in Section 1128.09(c)(6).

F. For sites greater than five (5) acres, or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, the Village Engineer may approve other BMPs if the applicant demonstrates to the Village Engineer's satisfaction that these BMPs meet the objectives of this regulation as stated in Section 1128.09(c)(6), and has prior written approval from the Ohio EPA.

G. For the construction of new roads and roadway improvement projects by public entities (i.e. the State, counties, townships, cities, or villages), the Village Engineer may approve BMPs not included in Table 2 of this regulation, but must show compliance with the current version of the Ohio Departments of Transportations"Location and Design Manual, Volume Two Drainage Design".

(2) Criteria applying to all storm water management practices. Practices chosen must be sized to treat the water quality volume (WQv) and to ensure compliance with Ohio Water Quality Standards (OAC Chapter 3745-1).

A. The WQv shall be equal to the volume of runoff from a 0.75 inch rainfall event and shall be determined according to one of the following methods:

1. Through a site hydrologic study approved by the Mayfield Village Engineer that uses continuous hydrologic simulation; site-specific hydrologic parameters, including impervious area, soil infiltration characteristics, slope, and surface routing characteristics; proposed best management practices controlling the amount and/or timing of runoff from the site; and local long-term hourly records, or

2. Using the following equation:

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

where terms have the following meanings:

WQv = water quality volume in acre-feet
C = runoff coefficient appropriate for storms less than 1 in.
P = 0.75 inch precipitation depth
A = area draining into the storm water practice, in acres.

Runoff coefficients required by the Ohio Environmental Protection Agency (Ohio EPA) for use in determining the water quality volume are listed in Table 1. Alternatively, the Mayfield Village Engineer may consider use of the following equation to calculate the runoff coefficient if the applicant can demonstrate that appropriate controls are in place to limit the proposed impervious area of the development:

$$C= 0.858i3 - 0.78i2 + 0.774i+ 0.04$$, where:

i = fraction of the drainage area that is impervious

Table 1: Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & 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
Where 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)	

B. An additional volume equal to 20% of the WQv shall be incorporated into the storm water practice for sediment storage. This volume shall be incorporated into the sections of storm water practices where pollutants will accumulate.

C. Storm water quality management practices shall be designed such that the drain time is long enough to provide treatment and protect against downstream bank erosion, but short enough to provide storage available for successive rainfall events as defined in Table 2.

Table 2: Draw Down Times for Storm Water Management Practices

Best Management Practice	Drain Time of WQv
Infiltration Facilities *	24-48 hours
Extended Conveyance Facilities (Vegetated Swales, Filter Strips) Vegetated Filter Strip with berm Enhanced Water Quality Swale Flow Through Design	 24 hours 24 hours **
Extended Detention Facilities Extended Dry Detention Basins*** Wet Detention Basins + Pocket Wetland Constructed Wetlands (above permanent pool) Bioretention* Sand and other Media Filtration	 48 hours 24 hours 24 hours 24 hours 40 hours 40 hours

* The WQv shall completely infiltrate within 48 hours so there is no standing or residual water pool.
** Sized to pass a hydrograph with a volume equal to the WQv, a duration of 2 hours, peak rainfall intensity of 1 inch/hour at a depth of no more than 3 inches and have a minimum hydraulic residence time of 5 minutes. The use of this criterion is limited to sites where the total area disturbed is 5 acres or less. Prior approval from the Village Engineer is necessary to use this practice. For sites greater than five (5) acres or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, prior written approval is required from the Ohio EPA.
*** The use of a forebay and micropool is required on all extended dry detention basins. Each is to be sized at a minimum 10% of the WQv.
\+ Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQV .
^Pocket wetland must have a wet pool equal to the WQv, with 25% of the WQv in a pool and 75% in marshes. The EDV above the permanent pool must be equal to the WQv.

ó D. Each practice shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Agreement for the site.

(3) Additional criteria applying to infiltration facilities.

A. Infiltration facilities shall only be allowed if the soils of the facility fall within hydrologic soil groups A or B, if the seasonal high water table is at least three (3) feet below the final grade elevation, and any underlying bedrock is at least six feet below the final grade elevation.

B. All runoff directed into an infiltration basin must first flow through a pretreatment practice such as a grass channel or filter strip to remove coarser sediments that could cause a loss of infiltration capacity.

C. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.

(4) Additional criteria applying to extended conveyance facilities.

A. Facilities shall be lined with fine turf-forming, flood tolerant grasses.

B. Facilities designed according to the extended conveyance detention design drain time shall:

1. Not be located in areas where the depth to bedrock and/or seasonal high water table is less than 3 feet below the final grade elevation.

2. Only be allowed where the underlying soil consists of hydrologic soil group (HSG) A or B, unless the underlying soil is replaced by at least a 2.5 foot deep layer of soil amendment with a permeability equivalent to a HSG A or B soil and an underdrain system is provided.

C. Facilities designed according to the flow through design drain time shall:

1. Only be allowed on sites where:

a. The total area disturbed is 5 acres or less

b. The discharge rate from the BMP will have negligible hydrologic impacts to received waters as described in Chapter 1128.09(c)(6)B.

c. Prior written approval is given by the Village Engineer; and

d. For sites greater than five (5) acres or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, prior written approval has

been given by the Ohio EPA.

2. Be designed to slow and filter runoff flowing through the turf grasses with a maximum depth of flow no greater than 3 inches.

3. Be designed to have a minimum hydraulic residence time of 5 minutes.

D. Concentrated runoff shall be converted to sheet flow, or a diffuse flow using a plunge pool, flow diffuser or level spreader, before entering an extended conveyance facility designed according to the flow through drain time.

(5) Additional criteria for extended detention facilities:

A. The outlet shall be designed to not release more than the first half of the water quality volume in less than 1/3rd of the drain time. A valve shall be provided to drain any permanent pool volume for removal of accumulated sediments. The outlet shall be designed to minimize clogging, vandalism, maintenance, and promote the capture of floatable pollutants.

B. The basin design shall incorporate the following features to maximize multiple uses, aesthetics, safety, and maintainability:

1. Basin side slopes above the permanent pool shall have a run to rise ratio of 4:1 or flatter.

2. The perimeter of all permanent pool areas deeper than 4 feet shall be surrounded by an aquatic bench that extends at least 8 feet and no more than 15 feet outward from the normal water edge. The 8 feet wide portion of the aquatic bench closest to the shoreline shall have an average depth of 6 inches below the permanent pool to promote the growth of aquatic vegetation. The remainder of the aquatic bench shall be no more than 15 inches below the permanent pool to minimize drowning risk to individuals who accidentally or intentionally enter the basin, and to limit growth of dense vegetation in a manner that allows waves and mosquito predators to pass through the vegetation. The maximum slope of the aquatic bench shall be 10 (H) to 1 (V). The aquatic bench shall be planted with hearty plants comparable to wetland vegetation that are able to withstand prolonged inundation.

3. A forebay designed to allow larger sediment particles to settle shall be placed at basin inlets. The forebay and micropool volume shall be equal to at least 10% of the water quality volume (WQv).

4. When post-construction detention/water quality basin are to be used as temporary sediment trapping BMPs, a skimmer discharge device consistent with the Ohio Rainwater Manual shall be utilized during construction phase and until the site is deemed permanently stabilized by the administrator.

(6) Criteria for the Acceptance of Alternative post-construction BMPs: The applicant may request approval from the Village Engineer for the use of alternative structural post-construction BMPs if the applicant shows to the satisfaction of the Village Engineer that these BMPs are equivalent in pollutant removal and runoff flow/volume reduction effectiveness to those listed in Table 2. If the site is greater than five (5) acres, or less than five (5) acres but part of a larger common plan of development or sale which will disturb five (5) or more acres, prior approval from the Ohio EPA is necessary. To demonstrate the equivalency, the applicant must show:

A. The alternative BMP has a minimum total suspended solid (TSS) Removal of 80 percent, using the Level II Technology Acceptance Reciprocity Partnership (TARP) testing protocol.

B. The water quality volume discharge rate from the selected BMP is reduced to prevent stream bed erosion, unless there will be negligible hydrologic impact to the receiving surface water of the State. The discharge rate from the BMP will have negligible impacts if the applicant can demonstrate one of the following conditions:

1. The entire water quality volume is recharged to groundwater.

2. The development will create less than one acre of impervious surface.

3. The development project is a redevelopment project with an ultra-urban setting, such as a downtown area, or on a site where 100 percent of the project area is already impervious surface and the storm water discharge is directed into an existing storm sewer system.

4. The storm water drainage system of the development discharges directly into a large river of fourth order or greater or to a lake, and where the development area is less than 5 percent of the water area upstream of the development site, unless Total Maximum Daily Load (TMDL) has identified water quality problems in the receiving surface water of the State.

(d) Storm Water Quantity Control: The Comprehensive Storm Water Management Plan shall describe how the proposed storm water management practices are designed to meet the following requirements for storm water quantity control for each watershed in the development:

(1) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.

(2) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms

shall be considered in designing a facility to meet this requirement.

(3) The Critical Storm for each specific development drainage area shall be determined as follows:

A. Determine, using a curve number-based hydrologic method that generates hydrographs, or other hydrologic method approved by the Mayfield Village Engineer, the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:

1. Calculations shall include the lot coverage assumptions used for full build out as proposed.

2. Calculations shall be based on the entire contributing watershed to the development area.

3. Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use.

4. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description.

B. From the volume determined in Section 1128.09(d)(3)A., determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical Storm from Table 3.

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
-----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	-----	100 year
For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.		

(e) Storm Water Management on Redevelopment Projects: Comprehensive Storm Water Management Plans for redevelopment projects shall reduce existing site impervious areas by at least 20 percent. A one-for-one credit towards the 20 percent net reduction of impervious area can be obtained through the use of pervious pavement and/or green roofs.

(1) Where site conditions prevent the reduction of impervious area, storm water management practices shall be implemented to provide storm water quality control facilities for at least 20 percent of the site's impervious area.

(2) When a combination of impervious area reduction and storm water quality control facilities are used, the combined area shall equal or exceed 20 percent of the site.

(3) Where projects are a combination of new development and redevelopment, the total water quality volume that must be treated shall be calculated by a weighted average based on acreage, with the new development at 100 percent water quality volume and redevelopment at 20 percent.

(4) Where conditions prevent impervious area reduction or on-site storm water management for redevelopment projects, practical alternatives as detailed for redevelopment projects, practical alternatives as detailed in Section 1128.10 may be approved by the Village Engineer.

(Ord. 2011-18. Passed 6-20-11.)

1128.10 ALTERNATIVE ACTIONS.

(a) When Mayfield Village 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 quantity. Such alternatives shall meet the following standards:

(1) Shall achieve the same level of storm water quantity and quality control that would be achieved by the on-site controls required under this regulation.

(2) Implemented in the same Hydrologic Unit Code (HUC) 14 watershed unit as the proposed development project.

(3) The mitigation ratio of the 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 1128.08(d)(10) is established to ensure operations and treatment in perpetuity.

(5) Obtain prior written approval from Ohio EPA.

(b) Alternative actions may include, but are not limited to the following. All alternative actions shall be approved by the Mayfield Village Engineer:

(1) Fees, in an amount specified by Mayfield Village to be applied 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 quality and quantity 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. 2011-18. Passed 6-20-11.)

1128.11 EASEMENTS.

Access to storm water management practices as required by the Mayfield Village Engineer for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

(a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Storm Water Management Plan.

(b) Easements shall be approved by Mayfield Village prior to approval of a final plat and shall be recorded with the Cuyahoga County Auditor and on all property deeds.

(c) Unless otherwise required by the Mayfield Village Engineer, access easements between a public right-of-way and all storm water management practices shall be no less than 25 feet wide. The easement shall also incorporate the entire practice plus an additional 25-foot wide band around the perimeter of the storm water management practice.

(d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.

(e) Easements to structural storm water management practices shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspectors and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by Mayfield Village. Any re-grading and/or obstruction placed within a maintenance easement may be removed by Mayfield Village at the property owner's expense.

(Ord. 2011-18. Passed 6-20-11.)

1128.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed and provided to the Mayfield Village Engineer:

(a) Final stabilization must be achieved and all permanent storm water management practices must be installed and made functional, as determined by the Mayfield Village Engineer and per the approved Comprehensive Storm Water Management Plan.

(b) An As-Built Certification, including a Survey and Inspection, must be sealed, signed and dated by a Professional Engineer and a Professional Surveyor with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the Mayfield Village Engineer. In evaluating this certification, the Mayfield Village Engineer may require the submission of a new set of storm water practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Storm Water Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such practices and include the entity responsible for long-term maintenance as detailed in the Inspection and Maintenance Agreement.

(c) A copy of the complete and recorded Inspection and Maintenance Agreement as specified in Section 1128.08 must be provided to the Mayfield Village Engineer.

(Ord. 2011-18. Passed 6-20-11.)

1128.13 ON-GOING INSPECTIONS.

Mayfield Village shall inspect or cause to inspect storm water management practices periodically. Upon finding a malfunction or other need for maintenance, Mayfield Village shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have five (5) working days, or other mutually agreed upon time, to makes repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the Mayfield Village Engineer for these repairs not be in place, Mayfield Village may undertake the necessary repairs and assess the responsible party.

(Ord. 2011-18. Passed 6-20-11.)

1128.14 FEES DURING DESIGN AND CONSTRUCTION.

The Comprehensive Storm Water Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to Mayfield Village before the review process begins. The Mayfield Village Engineer shall establish a fee schedule based upon the actual estimated cost for providing these services.

(Ord. 2011-18. Passed 6-20-11.)

1128.15 BOND.

(a) If a Comprehensive Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a Five (5) year Performance Bond in the amount of 100% of the engineers estimate of the cost to construct the stormwater management facilities that have been approved under this chapter, has been deposited with Mayfield Village Finance Department. This bond shall be posted for Mayfield 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 stormwater bond will be returned when the following three criteria are met:

(1) After 80% of the lots of the project have been complete or 100% of the total project has been permanently stabilized or three (3) years from the time of permanent stabilization have passed.

(2) An As Built Inspection of all water quality practices is conducted by the Mayfield Village Engineer.

(3) A Inspection and Maintenance Agreement signed by the developer, the contractor, Mayfield Village, and the private owner or homeowners association who will take long term responsibility for these BMPs, is accepted by the Mayfield Village Engineer.

(b) Once these criteria are met, the applicant shall be reimbursed all fee monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, Mayfield Village may use the bond monies to fix any outstanding issues with all storm water management structures on the site and the remainder of the bond shall be given to the private lot owner/ homeowners association for the purpose of long term maintenance of the project.

(Ord. 2011-18. Passed 6-20-11.)

1128.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The applicant may not direct runoff through any water quality structures, or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the Mayfield Village Engineer. This occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the Mayfield Village Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these practices, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within 2 days. (Ord. 2011-18. Passed 6-20-11.)

1128.17 VIOLATIONS.

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. (Ord. 2011-18. Passed 6-20-11.)

1128.18 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by Mayfield Village in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio Revised Code Chapter 2506. Written notice of appeal shall be served on Mayfield Village.

(Ord. 2011-18. Passed 6-20-11.)

1128.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his 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) or imprisoned for no more than sixty (60) days, or both, 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 Mayfield 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 Mayfield Village. (Ord. 2011-18. Passed 6-20-11.)

CHAPTER 1129
Erosion and Sediment Control

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CROSS REFERENCES

Comprehensive Storm Water Management - see P. & Z. Ch. 1128
Illicit discharge and illegal connection control - see P & Z. Ch. 1130

1129.01 PURPOSE AND SCOPE.

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

(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.

(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 Section 1129.01 (d).

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(Ord. 2011-19. Passed 6-20-11.)

1129.02 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 Mayfield Village, 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 groundwater 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 80% 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: Means 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 Cuyahoga County Auditor's Office.

(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) QUALIFIED INSPECTION PERSONNEL: A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.

(u) 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.

(v) 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.

(w) 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.

(x) SEDIMENTATION: The deposition or settling of sediment.

(y) 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.

(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) SOIL & WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Cuyahoga County SWCD.

(bb) 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.

(cc) 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.

(dd) SURFACE WATERS OF THE STATE: All streams, lakes, reservoirs, marshes, wetlands, or other waterways situated wholly or partly within the boundaries of the state, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works or disposal systems in Section 6111.01 of the Ohio Revised Code are not included.

(ee) UNSTABLE SOILS: A portion of land that is identified by the Mayfield 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 a low soil strength.

(ff) 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.

(gg) 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 CFR 232, as amended). (Ord. 2011-19. Passed 6-20-11.)

1129.03 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. 2011-19. Passed 6-20-11.)

1129.04 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 Mayfield 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 Mayfield Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2011-19. Passed 6-20-11.)

1129.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all parcels of one (1) acre or more and on which any regulated activity of Section 1129.01(c) is proposed.

(b) The following activities shall submit an Abbreviated Storm Water Pollution Prevention Plan:

(1) New single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(2) Additions or accessory buildings for single-family residential construction regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(3) All non-residential construction on parcels of less than one (1) acre.

(4) General clearing activities not related to construction and regardless of parcel size. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or sale disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(c) Activities disturbing 1/10th (one -tenth) or less of an acre are not required to submit a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the Mayfield Village Engineer. These activities must comply with all other provisions of this regulation. (Ord. 2011-19. Passed 6-20-11.)

1129.06 APPLICATION PROCEDURES.

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the SWP3 and the applicable fees to Mayfield Village.

(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 Inspector.

(3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning Inspector.

(b) Soil Distrubing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit two (2) sets of the Abbreviated SWP3 and the applicable fees to Mayfield Village.

(1) For single-family home construction: Before issuance of a zoning permit by the Zoning Inspector.

(2) For other construction projects: Before issuance of a zoning permit by the Zoning Inspector.

(3) For general clearing projects: Prior to issuance of a zoning permit by the Zoning Inspector.

(c) Mayfield Village shall review the plans submitted under Section 1129.06 (a) or (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.

(d) Soil disturbing activities shall not begin and zoning permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

(e) SWP3 for individual sublots in a subdivision will 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 one (1) year from the date of approval. (Ord. 2011-19. Passed 6-20-11.)

1129.07 COMPLIANCE WITH 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 or Abbreviated 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 an application is made under 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 an application is made under 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 Engineer's 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 an application is made under 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.

(Ord. 2011-19. Passed 6-20-11.)

1129.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

(b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(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 areas).

C. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity.

D. Existing data describing the soil 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.

G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).

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. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.

J. 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.

K. Site map showing:

1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.

2. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.

3. Existing and proposed one-foot (1') 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.

4. 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 Army Corps of Engineers and/or Ohio EPA.

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

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

7. Sediment ponds, including their sediment settling volume and contributing drainage area.

8. 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.

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

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

(2) A soils engineering report. The Mayfield Village Engineer may require the SWP3 to include a Soils Engineering Report based upon his/her 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 Mayfield Village Engineer shall be incorporated in the grading plans and/or other specifications for site development.

A. Data regarding the nature, distribution, strength, and erodibility of existing soils.

B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.

C. Conclusions and recommendations for grading procedures.

D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

E. Design criteria for corrective measures when necessary.

F. Opinions and recommendations covering the stability of the site.

(Ord. 2011-19. Passed 6-20-11.)

1129.09 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 SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3.

The controls shall include the following minimum components:

(a) Non-structural Preservation Measures: The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

(b) 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. Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

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 7 days of the most recent disturbance.
Any area within 50 feet of a stream and at final grade.	Within 2 days of reaching final grade.
Any area at final grade	Within 7 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 2 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 7 days of the most recent disturbance within the area.
Disturbance 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/.

(c) 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.

(d) 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 (7) days from the start of grubbing. They shall continue to function until the up slope 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 sediment settling pond, or equivalent best management practice upon approval from the Mayfield Village Engineer, is required for any one of the following conditions, as determined in Table 3 below:

A. Concentrated storm water runoff.

B. Runoff from drainage areas that exceeds the design capacity of silt fence or inlet protection.

C. 10 acres of disturbed land.

The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 67 cubic yards of storage per acre of total contributing drainage area and have a minimum of 48-hour drain time for sediment basins serving a drainage area over 5 acres.

When post-construction detention/water quality ponds are to be used as temporary sediment trapping BMP, a skimmer discharge device consistent with the Ohio Rainwater Manual shall be utilized during construction phase and until the site is deemed permanently stabilized by the administrator.

The volume of the sediment storage zone shall be calculated by one of the following methods:

A. The volume of the sediment storage zone shall be 1000ft.3 per disturbed acre within the watershed of the basin.

B. The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with a generally accepted erosion prediction model.

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 dewatering zone must be less than or equal to five (5) 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), however a length to width ratio of 4:1 is recommended. Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40 percent. 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 10 acres. Placing silt fence in parallel does not extend the permissible drainage area to the silt fence.

Table 3: Maximum Drainage Area to Silt Fence

Maximum Drainage Area (acres) to 100 linear feet of silt fence	
0.5	
0.25	
0.125	

(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. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. 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 2" 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. 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.

Based on site conditions, Mayfield Village Engineer may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

C. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

D. 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 Section 1129.09 (g) of this regulation.

E. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Mayfield Village Engineer 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) Surface Waters of the State 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 a 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.

(e) 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 Wash Out: 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.

(f) 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.

(g) 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.

(h) 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 inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the Mayfield Village Engineer and all of the following conditions are met:

(1) The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e. more than one (1) month).

(2) Land disturbance activities have been suspended, and temporary stabilization is achieved.

(3) The beginning date and ending dates of the waiver period are documented in the SWP3.

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. The applicant shall utilize an inspection form provided by the Mayfield Village or an alternate form acceptable to the Mayfield Village Engineer. The inspection form shall include:

A. The inspection date.

B. Names, titles and qualifications of personnel making the inspection.

C. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.

D. Weather information and a description of any discharges occurring at the time of inspection.

E. Locations of:

1. Discharges of sediment or other pollutants from site.
2. BMPs that need to be maintained.
3. BMPs that failed to operate as designed or proved inadequate for a particular location.
4. Where additional BMPs are needed that did not exist at the time of inspection.

F. Corrective action required including any necessary changes to the SWP3 and implementation dates.

1. 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.

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

3. The applicant shall maintain for three (3) years 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 non-compliance determined by these inspections.

(i) 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 up slope 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 Mayfield 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 (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

(2) When practices fail to provide their intended function. If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.

(3) 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 (10) 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.

(j) Final Stablization. Final stabilization shall be determined by the Mayfield Village Engineer. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site.

(Ord. 2011-19. Passed 6-20-11.)

1129.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.

(b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The Abbreviated SWP3 shall include a minimum of the following BMPs. Mayfield Village may require other BMPs as site conditions warrant.

(1) Construction Entrances: 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 2" 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.

(2) Concrete Truck Wash Out: 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) Street Sweeping: 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 be cleaned weekly.

(4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area requiring stabilization	Time frame to apply erosion controls
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 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 7 days of the most recent disturbance within the 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.	

(5) 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.

(6) Internal Inspection and Maintenance. All controls on the development area 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. Maintenance shall occur as detailed below:

A. When practices require repair or maintenance. If the 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 (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.

B. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.

C. When practices depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the 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.

(7) Final Stabilization: Final stabilization shall be determined by the Mayfield Village Engineer. (Ord. 2011-19. Passed 6-20-11.)

1129.11 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 to Mayfield Village and the Cuyahoga County SWCD before the review process begins. Please consult with Mayfield Village Engineer for current fee schedule.

(Ord. 2011-19. Passed 6-20-11.)

1129.12 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 Mayfield Village Finance Department. The bond amount shall be a one thousand five hundred dollars ($1,500) minimum, and an additional one thousand five hundred dollars ($1,500) paid for each subsequent acre or fraction thereof. The bond will be used for the Mayfield 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 Mayfield Village administrative fees after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Mayfield Village Engineer.

(b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the Mayfield Village Engineer.

(Ord. 2011-19. Passed 6-20-11.)

1129.13 ENFORCEMENT.

(a) All development areas may be subject to external inspections by Mayfield Village to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(b) After each external inspection, Mayfield Village shall prepare and distribute a status report to the applicant.

(c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3 Mayfield Village may take action as detailed in Section 1129.14 of this regulation. (Ord. 2011-19. Passed 6-20-11.)

1129.14 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 designee Building Commissioner may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, 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 designee 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. (Ord. 2011-19. Passed 6-20-11.)

1129.15 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by Mayfield Village in relation to this regulation may appeal to the court of common pleas. Such an appeal shall be made in conformity with Ohio Revised Code Chapter 2506. Written notice of appeal shall be served on Mayfield Village.

(Ord. 2011-19. Passed 6-20-11.)

1129.99 PENALTY.

(a) Any person, firm, entity or corporation, including but not limited to, the owner of the property, his 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) or imprisoned for no more than sixty (60) days, or both, 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 Mayfield 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 Mayfield Village. (Ord. 2011-19. Passed 6-20-11.)

CHAPTER 1130
Illicit Discharge and Illegal Connection Control

1130.01 **Purpose and scope.**
1130.02 **Applicability.**
1130.03 **Definitions.**
1130.04 **Disclaimer of liability.**
1130.05 **Conflicts, severability, nuisances and responsibility.**
1130.06 **Responsibility for administration.**
1130.07 **Discharge and connection prohibitions.**
1130.08 **Monitoring of illicit discharges and illegal connections.**
1130.09 **Enforcement.**
1130.10 **Remedies not exclusive.**

CROSS REFERENCES

Comprehensive Storm Water Management - see P. & Z. Ch. 1128
Erosion and Sediment Control - see P. & Z. Ch. 1129

1130.01 PURPOSE AND SCOPE.

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of Mayfield Village through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency (Ohio EPA). The objectives of this regulation are:

(a) To prohibit illicit discharges and illegal connections to the MS4.

(b) To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

(Ord. 2008-04. Passed 4-21-08.)

1130.02 APPLICABILITY.

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in Mayfield Village except for those discharges generated by the activities detailed in Section 1130.07(a)(l) to (a)(3) of this regulation. (Ord. 2008-04. Passed 4-21-08.)

1130.03 DEFINITIONS.

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(a) Best Management Practices (BMPs): means 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 to storm water. 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) Community: means Mayfield Village, its designated representatives, boards, or commissions.

(c) Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

(d) Floatable Material: in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(e) Hazardous Material: means 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.

(f) Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to an NPDES permit or noted in Section 1130.07 of this regulation.

(g) Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(h) Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;

(2) Designed or used for collecting or conveying storm water;

(3) Which is not a combined sewer; and

(4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.

(i) National Pollutant Discharge Elimination System CNPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC §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.

(j) Off-Lot Discharging Home Sewage Treatment System: means a system designed to treat home sewage on-site and discharge treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(k) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(l) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(m) Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(n) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(Ord. 2008-04. Passed 4-21-08.)

1130.04 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. 2008-04. Passed 4-21-08.)

1130.05 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

(a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by Mayfield Village, 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 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 Mayfield 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 Mayfield Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

(Ord. 2008-04. Passed 4-21-08.)

1130.06 RESPONSIBILITY FOR ADMINISTRATION.

Mayfield Village shall administer, implement, and enforce the provisions of this regulation. Mayfield Village may contract with the Cuyahoga County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

(Ord. 2008-04. Passed 4-21-08.)

1130.07 DISCHARGE AND CONNECTION PROHIBITIONS.

(a) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

(1) Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; roof downspout discharge; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by Mayfield Village to be significant contributors of pollutants to the MS4.

(2) Discharges specified in writing by Mayfield Village as being necessary to protect public health and safety.

(3) Discharges from off-lot discharging home sewage treatment systems permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29-02(6) until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Cuyahoga County Board of Health.

In compliance with Mayfield Village Storm Water Management Program, discharges from all off-lot discharging home sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging home sewage treatment systems will no longer be exempt from the requirements of this regulation.

(b) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

(1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

(Ord. 2008-04. Passed 4-21-08.)

1130.08 MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS.

(a) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: Mayfield Village shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

(b) Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

(1) Mayfield Village shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

(2) Mayfield Village shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by Mayfield Village.

(3) Mayfield Village shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by Mayfield Village to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of Mayfield Village and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

(5) Unreasonable delays in allowing Mayfield Village access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

(6) If Mayfield Village is refused access to any part of the facility from which storm water is discharged, and Mayfield Village demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, Mayfield Village may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

(7) Any costs associated with these inspections shall be assessed to the facility owner/operator.

(Ord. 2008-04. Passed 4-21-08.)

1130.09 ENFORCEMENT.

(a) Notice of Violation. When Mayfield Village finds that a person has violated a prohibition or failed to meet a requirement of this regulation, Mayfield Village may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges or illegal connections;

(3) That violating discharges, practices, or operations cease and desist;

(4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or

(5) The implementation of source control or treatment BMPs.

(b) Deadline: If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(c) Compliance Standards: Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(d) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, Mayfield Village shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail. The administrative hearing shall be heard by the Village's Board of Zoning Appeals.

(e) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation. If an owner/operator has violated or continues to violate the provisions of this regulation, Mayfield Village may petition for a preliminary or permanent injunction restraining the owner/operator in accordance with Ohio Revised Code Section 3709.211 from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

(Ord. 2008-04. Passed 4-21-08.)

1130.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of Mayfield Village to seek cumulative remedies.

(Ord. 2008-04. Passed 4-21-08.)

APPENDICES

Appendix A - Outline of Procedures
Appendix B - Forms

APPENDIX A

OUTLINE OF PROCEDURES

The procedures outlined in this Appendix A are intended only as a guide and do not modify the detailed procedures set forth in Chapter 1115 and other parts of these Subdivision Regulations:

(a) Land Planning and Subdivision Regulations are prepared by the Planning and Zoning Commission and after holding a public hearing are recommended to Council, and are reviewed and are adopted by Council.

(b) Thereafter, subdivisions are reviewed and approved by the Planning and Zoning Commission in accordance with the adopted regulations and any amendments thereto.

(c) The developer, before subdividing, obtains information on, or a copy of, the Subdivision Regulations, and other applicable codes in effect.

(d) For a minor subdivision, the developer prepares a sketch plan and submits it to the Commission. After review, the Commission may give final approval and the subdivision may be recorded and the lots created may be sold.

(e) For a major subdivision, the developer prepares a preliminary plan in accordance with the Planning Criteria, Chapter 1117, submits it to the Commission and applies for approval. After review, the Commission shall recommend, conditionally recommend or not recommend the preliminary plan to Council.

(f) Council shall approve or disapprove the Commission's recommendations within sixty days.

(g) The developer, having received approval of preliminary plan of a major subdivision, prepares drawings and specifications for the improvements in accordance with the provisions of Chapter 1119, and a final plat of the subdivision in accordance with the provisions of Chapter 1121. He may either:

(1) Apply for approval of drawings and specifications of improvements, and after approval construct the improvements and then apply for approval of final plat for recording, or,

(2) Apply for approval of plans and specifications of improvements and of the final plat concurrently and furnish performance guarantees for the subsequent construction of the improvements.

(h) The Commission may approve the drawings and specifications for improvements. However, it may approve the final plat only after the improvements are installed or performance guarantees furnished.

(i) After approval, the final plat of the subdivision may be recorded by the developer and he may sell the lots.

(j) The developer shall offer for dedication the streets or other public areas and Council may accept same.

(k) The acceptance of streets and utilities for use and maintenance shall be by separate action of Council.

APPENDIX B

FORMS FOR FINAL PLAT CERTIFICATIONS

Form 1 _TITLE
_Subdivision
(name of)
Part of original tract ____
_____(municipality)

_____ _____
(Cuyahoga County)

Form 2 ___CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) the undersigned _ (name lettered)_ owner(s) of the property shown and described hereon as the subdivision do hereby assent to and adopt this subdivision of the same, and acknowledge that the same was made at our request and do hereby dedicate to public use the street(s) (easement) (parks or other public areas) designated in graphic symbols on this plat.

_____

(owner)_____(signature)_____ (Witness)
(lettered) ____

(owner)_____(signature)_____ _
(lettered)

Form 3 ACKNOWLEDGMENT BY INDIVIDUAL (directly below the above certificate)

State of Ohio)
County of Cuyahoga)

Before me, a Notary Public in and for said County and State, personally appeared the above who acknowledged that he, (she, or they) did sign the foregoing instrument and that the same is his (her or their) free act and deed.

IN WITNESS whereof, I have hereunto set my hand and official seal at _ , _ (municipality) (state)
this _day of _, 19 _.

_____
Notary Public
My Commission expires _

Form 3A ___ACKNOWLEDGMENT BY CORPORATION

State of Ohio)
County of Cuyahoga)

Before me, a Notary Public, in and for said County and State, personally appeared _____, president and, _secretary, of _ the corporation which executed the foregoing instrument, who acknowledged that they did sign said instrument as such president and secretary in behalf of said corporation and by authority of its Board of Directors; and that said instrument is their free act and deed individually and as such officers and the free and corporate act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at _____, Ohio this _____day of _____, 19 _____.

_____
Notary Public
My Commission expires _

Form 4 ___CERTIFICATE OF SURVEYOR

I hereby certify that I have prepared this survey and plat of _subdivision and that the same is correct and accurate.

_, 19_ _
Registered Surveyor-Ohio Serial No.

Form 5 ___APPROVAL BY PLANNING AND ZONING COMMISSION

This plat of _subdivision has been approved by the Planning and Zoning Commission of the City of _ Ohio, by resolution adopted _, 19 _ .

_____
Chairman

_____
Secretary

Form 6 CERTIFICATE OF THE APPROVAL OF REQUIRED IMPROVEMENTS

I hereby certify that the pavements, utilities and other required improvements for the subdivision herein approved have been designed in accordance with the regulations and standards in effect, that I have estimated the cost of materials and construction and performance guarantees in the amount of $ _ ,_have been posted with the _ to assure completion of all improvements in case of default.

_ , 19 _
(date)

_____
Municipal Engineer

Form 6A CERTIFICATE OF THE APPROVAL OF REQUIRED IMPROVEMENTS (not included on plat)

I hereby certify that pavements, utilities and other required land improvements for the _subdivision approved by the Planning and Zoning Commission on _have been designed in accordance with the regulations and standards in effect, that I have inspected the installation of the same and find all improvements have been installed in accordance with the drawing and specifications therefor, and that the utilities and pavements are in good repair.

_, 19 _
(date)

____ Municipal Engineer

Form 7 ACCEPTANCE OF PUBLIC LANDS BY COUNCIL

The public street(s) (park) (playground) (easements) or (other public areas) as noted hereon in graphic symbols were accepted for dedication by the Council of the Municipality of_ , Ohio by Ordinance No._ .

_, 19 _

_____
President

_____
Clerk

Form 8 ACCEPTANCE OF STREET AND UTILITIES FOR PUBLIC USE
(Separate ordinance - not included on plat)

The public street(s) accepted heretofore for dedication and the public utilities has (have) been found to be constructed in accordance with the drawing, specifications and design standards in effect and in good repair, is (are) hereby accepted for public use and maintenance by the Council of the Municipality of _, Ohio by Ordinance No.
_ .

_ , 19 _
(date)

_____
President

_____
Clerk

Form 9 COUNTY RECORDS

Transferred this_ day of _, 19 _ .

____
Cuyahoga County Auditor

Recorded in Plat Book _, Page No. _
this _ day of _ , 19 _ .

_____
Cuyahoga County Recorder

FORM FOR PERFORMANCE BOND

____, Ohio
(Municipality)

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, _, Principal herein is the owner and developer of the _____ Subdivision located in Cuyahoga County, Ohio, and

WHEREAS, the drawings and specifications of said subdivision showing the location, construction and installation requirements for street pavements, curbs, sidewalks, sewers, water mains and other land improvements therein have been filed with the Municipal Planning and Zoning Commission and by it approved, which drawings and specifications are hereby incorporated herein by reference as if set forth at length and made a part of this instrument, and

WHEREAS, the Principal has obligated himself (or itself) and does hereby agree to complete the

construction and installation of all street pavements, curbs, sidewalks, sewers, water mains and all other land improvements in said Subdivision in accordance with said drawings and specifications now on file,

NOW, THEREFORE, THE _ , as Principal and _ , as Surety, do hereby firmly bind ourselves, our heirs, executors, administrators and successors unto the Municipality of _ , Ohio, in the sum of $_ conditioned upon the performance by the Principal of his (or its) undertaking herein, and his (or its) completion of the construction of all the street pavements, curbs, sidewalks, sewers, water mains and all other land improvements to be located within said _Subdivision as required in accordance with the drawings and specifications therefore, all of which are to be completed on or before the _ day of _ 19 _ , and upon the completion thereof and their approval by the engineer of the Municipality of _ , this obligation to be null and void, otherwise to remain in full force and effect.

WITNESS our hands this the_ day of _19 _ .

WITNESS:

_____

PRINCIPAL

____

SURETY

FORM FOR RESOLUTION ACCEPTING THE DEDICATION OF STREETS AND APPROVING THE DEVELOPMENT OF THE SUBDIVISION

WHEREAS, the Developer _heretofore on the _ day of _ , 19 _ , applied to the Planning and Zoning Commission of _,Ohio for the approval of a preliminary plan of a subdivision located in _and submitted in support thereof maps, plans and other data, all as required by the Land Planning and Subdivision Regulations, adopted by Council, Ordinance No. _ ; and

WHEREAS, the Planning and Zoning Commission reviewed said maps, plans and other data for said subdivision and found that the same complied with said Ordinance No. _, thereafter on the _ day of _, 19 _ the Commission approved (or, if conditionally approved, state conditions) the preliminary plan; and

(Include the following paragraph if conditionally approved)

WHEREAS, the Developer has now complied with each of the conditions of approval as established by the Planning and Zoning Commission; and

WHEREAS, the Developer has filed on the _day of _____ , 19 ____, a final plat designated _ and drawings, specifications and other information for the improvements of the land within said plat as required by the Land Planning and Subdivision Regulations and has requested the approval thereof; and

WHEREAS, the Municipal Engineer has reviewed and approved said final plat and the drawings, specifications and other information relating to the improvements of the land with said plat, each of which are designated as follows:

FINAL PLAT PREPARED BY DATE

DRAWINGS PREPARED BY ___ NUMBER AND DATE

SPECIFICATIONS PREPARED BY DATE

(If improvements not installed)

WHEREAS, the Municipal Engineer has reported to this Council that his estimate of the cost of the completion of the improvements described in said drawings and specifications is $ _; and

WHEREAS, the Developer has filed with the Clerk of Council:

1. Performance guarantees as described in the Land Planning and Subdivision Regulations in the amount of $ _;
2. Liability insurance in the amount required by the Land Planning and Subdivision Regulations;
3. The sum of $_ as a deposit for the pavement maintenance fund; and
4. The sum of $ _ as a deposit to underwrite the cost of the inspection by the officer or employees of the municipality of the construction and the proposed improvements;

all of which amounts are in accordance with the estimates reported to this Council by the Municipal Engineer and required by the Land Planning and Subdivision Regulations; and

(If improvements partially installed - alternate form)

WHEREAS, the Municipal Engineer has reported that _

(List of improvements installed)

shown on said final plat and described in said drawings and specifications have been satisfactorily completed, and has further reported that his estimate of the cost of the remaining improvements to be installed is $ _ ; and

(If improvements partially installed)

WHEREAS, the Developer has filed with the Clerk of Council:

1. Performance guarantees as described in the Land Planning and Subdivision Regulations in the amount of $ _ ;

2. Liability insurance in the amount required by the Land Planning and Subdivision Regulations;
3. The sum of $ _ as a deposit for the pavement maintenance fund; and
4. The sum of $ _ as a deposit to underwrite the cost of the inspection by the officer or employees of the municipality of the construction and the proposed improvements;
all of which amounts are in accordance with the estimates reported to this Council by the Municipal Engineer and required by the Land Planning and Subdivision Regulations; and

(If improvements are completely installed)

WHEREAS, the Municipal Engineer has reported that all of the improvements to the land as shown on said final plat and described in said drawings and specifications have been satisfactorily completed and the Developer has filed with the Clerk of this Council the sum of $ _ as a deposit for the pavement maintenance fund, which amount has been estimated by the Municipal Engineer as required; and

WHEREAS, the Developer by said final plat has offered for dedication for public use certain land for streets, alleys, public grounds and easements, all as shown and described on said final plat;

BE IT RESOLVED by the Council of the Municipality of Ohio, that:

1. The Council of the Municipality of _ , Ohio, does hereby accept and approves the above described final plat, drawings and specifications;
2. The Council of the Municipality of _ , Ohio, does hereby authorize the Developer to proceed with the construction of the improvements to the extent not herein installed in accordance with all the documents approved by this resolution, provided that such work shall be started not less than _ days from the effective date of this resolution and be completed not later than the _day of _, 19 _.
3. The final plat of said subdivision is hereby approved and accepted and that the dedication to the public use of the streets, alleys, public grounds and easements, all as shown thereon, is hereby accepted and confirmed.
4. The Clerk of Council is hereby authorized to cause said final plat to be recorded with the Recorder of Cuyahoga County as provided by law upon the receipt by said Clerk from the Developer of the fees to be paid to effect said recording and upon the delivery to said Clerk of a statement of title guarantee in an amount of $ _ issued by a title company approved by said Clerk showing title to the streets, alleys, public grounds and easements shown on said final plat to be good in the _ of, free and clear of all encumbrances whatsoever as of the date and hour of the filing of said final plat for record.

(usual enacting clauses)

TITLE FIVE - Zoning

Chap. 1145. Definitions.
Chap. 1149. Administration and Enforcement.
Chap. 1153. Districts Established; Classifications of Uses.
Chap. 1157. Residential Districts.
Chap. 1159. Planned Residential Development District.
Chap. 1165. Local Business District.
Chap. 1169. Small Office Building District.
Chap. 1173. Motorist Service, Office-Laboratory and Production-Distribution Districts.
Chap. 1177. Flood Plain District.
Chap. 1179. Oil and Gas Wells.
Chap. 1181. Height, Area and Yard Requirements.
Chap. 1183. Off-Street Parking and Loading.
Chap. 1185. Signs.

CHAPTER 1145
Definitions

1145.01 Definitions.

CROSS REFERENCES

Family defined - see P. & Z. 1113.07(a), 1157.03(a)
Use defined - see P. & Z. 1113.24
Variance defined - see P. & Z. 1113.25

1145.01 DEFINITIONS.

Certain words in this Zoning Code are defined for the purposes hereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot", the word "building" includes the word "structure".

(b) "Street line" means the dividing line between the street and the lot.

(c) "Established grade" means the elevation of the street curb as fixed by the Municipality.

(d) "Natural grade" means the elevation of the undisturbed natural surface of the ground adjoining the building.

(Ord. 159. Passed 5-20-35.)

(e) "Height of a building" means the vertical distance measured at the center line of its principal front from the established grade or from the natural grade, if higher than the established grade, to the level of the highest point in the coping of flat roofs or to the deck line of a mansard roof or to the top of the peak of a gable, hip or similar type roof.

(Ord. 94-20. Approved by electors 11-8-94.)

(f) "Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(g) "Front yard" means an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(h) "Side yard" means an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(i) "Least dimension" of a yard means the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel the horizontal dimensions between them shall be deemed to be the mean distance between them.

(j) "Lot" means a parcel of land occupied by one building and the accessory buildings or uses customarily incident to it including such open spaces as are required by this Zoning Code and such open spaces as are arranged and designed to be used in connection with such building.

(k) "Family" means any number of individuals living and cooking together on the premises as a single housekeeping unit.

(1) "Dwelling" means a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their own cooking upon the premises.

(m) "Apartment house" means a building arranged, intended or designed to be occupied by three or more families living independently of each other and doing their own cooking upon the premises or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

(n) "Apartment" means a room or suite of rooms in an apartment house which room or suite is arranged, intended or designed to be occupied as the residence of a single family, or individual or group of individuals.

(o) "Single-family dwelling" means a dwelling either detached or semidetached, arranged, intended or designed to be occupied by a single family.

(p) "Two-family dwelling" means a detached dwelling arranged, intended or designed to be occupied by two families, one of which has its principal living rooms on the first floor and the other of which has its principal living rooms on the second floor.

(q) "Double house" means two single-family dwellings with a party wall between.

(r) "Nonconforming use" means one that does not comply with the regulations of the use district in which it is situated.

(s) "Public notice" of a hearing or proceeding means ten days notice of the time and place thereof printed in a newspaper of general circulation in the Municipality.

(t) "Accessory use or building" means a use or building customarily incident to and located on the same lot with another use or building.

(u) "Zoning Code" or "Code" as used in Title Five of this Part Eleven - Planning and Zoning Code means Ordinance 159, passed May 20, 1935, as amended.

(Ord. 159. Passed 5-20-35.)

CHAPTER 1149
Administration and Enforcement

1149.01 Enforcement.
1149.02 Use district exceptions.
1149.03 Filing fee.
1149.04 Interpretation.
1149.05 Completion and restoration of existing buildings.
1149.06 Nonconforming uses.
1149.07 Cessation of nonconforming use.
1149.08 Variances by Council. (Repealed)
1149.99 Penalty.

CROSS REFERENCES

Architectural Review Board - see BLDG. Ch. 1305
Planning and Zoning Commission - see P.& Z. Ch. 1103
Board of Appeals - see P.& Z. Ch. 1105
Nonconforming defined - see P.& Z. 1113.17

1149.01 ENFORCEMENT.

This Zoning Code shall be enforced by the Building Commissioner.

(Ord. 159. Passed 5-20-35.)

1149.02 USE DISTRICT EXCEPTIONS.

(a) Temporary and Conditional Use Permit. A permit granting an exception to the Village's established use districts and pursuant to subsection (c)(2) hereunder that will allow uses not expressly permitted to be located in any use district excluding a Single-Family House District, and subject to specified conditions.

(b) Special Use Permit. A permit granting an exception to the Village's established use districts and pursuant to subsection (c)(3) hereunder that will allow a use set forth in Section 1153.02(e) as a U-5 use to be located in a Local Business District or a use set forth in Section 1153.02(f) as a U-6 use to be located in any use district, and subject to specified conditions.

(c) Except as otherwise provided in the Charter, the Planning and Zoning Commission may in specific cases, after public notice and hearing, and subject to such conditions and safeguards as the Commission may establish, determine and vary the application of the use district exceptions herein established by granting temporary and conditional use or special use permits, which permission shall be confirmed by resolution of Council before becoming effective, in the following respects:

(1) Permit the extension of a nonconforming use of a building upon the lot occupied by such use or building at the time of the passage of this Zoning Code;

(2) Grant temporary and conditional permits in undeveloped and/or underutilized sections of the Municipality, for not more than two year periods for structures and uses that do not conform to the regulations herein prescribed for the use district in which they are to be located. Any such permit granted shall expire on December 31st of the next even numbered year following the year in which the permit is granted. It will be the responsibility of the permit holder to make application for review and approval of an additional extension no later than November 1st in the year that expiration is scheduled to occur.

(3) Grant special use permits to locate in a Class U-5 use in a Local Business District and permit the location of a Class U-6 use in any use district.

(4) Temporary and conditional use or special use permits shall only be granted provided such use in such location will in the judgment of the Planning and Zoning Commission, substantially serve the public convenience and welfare and will not substantially or permanently injure the appropriate use of the neighboring property, and provided further that such permitted use is not injurious, obnoxious, or offensive by reason of emission of refuse water, odors, dust, fumes, vibrations, smoke, gas, noise, or otherwise, and is not dangerous or harmful to life, property or morals, and will not cause undue congestion on the public highways.

(5) In the event that Council grants a special use permit under this section, and imposes a time period for review of the permit holder's performance, such review period shall conform with all other temporary and conditional use permits as referred to under subsection (a)(2) hereinabove.

(d) A Class U-6 use existing in any use district at the time of the passage of this Code shall be deemed an authorized use upon the lot devoted to such use at the time of the passage of this Code.

(e) In evaluating the reasonableness of a proposed use district exception, the Planning and Zoning Commission shall review the facts and circumstances of each proposed use and find that the applicant has provided adequate evidence of addressing the guidelines established by the Planning and Zoning Commission as amended from time to time. The applicable list of guidelines shall be available from the Village's Building Department.

(f) While the referenced guidelines will be used to evaluate the specific projects (uses), the Planning and Zoning Commission is not required to approve any temporary and conditional or special use permit solely based upon meeting the guidelines. Same shall remain in the sole and exclusive discretion of the Planning and Zoning Commission, and approval of Council.

(Ord. 2006-16. Passed 5-22-06.)

1149.03 FILING FEES.

Each application to the Planning and Zoning Commission, each application to the Board of Appeals requesting a variance and each petition to Council for an amendment of the zoning regulations or districts shall, unless waived by the Commission, Board or Council to which such application or petition is addressed, be accompanied by a filing fee of fifty dollars ($50.00), payable to the Municipality. However, if the cost of publishing the notice and notifying property owners in connection with any such application or petition exceeds the filing fee listed above, then the person filing such application or petition shall pay the amount of the excess cost to the Municipality before the date of the hearing on such application or petition. The filing fees shall be paid into the General Fund of the Municipality.

(Ord. 92-18. Passed 6-1-92.)

1149.04 INTERPRETATION.

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this Code for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of the passage of this section (May 20, 1935) shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected. This Code shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor shall this Code interfere with or abrogate or annul any easements, covenants or other agreements between parties. However, where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or by such easements, covenants or agreement, the provisions of this Code shall control.

(Ord. 159. Passed 5-20-35.)

1149.05 COMPLETION AND RESTORATION OF EXISTING BUILDINGS.

Nothing contained in this Zoning Code shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within thirty days of the date of such permit, and the ground story framework of which, including the second tier of beams, has been completed within six months of the date of such permit, and which entire building shall be completed according to such plans, as filed, within two years from the date of the passage of this section (May 20, 1935). Nothing in this Code shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the passage of this section (May 20,1935) or prevent a change of such existing use under the limitations provided in Section 1149.06. Nothing in this Code shall prevent the restoration of a wall declared unsafe by the Building Commissioner.

(Ord. 159. Passed 5-20-35.)

1149.06 NONCONFORMING USES.

A nonconforming use existing at the time of the passage of this section (May 20, 1935) may be continued. A nonconforming use shall not be extended except as authorized by Section 1149.05 but the extension of a use to any portion of a building, which portion was arranged or designed for such nonconforming use at the time of the passage of this section (May 20,1935), shall not be deemed the extension of a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this section (May 20, 1935) may not be reconstructed or structurally altered to an extent exceeding in aggregate cost, during any ten year period, sixty percent of the assessed value of the building unless the use of the building is changed to a conforming use. A nonconforming use may not be changed unless changed to a higher use. A nonconforming use if changed to a conforming use may not thereafter be changed back to any nonconforming use. A nonconforming use if changed to a higher nonconforming use may not thereafter be changed unless to a still higher use. A nonconforming use included in a U-7 use class shall not be changed unless changed to a conforming use. In a U-1, U-2 or U-3 District a nonconforming use included in a Local Business District or a U-5 or U-6 use class shall not be changed unless changed to a conforming use. For the purposes of this Code, a use shall be deemed to be changed if changed from a use included in a subdivision of a use class to a use not included in such subdivision. For the purposes of this Code, a nonconforming use shall be deemed to be changed to a higher use if the use to which such nonconforming use is changed is a use included in a subdivision of a use class that in the arrangement of classes and subdivisions in the classification of uses precedes the subdivision in which such nonconforming use is included.

(Ord. 159. Passed 5-20-35; Ord. 960. Passed 7-18-66.)

1149.07 CESSATION OF NONCONFORMING USE.

If the nonconforming use of any building or property within the Municipality ceases for any reason for a continuous period of more than six months then any future use of such building and property shall be in conformity to the uses and regulations specified by this Planning and Zoning Code for the district in which such building and property is located. If any building in or on which any nonconforming use is conducted or maintained is hereafter removed from the property on which such nonconforming use was conducted or maintained then the subsequent use of such property and the subsequent location and use of any building thereon, should the same be moved, shall be in conformity to the uses and regulations specified by this Planning and Zoning Code for the district in which such property is located.

(Ord. 87-33. Passed 12-21-87.)

1149.08 VARIANCES BY COUNCIL.

(EDITOR'S NOTE: This section was repealed by Ordinance 96-11, passed March 18, 1996.)

1149.99 PENALTY.

The owner or owners of any building or premises or part thereof, where anything in violation of this Zoning Code is placed, or exists, and any architect, builder or contractor who may be employed to assist in the commission of any such violation and all persons or corporations who violate any provision of this Code or fail to comply therewith, or any requirements thereof or who build in violation of any detailed statement of plans submitted and approved thereunder, where no other penalty is provided, shall for each and every violation or noncompliance be fined not more than five hundred dollars ($500.00). Each day during or on which a violation continues shall constitute a separate offense.

(Ord. 159. Passed 5-20-35; Ord. 766. Passed 6-18-62.)

CHAPTER 1153
Districts Established; Classification of Uses

1153.01 District and zone map.
1153.02 Classification of uses.

CROSS REFERENCES

Zoning changes - see PRELIM. Table I
Map amended re setback lines - see P. & Z. 1181.07(e)(3)

1153.01 DISTRICT AND ZONE MAP.

For the purpose of regulating and restricting the location of trades, industries, apartment houses, two-family houses and other uses of property, the number of square feet of lot area per family housed, the width of lots, the location and size of yards and the height of buildings, the Municipality is hereby divided into ten classes of use districts termed respectively:

Class U-1 or Single-Family House Districts,
Class U-2 or Two-Family House Districts,
Class U-3 or Apartment House Districts,
Class U-3AA or Restricted Multi-Story Apartment House District,
Planned Residential Development District,
Local Business District,
Small Office Building District,
Motorist Service District,
Office Laboratory District, and
Production-Distribution District,

and into three classes of area districts termed respectively:

Class A-l,
Class A-2, and
Class A-3;

all as shown on the revised district and zone map prepared by the F.A. Pease Engineering Co., and duly approved by the Planning and Zoning Commission and by Council and dated July 19, 1948, as amended, which revised district and zone map is made a part hereof. The use and area districts designations shown on the map are hereby established. The map designations and the map designation rules which accompany the map are hereby declared to be part thereof. No building or premises shall be erected or used except in conformity with the regulations herein prescribed for the use and area districts in which such building or premises is located.

(Ord. 89-24. Approved by voters 11-7-89; Ord. 2003-02. Passed 4-21-03.)

1153.02 CLASSIFICATION OF USES.

For the purposes of this Zoning Code, the various uses of buildings and premises are divided into groups, classes and subdivisions as set forth in the following classification of uses:

(a) Class U-1 Uses: (Single-family House)

(1) Single-family dwelling.

(2) Farming, nursery, truck gardening.

(3) Any municipal use by the Municipality.

(b) Class U-2 Uses: (Two-Family House)

(1) Two-family dwelling.

(c) Class U-3 Uses: (Apartment House)

(1) Apartment house.

(2) Hotel.

(3) Motel.

(d) Class U-3AA Uses: (Restricted Multi-Story Apartment House)

(1) Restricted multi-story apartment house.

(2) Accessory uses as hereinafter defined.

(e) Class U-5 Uses: (Commercial, Special Permit)

(1) (EDITOR'S NOTE: Reserved for future legislation.)

(2) Warehouse for building materials, contractor's equipment, lumber, wood or household goods.

(3) Ice manufacturing or dispensing, ice cream manufacturing, bottling works, milk bottling of central distribution station, cold storage plant.

(4) Gasoline or oil station, appliance and utility repairing.

(5) Electric substation.

(6) Laundry, carpet cleaning, dry cleaning, dyeing.

(7) Wholesale sales office or sample room.

(8) Sewage disposal plant.

(9) Gas well.

(10) Incinerator for garbage or refuse.

(11) Refuse dump.

(12) Ice or roller skating rim.

(13) Bowling alley, billiard room.

(14) Garage or repair shop for automobiles, automobile dealer.

(15) Greenhouse.

(16) Any other use which in the determination of the Planning and Zoning Commission is in keeping with the uses permitted herein as Class U-5 uses and is not injurious, obnoxious or offensive by reason of emission of refuse water, odor, dust, fumes, vibrations, smoke, gas, noise or otherwise and is not dangerous to life, health, property or morals and will not cause undue congestion on the public highways.

(Ord. 767. Passed 5-21-62; Ord. 960. Passed 7-18-66.)

(f) Class U-6 Uses: (Special Permits)

(1) Cemetery.

(2) Crematory.

(3) Any public utility not included in a Class U-1, U-2, U-3, Local Business District or U-5 use.

(4) Church, private school, library.

(5) Community center building, private club, except a club the chief activity of which is a service customarily carried on as a business.

(6) Public park, public playground, public recreation building, water tower, reservoir.

(7) Motor bus terminal and repair depot for buses.

(8) Golf course.

(9) Any other use which in the determination of the Planning and Zoning Commission is in keeping with the uses permitted herein as Class U-6 uses and is not injurious, obnoxious or offensive by reason of emission of refuse water, odor, dust, fumes, vibrations, smoke, gas, noise or otherwise, and is not dangerous to life, health, property or morals and will not cause undue congestion on the public highways.

(Ord. 89-27. Approved by voters 11-7-89.)

(g) Class U-7 Uses: (Prohibited)

(1) A manufacturing or industrial operation of any kind other than listed hereinabove or in any other applicable provision of this Zoning Code, as amended, unless a special permit is given by the Planning and Zoning Commission in accordance with paragraph (16) under Class U-5 uses or paragraph (a) under Class U-6 uses

(2) Veterinary hospital.

(Ord. 767. Passed 5-21-62; Ord. 960. Passed 7-18-66.)

(3) Storage of scrap iron, scrap paper, rags or other junk, and operation of junk or scrap yard or auto graveyard. A junk or scrap yard shall mean land open to the sky, used as a place of storage or deposit of scrap metal, papers, rags or glass. An auto graveyard is a place containing one or more unhoused, dismantled or disabled motor vehicle without current year Ohio license plates; or a vehicle on blocks with or without current license plates. Any vehicle stored outside shall be operable and in good appearance, and if temporarily inoperable, the maximum storage of an inoperable vehicle is sixty days, providing same is not on blocks. Any dispute with the interpretation or enforcement of this section can be appealed to the Board of Zoning Appeals.

(Ord. 92-19. Passed 6- 15-92.)

(4) Reduction of garbage, refuse, offal or dead animals.

(5) Storage of explosives, except temporary storage by contractors constructing public improvements in accordance with the ordinances of the Municipality pertaining to explosives.

(6) Wholesale produce market, wholesale produce sales room.

(7) Slaughtering of fowl and/or animals .

(Ord. 767. Passed 5-21-62; Ord. 960. Passed 7-18-66.)

(8) Eating establishments with drive-thru window service.

(Ord. 84-14. Approved by electors 11-6-84.)

(9) Incineration of garbage, refuse, rubbish, waste, offal or dead animals brought into the Municipality from outside the Municipality;

(10) Dumping or burying of garbage or refuse brought from outside the Municipality;

(11) Refuse or rubbish dump other than operated by the Municipality;

(12) Any other use which, in the determination of Council, is injurious, obnoxious, offensive, inimitable to health or a nuisance.

(Ord. 90-47. Approved by electors 5-7-91.)

CHAPTER 1157
Residential Districts

1157.01 Single-family House District.
1157.02 Two-family House District.
1157.03 Occupancy regulations.
1157.04 Apartment House District.
1157.05 Restricted Multi-story Apartment House District. (Repealed)
1157.06 Accessory uses.
1157.07 Parking regulations.
1157.08 Fences; permit; fee.
1157.09 Home occupations.

CROSS REFERENCES

Dwelling definitions - see P. & Z. 1113.08
Lot defined - see P. & Z. 1113. 14
Lot area per family - see P. & Z. 1181.03
Floor area of apartment units - see P. & Z. 1181.04
Accessways to rear buildings - see P. & Z. 1181.05
Width of lot for dwellings - see P. & Z. 1181.06
Yards - see P. & Z. 1181.07
Swimming pool fences - see BLDG. 1341.12
Storage of recreation vehicles - see BLDG. Ch. 1373

1157.01 SINGLE-FAMILY HOUSE DISTRICT.

In a Class U-l District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used, for a Class U-2, U-3, Local Business District, U-5, U-6 or U-7 use. In a Class U-l District, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a Class U-l use. In any part of a Class U-l District that is within a Class A-l District, no building shall be used and no building shall be erected which is arranged, intended or designed to be used as a semi-detached single family dwelling or double house.
(Ord. 88-29. Approved by voters 5-2-89.)

1157.02 TWO-FAMILY HOUSE DISTRICT.

In a Class U-2 District no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, for a class U-3, Local Business District, U-5, U-6 or U-7 use. In a Class U-2 District no building or premises shall be used which is arranged, intended or designed to be used, except for a class U-1 or U-2 use.

(Ord. 159. Passed 5-20-35; Ord. 960. Passed 7-18-66.)

1157.03 OCCUPANCY REGULATIONS.

(a) Family. In a Class U-1 and U-2 Use District, the definition of "family", as found in Section 1145.01(k) is hereby modified and amended to read as follows:

"Family" means one or more persons, related by blood, marriage or adoption, or not more than three persons of the same sex not related by blood, marriage or adoption, who live together in a dwelling unit as a nonprofit housekeeping unit, as distinguished from a group occupying a boarding, lodging or tourist house, sorority or fraternity house, hotel or motel.

(b) Number of Persons Who May Occupy a Dwelling Unit. No person shall maintain, own or lease a dwelling unit (which is defined as a single dwelling house or half of a two family dwelling house) unless it contains at least 300 square feet of habitable floor area for the first occupant and at least 200 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable area required by any ordinance of the Municipality. Habitable floor area shall be considered to mean the floor area in rooms used for living, sleeping, eating or cooking, and complying with Chapter 1321 of the Building Code, as amended, pertaining to height and area, and not counting bathrooms, lavatories, closets or basement rooms

(Ord. 89-26. Approved by voters 11-7-89.)

1157.04 APARTMENT HOUSE DISTRICT.

In a Class U-3 District no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used for a Local Business District or Class U-5, U-6 or U-7 use. In a Class U-3 District no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used except for a class U-1, U-2 or U-3 use.

(Ord. 159. Passed 5-20-35; Ord. 960. Passed 7-18-66.)

1157.05 RESTRICTED MULTI-STORY APARTMENT HOUSE DISTRICT.

(EDITOR'S NOTE This section was repealed by Ordinance 89-25, approved by voters November 7, 1989.)

1157.06 ACCESSORY USES.

(a) An accessory use customarily incident to a Class U-1, U-2 or U-3 use shall also be permitted in, respectively, a Class U-1, U-2 or U-3 District, provided such accessory use is located upon the same lot with the building or use to which it is accessory. In a U-1 or U-2 District, the total area of any above ground structure, not including swimming pools or buildings directly related to the use or operation of swimming pools, erected separately from the main use structure on any one lot shall not exceed:

(1) 480 square feet if its use is for storage of a motor vehicle, recreational vehicle or other vehicle;

(2) 675 square feet if its use is for storage of a motor vehicle, recreational vehicle or other vehicle but also includes a tool shed or other storage area;

(3) 192 square feet if its use is as a tool shed or other storage building;

(4) No accessory use referred to herein shall exceed 15 feet in height.

(Ord. 94-20. Approved by electors 11-8-94.)

(b) In any Class U-3 apartment development, at least one and one-half automobile storage spaces shall be provided accessory to each apartment suite, plus at least one-half space for each bedroom by which any suite exceeds one bedroom in size; at least one of the required automobile storage spaces for each apartment suite shall be in an enclosed building.

(Ord. 86-23. Passed 9-18-86.)

1157.07 PARKING REGULATIONS.

(a) No person shall keep, park, store or allow to be kept, parked or stored overnight any commercial vehicle or truck, as herein defined, in a U-1, U-2, U-3 or U-3 AA Use District, except passenger automobiles or motorcycles not used for commercial, business or manufacturing purposes. This section shall not, however, prohibit the following uses in such districts:

(1) Trucks making bona fide deliveries to or pickups from the premises where they are parked, but only for so long a time as is reasonably necessary to make such deliveries or pickups;

(2) Vehicles necessarily used in connection with the legal construction, altering, repairing, removal or demolition of buildings, appurtenances and roads for such time as is reasonably necessary to perform such work;

(3) Farm vehicles, either bearing current farm license plates issued by the State of Ohio or used exclusively for proper agricultural purposes upon the premises;

(4) Vehicles used by or on behalf of the Municipality or any other governmental body;

(5) In Class U-3 and U-3AA Districts, vehicles necessarily and customarily incident to the operation of any apartment house, hotel or motel situated on the premises;

(6) On any lot in a U-1 or U-2 Use District, not more than two commercial vehicles or two trucks not exceeding one and one-half tons in rated capacity each, may be parked in a covered and closed garage or out of sight, provided the trucks or commercial vehicles are used solely by occupants of the premises;

(7) The owner, owners or occupants of any building or premises or part thereof where anything in violation of this section is placed or exists, and any person, firm or corporation who violates any provision of this section or fails to comply therewith, or whoever parks, stores or keeps any vehicle upon any residential premises, including Class U-1, Class U-2, Class U-3, and Class U-3AA Use Districts, in violation of this section, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalty provided in Section 1149.99.

(b) ''Commercial vehicle'', for the purposes of this chapter, shall mean any automobile, van, pick-up truck, sport utility vehicle, or similar vehicle that is used for commercial, business or manufacturing purposes and bearing mounted equipment, signs, racks carrying equipment, tools, ladders, material and/or similar items.

(c) ''Truck'', for the purposes of this chapter, shall include any truck one and one-half tons in rated capacity, or more, any tractor, semi-trailer, or trailer. Also included shall be any pick-up truck less than one and one-half ton van or sport utility vehicle, used for commercial, business, or manufacturing purposes and bearing mounted equipment, signs, racks carrying equipment, tools, ladders, material and/or similar items.

(Ord. 2002-07. Passed 5-20-02.)

1157.08 FENCES; PERMIT; FEE.

(a) In Front Yards. In front yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be open ornamental fences, which shall be placed adjacent to the front entrance of the dwelling, and not over forty-two inches in height. An ornamental split rail fence may be placed at a point not closer than twelve inches from the front property line.
(Ord. 74-41. Passed 10-21-74.)

(b) In Side and Rear Yards. In side yards and rear yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: Split rail, chain link, board on board and picket fences. Board on board fences are to be built so the horizontal space between the vertical boards is three and one-half inches, and not to exceed six-inch board width.

Chain link fences not over four feet in height shall be permitted along the side of rear yards and along the rear lot provided such fences shall have uniformly spaced openings aggregating twenty-five percent (25%) of their surface areas between residential properties.

Split rail, board on board, and picket fences not over six feet in height shall be permitted along the side of rear yards and along the rear lot, provided such fences shall have uniformly spaced openings aggregating twenty-five percent (25%) of their surface areas between residential properties.

However, an open or a closed fence not over eight feet in height may be placed along the rear or side line which separates residential properties from property used for nonresidential purposes, subject to the written approval of the Building Commissioner, who shall not give his approval if he finds that such proposed fence is unsafe or unsightly or that it obstructs necessary light and air from adjacent property or that in some manner it does not conform with ordinances of the Municipality.

On any side or rear yard fence, the supporting rails and posts shall face the interior of the property of the owner of the fence and shall not face the adjacent property; the finished side (as contrasted with the rough or unfinished side) of the fence shall face the property of the adjacent property owner.
(Ord. 2001-20. Passed 12-17-01.)

(c) Installation. All fence posts must be anchored securely in concrete.

(d) Permits. Application for a fence permit must be accompanied by a plot plan showing location of the fence.
(Ord. 74-41. Passed 10-21-74.)

(e) Fees. A fee for the erection of any fence within the Municipality shall be required as stated in Section 1309.05 of the Codified Ordinances.
(Ord. 79-10. Passed 3-19-79.)

(f) Fences on Corner Lots. A fence on a corner lot shall not be closer than fifteen feet from a secondary street side lot line, unless the main building is less than fifteen feet from that line, measured laterally. In such event, the fence may be located at the same distance from the secondary side lot line as such main building. The maximum height of an open fence along the secondary street side lot line shall be five feet. This provision shall not prohibit an open ornamental fence not nearer than one foot to the side yard at a height of not more than forty-two inches.
(Ord. 94-35. Passed 8- l-94.)

1157.09 HOME OCCUPATIONS.

(a) Home occupations, as permitted in subparagraph (b) hereafter, include, but are not limited to, the following:

(1) Accounting office.
(2) Attorney office.
(3) Architect office.
(4) Adjuster office.
(5) Advertising office.
(6) Answering service.
(7) Appraisers office.
(8) Bail bonds.
(9) Brokers.
(10) Building contractor office.
(11) Cleaning service.
(12) Consultation.
(13) Crafts.
(14) Financial planning consultants.
(15) Floral arrangements.
(16) Gift baskets.
(17) Grocery shopping services.
(18) Landscape services.
(19) Newspaper services.
(20) Referral services.
(21) Sewing services.
(22) Mail services.
(23) Typing services.

(b) Home occupations as listed in (a) above, or if they meet the following standards, are permitted in residential zone districts only if in conformance with the following standards:

(1) Employment. The occupation is conducted only by members of the family residing in the dwelling.

(2) Area. The occupation is conducted wholly within the dwelling and any space used for such occupation occupies no more than 300 square feet of floor area.

(3) Sales. No physical storage, sale or transfer of goods is permitted from the premises.

(4) Advertising. No advertising signs or displays are permitted on the premises.

(5) Environmental impact. No noise, or odors, vibrations, electrical interferences, or other such nuisance is created that changes the character of the residence.

(6) Traffic. Vehicular traffic or pedestrian traffic does not change the character of the residence.

(7) Exterior appearance. The residential character of the dwelling is not diminished.

(Ord. 2001-22. Passed 12-17-01.)

CHAPTER 1159
Planned Residential Development District

1159.01 Intent.
1159.02 Provisions governing Planned Residential Developments.
1159.03 Permitted uses.
1159.04 Occupancy regulations.
1159.05 Development regulations.
1159.06 Parking regulations.
1159.07 Accessways and private streets.
1159.08 Signage.
1159.09 Homeowners association.
1159.10 Development plan review procedures.

CROSS REFERENCES

Dwelling definitions - see P. & Z. 1113.08
Lot defined - see P. & Z. 1113.14
Swimming pool fences - see BLDG. 1341.12
Storage of recreation vehicles - see BLDG. 1373

1159.01 INTENT.

The intent of the Planned Residential Development District is to provide for residential development opportunities on larger land parcels within the Village when it has been determined that the location of the land is consistent with the purpose and intentions of this district which are to:

(a) Promote flexibility in design and permit planned diversification in the type and location of dwelling units permitted in the Village

(b) Offer cluster and townhouse development as a transitional use along and in locations which should remain residential but are not or may not be, suitable for standard residential subdivisions. This transitional use is appropriate along major arterial and collector streets and not designed for local residentia1 streets.

(c) Promote the efficient use of land to facilitate a more economical arrangement of buildings, circulation systems, and utilities.

(d) Preserve to the greatest extent possible existing landscape features, open space areas, and amenities and to utilize such features in a harmonious fashion.

(e) Ensure the developments are compatible with surrounding areas by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

(f) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources, or other potential adverse influences are designed and located to protect the residential character of areas adjacent to the development.

(g) Meet the changing housing needs of the population of Mayfield Village.

(h) Maintain and protect the existing residential character of Mayfield Village.

(Ord. 2003-02. Passed 4-21-03.)

1159.02 PROVISIONS GOVERNING PLANNED RESIDENTIAL DEVELOPMENTS.

Because of the special characteristics of planned residential developments, special provisions governing the development of land for this purpose are required therefor. Whenever there is a conflict or difference between the provisions of this chapter and those of other chapters and sections of this Code, the provisions set forth in this chapter shall prevail.

(Ord. 2003-02. Passed 4-21-03.)

1159.03 PERMITTED USES.

In a Planned Residential Development District, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a Planned Residential Development District Use, which includes the following:

(a) Standard detached single-family dwellings;

(b) Detached cluster single-family dwellings;

(c) Attached single-family dwellings which are defined as a building consisting of single-family dwellings attached by one or more party walls in-between; and limited to no more than 3 attached units.

(d) Accessory uses customarily incident to the permitted residential uses such as off- street parking, recreational facilities, and mailboxes. No individual dwelling unit in this District is permitted an accessory detached building.

(Ord. 2003-02. Passed 4-21-03.)

1159.04 OCCUPANCY REGULATIONS.

(a) In a Planned Residential Development District, the definition of ''family'', as found in Section 1145.01(k) is hereby modified and amended to read as follows:

''Family'' means one or more persons, related by blood, marriage or adoption, or not more than three (3) persons of the same sex not related by blood, marriage or adoption, who live together in a dwelling unit as a nonprofit housekeeping unit, as distinguished from a group occupying a boarding, lodging or tourist house, sorority or fraternity house, hotel or motel.

(b) Number of Persons Who May Occupy a Dwelling Unit. No person shall maintain, or own a dwelling unit unless it contains at least 300 square feet of habitable floor area for the first occupant and at least 200 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable area required by any ordinance of the Municipality. Habitable floor area shall be considered to mean the floor area in rooms used for living, sleeping, eating or cooking, and complying with Chapter 1321 of the Building Code, as amended, per pertaining to height and area, and not counting bathrooms, lavatories, closets or basement rooms.

(Ord. 2003-02. Passed 4-21-03.)

1159.05 DEVELOPMENT REGULATIONS.

(a) Minimum Project Size and Frontage. The project size for a tract of land being developed in the Planned Residential Development District shall be a minimum of four (4) contiguous acres, and must have a minimum sixty-foot (60') frontage upon and abutting a dedicated street. Furthermore, the required frontage shall be a minimum of sixty feet upon and abutting a dedicated street, and shall remain undiminished in width into the development acreage or no less than sixty feet for its length into the development acreage. (Ord. 2006-05. Passed 2-27-06.)

(b) Maximum Density. The maximum gross density of the Planned Residential Development District shall be 4 dwelling units per acre.

(c) Height Limitations.

(1) Height limitations shall be in accordance with Section 1181.01.

(2) Height exceptions shall be in accordance with Section 1181.02.

(d) Building Setbacks.

(1) Minimum building setback from existing streets. The minimum building setback from existing street rights-of-way or from the planned widening of an existing street rights-of-way shall be the required setback set forth on the revised district and zone map.

(2) Minimum building side and rear yard setbacks. The minimum side and rear property building setback shall be 30 feet but in no case less than the height of the structure.

(3) Minimum separation between buildings. The minimum separation between buildings shall be:

A. Twenty (20) feet when two side walls are adjacent to each other;

B. Forty (40) feet when a main wall (either front or rear) is adjacent to a side wall; and

C. Sixty (60) feet when two main walls (either front or rear) are adjacent to each other.

(4) Minimum building distance from private streets. The minimum building distance from private streets in the Planned Residential Development District shall be 25 feet. The distance from the private street to front entrance garages shall be 35 feet.

(e) Minimum Living Area For Dwelling Units.

(1) A one story family dwelling unit shall have a minimum floor area of not less than 1,800 square feet, exclusive of basement, utility room and garage space.

(2) A family dwelling unit consisting of one and one-half stories shall have a minimum first floor area of not less than 1,400 square feet and a minimum total floor area of not less than 2,200 square feet, exclusive of basement, utility room and garage space.

(3) A family dwelling unit consisting of two stories shall have, a minimum first floor area of not less than 1,400 square feet and a minimum total floor area of not less than 2,500 square feet, exclusive of basement, utility room and garage space.

(Ord. 2003-02. Passed 4-21-03.)

1159.06 PARKING REGULATIONS.

(a) Two Car Attached Garage. Each dwelling unit shall have a two car attached garage. The minimum area being not less than 400 square feet.

(b) Guest Parking. One guest parking space (nine feet by twenty feet) shall be provided for every two dwelling units in the project. The required guest parking spaces shall not include either the garages, the driveways in front of the garages, or parking on private streets.

(c) Parking Restrictions. No person shall keep, park, store or allow to be kept, parked or stored any motor vehicle, truck, tractor, semitrailer or trailer in a Planned Residential Development District, except passenger automobiles or motorcycles not used for commercial, business, or manufacturing purposes. This section shall not, however prohibit the following uses in such use district:

(1) Trucks making bona fide deliveries to or pickups from the premises where they are parked, but only for so long a time as is reasonably necessary to make such deliveries or pickups;

(2) Vehicles necessarily used in connection with the legal construction, altering, repairing, removal or demolition of buildings, appurtenances and roads for such time as is reasonably necessary to perform such work;

(3) Vehicles used by or on behalf of the Village or any other governmental body;

(4) In Planned Residential Development District, vehicles necessarily and customarily incident to the operation of any attached house or common area.

(5) ''Commercial vehicle'' shall mean as defined in Section 1157.07(b);

(6) ''Truck'' shall mean as defined in Section 1157.07(c).

(Ord. 2003-02. Passed 4-21-03.)

1159.07 ACCESSWAYS AND PRIVATE STREETS.

(a) Private streets shall have a minimum pavement width of twenty-four (24) feet.

(b) Accessways or driveways which serve more than two (2) dwelling units shall have a minimum width of twenty-four (24) feet. Accessways or driveways serving less than three (3) dwelling units shall have a minimum width of sixteen (16) feet.

(c) The Planning and Zoning Commission shall establish the number and location of access drives from existing public streets to the project which the Commission determines will maximize public safety, adequately manage and maintain traffic flow on existing streets, and be convenient to the residents of the proposed development.

(d) Planning Commission shall establish the need, number, location, size, and extent of sidewalks/paths for each proposed development.

(e) Private streets shall provide adequate turning radii to accommodate all fire equipment that may access the site.

(Ord. 2003-02. Passed 4-21-03.)

1159.08 SIGNAGE.

(a) Signage in the Planned Residential Development District shall be regulated by Section 1185.12.

(b) In addition to the regulations of Section 1185.12, one identification sign will be permitted for each point of vehicular access. Such identification signs are not to exceed thirty-two square feet in area and four feet in height.

(Ord. 2003-02. Passed 4-21-03.)

1159.09 HOMEOWNERS ASSOCIATION.

(a) As part of a planned residential development, a homeowners association, community association, condominium association, or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including open space and common drives.

(b) The Village Law Director shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

(1) Membership in the Association shall be mandatory for all purchasers of units in the development.

(2) The Association shall be responsible for maintenance, control, and insurance of open space and common areas, including common drives.

(3) The Association shall have the power to impose assessments on members for the maintenance, control and insurance of open space and common areas, and have the power to place liens against individual properties for failure to pay assessments.

(4) All units must be owner occupied.

(Ord. 2003-02. Passed 4-21-03.)

1159.10 DEVELOPMENT PLAN REVIEW PROCEDURES.

(a) Pre-application Meeting. It is recommended that the applicant meet with the Building Commissioner prior to submission of the preliminary development plan or final development plan. The purpose of these meetings is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed are to be construed by the applicant as indicating subsequent approval or disapproval of the development plan.

(b) Submission of Preliminary Development Plan; Contents of Application for Approval. The applicant shall submit 20 copies of the preliminary development plan application and the application fee to the Village Building Commissioner, which shall indicate the general concept of development for the entire project area. The application shall include:

(1) A site plan and any other maps or plans necessary to show the major details of the proposed planned residential development must contain the following minimum information:

A. Boundaries of the area proposed for development, dimensions and total acreage.

B. The location of all existing structures and access points.

C. The existing site conditions including contours, watercourses, flood plain,, unique natural features, and forest cover.

D. The general size and location of all proposed dwelling units.

E. The general location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as open space, public parks, recreational areas or facilities, school sites, and similar public and semi-public uses.

F. The proposed circulation system of local streets, private streets, access ways, off-street parking areas, and major points of access to public rights-of-way.

G. The general layout of the existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system.

(2) A general landscape plan indicating:

A. The treatment of materials used for open space and common areas.

B. The proposed treatment of the perimeter of the planned residential development, including materials and technique used such as screens, fences, and walls.

C. Natural features to be conserved.

(3) Sufficient information on land areas adjacent to the proposed planned residential development to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape.

(4) Illustrations (either elevations, renderings or photographs) and/or a written description of the type and quality of dwelling units anticipated for the development.

(5) The existing and proposed utility systems presented in text or graphic form including sanitary sewers, storm sewers, water, electric, gas, telephone lines, surface water drainage and storm water drainage system.

(6) Supplemental documents.

A. A legal description of the total site proposed for development.

B. Name, address, and telephone number of applicant. If applicant is not the owner, documentation of interest in the property is required.

C. A statement of planning objectives to be achieved by the planned residential development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(7) Any additional information, as required by the Planning and Zoning Commission, necessary to evaluate the character and impact of the proposed planned residential development.

All site plans and supporting maps shall be at a scale which is adequate to convey the information thereon. It is in the discretion of the Planning and Zoning Commission to judge the adequacy of such maps.

(c) Planning and Zoning Commission Review of Preliminary Development Plan. The Commission shal1 review the preliminary development plan to determine if it is consistent with the intent and purpose of this chapter and the review criteria set forth in Section 1159.10(f).

(d) Action by the Planning and Zoning Commission. The Planning and Zoning Commission shall take action on the proposed preliminary development plan by either:

(1) Approving the preliminary development plan as submitted; or by City Engineer.

(2) Approving the preliminary development plan subject to conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space

arrangement, on-site control of access to streets, or such features as fences, walls and plantings to further protect and improve the proposed and surrounding development; or

(3) Denying the development when the applicant does not demonstrate that the required standards have been met.

Failure of the Planning and Zoning Commission to act within ninety (90) days from the date the preliminary application was determined complete by the Building Commissioner, or an extended period as agreed upon, shall be deemed an approval of the preliminary development plan.

(e) Submission of Final Development Plan; Contents of Application for Approval. After approval of the preliminary development plan, the developer shall submit a final development plan for review and approval by the Planning and Zoning Commission. The final development plan shall be in general conformance with the approved preliminary development plan, and shall indicate, among other things, the exact location of buildings, landscaping, parking areas, access drives, and signs. 20 copies of the final development plan application shall be submitted to the Building Commissioner, which shall include the final development plan and supplemental documentation itemized below.

(1) The Final Development Plan and any maps necessary to show the major details of the proposed planned residential development must contain the following minimum information:

A. A survey of the proposed development site, showing the dimensions and bearing of the property lines, total area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, gas wells and land uses.

B. The exact location and dimensions of proposed common drives and public street rights-of-way.

C. The location and configuration of vehicular circulation, including off-street parking and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives, other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control.

D. The exact location and parameters within which cluster and attached single-family dwelling units are to be constructed, and the lot lines with dimensions for all standard single-family detached dwellings.

E. The dimensions of all proposed building/unit spacing, setbacks, parking areas, drives and walkways.

F. Designated open space and common areas, and the location and description of recreational facilities and uses within such areas that are considered accessory to the residents of the Planned Residential Development District;

G. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities, street improvements, and nature and extent of earth work required for site preparation and development;

H. Preliminary building plans, including floor plans and exterior elevations, detailing the type of dwelling units and proposed construction materials.

(2) Detailed landscaping plans including the following:

A. The description and location of landscape materials proposed for restricted open space and common areas;

B. The treatment of the perimeter of the planned residential development, detailing the description and location of landscape materials and screening, such as fences and walls; and

C. Natural features to be conserved or removed within the proposed development and the treatment and location of required buffer areas.

D. Any additional information, as required by the review authority, necessary to evaluate the character and impact of the proposed planned residential development.

E. Plans shall be reviewed and approved by the Village Landscape Architect.

(3) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereof including those areas which are to be commonly owned and maintained such as open space areas, common drives and sidewalks, and any requirements relating to the size, location and type of accessory uses associated with individual dwelling units, such as storage sheds and fences. If the proposed project is a phased development, such documentation shall be submitted with the first phase.

All final plans and supporting maps shall be at a scale, which is adequate to convey the information thereon. It is the discretion of the Planning and Zoning Commission to judge the adequacy of such maps.

(f) Procedures for Review and Approval of Final Development Plan.

(1) The Village Law Director shall review the bylaws or code of regulations and any other final covenants and restrictions and maintenance agreements to be imposed upon the planned residential

development. The Law Director shall provide a written opinion to the Planning and Zoning Commission documenting compliance with the applicable requirements of Section 1159.09.

(2) The Planning and Zoning Commission will review the Final Development Plan to determine if it is in compliance with the approved preliminary development plan, and includes any modifications required by the Planning and Zoning Commission during the review of the preliminary development plan, and the following criteria:

A. The development will preserve and be sensitive to the natural characteristics of the site.

B. The pedestrian and vehicular linkages proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned residential development.

C. The proposed development shall include adequate means of pedestrian movement throughout the development and in relation to surrounding pedestrian circulation patterns.

D. The development will result in a harmonious grouping of buildings so that the area surrounding said development can be developed in coordination and substantial compatibility with the proposed development.

E. The existing and proposed utility services are adequate for densities proposed.

F. Maximum possible privacy for adjacent residential properties shall be provided through good design and use of the proper building materials and landscaping.

G. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.

H. The proposed development complies with all other applicable provisions of this Zoning Code.

(g) Action by Zoning Commission on Final Development Plan. Based on the above review and the Village Law Director review and opinions, the Planning and Zoning Commission shall take action on the proposed final development plan by either:

(1) Approving the final development plan as submitted; or

(2) Denying the final development plan when the applicant does not demonstrate that the required standards have been met.

Failure of the Planning and Zoning Commission to act within ninety (90) days from the date the final application was determined complete by the Building Commissioner, or an extended period as agreed upon, shall be deemed an approval of the final development plan.

(h) Expiration of Development Plan Approval. An approved development plan whether preliminary or final shall remain valid for a period of 12 months following the date of its approval, unless the Planning and Zoning Commission authorizes a longer period at the time of approval.

(i) Significance of an Approved Plan; Plan Revisions.

(1) An approved preliminary development plan shall establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities and street alignments. It shall also be the basis for the application to proceed with detailed planning and engineering of the proposed development in reliance of the approved preliminary development plan.

(2) An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation or group of individuals or corporations who shall be subject to all requirements set forth in the approved plans. All construction and development under any zoning certificate shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of these regulations.

(3) Any changes in an approved preliminary development plan or final development plan shall be resubmitted for approval in accordance with Section 1159.10.

(j) Equivalency Consideration. In reviewing the application, the Planning and Zoning Commission may find that a final development plan is equivalent to the requirements of this Zoning Code even though such development plans are not in strict compliance with the numerical requirements therein.

(1) In making such findings, the Planning and Zoning Commission may determine that elements of a final development plan are equivalent to a numerical requirement:

A. When the proposed final development plan substantially complies with all specific requirements and with the purpose, intent and basic objectives of the zoning district;

B. When through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives, and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and

C. When the development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

(2) When evaluating the application with respect to this subsection, the Planning and Zoning

Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such finding, the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Zoning Code.

(k) Approval by Village Council. The Village Council shall review the final development plan as approved by Planning and Zoning Commission. Any modifications required by Council shall be submitted for approval prior to start of construction.

(Ord. 2003-02. Passed 4-21-03.)

CHAPTER 1165
Local Business District

1165.01 Intent.
1165.02 Conformance.
1165.03 Permitted uses.
1165.04 Area regulations.
1165.05 Yard regulations.
1165.06 Off-street parking and loading. (Repealed)
1165.07 (Reserved)
1165.08 Development plans.
1165.09 Applicability of and conflict with other sections of the Code.

CROSS REFERENCES

Height restrictions and exceptions - see P. & Z. 1181.01, 1181.02
Signs - see BLDG. 1325.04 (RBC 1643.25 et seq.)
Parking area maintenance - see BLDG. Ch. 1355

1165.01 INTENT.

A Local Business District and its regulations are established herein in order to achieve, among others, the following purposes:

(a) To provide in appropriate and convenient locations, zoning districts of sufficient size for business activities, the exchange of goods and services; and

(b) To provide Local Business Districts to serve the needs for convenience goods and services which do not attract large volumes of traffic; and

(c) To encourage the tendency of business to group in centers with land of sufficient dimensions so as to satisfy the needs of contemporary developments to the mutual advantage of customers and merchants; and

(d) To establish criteria for planned local business areas so they may be coordinated with surrounding developments; and

(e) To protect adjacent residential neighborhoods by restricting the types of business uses, particularly at the common boundaries which would create hazards, noise, odors or other objectionable influences; and

(f) To promote the most desirable land use and traffic patterns in accordance with the objectives of the comprehensive plan.

(Ord. 960. Passed 7-18-66.)

1165.02 CONFORMANCE.

In order to carry out the purposes of this chapter, a Local Business District and regulations for it are hereby established.

(a) Buildings and land shall be used only for the uses specifically set forth as permitted in the district and not for uses enumerated in a prior or subsequent use classification of the Zoning Code of this chapter unless such uses are specifically permitted.

(b) The uses set forth as permitted main buildings or main uses in the district shall be the only buildings and uses permitted therein by right. The uses set forth for the district as permitted accessory buildings or uses shall be permitted therein by right as a subordinate building or use provided such use is planned and developed integrally therewith and clearly incident thereto and located on the same zoning lot as the main building or use.

(c) A building designed and occupied as a residence cannot be occupied in part or in whole for another use unless the building is redesigned to express the new function and reconstructed to the extent that it will fully accommodate the proposed use, and a lot occupied by a dwelling shall not be occupied for any other use permitted herein.

(d) The continuation, change, extension, alteration, conversion, enlargement, reconstruction, relocation or maintenance of all buildings and uses shall also be subject to all lot area and yard regulations, building area, bulk, coverage and height regulations, off-street perking, loading and access regulations, performance standards, approval of development plans and all other applicable regulations of this chapter.

(Ord. 960. Passed 7-18-66.)

1165.03 PERMITTED USES.

Buildings and land should be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part in Local Business Districts only for the uses set forth in the following schedules and regulations:

(a) Main Buildings. Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the limited extent:

(1) Retail sales.

A. The sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products, packaged beverages.

B. The sale, serving and consumption of food, soft drinks, juices and ice cream in such places as restaurants, excluding places providing dancing or entertainment.

C. The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies, except outdoor loud speakers shall not be permitted; sporting and athletic goods.

D. The sale of wearing apparel, shoes, hats; variety stores.

E. The sale of hardware, tools, paint, garden supplies and household appliances.

(2) Retail sales in open yards. Retail sales in open yards shall be permitted to the following limited extent: The sale of gasoline, oil and accessories in service stations, and the display of automobiles by automobile dealers behind the setback line.

(3) Services.

A. Personal services, such as beauty and barber shops; interior decorating.

B. Laundry agencies and laundromat; tailor, pressing and dry cleaning shops in which only nonexplosive and nonflamable solvents are used, provided that no work shall be done on the premises for retail outlets elsewhere.

C. Repair services, such as shoe and hat, radio and television, household appliances.

D. Automotive services limited to lubrication and minor repair to tires, batteries, ignition and cooling system may be permitted provided a special permit is granted in accordance with the standards set forth in Section 1149.02 (a)(3).

(4) Office buildings and offices. Sales, professional, financial, governmental, public utility, executive and administrative.

(b) Similar Main Uses. Any other retail neighborhood store, shop or service not listed above or in any subsequent use classification, and determined as similar by the Planning and Zoning Commission according to standards of this Zoning Code.

(c) Accessory Uses. Any accessory use such as storage of goods or processing operations which are clearly incident to conducting a retail business or service establishment, which is permitted as a main use, provided such a use has no injurious effect on adjoining residential districts.

(1) Accessory off-street parking and loading facilities as required by standards of Section 1165.06.

(Ord. 960. Passes 7-18-66.)

1165.04 AREA REGULATIONS.

In Local Business Districts, buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part, only in accordance with the following regulations:

(a) Local Business Uses. The area and width of the lot or parcel of land proposed to be developed for a permitted local business use shall be not less than required to accommodate the main and accessory buildings, the off-street parking and other necessary uses, and to provide the required yards of the district. If a retail business project is proposed to be developed in any Local Business District on a lot or parcel occupied by any dwelling, the lot shall have a street frontage of not less than 400 feet or be not less than three acres in area. However, if the land on which the local retail business project is proposed to be constructed adjoins land occupied by local retail business development, the Planning and Zoning Commission may determine that the adjoining local retail business development and the proposed project constitute a unit and that the lot area and lot frontage requirements may be reduced for the proposed project, provided the total street frontage and total area of the proposed project and the adjoining development shall be not less than 400 feet and not less than three acres respectively.

(b) Gasoline Service Stations. The area of an interim lot for gasoline service station use shall be not less than 32,500 square feet, and it shall abut a street for a distance of not less than 180 feet. If a service station is located on a corner lot, the lot shall be not less than 43,560 square feet in area, and it shall abut a distance of not less than 200 feet on each street. The street dimension shall be measured as the full width and depth of the lot excluding radii at street intersections.

(Ord. 960. Passed 7-18-66.)

1165.05 YARD REGULATIONS.

(a) In Local Business Districts, building and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or an part only in accordance with the following regulations:

Schedule of Yard Regulations

	Minimum Yard Dimensions			
	Front Yards (feet)		Side and Rear Yards (feet)	
Local Business District	Lot abuts major street	Lot abuts secondary street	Lot adjoins residential districts	Lot adjoins or within nonresidential districts
Service stations	70	50	120	30
Stores, restaurants	70	50	30	10
Automotive and other services	70	50	30	10

(b) Front yards shall be provided with a depth not less than set forth in the above schedule where abutting S. O. M. Center or Wilson Mills Road or other major street and where abutting a secondary street such as a street as determined by the Planning and Zoning Commission. The setbacks set forth for uses abutting a major street shall be measured from the right of way as shown on the latest street plans under consideration, or accepted by the Municipality or the Ohio Department of Transportation, whichever is greater.

(c) Front yards may be used for driveways and off-street parking. However, any accessory parking or service areas shall be separated from the street by a curbed planting strip to prevent unchanneled motor vehicle access or egress. When the front yard is used for off-street parking, the minimum depth from the right of way and the guideline shall be not less than eighty-six feet in depth to provide the following:

(1) Sixty-four feet for two tiers of parking and access drives.
(2) Twelve feet of landscaped area adjacent to the street right of way.
(3) Five feet of landscaped area adjacent to the side yards.
(4) Ten feet of sidewalk in front of the building.

(Ord. 88-35. Approved by voters 5-2-89.)

1165.06 OFF-STREET PARKING AND LOADING.

(EDITOR'S NOTE: This section was repealed by Ordinance 75-16, passed September 8, 1975. See Chapter 1183.)

1165.07 RESERVED.

(EDITOR'S NOTE: Reserved for future legislation. See Chapter 1185 for sign regulations.)

1165.08 DEVELOPMENT PLANS.

Preliminary and final site plans shall be prepared by the developer for all proposed developments and submitted to the Planning and Zoning Commission for review and approval in accordance with the provisions of Section 1173.10 which shall apply to Local Business Districts. (Ord. 960. Passed 7-18-66.)

1165.09 APPLICABILITY OF AND CONFLICT WITH OTHER SECTIONS OF THE CODE.

(a) The following existing sections of this Zoning Code shall apply specifically to the Local Business District.

(1) Section 1145.01 Definitions.
(2) Section 1149.01 Enforcement.
(3) Section 1149.03 Filing Fees.
(4) Section 1149.04 Interpretation.
(5) Section 1149.05 Completion and Restoration of Existing Buildings.
(6) Section 1149.06 Nonconforming Uses.
(7) Section 1149.99 Penalty.
(8) Section 1153.01 District and Zone Map.

(b) Wherever there is a conflict between any provision of this chapter and any other part of the Zoning Code, in its present form, the former shall apply insofar as the Local Business District is concerned. (Ord. 960. Passed 7-18-66.)

CHAPTER 1169
Small Office Building District

1169.01 Intent.
1169.02 Conformance.
1169.03 Uses permitted.
1169.04 Regulations.

CROSS REFERENCES

Parking area maintenance - see BLDG. Ch. 1355
Height restrictions and exceptions - see P. & Z. 1181.01, 1181.02

1169.01 INTENT.

Small Office Building Districts and their regulations are hereby created to encourage the construction of small office-type buildings, which will serve the needs of the Municipality for medical, professional, banking, savings and loan, insurance, executive, administrative and funeral home services, in one-story buildings, which will provide the highest and best use of the land and will protect nearby neighborhoods by restricting the types of uses of the land.

(Ord. 72-7. Passed 5-15-72.)

1169.02 CONFORMANCE.

In order to carry out the purposes of this chapter, Small Office Building District and regulations are hereby established.

Buildings and land shall be used only for the uses specifically set forth as permitted in this district and not for uses enumerated in a prior or subsequent use classification of the Zoning Code unless such uses are herein specifically permitted.

(Ord. 72-7. Passed 5-15-72.)

1169.03 USES PERMITTED.

Buildings and land in a Small Office Building District shall be used only for the purposes hereinafter set forth and in buildings not more than one-story in height: Physicians' and dentists' offices; medical centers; other professional offices; banking, savings and loan, and other financial offices; governmental, executive and administrative offices; funeral homes.

(Ord. 72-7. Passed 5-15-72.)

1169.04 REGULATIONS.

Except as otherwise provided in this chapter, all matters pertaining to accessory uses, area regulations, yard regulations, off-street parking and loading regulations, sign regulations and development plans shall be governed by the provisions of Chapter 1165 pertaining to Local Business Districts, as the same has been and in the future may from time to time be amended. (Ord. 72-7. Passed 5-12-72.)

CHAPTER 1173
Motorist Service, Office-Laboratory and Production-Distribution Districts

1173.01 Intent.
1173.02 Conformance.
1173.03 Permitted uses.
1173.04 Area regulations.
1173.05 Yard regulations.
1173.06 Height.
1173.07 Off-street parking and loading.
1173.08 Performance standards.
1173.09 (Reserved)
1173.10 Development plans.
1173.11 Applicability of and conflict with other sections of the Zoning Code.

CROSS REFERENCES

Zoning map changes - see PRELIM. Table I
Signs - see BLDG. 1325.04 (RBC 1643.25 et seq.)
Gasoline service stations - see BLDG. Ch. 1337
Parking area maintenance - see BLDG. Ch. 1355

1173.01 INTENT.

Motorist Service, Office-Laboratory, and Production-Distribution Districts and regulations are hereby established in order to achieve among others, the following purposes:

(a) To provide appropriate, convenient and ample districts for motorists services, office and research activities, and the production and distribution of goods other than goods offered for sale at retail to the ultimate consumer, in order to serve and promote economic development of the Municipality and to utilize the extraordinary transportation facilities; more specifically:

(1) To provide Motorist Service Districts in convenient areas directly related to the freeway interchange to serve the needs of the through and local motorist, and

(2) To provide Office-Laboratory Districts in close proximity to the freeway system so as to be accessible to widely dispersed administrative and technical personnel in the region, and

(3) To provide Production-Distribution Districts near the freeway system for uses which generate relatively large volumes of traffic, so as to be accessible to a large labor force throughout the region, and

(b) To protect and stabilize developments from traffic congestion by regulating the intensity of use, by requiring off-street parking, loading and on-site circulation facilities, and by regulating the access to streets, and

(c) To protect nearby residential neighborhoods by restricting the types of nearby uses, particularly at their common boundaries, which would create objectionable influences, and

(d) To provide for the immediate development and protection of the area in the vicinity of the Wilson Mills interchange while a comprehensive plan is being prepared. (Ord. 763. Passed 9-17-62; Ord. 74-17. Passed 4-15-74.)

1173.02 CONFORMANCE.

(a) In order to carry out the purposes of this chapter the Motorist Service District, Office-Laboratory District and Production-Distribution District regulations are hereby established. Whenever the abbreviated terms M-S, O-L or P-D are used in this chapter, they shall be construed as referring to the respective district titles.

(b) Buildings and land shall be used only for the uses specifically set forth as permitted in the districts and not for uses enumerated in a prior or subsequent use classification of the Zoning Code or this chapter unless such uses are specifically permitted.

(c) The uses set forth as permitted main buildings or main uses in certain districts shall be the only buildings and uses permitted therein by right. The uses set forth in certain districts as permitted accessory buildings or uses shall be permitted therein by right as a subordinate building or use provided such use is planned and developed integrally therewith and clearly incident thereto and located on the same zoning lot as the main building or use.

(d) A building designed and occupied as a residence cannot be occupied in part or wholly for another use unless the building is redesigned to express the new function and reconstructed to the extent that it will fully accommodate the proposed use, and a lot occupied by a dwelling shall not be occupied by any other use permitted herein.

(e) The continuation, change, extension, alteration, conversion, enlargement, reconstruction, relocation or maintenance of all buildings and uses shall also be subject to all lot area and yard regulations, building area, bulk, coverage and height regulations, off-street parking, loading and access regulations, performance standards, approval of development plans and all other applicable regulations of this chapter.

(f) In the event that a building or group of buildings contain two or more uses, the Building Commissioner shall submit a written report each year to Council relating to the compliance of all the applicable regulations of this chapter.

(Ord. 91-20. Approved by voters 11-5-9l.)

1173.03 PERMITTED USES.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained in whole or in part only for the main or accessory uses set forth in the following schedules and regulations. (Ord. 763. Passed 9-17-62.)

(a) Motorist Service District.

(1) Main buildings and uses.

A. Automotive facilities.

1. Service stations for the sale of gasoline and oil in open areas; the sale of accessories, the lubrication and performing of minor repairs to tires, batteries, ignition and cooling systems within wholly enclosed buildings.

2. Garages for the repair of automobile motors within wholly enclosed buildings.

3. Open parking facilities for automobiles, except that the parking of used cars for sale or the storage of abandoned used cars shall not be permitted in any open areas.

B. Lodging facilities. Motel accommodations for automobile travelers.

C. Eating places. Serving food and beverages in wholly enclosed buildings provided that no drive-thru window service is available.

(2) Accessory buildings and uses.

A. Off-street parking facilities.

B. Restaurants and assembly rooms in connection with motels.

C. Snack bars in connection with service stations and motels.

D. Swimming pools and other recreational facilities in connection with motels.

(Ord. 89-23. Approved by voters 11-7-89.)

(b) Office-Laboratory District.

(1) Main buildings and uses.

A. Offices: Professional, financial, public utility, executive, administrative and sales offices.

B. Laboratories: Experimental, research and testing, all types of basic and applied research of product design and development, including but limited to the construction and operation of small-scale experimental operations.

(2) Accessory buildings and uses.

A. Off-street parking and loading facilities.

B. Maintenance and storage facilities within wholly enclosed buildings.

C. Employees' lunch rooms.

(c) Production-Distribution District.

(1) Main buildings and uses.

A. Offices and laboratories: as permitted in an Office-Laboratory District.

B. Metal production: Cutting, casting, stamping, electric welding, grinding, machining and finishing as incidental component operations, but not as a single operation only, in the production and/or assembly of products which have a high value in relation to bulk, limited to the following products:

1. Automotive and aircraft parts.

2. Electrical equipment, radio and television, motors.

3. Electric appliances, lamps, fixtures and clocks.

4. Hardware, cutlery, kitchen utensils.

5. Musical and scientific instruments.

6. Medical, orthopedic and photographic instruments and equipment.

7. Sporting goods, athletic equipment, toys.

C. Nonmetal production:

1. Clothing and other textile products.

2. Pharmaceutical products: compounding of cosmetics, drugs and toiletries.

3. Plastics: extrusion, moulding and fabricating of panels, sheets, tubes and rods.

4. Printing, publishing and engraving.

5. Wood: fabrication of furniture, cabinets and other wood products.

(Ord. 763. Passed 9-17-62.)

D. Distribution operations:

1. The storage, distribution or display of goods for sale, other than goods offered for sale at retail to the ultimate consumer, of those products which are produced in this district and the storage and distribution of foods and beverages offered for sale other than for sale at retail to the ultimate consumer.

2. Other products, if the Planning and Zoning Commission finds the product to be similar and conforms with the basic characteristics of the enumerated permitted uses, and approves inclusion of the product.

(Ord. 74-17. Passed 4-15-74.)

E. Other main buildings and uses: Postal stations; telephone exchange; electrical distribution substation.

(2) Accessory buildings and uses.

A. Off-street parking and loading facilities, parking garages.

B. Maintenance and storage facilities within wholly enclosed buildings.

C. Incineration facilities in accordance with specific standards.

(Ord. 763. Passed 9-17-62.)

1173.04 AREA REGULATIONS.

Every lot or parcel shall be of sufficient size to accommodate the main and accessory buildings or uses and the required yards and space for future expansion, and every lot occupied by a main building or use shall comply with the lot area, lot width, the percentage of lot coverage (by the buildings) and the landscaped areas for the various districts as follows:

(a) Schedule of Lot Area Regulations.

	Minimum			
District and Main Use	Lot Area (Acres)	Lot Width (feet)	Maximum Lot Coverage (percent)	Minimum Lot Coverage (percent)
Motorist Service District				
Service Station	1	200	15	20
Auto Garage: Storage, Repair	1-1/2	200	20	20
Motel: with eating assembly recreation	4-1/2	300	15	30
Restaurant if separate	2	200	15	30
Office-Laboratory District				
Offices if separate use	3	200	20	30
Laboratories	5	300	20	30
Production-Distribution District				
Offices if separate building	5	300	25	25
Laboratories	5	300	25	25
Production plant	5	300	35	25
Distribution establishment	5	300	35	25

(Ord. 91-20. Approved by voters 11-5-91; Ord. 97-41. Passed 11-17-97.)

(b) General Area Regulations.

(1) The lot area, as set forth in the above schedule, shall be the area of any lot or lots comprising a development, excluding the right of way of an existing or planned and duly approved future street, or planned street widening, and it shall be construed to encourage larger parcels for each development so as to provide space for expansion of main and accessory uses.

(2) If a subdivision of not less than fifty acres is planned and submitted for approval as provided in Section 1173.10, the lot areas set forth in the above schedule may be construed as average lot areas and up to twenty percent of the lots may be less than the minimum area set forth, provided all other regulations are complied with.

(3) The lot width shall be the minimum distance any lot abuts a street line and the average width of any lot, and it shall be construed to encourage wider lots for each development.

(4) The lot coverage shall be the maximum percentage of the total ground floor area of all the buildings that cover any lot, and it shall be construed to encourage lower coverage initially so that the establishment may expand.

(5) The landscaped areas shall be the minimum percentage of that part of any lot which is not covered by the buildings, parking areas, driveways, swimming pool or similar permitted outdoor use, and it shall be construed that it may be necessary to further increase the landscaped areas in providing the yards required under Section 1173.05. The landscaped areas shall be developed and maintained as lawns along with trees and shrubs, or maintained in an orderly natural state.

(6) The lot area occupied by a motel shall be not less than set forth in subsection (a) hereof, or not less than 1,000 square feet of lot area for each lodging unit, whichever is the greater. Each lodging unit shall be comprised of at least 275 square feet of floor area; shall not contain more than two sleeping rooms, and shall not contain cooking facilities.

(Ord. 69-29. Passed 7-21-69.)

1173.05 YARD REGULATIONS.

Front, side and rear yards shall be provided on every lot occupied by a main or accessory building or use in a district established under this section in accord with the following regulations and schedules:

(a) Schedule of Yard Regulations.

	Minimum Yard Dimensions			
	Front Yards		Side and Rear Yards	
District and Main Use	Lot Abuts Major Street (feet to center)	Lot Abuts Secondary Street (feet to right of way)	Lot Adjoins Residence Districts (feet)	Lot Adjoins or Within Nonresidential (feet)
Motorist Service District				
Service Station	110	50	120	30
Garage; Repair, Storage	150	60	120	30
Motel, restaurant	150	60	100	30
Parking areas	95	20	30	10
Office-Laboratory District				
Offices	150	60	100	30*
Laboratories	150	60	100	30
Parking areas	95	60	60	10
Loading areas	150	60	100	20
Production Distribution District				
Offices, Laboratories	250	100	200	30*
Production plant	250	100	100	30*
Distribution Establishments	250	100	100	30*
Parking areas (front yards)	170	100	60	10
Loading areas (for visitors only)	250	100	100	20

* Total of sixty feet with a minimum of fifteen feet on one side, with the proviso that there be at least sixty feet of side yard between buildings.

(b) General Yard Regulations.

(1) Front yards. Front yards shall be provided of a depth not less than set forth in the above schedule where abutting Wilson Mills Road or S. O. M. Center Road and where abutting a secondary street such as the street to serve office-laboratory and production-distribution developments, unless shown otherwise on the Zone Map or required otherwise on an approved development plan, in which case the dimensions established on the Map or plan shall prevail. The setbacks set forth above for uses abutting a major street shall be measured to the present center line of the street; the front yards for uses abutting a secondary street shall be measured from the planned or existing street right-of-way line, whichever is the greater. The front yards for local streets shall be established on the development plans. Front yards may be used for driveways and visitor parking, except no visitor parking shall be allowed in the required setbacks. However, any accessory parking or service areas shall be physically separated from the street by a curb and planting strip or other suitable barrier to prohibit unchanneled motor vehicle access or egress, except onto accessways as hereinafter set forth.

(2) Side and rear yards. A side and rear yard shall be provided between the buildings or uses and the side lot lines. The yards shall be measured from the building wall or open use to the nearest lot line. Where a permitted main use occupies a lot which adjoins a side or rear yard of a residential district line, yards shall be provided in accordance with the above schedule of yard regulations. Where a permitted main use occupies a lot which adjoins or is within a Motorist Service, Office-Laboratory or Production-Distribution District, the side or rear yards shall be not less than set forth in the schedule unless required otherwise on an approved development plan. Accessory off-street parking and loading areas shall be permitted in a required side or rear yard. Outdoor storage of raw materials, products, equipment and

vehicles shall not be permitted unless a temporary permit is granted by the Planning and Zoning Commission.

(c) Landscaping of Yards. Every required yard in which no off-street parking or loading spaces are permitted and any additional required landscaped open areas as required in Section 1173.04, shall be developed as lawn or planted areas or maintained in an orderly natural state. The Commission may also require a fence, wall or hedge where a certain use adjoins a rear or side yard of a residential district and such structure or hedge is determined as necessary to further protect such residential property.

(d) Illumination. Sources of light for illumination of the exterior of buildings or grounds shall be shielded so as not to cause glare which would be hazardous to auto drivers or would be objectionable to users of adjacent property.

(Ord. 69-29. Passed 7-21-69; Ord. 97-41. Passed 11-17-97.)

1173.06 HEIGHT.

Height of the buildings permitted in the Motorist Service, Office-Laboratory and Production-Distribution Districts, shall not exceed thirty-five feet, exclusive of towers, cornices or similar features.
(Ord. 763. Passed 9-17-62.)

1173.07 OFF-STREET PARKING AND LOADING.

EDITOR'S NOTE: See Chapter 1183.

1173.08 PERFORMANCE STANDARDS.

Every performance standard, set forth herein, if deemed applicable by the Planning and Zoning Commission, shall be complied with as a precedent to occupancy of any use in a Motorist Service, Office-Laboratory and Production Distribution District.

(a) Enclosure. All permitted main and accessory uses and operations shall be performed wholly within an enclosed building or buildings. All raw materials, finished products, mobile and other equipment shall be stored within buildings. However, outdoor overnight parking of cargo carriers in the process of loading or unloading shall be permitted.

(b) Fire and Explosive Hazards. The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved.

(c) Waste Materials. A separate storm sewer system shall be provided to receive storm water; other liquid wastes shall be discharged into a sanitary sewer system. No wastes shall be discharged into any sewer system which is inimical to the sewage treatment process. Solid wastes shall be stored in structures pending disposal.

(d) Dust; Smoke. Electricity, gas or fuel oil shall be used for heating and supplying power.

(e) Odorous Matter. The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.

(f) Toxic or Noxious Matter. The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

(g) Noise. The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the nearest residential district, and no sound shall be objectionable due to intermittence, beat frequency or shrillness.

(h) Vibration. Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.

(i) Radioactive or Electrical Disturbance. Radioactive or electrical disturbances shall not be created which would adversely affect any equipment at or beyond the boundaries of the lot occupied by the use.

(Ord. 763. Passed 9-17-62.)

1173.09 (RESERVED)

(EDITOR'S NOTE: Reserved for future legislation. See Chapter 1185 for sign regulations.)

1173.10 DEVELOPMENT PLANS.

Preliminary and final site development plans shall be prepared by the developer for all proposed developments and submitted to the Planning and Zoning Commission for review and approval.

(a) Submittal. Plans for a development shall be drawn at a scale of not less than fifty feet to the inch and a plan for a division or development of a group of lots shall be drawn at a scale of not less than 100 feet to the inch and shall include:

(1) Survey. Property and topography, showing land owned and proposed for development, surrounding streets and the adjoining lots.

(2) Buildings. Locations, size, height and use of all proposed main and accessory buildings; the general design, materials and color; the nearest buildings on adjoining lots.

(3) Traffic. Proposed system of on-site vehicular circulation, details for accessways to streets, methods for control of traffic, type of pavement.

(4) Parking areas. Layout and estimate of number of spaces, landscaping and other design features, type of pavement.

(5) Utilities. Location, size and grade for all utility installations, connections to present or proposed facilities.

(6) Grading, drainage, landscaping. Other site developments, including grading and drainage, designs of landscaped yards, planting areas and buffers adjoining residential areas; the size, location and type of all outdoor signs; exterior lighting.

(b) Approval.

(1) The preliminary development plan shall be submitted to the Planning and Zoning Commission for study and review to determine whether the plan conforms with the provisions of the regulations set forth in this chapter or how it may be revised to conform therewith.

(2) If the preliminary development plan, together with any modifications thereof proposed by the developer is found by the Commission to be in accord with the requirements of this chapter, it shall approve such preliminary development plan within two months from the date of the meeting when all required plans and data were received; if not found to be in agreement therewith, the Commission shall recommend revisions to be made by the developer.

(3) The Commission in reviewing the proposed preliminary development plan for conformity to the provisions of this chapter, shall construe the provisions liberally and it may make adjustments to certain yard and area requirements and other standards if it finds, because of skillful design in the arrangement of buildings, the layout of driveways, on-site circulation and parking areas, the design of landscaping or other site features, that functional, efficient and attractive buildings and sites, openness and other amenities will be attained and that the intent and purposes of the provisions are satisfactorily fulfilled. And, on the other hand, where a literal application of the provisions would result in a development which would not be satisfactory for the district, the Commission may require adjustments in the preliminary development plan, such as improvements to the design and arrangement of buildings, yards, on-site circulation, control of access to streets and such other features as fences and planting to further improve the proposed development and to protect the surrounding developments.

(4) Upon approval of a preliminary development plan, the developer may prepare a final development plan and submit it to the Planning and Zoning Commission. If the proposed final development plan is found to comply with and represents a detailed expansion of the preliminary development plan as previously approved and complies with any conditions which may have been imposed in the approval of the preliminary plan, and complies with all applicable provisions of this chapter, the plan shall be approved within forty-five days from the date of the meeting when all required plans and data were received. Upon recommendation of the final development plan by the Commission and the Architectural Review Board and approval by Council, the developer may then apply for a building permit which shall be issued by the Building Commissioner if the final development plan is found to comply with the Building Code and other applicable regulations of the Municipality.

(c) Revision; Cancellation. The final development plan may be revised by the developer and resubmitted through the same procedure required for the original preliminary and final development plan. Failure to begin the construction of all or a substantial portion of the improvements approved by the final development plan within one year after the issuance of a permit shall make null and void the plan as approved unless an extension of time is granted by Council.

(Ord. 763. Passed 9-17-62.)

1173.11 APPLICABILITY OF AND CONFLICT WITH OTHER SECTIONS OF THE ZONING CODE.

(a) The following sections of the Zoning Code, as amended, continue to apply specifically to Motorist Service Districts, Office-Laboratory Districts and Production-Distribution Districts:

(1) Section 1145.01 Definitions.

(2) Section 1149.01 Enforcement.

(3) Section 1149.03 Filing Fees.

(4) Section 1149.04 Interpretation.

(5) Section 1149.05 Completion and Restoration of Existing Buildings.

(6) Section 1149.06 Nonconforming Uses.

(7) Section 1149.99 Penalty.

(8) Section 1153.01 District and Zone Map.

(b) Wherever there is a conflict between any provision of this chapter and any other part of the Zoning Code in its present form, the former shall apply insofar as Motorist Service Districts, Office-Laboratory Districts and Production-Distribution Districts are concerned.

(Ord. 763. Passed 9-17-62.)

CHAPTER 1177
Flood Plain District

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CROSS REFERENCES

Marking flood areas - see Ohio R. C. 1521.14
Pumping out residential basements - see S. U. & P. S. 969.01
Flood hazard areas - see P. & Z. Ch. 1125

1177.01 STATUTORY AUTHORIZATION.

The legislature of the State of Ohio has delegated to municipal corporations the responsibility to adopt a plan for dividing the municipal corporation or any portion thereof into zones or districts in the interest of the public health, safety, convenience, comfort, prosperity and general welfare for the limitation and regulation of the uses of buildings and other structures and of premises in such zones or districts. Therefore, Council ordains this chapter.

(Ord. 76-23. Passed 12-20-76.)

1177.02 FINDINGS OF FACT.

(a) Flood Losses Resulting From Periodic Inundation. The flood hazard areas of Mayfield Village are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

(b) General Causes of Flood Losses. These flood losses are caused by:

(1) The cumulative effect of obstructions in flood plains, causing increased flood heights and velocities;

(2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

(c) Methods Used to Analyze Flood Hazards. This chapter relies upon a two-step process for reasonably analyzing the flood hazard affecting specific lands. The Official Zoning Map adopted as part of this chapter by Section 1177.06 provides the first step by delineating a Regional Flood Plain District determined to be subject to flooding, based upon evidence of past flood events as shown on Flood Insurance Study and Flood Insurance Rate Map provided by F.I.A. The following information has been used to delineate this district: soil maps, historic flood maps, topographic studies and such other aids as the Village Engineer shall determine.

When specific information becomes available to designate separate Floodway and Floodway Fringe Districts, this Regional Flood Plain District may be separated into the two districts. In areas where this designation has not yet been made the second step involves a determination of the flood hazard at the site of any proposed special exception use. All uses, other than open space uses, are special exception uses under the terms of Section 1177.13(b) and require a case by case evaluation by the Board of Appeals, with expert technical assistance where necessary. The Board shall, where applicable:

(1) Estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to occur on the average once every 100 years.

(2) Determine the specific flooding threat at the site of the proposed special exception use and determine whether the use is located in a floodway or floodway fringe area by:

A. Calculation of water surface elevations and flood protection elevations based upon hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regional flood. Flood protection elevations shall be one foot above the water surface elevations of the regional flood.

B. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributed to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

(3) Evaluate the effects of the proposed use upon the public health, safety and general welfare in light of the purposes of this chapter and the standards established herein and deny, grant or conditionally grant the application for the proposed use.

(Ord. 76-23. Passed 12-20-76.)

1177.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize those losses described in Section 1177.02(a) by provisions designed to:

(a) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities.

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

(Ord. 76-23. Passed 12-20-76.)

1177.04 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(a) "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal use or structure.

(b) "Board" means the Board of Appeals.

(c) "Development" means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.

(d) "Equal degree of encroachment" means a standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of floodflows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

(e) "Flood" means a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

(f) "Floodway" means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

(g) "Floodway fringe" means that portion of the regional flood plain located outside of the floodway.

(h) "Flood frequency" means the average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

(i) "Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regional flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

(j) "Person" means any natural person, firm, partnership, association or corporation, but does not include any governmental unit.

(k) "Reach" means a hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

(l) "Regional flood" means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.

(m) "Regional flood plain" means the area inundated by the regional flood (100 year frequency flood). This is the flood plain area which shall be regulated by the standards and criteria in this chapter.

(n) "Flood protection elevation" means the elevation to which uses regulated by this chapter are required to be elevated or floodproofed.

(o) "Structure" means anything constructed or erected, on the ground or attached to the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

(Ord. 76-23. Passed 12-20-76.)

1177.05 LANDS TO WHICH CHAPTER APPLIES; ESTABLISHMENT OF FLOOD PROTECTION ELEVATION.

(a) This chapter shall apply to all lands within the jurisdiction of Mayfield Village shown on the Official Zoning Map as being located within the boundaries of the Regional Flood Plain District.

(b) The flood protection elevation and necessary floodway areas shall be established by the Board of Appeals as provided in Section 1177.20(b).

(Ord. 76-23. Passed 12-20-76.)

1177.06 ADOPTION OF OFFICIAL ZONING MAP.

The Official Zoning Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this chapter. The Official Zoning Map will be on file in the office of the Clerk of Council.

(Ord. 76-23. Passed 12-20-76.)

1177.07 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

The boundaries of the Regional Flood Plain District shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map the Board of Appeals shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(Ord. 76-23. Passed 12-20-76.)

1177.08 COMPLIANCE.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 76-23. Passed 12-20-76.)

1177.09 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. 76-23. Passed 12-20-76.)

1177.10 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of Council, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

(Ord. 76-23. Passed 12-20-76.)

1177.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Regulatory Flood Plain District boundaries or land uses permitted within such district will be free from flooding damages. This chapter shall not create liability on the part of Mayfield Village or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord. 76-23. Passed 12-20-76.)

1177.12 ESTABLISHMENT OF REGIONAL FLOOD PLAIN DISTRICT.

The mapped flood hazard areas within the jurisdiction of this chapter as the same may be amended from time to time by the Federal Insurance Administration are hereby designated as the Regional Flood Plain District. The boundaries of this district shall be shown on the Official Zoning Map. Within this district all uses not allowed as permitted uses or permissible as special exception uses shall be prohibited.
(Ord. 76-23. Passed 12-20-76.)

1177.13 REGIONAL FLOOD PLAIN DISTRICT; USES AND REQUIREMENTS.

(a) Permitted Uses. The following open space uses shall be permitted within the Regional Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system.

(1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Industrial or commercial uses such as loading areas, parking areas and airport landing strips.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(4) Residential uses such as lawns, gardens, parking areas and plan areas.

(b) Special Exceptions. All uses other than those specified in subsection (a) hereof are permitted only upon application to the Building Commissioner and the issuance of a special exception by the Board of Appeals, as provided in Section 1177.20. The Regional Flood Plain District encompasses both floodway and floodway fringe areas. Therefore, the Board, as provided in Section 1177.02(c), shall determine whether the proposed special exception use is located within a floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway, the provisions of Section 1177.14 shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Section 1177.15 shall apply. All uses shall be subject to standards contained in this chapter.

(c) Requirements Which Apply.

(1) The Building Commissioner shall keep records of all floor elevations within the flood plain area. The Building Department shall keep records of all elevations to which buildings in the flood plain have been floodproofed.

(2) Certification for floodproofing of structures and improvements within the flood plain shall be submitted to the Building Commissioner by a registered engineer or architect. The Building Commissioner shall keep all records of certifications.

(3) The developer shall obtain all State, Federal or County permits if needed.

(4) Should a request for the alteration of a portion of a watercourse be made the following is required:

A. Notify and coordinate with upstream and downstream communities.

B. Send copy of relocation data to State Coordinator in Ohio for approval.

C. Submit design calculations prepared by a registered engineer and assure the carrying capacity of any altered watercourse will be maintained.

(5) Within any unnumbered A zones as shown on the Village Flood Insurance Rate Map. The Village Engineer will obtain and review any 100 year flood date until such data is furnished by F. I. A. in order to require that:

A. Residences shall be constructed on fill with the lowest floor including basement floor at least one foot above the regional elevations. The fill shall extend at least fifteen feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the Board of Appeals, may authorize other techniques for elevation. Such structures shall be anchored to resist flotation or lateral movement.

B. Structures other than residences shall also ordinarily be elevated on fill as provided in Section 1177.15(b)(1) but may, in special circumstances, be protected as provided in Section 1177.20(e) to a point at or above the flood protection elevation.

(Ord. 76-23. Passed 12-20-76.)

1177.14 SPECIAL PROVISIONS APPLYING TO FLOODWAY PORTION OF REGIONAL FLOOD PLAIN DISTRICT.

(a) Permitted Uses. Uses permitted in Section 1177.13(a) are permitted uses.

(b) Special Exceptions. Other uses are allowed only as special exception uses within the floodway provided they comply with the provisions of this subsection, subsections (c), (d) and (e) hereof, and other standards established in this chapter, and any conditions attached by the Board to the issuance of special exception permits. No structure, temporary or permanent, fill including fill for roads and levees, deposit, obstruction, storage of materials or equipment, or other use shall be permitted which, acting alone or in combination with existing or reasonably anticipated uses, impairs the efficiency or the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on the assumption that wherever physically possible there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special exception uses include:

(1) Uses or structures accessory to open space or special permit uses.

(2) Railroads, streets, bridges, utility transmission lines and pipelines.

(3) Storage yards for equipment, machinery or materials.

(4) Kennels and stables.

(5) Other uses similar in nature to uses described in Section 1177.13(a) which are consistent with the provisions set out in Section 1177.03 and this section.

(c) Fill.

(1) Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a special exception. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

(d) Structures (Temporary or Permanent) Accessory to Special Permit Uses.

(1) Structures shall not be designed for human habitation.

(2) Structures shall have a low flood damage potential.

(3) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

A. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and

B. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(4) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.

(5) Service facilities such as electrical and heating equipment shall ordinarily be constructed at or above the flood protection elevation for the particular area.

(6) Any new or improved water or sewer system shall be designed to minimize infiltration due to flooding and that any onsite waste disposal systems shall be designed to avoid impairment due to flooding.

(e) Storage of Material and Equipment.

(1) The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.

(2) Storage of other material or equipment may be allowed upon issuance of special exceptions if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

(Ord. 76-23. Passed 12-20-76.)

1177.15 SPECIAL PROVISIONS APPLYING TO FLOODWAY FRINGE PORTIONS OF GENERAL FLOOD PLAIN DISTRICT.

(a) Permitted Uses. Uses listed in Section 1177.13(a) as permitted uses are permitted uses.

(b) Special Exceptions. Structural or other uses shall be permitted within the floodway fringe as special exception uses to the extent they are not prohibited by any other ordinance and they meet the following applicable standards:

(1) Residences shall be constructed on fill with the lowest floor including basement floor at least one foot above the regional elevations. The fill shall extend at least fifteen feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the Board of Appeals may authorize other techniques for elevation. Such structures shall be anchored to resist flotation or lateral movement.

(2) Structures other than residences shall also ordinarily be elevated on fill as provided in subsection (a) hereof but may, in special circumstances, be protected as provided in Section 1177.20(e) to a point at or above the flood protection elevation.

(3) Any new or improved water or sewer system shall be designed to minimize infiltration due to flooding and that any onsite waste disposal systems shall be designed to avoid impairment due to flooding.

(Ord. 76-23. Passed 12-20-76.)

1177.16 BUILDING COMMISSIONER TO ENFORCE.

The Building Commissioner shall administer and enforce this chapter. If he finds a violation of the provisions of this chapter, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. (Ord. 76-23. Passed 12-20-76.)

1177.17 ZONING PERMIT.

(a) Zoning Permit Required. A zoning permit issued by the Building Commissioner in conformity with the provisions of this chapter shall be secured prior to the erection, addition or alteration of any building or structure or portion thereof; prior to the use or change of use of a building, structure or land; and prior to the change or extension of a nonconforming use; and prior to any development.

(b) Application for Zoning Permit. Application for a zoning permit shall be made in duplicate to the Building Commissioner on forms furnished by him and shall include the following where applicable: plans, in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill and storage of materials; and the location of the foregoing in relation to the channel.

(c) Certificate of Zoning Compliance for New, Altered or Nonconforming Uses.

(1) No person shall use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance has been issued therefor by the Building Commissioner stating that the use of the building or land conforms to the requirements of this chapter.

(2) No conforming structure or use shall be used after substantial alteration until a certificate of zoning compliance has been issued by the Building Commissioner. The certificate of zoning compliance shall state specifically the particulars, if any, in which the nonconforming structure or use differs from the provisions of this chapter.

(d) Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Zoning permits, special exception uses, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this chapter, and punishable as provided by Section 1177.99. The applicant shall ordinarily be required to submit certification by a registered professional engineer or other qualified person designated by the governing body that the finished fill and building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter.

(Ord. 76-23. Passed 12-20-76.)

1177.18 BOARD OF APPEALS; RULES AND POWERS.

The Board of Appeals is authorized and directed as follows:

(a) Rules. The Board shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Board by State law.

(b) Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of administration of this chapter.

(c) Special Exceptions. It shall hear and decide applications for special exception uses upon which the Board is authorized to pass under this chapter.

(d) Variances. It may authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation, for the particular area, or permit standards lower than those required by State law.

(Ord. 76-23. Passed 12-20-76.)

1177.19 BOARD HEARINGS AND DECISIONS.

(a) Hearings. Upon the filing with the Board of Appeals of an appeal from a decision of the Building Commissioner, an application for special exception or an application for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing, in accord with State law or Charter, and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written and oral evidence for the record which he may have transcribed by a stenographer. The written transcript, if presented to the Board by the appellant, shall be a part of the record.

(b) Decisions. The Board shall arrive at a decision on such appeal, special exception use or variance within a reasonable time. In passing upon such, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a special exception or variance, the Board may prescribe appropriate conditions and safeguards, in addition to those specified in Section 1177.20(e), which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the special exception or variance is granted, shall be deemed a violation of this chapter punishable under Section 1177.99.

(c) Appeal to the Court. Appeals from any decision of the Board may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the Village, or Council, to the County Court of Common Pleas.
(Ord. 76-23. Passed 12-20-76.)

1177.20 SPECIAL EXCEPTIONS.

(a) Application. Application for any use listed in this chapter as requiring a special permit may be allowed only upon application to the Building Commissioner on forms furnished by him and issuance of a special exception by the Board. Upon receipt of the application the Commissioner shall forthwith submit it to the Board.

(b) Procedure. Upon receiving an application for a special permit involving the use of fill, construction of structures, or storage of materials, the Board shall, prior to rendering a decision thereon:

(1) Require the applicant to furnish such of the following information as is deemed necessary by the Board for determining the regional flood protection elevation, whether the proposed use is located in the floodway or floodway fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use:

A. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures and the relationship of the above to the location of the channel.

B. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.

C. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.

D. Profile showing the slope of the bottom of the channel or flow line of the stream.

E. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water-supply and sanitary facilities.

(2) Transmit one copy of the information described in subsection (b)(l) hereof to a designated engineer or other expert person or agency for technical assistance is determining whether the proposed use is located in the floodway or floodway fringe; in determining the regional flood protection elevation; and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. The procedures specified in Section 1177.02(c) shall be followed in this expert evaluation.

(3) Based upon the technical evaluation of the designated engineer or expert, the Board shall determine whether the proposed use is located within the floodway or floodway fringe, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

(c) Factors as Basis for Decision. In passing upon special exception applications, the Board shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with the existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) Such other factors which are relevant to the purposes of this chapter.

(d) Time for Acting on Application. The Board shall act on an application in the manner above described within thirty days from receiving the application, except that where additional information is required by the Board pursuant to subsection (b)(1) hereof, the Board shall render a written decision within thirty days from the receipt of such information.

(e) Conditions Attached to Special Permits. Upon consideration of the factors listed above and the

purposes of this chapter, the Board may attach such conditions to the granting of special exceptions or variances as it deems necessary to further the purposes of this chapter. Among such conditions without limitation because of specific enumeration may be included:

(1) Modification of waste disposal and water supply facilities.

(2) Limitations on periods of use and operation.

(3) Imposition of operational controls, sureties and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees and other protective measures.

(5) Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regional flood. The Board of Appeals shall require that the applicant submit a plan or document certified by a registered professional engineer that the flooding measures are consistent with the flood protection elevation and associated flood factors for the particular area. The following floodproofing measures may be required without limitation because of specific enumeration.

A. Anchorage to resist flotation and lateral movement.

B. Installation of watertight doors, bulkheads and shutters, or similar methods of construction.

(Ord. 76-23. Passed 12-20-76.)

1177.21 NONCONFORMING USES.

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions.

(b) No such use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity.

(c) No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed fifty percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.

(d) If such use is discontinued for two years or more any future use of the building premises shall conform to this chapter. The Building Commissioner shall notify the Board of Appeals in writing of instances of nonconforming uses which have been discontinued for a period of one year.

(e) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this chapter. Provided that the Board of Appeals may permit reconstruction if the use or structure is located outside the floodway and upon reconstruction, is adequately and safely floodproofed, elevated or otherwise protected in conformity with Section 1177.20(e).

(f) Uses of adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

(g) Except as provided in subsection (f) hereof, any use which has been permitted as a special exception use shall be considered a conforming use.

(h) Any alteration, addition or repair to a nonconforming structure which would substantially increase its flood damage potential shall be protected by measures pursuant to Section 1177.20(e).

(i) The Building Commissioner shall prepare a list of those nonconforming uses which have been floodproofed or otherwise adequately protected in conformity with Section 1177.20(e). He shall present such list to the Board of Appeals which may issue a certificate to the owner stating that such uses, as a result of these corrective measures, are in conformity with the provisions of this chapter.

(Ord. 76-23. Passed 12-20-76.)

1177.22 AMENDMENTS.

The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed as provided in the Charter and Village ordinances. No such action may be taken until a public hearing in relation thereto has been held at which parties in interest and citizens shall have an opportunity to be heard. At least thirty days notice of the time and place of such hearing shall be published in a newspaper of general circulation in Mayfield Village.

(Ord. 76-23. Passed 12-20-76.)

1177.23 SEVERABILITY.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. 76-23. Passed 12-20-76.)

1177.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or special exceptions shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty days, or both, and in addition, shall pay all costs and expenses involved in the case.

Nothing herein contained shall prevent the Council from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 76-23. Passed 12-20-76.)

CHAPTER 1179
Oil and Gas Wells

1179.01 Intent.
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1179.01 INTENT.

It is the intent of Village Council to ensure the safe operation of oil and gas wells and preserve the aesthetics and character of and within the Village. Toward that end, this chapter has been adopted to supplement any State issued permits which authorize the drilling of any oil and gas well within the Village. The provisions of this chapter are based upon local conditions which may not be known to the State at the time such drilling was authorized. It is further the intent of the Village to exercise its local police authority, authorized under Article XVIII, Section 3 of the Ohio Constitution, to the fullest extent permitted by law, for the protection of the Village residents and all emergency personnel who may be called upon to respond to an incident at any oil and gas well. (Ord. 2009-56. Passed 12-21-09.)

1179.02 INTERPRETATION.

If any provision of this chapter is deemed to conflict with any constitutional general law of the State of Ohio, the general law shall prevail. In the event the general law of the State is silent as to any substantive regulation contained herein, the substantive regulation established by this chapter shall be applicable.
(Ord. 2009-56. Passed 12-21-09.)

1179.03 PARTICIPATION IN PRE-PERMIT NOTIFICATION.

The Village shall participate to the maximum extent practicable in the State of Ohio's pre- permit notification process on all drilling activities proposed in the Village on private property. Specifically, the Village Building Commissioner and Fire Chief shall:

(a) Attend pre-permit meetings and may request attendance by the Village Engineer and other agencies at such meetings.

(b) Provide educational materials to interested residents.

(Ord. 2009-56. Passed 12-21-09.)

1179.04 MUNICIPAL REGULATIONS.

Any person who has a permit to drill for oil and gas within Mayfield Village, which has been issued by any Department of the State of Ohio (''Permit Holder''), and the Landowner(s) of the land upon which the actual well will be drilled and who has leased their land for such purposes (''Surface Owner''), shall adhere to the following regulations:

(a) A copy of the state issued permit shall be filed with the Village Building Commissioner by the Surface Owner or Permit Holder no later than four weeks before the commencement of any operations preparatory to drilling in the Village. Upon receipt by the Building Commissioner, a copy of such permit shall be delivered by the Surface Owner or Permit Holder to all owners and/or occupants of all properties which are adjacent to and/or adjoin the unit where a well is to be drilled with proof of the date of such delivery furnished to the Building Commissioner by the Surface Owner or Permit Holder not less than fourteen business days before commencement of any operations preparatory to drilling in the Village. The Surface Owner or Permit Holder shall check with the Building Commissioner prior to delivery to these adjacent and/or adjoining property owners and occupants to obtain information as to the identity of the individuals to receive the notice and copy of the permit. ''Unit'' as used in this section shall mean those properties that are identified on the state issued permit as being part of the acreage necessary to drill a gas and oil well. A typical unit comprises twenty acres.

(b) Along with a copy of the state issued permit, a letter shall be filed with the Building Commissioner by the Surface Owner or Permit Holder which identifies all the property owner(s) and occupants of the unit where the well is to be drilled; by name and address, identifying all persons, including but not limited to the Permit Holder, and anyone else who will be responsible for the drilling and operation of the well. The identification shall include, at a minimum, names, address and work telephone numbers that are valid twenty-four hours a day. Any contractors performing gas or oil well drilling work shall comply with the parameters of Chapters 1309 and 1313 including, but not limited to:

(1) Being registered with the Village; and

(2) Obtaining a drilling permit from the Village in the amount of five hundred dollars ($500.00).

(c) Plans for all wells, tank batteries, including tank dimensions and gas meter types; excavation work (including but not limited to boring pits) and all other site work including final landscaping plans, confirmation of the tracking methods that will be used in drilling and identification of any required tie ins into any existing gas line or lines and/or the construction of any new gas lines, along with material safety data sheets for all materials to be used in the drilling process shall be presented to the Building Commissioner and the Village Engineer not less than four weeks prior to the commencement of any drilling or other operations. These plans shall show the topography of the site and of all vehicular access to and from the site, from any road or street. Up to two weeks shall be allowed by the Village for the review and approval of plans.

(d) Plans showing all buildings on the subject premises, and all buildings within five hundred feet of the well and tank sites, shall be provided. Incomplete or illegible plans will be returned and the two week review process will be restarted once all data is available.

(e) No well may be drilled, or tank batteries located, in any location where emergency vehicles (e.g. fire trucks and ambulances) cannot obtain reasonable access to the site.

(f) Proof of insurance shall be filed with the Building Commissioner and Law Director, prior to the commencement of drilling. The proof of insurance must establish that the Surface Owner and Permit Holder are insured by a solvent insurer, licensed to do business in the State of Ohio, with limits of five million dollars ($5,000,000) per occurrence for personal injury and property damage. The Village shall be named as an additional insured on the policy. The amount of such insurance shall be reviewed by the Building Commissioner every five years and may be adjusted based on inflationary increases. The Village shall be named as an additional insured on the policy.

(g) Emergency contact information for all persons engaged in drilling and operating the well shall be filed with the Building Commissioner and Fire Chief, prior to the commencement of drilling. Such information shall be immediately updated upon any change of circumstance(s).

(h) Drilling operations and site preparation and restoration work shall comply with Chapter 1129 Erosion and Sediment Control.

(i) Within thirty days after drilling operations have been completed, the Permit Holder shall do all of the following:

(1) Remove all bore pits, and all well spoils from the subject property;

(2) Fill all bore pits with clean fill dirt, and restore the grade of the site to its previous elevation;

(3) Seed all disturbed sites with grass or other vegetative ground cover and ensure such ground cover becomes established; and

(4) Notify the Building Commissioner and Village Engineer that the site has been restored pursuant to the terms of subsection (h) and this subsection (i). The Building Commissioner, Village Engineer and

any other professional needed by the Village, shall inspect the site within fourteen days of the notification.

(j) At all times relative to the drilling, operation and capping of the well, the well and all tank facilities shall be secured from public access by sufficient fencing and/or vegetation. The sufficiency of the fencing and vegetation shall be determined by the Building Commissioner. Representatives of the Village shall have access to all affected areas during the course of construction and installation, for the purpose of inspection and monitoring purposes. In addition, the Surface Owner or Permit Holder shall do the following:

(1) The Permit Holder or Surface Owner of any parcel upon which an oil or gas well will be located shall be responsible for installation and maintenance of screening and buffering as set forth in this section.

(2) At least fourteen days prior to commencing any oil or gas well drilling operations within the Village and without regard to whether such operation is being performed pursuant to a permit issued under Ohio R.C. 1509.06, the Permit Holder or Surface Owner shall submit to the Building Commissioner a line-of-site plan of sufficient quality and detail as will truly and accurately depict the actual appearance of the well, including storage facilities and all other equipment appurtenant thereto, from the following locations:

A. All adjacent public rights-of-way; and

B. All adjacent parcels not also owned by the Surface Owner or, if owned by the Surface Owner, not used in a common manner and/or as part of a common site development.

The line-of-site plans shall take into consideration the length of any public rights-of-way or property lines abutting the parcel where the well is to be located and, when the distances involved are significant enough to warrant multiple line-of-site renderings along any such lines, the Building Commissioner may in his sole discretion request from the Surface Owner or Permit Holder such additional plans. In the sole discretion of the Building Commissioner, if a topographical map will suffice for purposes of this section, the Building Commissioner may waive the requirement for line-of-sight plans and utilize the topographical map.

(3) The well, including storage facilities and all other equipment appurtenant thereto, shall be fully screened at eye-level view from the locations set forth in subsections (j)(2)A. and B. as follows:

A. The built and natural environments in the area, as well as the topography, shall be taken into account to ensure full screening at eye-level view.

B. Preference in all cases shall be for the sole use of live vegetative growth of species native to the Northeastern Ohio region, or which, once established, will not require further maintenance to sustain them. Species which mature quickly and whose average live spans correlate with the anticipated operational life of the well should be utilized whenever possible. The minimum size of vegetation at initial planting shall be specified.

C. When, owing to any peculiar site conditions present, it is necessary to use non-vegetative means to accomplish full screening, preference shall be given to the use of natural materials to accomplish the screening, although earthen mounding is to be avoided whenever possible. In such instances, live vegetative growth shall be used in conjunction with such other means to the fullest extent possible.

D. In all cases, the preference shall be to place the screening as near to the well site as possible. The precise location of screening shall be determined on a case-by-case basis to maximize the screening and minimize cost to the Surface Owner where practicable.

E. Where an adjacent parcel is not developed nor in the process of being developed, the Surface Owner or Permit Holder may elect to delay the installation of any screening until such development occurs.

(k) At all times relative to the drilling, operation and capping activities of the well, roads and rights-of-way shall be kept clean of all mud, gravel, silt or other related debris. Road cleaning shall be performed as needed to meet this requirement, which may include, but not be limited to: scraping, shoveling, sweeping, or washing. Traffic control shall be administered at the Permit Holder's expense, if necessary.

(l) In accordance with subsections (i) and (j) hereof, within thirty days after the drilling operations have been completed, the Surface Owner or Permit Holder shall plant sufficient vegetation which, in conjunction with any fencing and natural vegetation, shall effectively and permanently screen all above-ground facilities from all neighbors and from all public and private rights-of-way while such facilities are on the subject premises. Damaged or disturbed pre-existing plantings shall be restored to match the existing surrounding. If drilling operations are completed during winter months not conducive to planting, the Building Commissioner shall establish a date in the future when required plantings shall be completed, not to exceed 180 days. The Building Commissioner, Village Engineer and any other professional needed by the Village shall determine the sufficiency of the screening and vegetation and may order the Surface Owner or Permit Holder to install additional screening or plant more vegetation.

(m) The Permit Holder shall give the Fire Chief and Building Commissioner at least forty-eight hours notice before commencing to drill. The Permit Holder shall also submit a drilling report to the Village at least biweekly from the date preparatory drilling operations begin until the well is fully drilled and

operations. The drilling report shall be in a form similar to that attached as Appendix 1.

(n) A cash deposit of twenty thousand dollars ($20,000) per well, shall be filed with the Building Commissioner by the Permit Holder or Surface Owner to ensure sufficient securing and screening of facilities, as provided herein, and to ensure the removal of all equipment and the restoration of the site after the well is drilled. The Village shall return the cash deposit upon the restoration of the site after the well has been drilled and all equipment has been removed. The cash deposit shall also be used to ensure payment of any fees which will be incurred by the Village Engineer or any other professional the Village determines it must engage in order to ensure compliance with the code. Upon completion of all involvement by the Village Engineer (or other professional), the Village shall return any funds which remain on deposit.

(o) It shall be a violation of this section for a Surface Owner or Permit Holder to violate the terms and conditions of any state issued permit.

(p) The Building Commissioner or his designee shall, within fourteen business days of receipt of the plans, pursuant to subsection (c) hereof, review said plans and immediately advise the Surface Owner or Permit Holder if anything shown on the plans does not comply with the regulations set forth herein. In the event that any Surface Owner or Permit Holder fails to comply with the regulations herein promulgated, the administrative official responsible for the enforcement hereof (i.e. the Building Commissioner or Fire Chief, as designated), shall provide written notice to the Surface Owner and the Permit Holder within forty-eight hours of the failure to comply. Such service shall be made to the addresses identified in subsection (b) hereof, and if no address has been provided, to any address identified on the permit issued by the State. The notice shall advise the Surface Owner and the Permit Holder that if they wish to appeal the decision of the administrative official, the time for appeal is five days after service of the notice. Incomplete or illegible plan submissions shall cause the time limit for review to be extended by fourteen days from the time all correct data is submitted to the Village.

(q) The Surface Owner or Permit Holder shall be required to comply with Section 905.011 relating to Heavy Equipment.

(Ord. 2009-56. Passed 12-21-09.)

1179.05 APPEAL.

The determination of any administrative official, in applying the regulations promulgated hereunder, which is adverse to the rights of any Surface Owner or any Permit Holder may be appealed to the Village Board of Zoning Appeals by filing a notice of appeal with the Building Commissioner within five days of notification by the administrative official that the Permit Holder or Surface Owner has not complied with the regulation. The appeal shall be heard at the next Board of Zoning Appeals meeting, but such further hearings may be held as required for the Board to resolve the appeal. Decisions of the Board of Zoning Appeals shall be appealable to Village Council by any interested person or entity.
(Ord. 2009-56. Passed 12-21-09.)

1179.99 PENALTY.

(a) Whoever violates the provisions of this chapter shall be guilty of a misdemeanor of the first degree. A separate violation shall be deemed to occur on each day during or on which a violation or noncompliance occurs or continues.

(b) In lieu of or in addition to the prosecution of a violation of this chapter, and upon the authorization of the Mayor, the Law Director may institute an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful condition, to restrain, correct or abate a violation, nuisance, or to require compliance with this chapter or other applicable laws, ordinances, rules or regulations.

(Ord. 2009-56. Passed 12-21-09.)

CHAPTER 1181
Height, Area and Yard Requirements

1181.01 Height limits.
1181.02 Height exceptions.
1181.03 Lot area per family.
1181.04 Floor area of apartment units.
1181.05 Accessways to rear buildings.
1181.06 Width of lot for dwellings.
1181.07 Yards.

CROSS REFERENCES

U-3AA height and area - see P. & Z. 1157.05
Local Business District area and yards - see P. & Z. 1165.04, 1165.05
Motorist Service, Office-Laboratory and Production-Distribution Districts area, yards and height - see P. & Z. 1173.04 et seq.

1181.01 HEIGHT LIMITATIONS.

No building or structure shall be erected to a height in excess of two and one-half stories or in excess of thirty-five feet, except that in the case of a church, school or library building, it shall not be erected to a height in excess of four stories or in excess of fifty feet. No accessory building or structure in a Class U-l or U-2 District shall exceed fifteen feet in height.

(Ord. 94-20. Approved by electors 11-8-94.)

1181.02 HEIGHT EXCEPTIONS.

(a) The provisions of Section 1181.01 shall not apply to restrict the height of a church spire, belfry, clock tower, chimney flue, elevator bulkhead, air conditioning unit or other necessary accessory building equipment normally maintained above the roof line, but such provisions shall apply to all other structures, including towers and water tanks. Elevator bulkheads, air conditioner units or other necessary building equipment extending above the roof line of a building shall be enclosed with a solid cover designed to conform to the architectural style of the building so as to provide an adequate and aesthetic screen.

(b) Nothing in this Zoning Code shall prevent the erection above the height limit of a parapet wall or cornice, solely for ornament and without windows extending above such height limit, of not more than three feet.

(Ord. 89-24. Approved by voters 11-7-89.)

1181.03 LOT AREA PER FAMILY.

(a) In a Class A-1 District, no dwelling shall be erected or altered to accommodate or make provision for more than one family for each 20,000 square feet of the area of the lot, and no such lot shall have a frontage of less than 125 feet. Provided that a single-family dwelling house may be erected on any numbered lot in a recorded subdivision that was on record in the office of the County Recorder at the time of the passage of this section.

(Ord. 93-32. Approved by voters l 1-2-93.)

(b) In a Class A-2 District, no dwelling shall be erected or altered to make provision for more than one family for each 15,000 square feet of the area of the lot.

(Ord. 88-31. Approved by voters 5-2 -89.)

(c) In a Class A-3 District, no dwelling shall be erected or altered to accommodate or make provisions for more than one single-family dwelling for each 20,000 square feet of the area of the lot or for more than a two-family dwelling for each 20,000 square feet of the area of the lot, and no apartment house shall be erected or altered to accommodate or make provisions for more than one apartment suite for each 2,500 square feet of the area of the lot.

(d) For the purposes of this section, in computing the area of the lot, any part of the area of any corner lot in excess of 20,000 square feet shall be considered an interior lot.

(e) For the purpose of determining the number of families that may be housed on a given lot area where a portion of a building in a Class A-1, A-2 or A-3 District is arranged, intended or designed for a business or industrial use, the number of families that may be housed on such lot shall be reduced one for each 1,250 square feet or fraction thereof of lot area actually covered by such portion of the building as is arranged, intended or designed for such business or industrial use.

(f) The provisions of subsection (c) hereof applicable to single-family dwellings, two-family dwellings and apartment houses in Class A-3 Districts shall also apply to such structures in Class A-4 Districts.

(Ord. 780. Passed 11-19-62.)

1181.04 FLOOR AREA OF APARTMENT UNITS.

Every apartment suite shall be comprised of at least four rooms, one of which shall be a bedroom and one a bathroom. The minimum net floor area of a one-bedroom suite shall be not less than 675 square feet. The minimum net floor area of a two-bedroom suite shall be not less than 800 square feet. For suites having more than two bedrooms, there shall be a net minimum area of not less than 125 square feet for each additional bedroom. In every apartment project, at least fifty percent of the suites shall contain more than one bedroom.

(Ord. 780. Passed 11-19-62.)

1181.05 ACCESSWAYS TO REAR BUILDINGS.

In a Class U-1 or U-2 District, every dwelling house erected shall have access to a public street, and if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least twenty-four feet in width and such reserve strip may not form a part of any yard or lot areas required by this Zoning Code.

In any district where an apartment house is developed as a part of a group of buildings, or coordinated with a group of existing apartment houses, access may be provided to buildings not fronting on an existing public street by public roads or by a proposed public street if approved under the provisions of a development plan as set forth in Section 1181.07(b).

(Ord. 780. Passed 11-19-62.)

1181.06 WIDTH OF LOT FOR DWELLINGS.

In any district where permitted, no single-family dwelling or no two-family dwelling shall be erected on a lot having an average width of less than 125 feet, unless such lot was separately owned at the time of the passage of this section, or unless such lot is a numbered lot in a subdivision that was on record in the office of the County Recorder at the time of the passage of this section, and no apartment house development, hotel or motel shall be erected in any district where permitted on a lot or lots under a single ownership, having an average width of less than 300 feet or less than five acres in area, none of which shall be devoted to nonresidential use.

(Ord. 93-32. Approved by voters l 1-2-93.)

1181.07 YARDS.

(a) Side Yards in Residence Districts. In a Class U-1, U-2 or U-3 District, for every building erected there shall be a side yard along each lot line other than a front line or rear line. Each single-family dwelling, each two-family dwelling and each apartment house shall be deemed a separate building and shall have side yards as above prescribed except that two single-family dwellings may be attached as a double house and be considered a single building in any area other than an area within a portion of a Class U-1 District that is within a Class A-1 District.

In a Class U-1 District, the least dimension of the side yard shall not be less than ten feet and at least thirty-five percent of the average width of the lot at the building line occupied by the main building shall be devoted to side yards.

For a hotel or motel in a U-3 District, the least dimension of each side yard shall be not less than twelve percent of the average width of the lot, but such least dimension need not exceed twelve feet, provided such least dimension shall in no case be less than one-sixth of the height of the building, nor less than six feet. The requirements for side yards for apartment buildings shall be as prescribed in subsection (b) hereof as follows:

(Ord. 93-32. Approved by voters 11-2-93.)

(b) Yards for Apartment Development. Apartment buildings shall be planned and arranged in a relationship to each other and to the surrounding lot line so as to provide privacy, light and view for each suite and so as to form a coordinated arrangement of buildings and open space. In order to review and evaluate the site plans, preliminary and final site development plans for every proposed apartment house project shall be submitted to the Planning and Zoning Commission by the developer as required in Section 1173.10.

For all yards, the space between any two apartment buildings and the distances between any building and the side or rear lines of the lot shall vary according to the length and height of the buildings. The minimum distance between any two buildings, designated as buildings A and B. their length as L and their height as H. shall be as determined by the formula:

$$\text{Minimum distance} = \frac{LA + LB + HA + HB}{3.5}$$

The minimum distance between a side or rear lot line and any building designated as A, shall be as determined by the formula:

$$\text{Minimum distance} = \frac{LA + HA}{3.5}$$

The length of a building, for the purposes of these formulae shall be construed as the length of the portion of building A from which lines drawn perpendicular to the face of such wall, or walls, will intersect any wall of opposite building B or intersect the lot line in the case of a yard along side or rear lot line. In cases where lines drawn perpendicular from the face of any wall of one building will not intersect the face of any wall of another building, where diagonal but not opposite, the minimum horizontal distance between such buildings shall be not less than one-half the combined height of the two buildings. Informal and oblique arrangements of buildings, conformance to topography and coordinating the site pattern with natural features is encouraged. The application of the above formulae for spacing of buildings, especially informal and oblique arrangements, shall be determined by the Planning and Zoning Commission in the review of the preliminary site development plan.

The minimum distances from any apartment house to parking areas, driveways, walks and recreation areas and to the lot line, as set forth herein are to be applied in the site planning.

	Minimum Distance	
Accessory Uses	From Apartment House (Feet)	From Lot Line (Feet)
Garages and parking areas	25	15
Driveways	30*	10
Walks	15	10
Recreaton Areas (active play)	40	15

*Except at building entrances.

(Ord. 77-42. Approved by voters l 1-7-78.)

(c) Rear Yards in Residential Districts.

(l) In a Class U-l or U-2 District, every building erected shall have a rear yard. The least dimension of such rear yard shall be twenty percent (20%) of the depth of the lot, but such least dimension

need not be more than forty feet, provided such least dimension shall in no case be less than the height of the building. On a corner lot where the rear line is identical with the side line of the interior lot, no accessory building, if detached from the main building, shall be erected within twenty-five feet of any street line or within ten feet of the rear lot line.

(2) The total area of an accessory building in a Class U-1 or U-2 District shall be governed by Section 1157.06 of the Codified Ordinances, that provide such accessory use or located upon the same lot with the building or use to which it is accessory. In a U-1 or U-2 District, the total area of any above-ground structure, not including swimming pools or buildings directly related to the use or operation of swimming pools, erected separately from the main use structure or any one lot shall not exceed: 480 square feet, if its use is for storage of a motor vehicle, recreation vehicle or other vehicle; 675 square feet, if its use is for storage of a motor vehicle, recreation vehicle or other vehicle, but also includes a tool shed or other storage area; 192 square feet, if its use is as a tool shed or other storage building.

(Ord. 88-28. Approved by voters 5-2-89.)

(3) No accessory building referred to in this section shall exceed fifteen feet in height.

(Ord. 94-20. Approved by electors 11-8-94.)

(d) Side and Rear Yard Exceptions.

(1) The area required in a side or rear yard shall be open from the established grade, or from the natural grade if higher than the established grade, to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four inches, except that within five feet of the street wall, a cornice may project not over three feet into such yard, and provided that if the building is not over two and one-half stories in height, the cornice may project not more than two and one-half feet into such yard.

(2) A corner of a yard may be cut off between the walls of the same building provided that the length of the wall of such cut-off does not exceed seven feet.

(3) A building and any accessory building erected on the same lot shall, for the purpose of side and rear requirements, be considered as a single building.

(e) Front Yards; Building Lines. For the purpose of regulating front yards, for the purpose of further regulating side yards or corner buildings and for the purpose of regulating the alignment of buildings near street frontages, building lines as set forth on the revised district and zone map, prepared by the F. A. Pease Engineering Co., and duly approved by the Planning and Zoning Commission and by Council and dated July 19, 1948, which is hereby declared to be a part hereof, are hereby established. The map designations and the map designation rules which accompany the map are hereby declared part thereof.

Between a building line and the street line no building or portion of a building extending above the established grade may be erected. In a Class U-1 or U-2 District a one-story unenclosed porch may, however, be constructed between the building line and the street line. On a corner lot between the building line and the street line and within the triangular space included between the street lines for a distance of twenty-five feet from their point of intersection, no fence or other structure more than three feet in height above the plane of the established grade shall hereafter be erected, and no shrubs or foliage shall be maintained that in the judgment of the Building Commissioner will materially obstruct the view by a driver of a vehicle approaching the intersection and within seventy-five feet of the center of such intersection or approaching cross traffic within seventy-five feet of the center of such intersection. Where a building line is shown on the building map as an existing alignment line, the alignment of the building existing along such frontage shall determine the building line. On any street frontage in a Class U-1 or U-2 District, where no building line is designated on the building line map the location of the building line shall be as follows:

(1) On a street frontage on either side of a street between two intersecting streets, but excluding the frontage along the side line of a corner lot, the distance of the building line back from the street line shall be twenty percent of the average or normal depth of the lots having their front lines along such street frontage, but such distance back from the street line need not be more than forty feet. Where in any portion of such street frontage there are lots of markedly less depth than the normal, the Planning and Zoning Commission in defining and applying this building line regulation may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above twenty percent building line requirement. For the purpose of this paragraph the term "lot" shall include unimproved parcels in separate ownership and unimproved lots or parcels in subdivisions of land.

(2) In a Class U-1 District, along the side line of a corner lot, the distance of the building line back from the street line shall be twenty percent of the average width of such lot, but such distance back from the street line need not be more than twenty feet.

(3) The revised district and zone map approved, adopted and made a part of this Zoning Code is amended so that the building line as defined in this subsection (e) as the same appears on the revised district and zone map with respect to both sides of S. O. M. Center Road, Wilson Mills Road, Highland Road, White Road, Lander Road and Ridgebury Road shall be sixty feet back from the street line of each of the

streets. As to the streets, the setback provision in this paragraph (3) shall apply, rather than the setback provisions found in paragraphs (1) and (2) hereof.

(Ord. 77-42. Approved by voters 11-7-78.)

CHAPTER 1183
Off-Street Parking and Loading

1183.01 Purposes.
1183.02 Definitions.
1183.03 Off-street parking facilities; when required.
1183.04 Continuation of parking facilities.
1183.05 Schedule of required off-street parking spaces.
1183.06 **Land banking of required parking.**
1183.07 Separate or combined use of facilities.
1183.08 Access drives to parking areas.
1183.09 Off-street loading facilities.
1183.10 Improvements to parking and loading areas.
1183.11 Illumination of parking and loading areas.
1183.12 Approval of parking and loading plans.

CROSS REFERENCE

Area maintenance - see BLDG. Ch. 1355

1183.01 PURPOSES.

Off-street parking and loading requirements and regulations are established in order to achieve, among others, the following purposes:

(a) To relieve congestion on streets, so that they can be utilized more fully for movement of traffic; and

(b) To promote the safety and convenience of employees, guests and shoppers by locating parking areas so as to lessen motor vehicle movements in areas of congestion; and

(c) To promote the general convenience, welfare and prosperity of institutional, residential, retail business and industrial developments, which depend upon off-street parking and off-street loading facilities.

(Ord. 2010-41. Passed 1-18-11.)

1183.02 DEFINITIONS.

For the purpose of determining accessory off-street parking requirements, definitions and standards shall be as follows:

(a) "Accessory parking space" means an open or enclosed area accessible from a street for parking of motor vehicles of owners, occupants, employees, customers or tenants of the main building or use. Except for one and two-family dwellings, each space shall have a maximum square foot area of no more than 180 square feet or nine feet wide and twenty feet in length exclusive of access drives and aisles. The number of spaces shall be determined from an accurate plan of the area. In the event that the main building is used by one corporate entity, employing in excess of 1500 people at such site, then such space shall not be less than nine feet wide and 180 square feet in area.

(b) "Gross floor area" means the total area of all the floors in a building measured from the exterior faces of the building.

(c) "Seat" means the unit capacity of a building to accommodate people, and in a building including group assembly, such as a church or auditorium, the unit of measurement shall be seven square feet for the portion of the building utilized for seating accommodation.

(d) "Employees" means a unit of measurement representing the optimum employment capacity of a business or other use at one time or shift.

(e) "Required minimum parking spaces" as computed, means where the computation results in a fractional unit, one additional off-street parking space shall be provided.

(Ord. 2010-41. Passed 1-18-11.)

1183.03 OFF-STREET PARKING FACILITIES; WHEN REQUIRED.

Accessory off-street parking facilities, including access driveways, shall be determined in conformance with the schedule, Section 1183.05, for the various institutional, residential, business, office-laboratory and production-distribution buildings and uses, and provided in conformance with the other provisions of this chapter as a condition precedent to the occupancy and maintenance of such building or use. Facilities shall be provided for the entire building or use and shall be located on the same lot as the main building or use served:

(a) Whenever a building is constructed or a new use established.

(b) Whenever the use of an existing building is changed to a use requiring more parking facilities.

(c) Whenever an existing building is altered and there is an increase in the number of dwelling units, seating capacity, type of service or operation or floor areas of building. (Ord. 2010-41. Passed 1-18-11.)

1183.04 CONTINUATION OF PARKING FACILITIES.

(a) All off-street parking facilities, or those required as necessary to a use of a proposed or altered building, shall continue unobstructed in operation, shall not be used for motor vehicle service or repair and shall not be reduced below the required size as long as the main use remains.

(b) In order to insure the continued use for motor vehicle parking purposes of any areas established therefore, the Planning and Zoning Commission may require before approval of same, evidence in writing that the owner or owners of the land to be included in such motor vehicle parking areas have by covenant agreed to continue the use of such land for off-street parking accessory to the residential, institutions, business or industrial use for which such parking areas are required, such covenant to be filed among the records of Cuyahoga County.

(Ord. 2010-41. Passed 1-18-11.)

1183.05 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

	Building or Use Residential	Parking Spaces Required
	One and two-family dwellings which shall include dwelling units which share common walls and access is not gained through an entrance used in common with other dwelling unit occupants	2 enclosed spaces per dwelling unit
	Apartments	
	1 Bedroom Unit	1 space per unit of which shall be enclosed
	2 Bedroom Unit	1½ spaces per unit of which one space shall be enclosed
	3 Bedroom Unit	2 spaces per unit of which one space shall be enclosed
	4 Bedroom Unit	2½ spaces per unit of which one space shall be enclosed
	Institutional	
	Public, private or parochial schools:	
	Elementary	1 space per classroom plus 4 spaces per nonteaching employees, unless an auditorium, multi-purpose room or athletic stadium is included in the construction
	High schools and trade schools	1 space per 5 seats
	Clinics, health and medical centers for outpatient care	1 space per 150 sq. ft. of gross floor area
	Public administration buildings	1 space per 300 sq. ft. of office floor area
	Religious institutions	1 space per 4 seats in main hall of assembly
	Senior citizens' homes	1 space per suite
	Hospitals	1.5 spaces per bed plus 1 space per 2 employees
	Business	
	Medical and dental offices	1 space per 150 sq. ft. of gross floor area
	Business and professional offices, including banks	1 space per 300 sq. ft. of gross floor area
	Retail stores and service establishments, including banks	1 space per 250 sq. ft. of gross floor area
	Restaurants, bars, taverns	1 space per 100 sq. ft. of gross floor area
	Motels, hotels	1 space per guest unit; plus 10 additional spaces per motel/hotel
	Club, lodge or other assembly hall	1 space per 100 sq. ft. of floor area
	Funeral home or mortuary	1 space per 4 seats

	Indoor theater, arena, auditorium	1 space per 3 seats
	Dance hall, skating rink, swimming pool	1 space per 100 sq. ft. of area in activity use
	Bowling alley	4 spaces per lane plus 1 space per 2 employees
	Amusement areas	25 spaces per 1,000 sq. ft. gross area
	Tennis, handball, squash or racquet ball facilities	8 spaces per court
	Warehouse and bulk storage manufacturing and service plants, production/distribution plants	1 space per 1,000 sq. ft. of gross building area
	Laboratories, and research offices	1 space per 400 sq. ft. of gross floor area

(Ord. 2010-41. Passed 1-18-11.)

1183.06 LAND BANKING OF REQUIRED PARKING.

(a) The Planning and Zoning Commission shall determine the number of parking spaces to be constructed, as may be appropriate, based on the evidence submitted. Reduction in the number of parking spaces to actually be constructed may be authorized by the Planning and Zoning Commission when the applicant shows that the required number of parking spaces set forth in Section 1183.05 is substantially in excess of the parking needed to reasonably serve the employees, patrons, and other persons frequenting the subject property.

(b) The site plan shall indicate how the additional number of spaces otherwise required could subsequently be provided on the site, and in all cases, with review and approval by the Village Engineer, the storm water management systems must be designed and constructed to accommodate all land banked spaces as detailed in Chapter 1128 Comprehensive Storm Water Management.

(1) The additional parking area shall be designed to comply with all required yards, setbacks, and driveways for subject property and shall meet all requirements of this Code. The additional parking areas design may be a surface lot or parking garage, as determined in the site plan.

(2) Landscaping of the land banked area must be in full compliance of the zoning regulations and at a minimum, vegetation approved by the Planning and Zoning Commission, shall substantially cover the land banked area. The Planning and Zoning Commission may require additional landscaping of the land banked area.

(c) The land banked area shall not be used for any other purpose and must be part of the same zoning lot and all under the same ownership.

(d) The Planning and Zoning Commission on the basis of increased parking demand, may require the conversion of all or part of the land banked area to off-street parking spaces.

(e) The reservation of said spaces and the purpose therefore, shall be shown upon the approved plans as "Land Banked Future Parking" and shall be a component of any future submittal involving the subject property. (Ord.2010-41. Passed 1-18-11.)

1183.07 SEPARATE OR COMBINED USE OF FACILITIES.

(a) A building containing one use shall provide the off-street parking spaces as required for the specific use. A building or group of buildings containing two or more uses, operating normally during the same hours, and which have different off-street parking requirements shall provide spaces for not less than the sum of the spaces required for each use.

(b) Institutions and businesses, as set forth in the Schedule of Section 1183.05, may assume that up to, but not more than fifty percent of their requirements may be shared in adjacent parking areas which are accessory to institution or business establishments and which normally have different hours of operation. Provided, however, where there is a sharing of facilities by different owners, there shall be a contract covering a period of time as may be required by the Planning and Zoning Commission and provided further, that should any of the uses be changed or the facilities discontinued, then the required spaces for the use remaining shall be provided elsewhere as a condition precedent to the continued use of such building or buildings. The applicant must then provide written notification of the change to the Planning and Zoning Commission within 60 days of change, providing a remedy satisfactory to the Planning and Zoning Commission to ensure adequate parking.

(c) The Planning and Zoning Commission may require the applicant to provide a parking study with information deemed necessary to its review of a shared parking arrangement. This information includes but is not limited to:

(1) The type and hours of operation and parking demand, for each land use.

(2) A site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.

(3) A description of the character of land use and parking patterns of adjacent land uses.

(4) An estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.

(5) Consideration of snow removal activities and snow storage capacity in lot.

(d) Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.

(e) Users sharing a parking facility shall provide for safe, convenient walking between land uses and parking, including safe, well-marked pedestrian crossings, signage and adequate lighting. (Ord.2010-41. Passed 1-18-11.)

1183.08 ACCESS DRIVES TO PARKING AREAS.

(a) The location and width of entrance and exit driveways to parking facilities and "drive-in" businesses, shall be planned to interfere as little as possible with the use of nearby property and with pedestrian and vehicular traffic on the nearest streets and the streets to which they connect. Access to the streets shall be controlled in the interest of public safety and to maintain the designed capacity of the street system and to control access along State arterial highways adjacent to freeway interchanges. Therefore, the centerline of the access driveways on the frontage street shall be at least 100 feet from the right-of-way line of the nearest intersecting street and spaced at not less than 180 feet intervals measured from the center line of the driveways, provided, however, that driveways to serve gasoline service stations shall be in accord with "Regulations Governing Ingress and Egress at Gasoline Service Stations Fronting on Highways" Ohio Department of Highways, February 1, 1955, or amendments thereto. At least two separate driveways shall be provided, and whenever possible they shall be limited to either entrance or exit if deemed necessary by the Planning and Zoning Commission.

(b) Entrances and exits shall be limited to two lanes and shall be so designed so that all vehicles can be driven forward into the street. The width of such entrances and exits shall conform to the following schedule:

(1) Joint use driveways: A system of joint use driveways and cross access easements shall be established and used to the maximum extent practicable as determined by the Village. The system of joint use driveways shall incorporate the following:

A. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

B. A unified access and circulation plan for coordinated or shared parking areas.

C. An easement with the deed recorded by all participating property owners allowing cross access to and from other properties served by the joint use driveways.

(c) In all cases the radius of the edge of the apron shall be at least twenty feet so that a motor vehicle may enter or leave the curb lane without obstructing vehicles in other traffic lanes. The maximum curb cut shall be limited to the width of the entrance or exit plus the radius of the apron.

(d) For "drive-in" facilities such as, but not confined to auto washes, food service or pick-up and bank teller windows, adequate drives in addition to that specified herein shall be provided on the property for the lining up of motor vehicles awaiting the occupants turn. Such lines shall not be permitted to form on public ways.

(e) No entrance or exit driveway shall be constructed or maintained so as to lead to or from a local residential street abutting a local business district. The words "local residential street" mean a street used primarily for access to abutting residential properties. The angle of intersection between the driveway and the street shall be between seventy degrees and ninety degrees.

(f) The developments abutting Wilson Mills Road for a distance of 1200 feet from the nearest intersection of a freeway ramp shall be planned so that the first access street or driveway onto Wilson Mills shall be not less than 600 feet from the outermost ramp terminal right of way and the successive access point shall be spaced at intervals not less than 600 feet on center. These objectives may be accomplished by marginal service roads, parallel service roads, combining the access of several developments or their approved facilities. Whenever it is not feasible to provide such facilities at the time of the original development, the Commission may grant temporary access for use at lesser distances for a limited period of time, provided the developments and future control facilities are planned so as not to cause any substantial extra costs to the public or cause relocations or structures when the permanent facilities are constructed.

(g) To carry out the above purposes and objectives on sections of Wilson Mills Road or other major streets within the area of influence but more than 1200 feet from the interchange, the Commission may permit the spacing of accessways at lesser intervals but not less than 200 feet on center, if the projected volume of traffic warrants more frequent spacing.

(Ord. 2010-41. Passed 1-18-11.)

1183.09 OFF-STREET LOADING FACILITIES.

Loading and/or unloading facilities shall be provided for all business, service, commercial and industrial buildings hereafter erected or altered for such uses. The facilities shall be maintained as long as such building is occupied, shall continue unobstructed and not be used for repair or servicing of motor vehicles. Space required and allocated for off-street parking shall not be allocated or used to satisfy the space requirements for off-street loading.

(a) Space Required. A required off-street loading space shall be at least twelve feet wide by at least twenty-five feet in length for buildings less than 15,000 square feet of gross floor area, and each required loading space for a building of 15,000 square feet or more of floor area shall be not less than fourteen feet wide by sixty feet in length. Each space shall have a vertical clearance of at least fourteen feet. The above areas shall be exclusive of aisle and maneuvering space. For manufacturing and service uses the maneuvering space or apron for off-street loading shall be at least sixty feet wide measured from the outermost part of any vehicle backed up to a loading dock or any other possible obstruction in the maneuvering area.

Uses which otherwise require off-street loading facilities but are located for buildings of less than 5,000 square feet of floor area shall be provided with a receiving platform or other facilities adjacent to a service drive or other open space on the same lot.

(b) Location and Design. Loading facilities shall not be located in a front yard or in a required side or rear yard. Off-street loading spaces shall be provided with surface improvements as required for parking areas. Each required off-street loading space shall be designed for direct vehicular access by means of a driveway or driveways to a public street in a manner which will least interfere with traffic movements and lane encroachment. The access shall be located so that the driveway center line shall be not less than 100 feet from the nearest intersecting street line.

(c) Schedule of Requirements. Loading spaces shall be provided in accordance with the following schedule:

Building or Use	**Gross Floor Area of Building (Sq. Ft.)**	**Required Number of Spaces**
Retail stores of all types	5,000 - 10,000	1
	10,000 - 40,000	2
	40,000 - 100,000	3
	each additional 50,000	1 additional space
All manufacturing service and storage establishments	Up to 40,000	1
	40,000 - 100,000	2
	each additional 50,000	1 additional space

(Ord. 2010-41. Passed 1-18-11.)

1183.10 IMPROVEMENTS TO PARKING AND LOADING AREAS.

(a) All parking areas and driveways shall be surfaced with asphaltic concrete or Portland cement concrete, or other similar hard surface as shall be approved by Council and be as approved by the Village Engineer.

(b) All parking areas and driveways shall provide adequate drainage so that all water is contained within the lot on which the parking area or driveway is located in such manner that water shall not drain across other private or public property.

(c) Portland cement concrete at least six inches above the levels of the surface of the parking area and at least twelve inches below the surface shall be provided to define the limits of the parking area except at exits and entrances. Such curbs shall be at least six inches thick. The following design parameters apply to curb installation:

(1) Curbs shall be arranged so that no part of a parked vehicle shall project into that portion of a required yard in which off-street parking is prohibited.

(2) Curbs separating landscaped areas from parking areas shall allow storm water runoff to pass through them where appropriate and approved by the Village Engineer. Curbs may be:

A. Perforated with gaps or breaks,

B. When applicable, removed from the perimeter of paved areas, or installed flush with the pavement surface to allowing sheet flow from storm water runoff into bioretention cells or filter strips. Wheel stops may be required in place of curbs or where a flush curb is used.

(d) Planted islands shall be developed and distributed so as to interrupt the expanse of paved area. Such islands shall have a minimum dimension of ten feet.

(e) The Planning and Zoning Commission may require landscape features and a wall or a fence between a parking and loading area and a side or rear lot line of a residential district.

(f) Parking spaces shall be defined by painted single solid lines.

(g) An approved barrier shall be provided to establish the limits of each parking area on each lot.

(h) All required off-street parking spaces shall have a vertical clearance of at least six (6) feet and six (6) inches.

(i) Handicapped off-street parking spaces shall be provided in size and number as specified in the Ohio Basic Building Code.

(j) Required off-street parking spaces shall have a maximum square foot area of no more than 180 square feet or nine feet wide and twenty feet in length exclusive of access drives and aisles.

(k) If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the maximum stall width of that space shall be increased by 1 foot. The inner face of the column or other obstruction shall form the actual boundary of the space when measuring the width or length of the spaces.

(l) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.

(m) Parking areas designed to hold 100 parking spaces or more shall:

(1) Dedicate at least 10% of the spaces to compact cars.

A. The maximum layout dimensions for compact car parking spaces shall have a maximum square footage of no more than 144 square feet or eight feet wide and eighteen feet in length.

B. The owner of the parking area shall designate compact car spaces by signs approved by Planning and Zoning Commission with a minimum of 1 sign per every 4 compact car spaces.

C. Compact car parking spaces shall be grouped to promote better use.

(2) Include interior landscaping to cover not less than 10% of the parking and maneuvering area, in addition to any parking lot perimeter landscaping and screening requirements. This landscaping requirement can include bioretention cells, enhanced swales or filter strips for storm water management where appropriate and approved by the Village Engineer. Review and approval by the Village Engineer shall be as detailed in Chapter 1128 Comprehensive Storm Water Management and include the required inspection and maintenance agreements.

(Ord. 2010-41. Passed 1-18-11.)

1183.11 ILLUMINATION OF PARKING AND LOADING AREAS.

Parking and loading areas shall be illuminated whenever necessary to protect the public safety. Such illumination shall be so designed and located that light sources are shielded from adjoining residential districts and streets, and shall not be of excessive brightness or cause a glare hazardous to pedestrians or drivers.

(a) In no case shall such lighting cause more than 0.2 foot candle, on average, of light to fall on adjacent properties measured horizontally at the lot line, without any shadowing effect from parked vehicles or trees at points of measurement. For the purposes of this Section, all light readings shall be taken from ground level with a direct reading portable light meter.

(b) Shields shall be used where necessary to prevent exposure of adjacent properties.

(Ord. 2010-41. Passed 1-18-11.)

1183.12 APPROVAL OF PARKING AND LOADING PLANS.

Prior to the issuance of a building permit or certificate of compliance, detailed drawings of off-street parking and loading areas (except for one and two-family dwellings) shall be submitted to the Planning and Zoning Commission for approval in accord with the requirements hereinbefore stated and as follows:

(a) A site plan showing the location of proposed and existing buildings, the locations and use of buildings on adjoining lots within 100 feet of all property lines.

(b) Plot plan and/or drawing shall have appropriate legend showing:

(1) Lot number.
(2) Name of business.
(3) Builder or construction firm.
(4) Date.
(5) Square footage of lot area.
(6) Square footage of building floor area.
(7) Maximum number of employees on any two successive shifts.
(8) Required minimum parking spaces.
(9) Number of planned parking spaces.

(c) All drawings, plot or site plans shall be drawn to scale on paper eighteen by thirty inches or larger in size. Such scale shall be shown on each drawing or plan.

(d) All plats, site plans and drawings shall be first submitted to the Building Commissioner for his review and signature.

(e) All plats, site plans and drawings shall then be reviewed by the Village Engineer for his approval and signature before such plan, site plans and drawings are submitted to the Commission.

(f) The above conditions and requirements shall be accomplished by the applicant before being placed in the agenda of the Commission. The cutoff date for inclusion on the agenda shall be Friday noon preceding the meeting of the Commission.

(Ord. 2010-41. Passed 1-18-11.)

CHAPTER 1185
Signs

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CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.27 (A)

1185.01 INTENT.

Sign regulations, including provisions to control the type, design, size, location, illumination and maintenance thereof, are established and shall be liberally construed in order to achieve, among others, the following purposes:

(a) To promote attractive and maintain high value residential districts;

(b) To provide reasonable, yet appropriate, conditions for identifying and advertising goods sold or services rendered in business districts by relating the size, type and design of signs to the type and size of establishment;

(c) To provide for reasonable signs for the identification of industrial development;

(d) To control the design of signs so that their appearance shall be aesthetically harmonious with their surroundings and an overall urban design for the area; and

(e) To eliminate any conflict between advertising or identification signs and traffic control signs which would be hazardous to the safety of the motoring public or pedestrians. (Ord. 96-27. Passed 8-5-96.)

1185.02 COMPLIANCE; EXCEPTIONS.

(a) Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this chapter.

(b) The construction, erection, safety, maintenance and painting of all signs shall be in accordance with this chapter and with the Municipal Building Code. The provisions of this chapter shall not amend or in any way modify other codes, rules or regulations governing traffic signs within the Municipality or other signs erected by public authority within the Municipality.

(c) The display of official public notices and the flag, emblem or insignia of an official government body shall not be affected by these regulations. Nor shall signs used for safety purposes relative to the repair or maintenance of streets, sidewalks or of utilities in the public right-of-way be affected by the provisions of these regulations. Name and informational signs containing emblems of service clubs, places of worship, civic organizations and the like consolidated within a single frame placed on public property with permission of the Building Commissioner are not subject to these regulations provided such emblems do not exceed three square feet in area, the frame does not exceed six feet above natural grade and the sign is not illuminated.

(d) The provisions of this chapter shall not apply to patriotic lighting or holiday display lighting. (Ord. 96-27. Passed 8-5-96.)

1185.03 DEFINITIONS; CLASSIFICATION OF SIGNS.

(a) Sign Defined. "Sign means any display, figure, work, number, symbol, geometric shape, model, painting, drawing, placard, letter, poster, pennant, insignia, device or other structure or representation or combinations thereof 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, business activity, place, object or product.

(b) Classification by Functional Type.

(1) "Abandoned sign" means a sign which no longer directs or exhorts, advertises a bona fide business, lessor, lessee, owner, product or activity conducted or available on the premises where the sign is located.

(2) "Billboard" means a sign directing attention to a specific business, product, service, entertainment or any other activities sold, offered or conducted elsewhere than upon the same lot on which the sign is located.

(3) "Bulletin board" means an announcement sign which directs attention to and which is located on the lot of a public or semi-public institution, or of a charitable or religious facility.

(4) "Business sign (general advertising)" means a sign advertising the name of a business or establishment, the goods or commodities sold and/or brand names thereof, or services rendered on the lot which the sign is located.

(5) "Development sign" means a sign directing attention to the promotion, development or construction of a building or subdivision or property on the parcel of land on which the sign is located and which bears the name, address, sublot number or other identifier of the contractor or the name, owner or manager of the development.

(6) "Directional sign" means a sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter", "exit" and arrow signs. Standard traffic devices may be used if approved by the Chief of Police.

(7) "Directory sign" means a sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center.

(8) "Flashing sign" means any illuminated sign which exhibits changing light or color effects.

(9) "Identification sign" means a sign, other than a nameplate, indicating the name of a building, business, residential subdivision or group of buildings.

(10) "Illuminated sign" means a sign that is illuminated by a white steady stationary light of reasonable intensity shielded and directed solely at the sign or by white interior light from within the sign. Light sources for illuminated signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness or intensity so as to cause glare hazardous to pedestrians or vehicular traffic or so as to create a nuisance to adjacent residential districts.

(11) "Informational sign" means a sign which is designed to give general information to the public concerning areas of natural scenic beauty or outdoor recreation facilities and similar information, or indicating a condition on the property which requires the exercise of extraordinary care, or which provides public safety information or other public information.

(12) "Integral sign" means a sign indicating the name of a building, date of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

(13) "Memorial sign" means a sign designed, intended or used to preserve the memory of a person, place or event, including landmark and historical plaques.

(14) "Mural or pictorial signs" means an artistic scene or picture devoid of any advertising or commercial aspects, slogans, words, letters, script, numbers, diagrams or text, which is printed or painted upon any wall of a building or structure.

(15) "Nameplate" means a sign indicating the name, address or profession of the person or persons occupying the lot or building or part of a building.

(16) "Permanent sign" means a sign which is designed or intended to be used indefinitely, or used indefinitely without change in its state or place.

(17) "Political sign" means a sign promoting any candidate seeking any political office or promoting any ballot measure to be voted upon by the electorate of the Municipality.

(18) "Real estate sign" means a sign directing attention to the promotion, development, construction or sale of property on which it is located.

(19) "Rental or lease sign" means a temporary sign advertising space available for rent or lease in commercial buildings.

(20) "Security sign" means a sign indicating that the property is protected by a security

surveillance system of any nature.

(21) "Temporary sign" means a sign of any type to announce charitable, educational, religious, civic or community affairs of a public or semipublic nature and designed for use for a limited period of time not to exceed thirty days. Such a sign may be suspended over pubic property or any other location for an appropriate period as determined by the Mayor and Building Commissioner not to exceed thirty days.

(22) "Vehicle sign" means a sign that is either permanent or temporary and is affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premises, time of day, duration, availability of other parking space on the premises, and the proximity of the vehicle to the area on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of such display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for such vehicle.

(c) Classification by Structural Type.

(1) "Canopy sign" means a sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway or to a permanent awning or marquee.

(2) "Ground sign" means a freestanding sign which has a supporting base designed as an integral part of the sign and resting totally or primarily on the ground.

(3) "Pole sign" means a sign which is supported wholly by a single pole or brace upon the ground and not attached to any building.

(4) "Portable sign" means a sign which is designed to be portable and is not permanently attached to any part of a build or permanently anchored to the ground.

(5) "Projection sign" means a sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom, extending more than fifteen inches from the face of the wall of the building, wall or other structure and is supported thereby.

(6) "Roof sign" means a sign erected upon and completely over the roof of any building or a sign constructed or wholly maintained upon or over the roof or parapet wall with the principal support on the roof.

(7) "Wall 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 extending no higher than the ridge lines on the top of the parapet wall and projecting not more than twelve inches from the wall.

(8) "Window sign" means a sign attached or affixed to the interior surface of the windows or doors of a building.

(9) "Attraction devices" refers to animation, revolution, movement up and down or sideways, and windblown devices such as ribbons, pennants, spinners and streamers whether part of a sign or not.

(Ord. 96-27. Passed 8-5-96.)

1185.04 MEASUREMENT STANDARDS.

The size of signs are regulated in this chapter by relating the gross area of signs to the building or use of a lot, or to the size of a building unit to which the sign is accessory.

(a) The gross area of signs for a building or use shall include all permanent surfaces visible from a public way, including, but not limited to, the area of permanent window and door signs.

(b) Whenever the gross area of signs is related to the size of the building or lot: the frontage of a building shall be the width in lineal feet of the facade of the building, business, office or industrial unit which faces the principal street, or the facade containing the main entrance of a business, office, or industrial building. The frontage of a lot not occupied by a building shall be the number of lineal feet the lot abuts on the principal street at the building line.

(c) Buildings or lots having frontage on a second street or a secondary entrance to a parking area may be permitted additional signs along such secondary streets which shall, however, not exceed twenty percent (20%) of the area of the signs permitted along the main facade; however, any additional sign area allowed as a result hereof shall only be used on the building facade facing the second street or on the portion of the same lot on the second street.

(Ord. 96-27. Passed 8-5-96.)

1185.05 DESIGN STANDARDS.

Signs, as permitted in all use districts, shall be designed to be compatible in character and style with regard to materials, color and size of the building, other signs designed or located on the same building, and other signs on adjoining buildings in order to produce an overall unified effect, and in accordance with the standards set forth in this section. Signs shall be reviewed with respect to each of the provisions of this section and shall require approval by the Architectural Review Board except the signs listed in Section 1185.07(h).

(a) Continuity. Signs shall be considered in relationship to their surrounding environment and, if seen in series, should have a continuity of design.

(b) Style and Color. The style and color of a sign shall be generally consistent throughout the particular building or block involved.

(c) Lettering. The lettering on a sign shall be large enough to be easily read but not overly large or out of scale with the building upon which it is placed. An excessive amount of information on signs, where a visual clutter could create a potential safety hazard to motorists or pedestrians, shall not be permitted. All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(d) Materials. Signs shall be fabricated on and out of materials which are of good quality, good durability and complimentary to the building of which they become part.

(1) Every permitted sign shall be securely attached to the building, walls, marquees or structures using suitable supports, metal anchors, bolts or braces, and the working stresses of fastenings shall not exceed one quarter of their ultimate strengths.

(2) Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to same by metal anchors, bolts or lead expansion anchors of not less than three-eighths inch in diameter and shall be imbedded to manufacturer's required depth for device used.

A. No wooden blocks or anchorage with wood used in connection with screws, nails, spikes or staples shall be considered proper anchorage.

B. Wall signs attached to wood walls may be supported by lag screws of not less than one-fourth inch in diameter, but shall be of size and length to support load involved.

(e) Structural Design. Any graphic, or other sign structure, marquee, canopy or awning as defined in this chapter, shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square foot of net surface area, allowing for wind from any direction, and shall be constructed to withstand loads as required in the Building Code. Signs shall not be attached to parapets. The construction, bracing, anchorage and support of permanent signs shall be in accordance with the requirements of the Building Code of the Municipality and of this chapter. The roofs of all marquees shall be properly guttered and drained.

(f) Relation to Traffic Devices. Signs shall not be erected so as to obstruct sight lines along any public way, traffic control lights, street name signs at intersections or street sight lines. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc., and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs or interfere with the sight lines of a traffic signal.

(g) Other Safety Requirements. No sign shall be erected or placed so that any part thereof shall be within a fifteen foot distance of public utility electric conductors, carrying not more than 600 volts, and for conductors carrying more than 600 volts, not within a distance of thirty feet of such conductors, except that this provision shall not apply to electric conductors which serve the sign.

(Ord. 96-27. Passed 8-5-96.)

1185.06 ILLUMINATION.

(a) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or motorists or as to cause reasonable objection from adjacent residential districts, and shall be concentrated on the area of sign.

(b) Animated, blinking, flashing, fluttering, moving or outlined illumination shall not be permitted in any district except that a permit may be granted for movement showing the date, the time and the temperature exclusively. Beacon lights and search lights are prohibited. No sign shall be constructed and/or operated to create an appearance of illusion of writing.

(c) No exposed reflective type bulbs, neon tube illumination bent to form letters or symbols or used other than to blacklight silhouetted letters or for the internal illumination of plastic faced signs or letters, or strobe lights or incandescent lamps which exceed fifteen watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property. No illuminated signs shall be permitted in the window or on the door of any premises. Illuminated signs, as the same are permitted by this section, are limited to the exterior of the building only. Neon tubing shall not be visible to the eye and shall not be closer than one inch to the plastic face or letter of any sign.

(d) The methods of illumination permitted are colored light, illuminated surface colors, internal illumination (a light source concealed or contained within the sign, and which becomes visible in darkness through a translucent surface), and indirect illumination (a light source not seen directly), provided that within residential areas or within 500 feet thereof only white shall be permitted.

(e) Display signs illuminated by electricity, or equipped in any way with electric devices or appliances, shall conform in wiring and appliances to the provisions of the National Electrical Code and there shall be a locktype switch.

(f) Signs in residential districts, other than nameplates and other signs specifically indicated, shall not be illuminated.

(g) In all zone districts, illuminated signs shall be turned off no later than 11:00 p.m. or when the premises are closed for business, whichever is later.

(Ord. 96-27. Passed 8-5-96.)

1185.07 APPLICATION FOR PERMITS; APPROVAL.

(a) Applications for permits to erect, place, paint, illuminate, alter or otherwise effectuate a change in a sign shall be submitted on forms furnished by the Municipality and shall be made either separately or included with an application for a building permit. Such application shall be dated and include the name, address and telephone number of the applicant and the name of the person erecting the sign. Written consent of the owner of the building, structure or lot on which the sign is to be erected shall be required when the owner is not the applicant. The location of the building, structure or lot on which the sign is to be erected is also required.

(b) Each application shall be accompanied by drawings to scale and photographs showing the following:

(1) The design and lay-out proposed, including the total area and dimensions of signs, the size, height, character, materials, colors and types of lines, lettering or other symbols.

(2) Photographs or drawings of the building for which the signs are proposed and photographs of surrounding buildings, signs and uses.

(3) The number and types of lamps and lens material to be used in any illuminated signs.

(4) The total area, dimensions, weight and physical composition of the proposed sign.

(5) The exact location of the signs in relation to the building and property and in relation to nearby buildings and structures.

(6) Details and specifications for construction, erection and attachment as may be required by the Building Code and this chapter.

(c) A sign permit is applicable only to the specific sign or signs for which it was granted. Once a sign permit is granted, no temporary or permanent sign shall be attached or added to the given sign. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed once and no additional fee shall be collected for the renewal.

(d) All signs and drawings, required by subsection (b) hereof, unless otherwise specifically accepted by this section, shall be referred by the Building Commissioner to the Architectural Review Board for approval.

(e) The following operations shall not be considered as creating a sign and shall not require a sign permit.

(1) Replacing copy. The changing by the permit holder of the advertising copy or message on an approved theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(2) Maintenance. Painting, repainting in same color scheme, cleaning and other normal maintenance and repair of a sign or a sign structure unless a modification or structural change is made.

(f) No permit for a sign issued herein shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued here under constitute a defense in an action to abate an unlawful sign.

(g) The Building Commissioner is hereby authorized and directed to revoke any permit issued upon failure of the holder thereof to comply and any provisions of this chapter or any regulation pertaining to signs or where the permit was issued on the basis of fraud or misstatement.

(h) The permit provisions of this section shall not apply to the following signs, however, the signs listed hereinbelow shall be subject to the other regulations of this chapter:

(1) Memorial signs;

(2) Traffic signs, legal notices and informational signs;

(3) Federal, State or municipal signs or house (street) numbers or name plates in one and two-family residential districts;

(4) Security signs;

(5) Credit card signs;

(6) Real estate signs, except those permitted by Section 1185.13(d)(2);

(7) Political signs;

(8) Temporary window signs; and

(9) Yard/garage, estate sales signs.

(Ord. 96-27. Passed 8-5-96.)

1185.08 MAINTENANCE AND REMOVAL.

(a) All signs and sign structures shall be maintained in good repair and in a safe, attractive condition, free of structural defects and electrical violations so as not to constitute a blight or deteriorating influence on adjacent property or a safety hazard. Signs which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in accordance with this section, and other applicable regulations of the Municipality shall be removed by the person on whose premises such sign is displayed or by the Municipality at the expense of such person. Any sign now or hereafter existing which no longer advertises a bonafide business conducted shall be removed. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the sign as provided in this chapter or changes copy on the signs to advertise the type of business being conducted, and provided the sign complies with all other provisions of this chapter.

(b) The Building Department shall inspect, as it deems necessary, each sign or other structure regulated by this chapter for the purpose of ascertaining whether the same is secure or whether it is in need of removal or repair.

(c) The occupant or owner of any premises upon which a violation of this chapter is apparent or the owner of any sign placed or remaining anywhere in violation of this chapter shall be deemed responsible for the violation so evidenced and subject to the penalty provided therefor.

(d) Upon removal of signs, the area affected shall be substantially restored to its original condition before the sign was erected or attached. Noninclusive example: Any holes in a building or wall thereof or in the ground shall be repaired and restored substantially to their original status. (Ord. 96-27. Passed 8-5-96.)

1185.09 VARIANCE.

A variance from the strict application of the provisions of this chapter may be granted by the Board of Appeals. When application is made to the Building Commissioner for a permit under this chapter and the same is refused because the request does not comply with the provisions hereof, the Board of Appeals shall have the authority to vary the application of any provision of this chapter in terms of the following standards so that public health, safety, morals and general welfare may be safeguarded and substantial justice done:

(a) Where strict application of the provisions of this chapter would result in practical difficulties or unnecessary hardships provided that such hardships shall be found peculiar as applicable to the property in question, making it distinct from the general hardships of the district; or

(b) Where granting a variance shall not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located. The mere existence of an unnecessary hardship or other exceptional circumstances does not constitute, in and of itself, the basis for granting of a variance.

(Ord. 96-27. Passed 8-5-96.)

1185.10 PERMIT AND REVIEW FEES.

(a) Every applicant, before being granted a permit to erect any sign shall pay the required Architectural Review Board and sign permit fees as set forth in Sections 1309.05 (a) and (g) of the permit fee schedule of the Codified Ordinances.

(b) A permit fee of two dollars ($2.00) shall be paid for each real estate sign in a U- I, U-2, U-3, or U-3AA Zoning District. This permit fee shall not apply to garage sale signs as permitted in Section 1185.12 (e).

(Ord. 2012-17. Passed 7-16-12.)

1185.11 DUTIES OF BUILDING COMMISSIONER.

(a) It shall be the duty of the Building Commissioner upon the filing of an application to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If the proposed sign is in compliance with the requirements of this chapter and all other pertinent ordinances of the Municipality and has been approved by the Architectural Review Board, the permit for the erection of the sign shall be issued.

(b) In the event the proposed sign is not in compliance with the requirements of the Municipality, the Commissioner shall not issue the permit until review and approval has been obtained.

(c) Notwithstanding any other provisions of this chapter, the Commissioner may deny a permit to any person who has habitually or willfully violated any of the provisions of this chapter or who has failed to comply within the time specified with an order issued by the Commissioner and served by him to cause compliance with any provision of this chapter.

(d) All ground signs shall be subject to a footing inspection and all illuminated signs shall be subject to electrical inspection. (Ord. 96-27. Passed 8-5-96.)

1185.12 RESIDENTIAL ONE AND TWO FAMILY DISTRICTS.

Accessory signs in residential one and two-family districts shall be designed, erected, altered, moved and maintained in whole or in part, in accordance with these regulations. Only the following type of signs shall be permitted as to use, structure, size and number and shall be regulated as follows:

(a) Integral Signs. One integral sign not to exceed two square feet in area.

(b) Nameplate. One nameplate not to exceed one square foot in area, with lettering not to exceed four inches in height and to be located not less than ten feet from any lot line of the premises.

(c) Real Estate Signs.

(l) One temporary real estate sign not exceeding six square feet in area or three feet in height above natural grade shall be permitted for each dwelling or lot. Such sign shall be located not less than ten feet from the front or any side line and shall be removed within seven days of the transfer of title, provided, however, two such signs shall be permitted on a single parcel which abuts two streets subject to the regulations herein. "Open House" directional arrows not exceeding three square feet in area are permitted provided that the top of the sign shall not exceed three feet in height above natural grade, placed not less than three feet from any lot line and provided that any such sign shall be removed by sundown. Signs designating that the property has been "sold" are prohibited.

(2) All signs permitted on a temporary basis, and not otherwise limited to a specific term, shall not be permitted beyond six months without the approval of the majority of Council.

(d) Security Signs. Security signs may only be of a type which is readily affixed to a window, or affixed to placard, and may be no more than one square foot in area.

(e) Street Address and Residential Name Signs. Two street address residential name signs not exceeding two square feet each in area shall be permitted. Such signs may be allowed on mailboxes, but shall otherwise be located at least six feet from the nearest property line and shall not be over five feet above ground. Signs permitted under this subsection attached to the house shall not exceed six inches in height and those attached to a mailbox shall not exceed four inches in height. Numerals on signs permitted under this subsection shall not be in script.

(f) Yard, Garage. Estate Sale Signs. One sign indicating that a yard sale, garage sale or estate sale is being conducted, shall be permitted on the lot where the sale is taking place, which sign shall not exceed three square feet in area and which shall remain erected only for the period of the sale, not to exceed three days. In addition, one additional sign, not to exceed three square feet in area, shall be permitted to be posted at the corner of the street on which the lot is located and which sign shall remain erected only for the period of the sale, not to exceed three days.

(Ord. 96-27. Passed 8-5-96.)

1185.13 APARTMENT HOUSE AND RESTRICTED MULTI-STORY APARTMENT HOUSE DISTRICTS.

Accessory signs in apartment house and restricted multi-story apartment house districts shall be designed, erected, altered, moved and maintained in whole or in part with these regulations. The types of signs permitted as to use, structure size and number for each building or lot shall be regulated as follows:

(a) Directional Signs. Two directional signs of permanent construction each not exceeding four square feet in area or four feet in height above natural grade indicating traffic routes within parking areas or driveways shall be permitted at any entrance/exit to a building or lot, provided that no part of the sign or the support thereof is located less than two feet from any lot line. Horizontal directional signs on and flush with paved areas are exempt from these standards. Illumination is permitted subject to the requirements of this chapter.

(b) Identification Signs. One identification sign not to exceed thirty-two square feet in area and four feet in height per complex shall be permitted provided that such sign is located not less than thirty feet from the right-of-way.

(c) Integral Signs. One integral sign not exceeding two square feet in area shall be permitted.

(d) Security Signs. Security signs may only be of a type which are readily affixed to a window, such as a sticker or decal, and may be no more than one square foot in area.

(e) Street Number Signs. Two street number signs not exceeding two square feet in area shall be permitted for each building. Such signs shall be located not less than ten feet from the nearest property line and shall not be over five feet above ground. For purposes of this section, one sign indicating the name of a building shall be permitted which shall not exceed four square feet in area and shall be attached to the building.

(f) Rental and Lease Signs. Rental and lease signs are prohibited.

(Ord. 96-27. Passed 8-5-96.)

1185.14 SIGNS PERMITTED IN ANY DISTRICT.

(a) Development Signs. One temporary development sign shall be permitted announcing a proposed building or a building under construction. Such signs shall be removed within fourteen days of the intended use of the project. Development signs shall not exceed thirty-two square feet in area. Development signs not affixed to buildings shall be perpendicular to the street.

(b) Security Signs. Security signs shall be of a type readily affixed to a window, or placed on the ground with a suitable support. Security signs shall not exceed one square foot in area.

(c) Non-commercial opinion sign. One non-commercial opinion sign shall be allowed year-round per parcel. A non-commercial opinion sign is a sign which does not advertise products, goods, businesses or services and which expresses an opinion or other point of view. During the period in which political signs are permitted in accordance with Section 1185.14(d)(5), each parcel shall be permitted to display additional non-commercial opinion signs according to the number of candidates on the ballot.

(d) Political Signs. Political signs shall be permitted only in accordance with the following regulations:

(1) Such signs shall be located not less than twenty feet from the right-of-way line.

(2) No sign shall exceed nine square feet in area.

(3) Such signs shall not be illuminated in any manner.

(4) Such sign shall be located as close to the center of the property as possible as measured by the front footage.

(5) No political sign shall be erected and posted more than sixty (60) days before an election. Each such sign shall bear the name of the campaign chairperson or treasurer, and the address of each person, who, together with the candidate(s) shall be responsible for compliance with these regulations, and for the payment of any fines. Each sign shall be removed within forty-eight (48) hours after the Election Day. Any sign not so removed may be thereafter removed by the authority of the Building Commissioner, and the responsible party shall pay a ten dollar ($10.00) charge for each sign remaining after the deadline.

(6) Such signs shall not present a vision problem to vehicular traffic as determined by the Chief of Police.

(7) Such signs shall be either parallel or perpendicular to the frontage street of such property.

(8) There shall only be one sign per candidate or issue per permanent parcel number.

(9) Political signs shall be displayed in front yards only, and if a vacant lot, shall be displayed in the front half of the yard.

(10) Signs shall be securely fastened to the support stakes or posts, and inserted or anchored to the ground in such a fashion that weather conditions will not cause them to fall, bend, lean or twist.

(11) Any damage to property caused by the signs shall be repaired upon removal.

(12) Only the signs which are of candidates or issues which are on the ballot for electors in the Municipality shall be permitted to be located within the Municipality.

(13) Candidates are personally responsible to keep a constant watch on their signs and to maintain such signs in good condition, and to insure their continual compliance with this Code. In the event signs are no longer in good condition and are found to be deteriorating, candidates are personally responsible to replace or remove such sign immediately.

(14) Any violation of this section shall cause notice from the Building Commissioner's office to the candidate, who shall correct the violation immediately, but not more than seventy-two hours from the time of the notification. Thereafter, the Building Commissioner shall have the authority to remove such signs and place them in the Service Garage.

(e) Temporary Signs. Temporary signs, including special event signs, promotional signs and other similar signs are permitted subject to the following provisions:

(1) Portable menu and sandwich boards shall be permitted. Such signs shall not exceed three (3) feet in height or two (2) feet in width. Such signs shall be placed no more than five (5) feet from the front of the building and may encroach upon the public right-of-way provided an unobstructed walkway is reserved for such public passage. All such signs located in the right of way shall be approved by the Building Commissioner. Signs shall be permitted during business hours only.

(2) Banners, including temporary advertising, special event or announcement type banners, shall be permitted after approval by the Building Commissioner as to their size and location and so long as the banners conform with the regulations set forth below:

A. The banner shall be attached to the front of the building and shall not be displayed for longer than 30 days for periods not to exceed twice in any calendar year.

B. The banner shall not exceed 20 square feet of total sign coverage at any given display event; and

C. No more than one banner may be erected or displayed for any given business or event at any one time.

(3) In addition to the for rent, lease or sale signs permitted to be displayed at the street frontage, no more than one temporary for rent, lease or sale sign shall be permitted on the rear of each of the six businesses or property units that has visibility from I-271, abuts I-271 and maintains frontage on Beta Drive, after approval by the Building Commissioner, as to the size, material, shape and location relative to the building and so long as the sign conforms to either Section 1185.15(f) or all of the regulations set forth below:

A. The sign shall be permitted for an initial six month period. The initial six month period shall be automatically extended, by approval of the Building Commissioner, so long as the sign is found to be in good condition and repair and not in an unsightly, hazardous or deteriorating condition and complies with all the provisions of Section 1185.08.

B. The sign shall be affixed to the building and in a location horizontal to I-271.

C. The sign shall not exceed 120 square feet of total sign coverage with no more than 25 percent of the 120 square feet or actual total sign coverage, whichever is less, used to identify the entity or individual to be contacted. The maximum square footage of total sign coverage permitted herein shall be excluded from the total maximum area permitted for all signs as set forth in Section 1185.15(c). (Ord. 2014-23. Passed 12-15-14.)

1185.15 LOCAL BUSINESS, SMALL OFFICE BUILDINGS, MOTORIST SERVICE DISTRICT, OFFICE LABORATORY AND PRODUCTION DISTRIBUTION DISTRICTS.

Accessory signs in Local Business, Small Office Buildings, Motorist Service District, Office Laboratory and Production Distribution Districts shall be designed, erected, altered and moved in whole or in part in accordance with the following regulations:

(a) Functional Types Permitted. Business signs, canopy signs, directional signs, directory signs, ground signs, identification signs, integral signs, nameplates, wall signs, and window signs.

(b) Structural Types Permitted. Wall signs, canopy signs, ground signs and directional signs shall be permitted.

(c) Maximum Area and Number of Signs Permitted. The maximum area permitted for all signs shall be based upon one square foot of sign face area per lineal foot frontage of the building as measured on a horizontal plane. No sign shall have letters larger than eighteen inches in height, nor shall any one sign exceed 100 square feet in area.

(1) Business signs. Business signs shall be limited to advertising the name, product or services that are located on the same lot.

(2) Canopy signs. Canopy signs may be attached to the soffit or fascia of a canopy or may be surface mounted to the underside of the canopy. Canopy signs shall not exceed five square feet in area. The vertical dimension shall not exceed one foot and the horizontal dimension shall not exceed six feet.

(3) Directory signs. One directory sign not to exceed six feet in height and thirty-two square feet in area and shall be located not less than thirty feet from the right-of-way.

(4) Ground signs. One ground sign not to exceed six feet in height with a maximum permitted area of 100 square feet. Any such sign shall be no closer than ten feet from any property line; five feet from a driveway and thirty feet from the right-of-way. Supporting columns and structural trim exceeding twenty-five percent (25%) of the sign face area shall be considered sign face area. All ground signs shall be placed perpendicular to the street.

(5) Identification signs. One identification sign shall be permitted not to exceed thirty-two square feet in area and six feet above grade. Such signs shall be no closer than feet from the right-of-way.

(6) Integral signs. One integral sign shall be permitted not to exceed two square feet in area.

(7) Nameplates. One nameplate not to exceed one square foot in area for each store or office unit in the building.

(8) Gasoline service stations. Signs for gasoline service stations shall conform with all regulations of this chapter except for those which directly conflict with the regulations stated below:

A. Ground Sign. Such signs may display only sign panels which identify the company name; identify the station ownership or management; and/or advertise the price of fuel by type, grade or form of service. The sign panels indicating the price of fuel shall not exceed sixty percent (60%) of the total of any sign face area, and the numerals and letters on such sign shall not exceed two feet in height. No ground sign shall be located closer than thirty feet to the right-of-way line.

B. Signs at Fuel Pumps/Service Islands. These signs shall be limited to those which display information regarding type of service provided or other information essential in directing or instructing the motorist who has entered the station area. The number, area and height of such signs shall be as determined by the Architectural Review Board.

C. Canopies. For canopy structures which shelter service islands, no signs shall be displayed on the canopy fascia area. Furthermore, the canopy fascia area shall be nonilluminated and shall be designed in a manner which does not call attention to the canopy structure.

(d) Total Allowable Sign Space. The Building Commissioner is directed to allocate the total allowable sign space for a building among the individual units as follows: maximum square footage allowed for the building, prorated to the front footage of each building tenant.

(e) Supplementary Regulations. In addition to the signs permitted herein, in cases where the building has a dock area facing a location other than the street upon which the building fronts, additional signs shall be permitted by the Commissioner commensurate with the size and location of the area to be used solely for directional purposes in conjunction with the intended use of the dock area.

(f) For Rent, Lease, Sale Signs. For rent, lease or sale signs shall be permitted for a maximum six month period. Such signs shall not exceed six feet in height and sixteen square feet in area when attached to buildings. Ground type signs shall be perpendicular to the street at least thirty feet from the right-of-way and shall not exceed thirty-two square feet in area.

(Ord. 96-27. Passed 8-5-96.)

1185.16 PROHIBITED SIGNS.

The following signs are prohibited in all districts within the Municipality:

(a) Signs which bear or contain statements, words or pictures of an obscene, pornographic or immoral character, or which contain advertising matter which is deceptive or untruthful;

(b) Flashing signs;

(c) Signs which are placed on utility poles, trees, fences, yard structures or other signs;

(d) Attraction devices;

(e) Billboards, portable signs, roof signs, projection signs and all similar signs;

(f) Abandoned signs;

(g) Neon signs;

(h) Signs which are placed on or over a municipal, county or state right-of-way except as may otherwise be provided in this chapter;

(i) Mural or pictorial signs;

(j) Vehicle signs; and

(k) Pole signs.

(Ord. 96-27. Passed 8-5-96.)

1185.17 SEVERABILITY.

If any provision of this chapter or the application thereof to any person or circumstances are held invalid or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and neither the remainder of the chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

(Ord. 96-27. Passed 8-5-96.)

1185.18 REVIEW.

This chapter shall be reviewed by the Building Commissioner and Council every three years in order to modify, alter or update its provisions or application if necessary or desired.

(Ord. 96-27. Passed 8-5-96.)

1185.19 AREAS OF SPECIAL CONTROL.

It is recognized that the regulations provided in this chapter cannot sensitively handle all of the sign situations in an area as diverse as that covered by the Municipality. Therefore, Council, by ordinance, and following notice and public hearing, may designate any of the following areas as areas of special control and authorize special provisions by ordinance:

Architectural, historic and scenic areas whose special and unique visual characteristics, or whose visual beauty, requires special sign regulations to insure that all signs used within the area are compatible with each other. Generally, it is expected that sign regulations in these areas shall be more restrictive than those which would otherwise be applicable under this chapter.

(Ord. 96-27. Passed 8-5-96.)

1185.99 PENALTY.

Whoever violates the provisions of this chapter shall be guilty of a misdemeanor of the second degree. Each day that a sign is erected or maintained in violation of this chapter shall constitute a separate and distinct offense. (Ord. 96-27. Passed 8-5-96.)