



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

**APPLICATION FILING:
DEVELOPMENT PLANS – CHAPTER 1220**

REQUIREMENTS:

- Fee: Application - \$50.00
 Review - (See attached Chapter 1115.02 for amount)
 Tree Preservation - \$100.00 (if required)

Mastercard, Visa, Discover accepted or make check payable to the City of Westlake.

1 copy

- proof of ownership (warranty deed or option to purchase)
- legal description

1 electronic copy of plans

- PDF (preferably with each drawing a separate PDF file)

14 **collated sets** which include one of each:

- completed application form, including parcel no. or nos.
- development plans as described in Chapter 1220
- All developments requiring a development plan involving exterior appearance and design of all new construction, site improvements, and building renovations must comply with Chapter 1237
- adequate water supply & hydrant location as described in Chapter 1371.02 and 1371.03 tree preservation plan, if required
- letter explaining proposal addressed to:

City of Westlake Planning Commission
Attn: Nicolette A. Sackman, MMC
Clerk of Commissions
27700 Hilliard Boulevard
Westlake, OH 44145

1 copy

- a tax map showing 500' around the parcel
- a list of the names and addresses (not tax mailing address of banks) of all property owners within 500 feet of the perimeter of the premises to be developed. This list shall include parcel numbers and shall be prepared and certified by a title company doing business within Cuyahoga County.
- **Please type parcel number, name and address on mailing address labels.** (A copy of these mailing labels can also be used as the required list.) The labels should be on a sheet of 30 (ex. Avery 5160).

All plans must be folded with printing on the outside and so that outside dimensions are no larger than 9" x 12".

*Applicant and/or owner must be present at the Planning Commission meeting
and must be prepared to present their own plans to the Commission*



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WESTLAKE PLANNING COMMISSION APPLICATION

Project: _____

Name of Property Owner: _____

Address of Property Owner: _____

Telephone: _____ Fax: _____ Email: _____

Request: _____

Property located at: _____

Involving Parcel Nos.: _____

(please provide parcel number and zoning)

Property zoned: Business: OB EOP SC GB IS RB AP HM ISF
Residential: R-1F-80 R-1F-Cluster R-2F-100 R-MF-40 R-MF-24 R-MF-15
Industrial: OL EI EOL Health Campus: HC Planned: PUD PO

FOR SUBDIVISIONS ONLY:

Area of lot to be developed: _____ acres

Area of lots: _____ acres

Total building area: _____ sq ft

Area of blocks: _____ acres

Area of ROW: _____ acres

Name of Representative: _____

Address of Representative: _____

Telephone: _____ Fax: _____ Email: _____

Signature of Property Owner

Signature of Representative

APPLICANT/AGENT MUST BE PRESENT AT PLANNING COMMISSION MEETING

**CHAPTER 1115
General Fee Schedule**

<p>1115.01 Application fee.</p> <p>1115.02 Fees for review of development plans.</p> <p>1115.03 Schedule of fees.</p> <p>1115.04 Sign plan fees.</p>	<p>1115.05 Satellite dish fees.</p> <p>1115.06 Board of Zoning Appeals fees.</p> <p>1115.07 Tree plan fee.</p> <p>1115.08 Developer to bear cost of professional services.</p>
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CROSS REFERENCES

Building fees - see BLDG. Ch. 1315
Park and recreation fees - see BLDG. Ch. 1316

1115.01 APPLICATION FEE.

In addition to any other applicable fees, there shall be a fifty dollar (\$50.00) application fee for each application requesting or requiring review by the Planning Commission which fee shall be payable upon the completion and submittal of the appropriate application form. (Ord. 1993-24. Passed 2-18-93.)

1115.02 FEES FOR REVIEW OF DEVELOPMENT PLANS.

(a) Development plans shall be submitted to the Director of Planning for referral to the Planning Commission for its review and approval by any person, firm or corporation seeking to develop any land as required under Chapter 1220.

The Planning Commission shall review and act on the development plans in the manner as specified under Chapter 1220 of these Codified Ordinances upon submittal of a complete application and fees as required herein.

Any person, firm or corporation who or which submits development plans for approval under Chapter 1220 shall pay to the Clerk of Commissions, at the time development plans are submitted, the following fees for review of the development plans by the City departments and Planning Commission:

- (1) Residential developments. The fee for all multifamily and cluster developments (but excluding one and two-family homes on individual sublots) shall be \$500.00 plus \$10.00 per dwelling unit for each dwelling unit in excess of 50 dwelling units.

- (2) Business, offices, shopping centers and health campus. The development plan fee for business, offices, shopping centers or health campus developments shall be \$500.00 plus \$100.00 per each additional 10,000 square feet of building gross floor area or part thereof in excess of 20,000 square feet.
 - (3) Industrial developments. The fee for industrial developments shall be \$500.00 plus \$100.00 per each additional 20,000 square feet of building gross floor area or part thereof in excess of 40,000 square feet.
 - (4) Government and tax exempt developments including churches, public schools and public building development plans shall be limited to the application fee of \$50.00
 - (5) Other buildings or developments not listed shall pay a development plan review fee as similar uses located within the same zoning district listed above.
 - (6) Parking lots and other site improvements. The development plan fee shall be \$150.00 for parking lots and other site improvements.
 - (7) Building additions. The development plan fee for any individual building addition not in excess of 2,000 square feet shall be \$250.00.
 - (8) Revised plan. In the event the developer desires to revise the development plan and seek approval of the plan as revised after Council approval and within one year after issuance of a permit wherein the such revision contains changes in the size, location or height of the building or buildings, or changes in the size or location of the parking areas, or changes the conditions of Council approval and such revision requires Planning Commission and Council approval, the developer shall be required to pay a fee equal to one-half of the original fee which was paid seeking the approval of the original plan.
 - (9) Lapse of approval. Failure to obtain a permit and begin construction of the improvements approved in the development plan within one year after the approval of Council shall make null and void the plan as approved unless an extension of time is granted by the Planning Commission and approved by Council. In the event that the development plan approval has lapsed, a developer shall submit a new plan and pay the fees set forth herein as though the development plan had never been submitted and approved.
- (b) Payment. The fees set forth herein shall be paid to the Clerk of Commissions and shall be deposited with the Director of Finance before the review of the Planning Commission.
- (c) Issue of Permit. After payment of all required fees and approval by the Planning Commission and Council, the Director of Inspections may issue a building permit provided that the applicant complies with all provisions of the Building, Planning and Platting and Zoning Codes of the City and that the building plans and all construction plans comply with the approved development plans.
(Ord. 1993-24. Passed 2-18-93.)

1220.02 SUBMITTAL OF PRELIMINARY PLANS AND PRESUBMISSION CONFERENCE.

Prior to submission of final development plans, the applicant shall submit seven preliminary copies of the development plans to the Department of Planning for initial review. The Director of Planning shall, within thirty days of the submittal by the applicant, review the plan for general conformance to the development plan requirements of Section 1220.03 and request that the applicant attend a presubmission conference to preliminarily discuss the application. The applicant shall make, if necessary, corrections, amendments or revisions and resubmit the complete development plans to the Planning Department according to Section 1220.04. (Ord. 1988-64. Passed 6-16-88.)

1220.03 DEVELOPMENT PLAN REQUIREMENTS.

All development plans or parts thereof shall be prepared and submitted by a State licensed/registered professional such as an engineer, surveyor or architect. Development plans shall be drawn at a scale of not less than fifty feet to the inch and a plan for a division of a development of a group of lots and shall be drawn at a scale of not less than one hundred feet to the inch. The development plans shall include all of the following items, unless waived by the Director of Planning.

- (a) **Survey.** A survey of the property including the permanent parcel numbers, land ownership and existing and proposed topography. Development plans shall also include a plat for the entire development area showing the street rights of way, easements, watercourses, retention basins, property line dimensions and bearings; surrounding streets and adjoining lots.
- (b) **Buildings and Structures.** The location, size, height, use, general design, color and exterior facade material of all main and accessory buildings or structures and proposed fences or walls. The plans shall also indicate the location and outline of buildings on adjoining parcels of land.
- (c) **Floor Plans.** Floor plans drawn to scale, dimensioned and labeled indicating the proposed uses of all building areas.
- (d) **Streets and Sidewalks.** The proposed public and private system of circulation including: automobiles, delivery trucks, emergency vehicles and pedestrian details for connection to existing streets and rights of way; methods to control traffic, size and type of pavement, estimate of traffic volume and proposed names of any street.
- (e) **Parking and Loading Areas.** The layout, location, dimensions and estimate of number of spaces, type of pavement, curbing, design features and landscaping.
- (f) **Utilities.** Preliminary on-site utilities including water lines, fire hydrants, sanitary sewers and storm sewers, including easements and connection to existing or proposed utility service to the project.
- (g) **Outdoor Storage.** The location and layout for all areas of all permitted storage or displays of any material, vehicle, waste material, products or container for storage including storage enclosures.

- (h) Signs. The location, size, height, design and material for all signs to be placed on the property or the outside surfaces of all structures or vehicles on the property.
- (i) Landscaping and Lighting. The design and location of all existing vegetation and proposed landscaping areas, open spaces, retention areas, yards including taxonomic names and sizes of all proposed plant material; the location, height, design and specifications of exterior lighting.
- (j) Buffering. The location, size, height and type of plantings and/or screening to be used in compliance with Chapter 1130 and/or plantings as may be required to satisfy the directives of the Planning Commission to separate, screen and/or protect adjoining property.
- (k) Grading; Drainage. A topographic plan indicating existing and proposed grading, drainage, drainage structures, retention systems, ditches, drain sizes, easements and, if required, engineering documents and drainage calculations pursuant to Chapter 1111.
- (l) The applicant shall also submit a list of names and addresses of all property owners within 500 feet of the perimeter of the premises to be developed, prepared and certified correct by a title company doing business within Cuyahoga County. (Ord. 1988-64. Passed 6-16-88.)
- (m) Design. Design plans showing building style, list of exterior material, material samples, color renderings and other architectural and landscaping plans incorporating design elements required in Chapter 1237. (Ord. 2001-204. Passed 2-21-02.)

1220.04 SUBMITTAL OF FINAL DEVELOPMENT PLAN AND POST-SUBMISSION CONFERENCE.

After the preparation of preliminary and final plans pursuant to Sections 1220.01 through 1220.03, fourteen complete sets of the final development plans shall be submitted to the Department of Planning accompanied by an application form, application fee and a letter describing the proposal. The Director of Planning or his assignees shall review the plans for completeness to the Zoning Code requirements. Within thirty days of submittal, the Director shall notify the applicant if the submitted plans are complete and accepted by the Department for Planning Commission review and action. Acceptance of the plan does not waive the right of the Planning Department or Planning Commission to request additional documentation, information or detail during their review. Development plans shall be distributed to applicable departments as determined by the Director for review and comment. Upon completion of Department review, the applicant shall be requested to attend a post submission of department heads as he deems necessary. The Director of Planning shall notify the applicant of deficiencies in the submitted plan, compliance to the Zoning Code or other codes of the City, other department concerns and make recommendations which would improve the development plan. Recommendations by the Director of Planning are not exclusive or final. The Planning Commission may make additional recommendations or modifications as provided in Section 1220.05. After department review, the applicant may submit revised or amended plans to the Department for submission to the Planning Commission.

(Ord. 1988-64. Passed 6-16-88.)

CHAPTER 1371
Adequate Water Supply for Fire-Fighting Purposes

1371.01	Definition.	1371.04	Hydrant standards.
1371.02	Adequate water supply.	1371.05	Exceptions.
1371.03	Fire hydrants/water line installation.	1371.99	Penalty.

CROSS REFERENCES

Parking near fire hydrants - see TRAF. 351.03
 Misuse of fire hydrants and water system fixtures - see
 GEN. OFF. 541.09
 Water supply in subdivision - see PLAN. & PLAT. 1129.06

1371.01 DEFINITION.

The word "structure", as used in this chapter, means any building constructed for the purposes of shelter, habitation, manufacturing processes, storage or merchandising of materials. (Ord. 2001-194. Passed 1-3-02.)

1371.02 ADEQUATE WATER SUPPLY.

(a) An adequate water supply for fire-fighting purposes, as determined by the Fire Chief, shall be available for all buildings, structures and parts thereof. Such water shall be supplied from City water or private water supply mains.

(b) An adequate water supply shall consist of, but not be limited to, the required fire flow for a building, structure or parts thereof. Methods for determining required fire flow may include the uniform Fire Code Standard and N.F.P.A. 1142.

(c) An adequate water supply shall be supplied by public or private mains and public or private fire hydrants or an alternative supply source as approved by the Fire Chief.

(d) At the submission of a development plan or subdivision plan, the applicant shall submit documentation to the Fire Chief of adequate water supply for fire-fighting purposes.

(e) If the Fire Chief finds, upon reviewing plans or upon inspection of any building under construction, that adequate water supply or facilities for fire-fighting purposes, as determined by the Fire Chief, are not being furnished as required, then the Building Commissioner shall stop such construction until such time as adequate water supply or facilities for fire-fighting purposes, as determined by the Fire Chief, are furnished. (Ord. 2001-194. Passed 1-3-02.)

1371.03 FIRE HYDRANTS/WATER LINE INSTALLATION.

(a) Purpose. The purpose of this section is to regulate the installation of fire hydrants on both public or private property.

(b) All buildings and structures shall be so located that all parts thereof are not more than 250 feet from at least two readily accessible public or private Fire Department hydrants. Such distance shall be measured along the centerline of the streets, roadways or driveways. The second hydrant requirement may be waived by the Fire Chief in special circumstances.

(c) Additional hydrants shall be provided to meet the remaining fire flow as necessary.

(d) Plans for the installation of a fire hydrant or hydrants shall be submitted to the Fire Chief and the Director of Engineering for approval before a building permit shall be issued.

(e) The Fire Chief shall approve private hydrant locations.

(f) Installation of the water lines and hydrants shall be under the inspection of the Director of Engineering.

(g) All private hydrants shall be accessible at all times for fire-fighting purposes. No obstruction shall be placed within seven (7) feet of any hydrant.

(h) Fire hydrants required on private property, in conformity with the provision of this chapter, shall be installed and in working order before delivery of combustible construction materials or as determined by the Fire Chief.

(i) No private fire hydrants shall start to be installed closer than three (3) feet or more than five (5) feet from a street or roadway and no closer than five (5) feet or more than seven (7) feet from a driveway.

(j) Private hydrants shall start to be installed no more than 300 feet from the closest hydrant. Any additional hydrants shall be spaced no more than 300 feet apart or as approved by the Fire Chief. Such distance shall be measured along the centerline of the streets, roadways or driveways.

(k) All private mains are to be a minimum of eight-inch (8") ductile iron.

(l) Private water main and hydrant installations shall conform to all requirements of the current edition of N.F.P.A. #24 and N.F.P.A. #1141 along with Cleveland Water Department and City of Westlake standards.
(Ord. 2001-194. Passed 1-3-02.)

1371.04 HYDRANT STANDARDS.

(a) All private hydrants shall have an approved shut-off valve installed in the fire hydrant lead not more than 100 feet from the fire hydrant. Such shut-off valve shall be accessible at all times.

(b) Kennedy, Mueller or equal as approved by the City, six-inch (6") minimum barrel, must be installed on all mains.

- (c) Hydrant outlets: Cleveland Standard Threads.
- (1) One 4-inch outlet, thread size - 4.857" minimum six threads per inch; 4.875" maximum, six threads per inch.
 - (2) Two 2 ½ outlets, 3.066" minimum, eight threads per inch; 3.078" maximum, eight threads per inch.
(Ord. 2001-194. Passed 1-3-02.)

1371.05 EXCEPTIONS.

Any structure containing 500 square feet of floor space or less, which is built in accordance with these Codified Ordinances and which is set apart fifty feet or more from any other structure or property line, and all one and two family dwellings and accessory uses, shall be exempt from the provisions of this chapter.
(Ord. 2001-194. Passed 1-3-02.)

1371.99 PENALTY.

(EDITOR'S NOTE: See Section 1311.99 for general Building Code penalty.)

NOTICE:

Various lands in the City of Westlake have been identified as possible WETLANDS by the U.S. Department of the Interior. Federal regulations exist (section 404 of the Clean Water Act – 33 U.S.C. 1344) which may prohibit or limit development within Wetlands. Significant penalties may be levied by the Federal Government for violations of these regulations. Properties should be analyzed for the existence of Wetlands and a permit MAY be required from the U.S. Corps of Engineers to work on your land.

For further information contact:

U.S. Army Corps of Engineers, Buffalo District
Attn: Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4330

6/02

**CHAPTER 1137
Tree Regulations**

<p>1137.01 Purpose. 1137.02 Definitions. 1137.03 Applicability. 1137.04 Exemptions. 1137.05 Tree preservation. 1137.06 Minimum tree standards.</p>	<p>1137.07 Front yard tree requirements. 1137.08 Permitted trees. 1137.09 Plan submission and approval. 1137.10 Exceptions and variances. 1137.99 Penalty.</p>
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CROSS REFERENCES

Erosion and sediment - see PLAN. & PLAT. Ch. 1135
 Grading and drainage - see BLDG. Ch. 1363
 Removal of topsoil - see BLDG. Ch. 1367
 Buffering - see PLAN. & PLAT. Ch. 1130
 Tree planning and management - see S. & P.S. Ch. 949
 Trees in subdivisions - see PLAN. & PLAT. Ch. 1129

1137.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare through the preservation, replacement and planting of trees in order to lessen air pollution, intercept airborne particulate matter, reduce noise and light glare, moderate air temperature, moderate storm water runoff, reduce erosion and sedimentation, maintain wildlife habitats, provide visual screening, provide natural shading, protect property values and enhance the natural beauty of the community.

(Ord. 1989-28. Passed 10-19-89.)

1137.02 DEFINITIONS.

For the purposes of interpreting this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein; words used in the singular include the plural.

- (a) "Building area" means the area of construction for a building including a distance ten feet around the perimeter of the foundation.

- (b) "Buffer" means an area established to separate different uses and/or zoning districts through the use of natural vegetation, trees, landscaped mounds and fences (refer to Chapter 1130).
- (c) "Caliper" means the diameter in inches of trees measured at the height of six inches above the ground for trees of four inches in diameter and under, and measured twelve inches above the ground for trees over four inches in trunk diameter.
- (d) "Urban Forestry Manager" means an employee of the Service Department of the City trained and qualified as a tree specialist.
- (e) "Clearing" means cutting and/or removal of trees and vegetation from a site prior to construction regardless of timing.
- (f) "Commission" means the City Planning Commission.
- (g) "Conifer" means a tree with needle leaves and woody cone fruit.
- (h) "Deciduous" means a tree which sheds leaves in winter or fall.
- (i) "Diameter at breast height (D.B.H.)" means the diameter in inches of a tree measured four and one-half feet above the existing grade.
- (j) "Dripline" means a vertical line extending from the outermost portion of the tree branch tips down to the ground.
- (k) "Evergreen" means trees which maintain their leaves year round including broad leaf and conifer evergreens.
- (l) "Grubbing" means the removal of understory vegetation which does not remove any trees with a D.B.H. of four inches or greater.
- (m) "Interior landscaping" means the use of landscaping within the innermost boundaries of the landscape buffer zone and the perimeter parking setbacks.
- (n) "Perimeter landscaping" means the use of landscaping within the landscaped buffer area and the front, side and rear yards in which no off-street parking is permitted.
- (o) "Pervious surface" means the area of land which allows the passage of water and is not covered by buildings, paving, sidewalks or other man-made or impervious material.
- (p) "Tree" means a self-supporting woody plant usually having a single trunk, which has the potential of a D.B.H. of at least two inches and a height of thirteen feet or more at maturity.
- (q) "Tree Preservation Plan" means a plan drawn at a scale of not less than 1" = 50' prepared by a landscape architect or tree forester identifying and locating all existing trees or clumps of trees eight inches or greater, trees to be removed, the method of preservation or protection and all replacement or new trees to be planted.
- (r) "Tree removal permit" means an official City authorization by the Urban Forestry Manager to commence or allow the clearing, cutting and/or removal of any tree of eight inches or more in D.B.H. that is regulated within this chapter, and not otherwise exempted in Section 1137.04.
(Ord. 1989-28. Passed 10-19-89; Ord. 2003-167. Passed 7-17-03.)

1137.03 APPLICABILITY.

The regulations of this chapter shall apply to all lands in the City except as exempted herein and in Section 1137.04.

- (a) No land shall be cleared of trees or shall trees with a Diameter at Breast Height (D.B.H.) of eight inches or greater be cleared and/or removed without conformance to the provisions of this chapter.
- (b) No building permit, grading plan or erosion and sediment control permit shall be issued for the construction, alteration or addition to a building, or the grading or alteration of the land surface without the conformance to the provisions of this chapter.
- (c) All development plans and new construction shall comply with the requirements of this chapter.
- (d) All single family subdivisions and development shall comply with this chapter.
- (e) No tree with a D.B.H. of eight inches or greater shall be cleared or removed without a tree removal permit issued by the City Forester unless permitted to be removed through these regulations or exempt from regulation under Section 1137.04.
- (f) No tree removal permit shall be issued for any parcel of land or development which requires an approved development plan under Chapter 1220, until a development plan including a Tree Preservation Plan is submitted to and approved by the Planning Commission and Council.
- (g) No tree removal permit shall be issued for any parcel of land or development which requires a subdivision plan approval, until a preliminary subdivision plan is approved by the Commission and Council and the improvement plan is approved by the City Engineer.
(Ord. 1989-28. Passed 10-19-89.)

1137.04 EXEMPTIONS.

The following activities and properties are exempt from the regulations in this chapter and no tree removal permit is required.

- (a) The removal of dead, diseased or damaged trees.
- (b) Any tree on public property or within street right of way and regulated in Chapter 949.
- (c) The removal of trees necessary for the construction, operation and maintenance of drainage facilities and sanitary and storm sewers.
- (d) The removal of trees for construction of public roadways and improvements.
- (e) The removal of trees in time of emergency or which pose potential danger to life or property.
- (f) The removal of trees required for the installation, maintenance and repair of underground and overhead utilities.
- (g) The removal of trees by an individual homeowner on their single family dwelling lot.
(Ord. 1989-28. Passed 10-19-89.)

1137.05 TREE PRESERVATION.

All developments should be designed to preserve healthy trees and woodlands, especially trees providing natural buffering, specimen trees and trees of eight inches or greater in diameter, where possible. Buildings and parking areas should be located to fit into the existing topography and preserve the natural amenities of the site.

- (a) Regulations pertaining to all development except in the R-1F-80 Single Family District and R-1F-Cluster:
 - (1) A Tree Protection Plan prepared by a landscape architect or a tree forester shall be prepared and submitted as part of the development plan (Chapter 1220). The Tree Protection Plan shall be drawn at a scale not less than 1" = 50' identifying and locating all individual trees or groups of trees of eight inches D.B.H. or greater. The Tree Protection Plan shall identify with specificity all trees to be preserved, all trees of eight inches or larger D.B.H. to be removed, the method of protection of trees to be preserved and any trees to be replaced, transplanted or added to the site. The Plan shall also include a table listing the area of the site, number of total trees (two inches or greater D.B.H.) and the total caliper of trees to be on the site excluding trees required to meet the buffering requirements of Chapter 1130.
 - (2) Existing trees of eight inches D.B.H. or greater located within a required landscape perimeter area shall be preserved unless exempted or approved by the Planning Commission and Council to be removed and replaced.
 - (3) Existing specimen trees of eighteen inches D.B.H. or greater located within a parking area or interior landscape area shall be preserved within a landscaped island unless otherwise approved by the Commission and Council for removal and replacement. Specimen trees shall be located in a landscaped island adequate to protect the tree and root system.
 - (4) Existing trees within the building area, driveways, drainage easements and utility locations may be removed without replacement.
 - (5) The Commission shall determine the number, type and location of replacement trees for any trees not preserved in subsections (a)(2) and (3) hereof. Any replacement tree shall be an approved tree of two inches or greater caliper and at least five feet in height.
 - (6) Additional trees may be preserved on the site above and beyond that required above. Such trees may be used for credit applied to trees which were to be preserved and removed. Also these trees can be applied to the minimum number and caliper of trees required under Section 1137.06. In order for existing trees to be applied as credit they must be four inches or greater in D.B.H.

- (7) All trees or groups of trees eight inches or greater in D.B.H. to be preserved or removed shall be indicated on the Tree Preservation Plan.
- (b) Regulations pertaining to the development of new single family subdivisions in R-1F-80 District and R-1F-Cluster:
- (1) Existing trees outside of the building area, driveways, street rights of way, drainageways and utility easements should be preserved, where possible.
 - (2) Storm and sanitary sewers should be located and elevations set in order to require a minimum of regrading and tree removal.
 - (3) House elevations and street elevations shall be designed to minimize the change in existing natural grade of yards.
 - (4) Tree wells, aeration systems, retaining walls and other methods should be considered to preserve existing tree root systems in perimeter landscape areas.
 - (5) Existing trees to be preserved shall be marked and protected during all phases of construction.
 - (6) Preliminary subdivision plans or the development plan shall indicate areas which have existing trees or groupings of trees with a D.B.H. of eight inches or greater. Improvement plans and individual building plot plans shall indicate trees or areas of trees the developer intends to preserve.
- (c) Tree protection methods to be implemented for any trees which are required on site:
- (1) All trees or groups of trees to be preserved shall be marked with a blue colored ribbon or paint stripe prior to any clearing.
 - (2) Prior to any construction or grading, a protective barrier, fence, posts and/or signs shall be placed around the trees to be preserved.
 - (3) Protection barriers shall be located no closer than two-thirds of the distance from the tree trunk to the dripline.
 - (4) No building material, equipment, vehicles or chemicals shall be stored or placed in the protection area of the dripline.
 - (5) Surface grade shall not be changed more than six inches within the protected area without the installation of an aeration system, wells or retaining walls.
 - (6) No wires, boards, nails, signs, fences or other attachment shall be made to a tree to be preserved.
- (Ord. 1989-28. Passed 10-19-89.)

1137.06 MINIMUM TREE STANDARDS.

- (a) All new developments and construction shall preserve, replace or plant trees on the site in conformance to the following schedule:

Schedule of the Minimum Number and Caliper of Trees

<u>Use and Zoning Types</u>	<u>Total Number of Trees</u>	<u>Total Caliper of Trees (in.)</u>
Single Family R-1F-80		
Individual lot:	6	24
Per acre:	20	80
R-1F-Cluster per acre:	20	100
Multi-family per acre:	20	100
Business districts per acre:	15	60
Planned Office and Health Campus Districts:	15	60
Industrial districts/acre:	10	30
Other districts per acre:	20	80

(b) Developments shall meet or exceed the minimum of both the number and the caliper or D.B.H. of trees on the site after construction.

(c) Any trees required to fulfill the buffering standards of Chapter 1130 shall not be counted in meeting the minimum tree standards of this chapter.

(d) Wooded parcels may be required to exceed the minimum standards as a result of the preservation requirements of Section 1137.05. All trees preserved under Section 1137.05 over four inches and five feet in height may be used to meet the minimum tree standards.

(e) Sparsely wooded or barren sites shall be required to meet or exceed the above minimum standards through planting of new trees. New trees planted on the site to meet the minimum tree standard shall be a minimum of two inches in caliper and five feet in height.

(f) Required trees in all districts other than Single Family R-1F-80 and R-1F-Cluster shall be in place as per the approved plan prior to the issuance of an occupancy permit. If the weather season makes planting impractical, a performance bond or a certified letter of credit from a banking institution covering the full cost of tree stock and installation may be posted, or a letter from the construction lender stating the funds will be held until the tree installation is complete and providing for release of such funds should the developer fail to install the required trees within six months thereafter. All trees shall be installed within six months. Failure to do so shall result in forfeiture to the City of same which will be used for the installation of the required trees.

(g) Required trees in Single Family R-1F-80 and R-1F-Cluster Districts shall be in place as per the approved plan prior to the issuance of an occupancy permit. If the weather season makes planting impractical, the grading bond deposited with the City shall be retained and all trees shall then be installed within six months. Such deposit shall only be returned upon satisfactory completion of grading and installation of the required trees. A failure to complete the installation shall result in a forfeiture of such bond to the City for installation of the required trees.

(h) All trees required in this chapter shall be maintained in a healthy and living condition. Any required tree that dies or is removed for any reason shall be replaced with a new tree or trees to conform to the minimum schedule in subsection (a) hereof.
(Ord. 1989-28. Passed 10-19-89.)

1137.07 FRONT YARD TREE REQUIREMENTS.

(a) All new developments with the exception of R-1F-80 and R-1F-Cluster, or additions to buildings and/or parking lots on properties shall provide front yard trees in accordance with the requirements of this chapter.

(b) Shade trees shall be required and planted in the required front yard or side yard in the case of a corner lot, on properties along the above streets in a manner, type, size, quantity and location as required and approved by the Planning Commission.

(c) Shade trees to be planted shall be the type listed as permitted in Section 1137.08 except conifer trees which generally are not permitted except as part of an extensive landscaping and buffer plan.

(d) The maximum spacing shall be forty feet for large type trees, thirty feet for medium type trees and twenty feet for small type trees.

(e) Trees shall be planted ten to fifteen feet from the planned street right of way unless otherwise approved by the Commission. Trees shall also be planted at least five feet from any sidewalk, parking area, driveway or adjacent side lot line.

(f) The minimum trunk caliper for all required front yard trees shall be two inches measured at six inches above ground.

(g) The developer or property owner is required to maintain the trees and replace any dead tree with a new tree of the same type and not less than the minimum caliper.

(h) Existing trees located in the front yards may be used to fulfill the requirements of this section if determined by the Commission to be of the appropriate type, size, location and condition.
(Ord. 1989-28. Passed 10-19-89.)

1137.08 PERMITTED TREES.

(a) All trees and vegetation planted shall be common to northeast Ohio or similar climates, in good condition and properly installed using accepted planting procedures. New trees shall be staked, watered and mulched.

(b) New trees planted to meet the minimum tree standards and buffering requirements shall be at least two inches in caliper and at least five feet in height.

- (c) Permitted trees:
- (1) Large trees reaching sixty feet at maturity shall have a planting area of pervious ground cover of a diameter of twenty feet or more in width and not located where there will be any overhead wiring.
 - A. Sugar or Red Maple.
 - B. Sweet Gum.
 - C. Red, Scarlet, Pine or Pin Oak.
 - D. Ginkgo (male).
 - E. London Plane Tree.
 - F. Thornless Honeylocust.
 - (2) Medium size trees thirty-five to sixty feet in height at maturity shall have a planting area of pervious ground cover of a diameter of at least fifteen feet in width.
 - A. Red or Norway Maple.
 - B. Shingle Oak.
 - C. Little Leaf Linden.
 - (3) Small trees under thirty-five feet at maturity shall have a planting area of pervious ground cover of a diameter of at least ten feet.
 - A. Flowering Dogwood.
 - B. Hedge Maple.
 - C. European Maple.
 - D. Golden Rain Tree.
 - E. Crab Apple.
 - F. Callery Pear.
 - G. Japanese Flowering Cherry.
 - (4) Conifer trees shall have a pervious planting area of a diameter of at least ten feet and generally not permitted in front yards for shade tree planting.
 - A. White or Austrian Pine.
 - B. Blue Spruce.
- (d) Additional tree varieties may be permitted as approved by the Urban Forestry Manager.
- (e) Prohibited trees:
- A. Silver Maple.
 - B. Honeylocust.
 - C. Poplar.
 - D. Box Elder.
 - E. Basswood.
 - F. Willow.
 - G. Tree of Heaven.
- (Ord. 1989-28. Passed 10-19-89; Ord. 2003-167. Passed 7-17-03.)

1137.09 PLAN SUBMISSION AND APPROVAL.

(a) A Tree Preservation Plan shall be submitted to the Planning Commission for all developments requiring a development plan under Chapter 1220. In the case where no trees exist on the site with a diameter of eight inches or greater, a Tree Preservation Plan is not required. However, all of the other requirements of this chapter shall be met including the minimum tree standards. The Tree Preservation Plan shall be made a part of the development plan and, after approval by the Commission and Council, shall be implemented prior to the issuance of an occupancy permit.

(b) The Tree Preservation Plan shall be prepared by a registered and/or licensed landscape architect, nurseryman or tree forester. The Plan shall be drawn at a scale of not less than 1" = 50' and shall indicate the following:

- (1) The location, common name and size of all individual or groups of trees with a D.B.H. of eight inches or greater.
- (2) The outline of the property limits and all buildings on the property or within twenty-five feet of the property line.
- (3) The location and outline of all proposed buildings, driveways, parking areas, sidewalks, drainageways, retention basins and underground utilities.
- (4) All existing trees with a D.B.H. of eight inches or greater which will remain on the site after construction.
- (5) All existing trees between four inches and eight inches which will remain on the site after construction and will be used to fulfill the tree requirements of this chapter.
- (6) Limits of any change in grade which will affect any trees and the methods proposed to protect trees.
- (7) The location, common name and size of all new trees to be planted on the site.
- (8) The location, common name and size of all trees eight inches or greater or the location of a group of trees to be removed from the site.

(c) Fourteen copies of the Tree Preservation Plan shall be submitted to the Planning Department for review and distribution. The application fee for review shall be as provided in Chapter 1115 payable at the time of submission.

(d) The plans shall be distributed to department heads for comment and to the Urban Forestry Manager for review and report to the Commission. The Commission may request additional review from a landscape architect or other tree specialist.

(e) The Tree Preservation Plan including department comments shall be placed on an available meeting of the Commission along with the development plans when plans are complete and conform to this chapter.

(Ord. 1989-28. Passed 10-19-89; Ord. 2003-167. Passed 7-17-03.)

1137.10 EXCEPTIONS AND VARIANCES.

(a) The Urban Forestry Manager may make exceptions to the regulations in this chapter in order to protect and improve the selected trees in the City. The Urban Forestry Manager may issue tree removal permits, if required, without a Tree Preservation Plan if such tree removal is not contrary to the spirit of the chapter and is deemed an emergency or hardship.

(b) Any disapproval of the Commission, Council, Urban Forestry Manager or other administrative official in the administration of this chapter can be appealed to the Board of Zoning Appeals as provided in Chapter 1233.

(Ord. 1989-28. Passed 10-19-89; Ord. 2003-167. Passed 7-17-03.)

1137.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 501.99 of the General Offenses Code. A separate offense shall be deemed committed on each day such violation continues. (Ord. 1989-28. Passed 10-19-89.)

1. APPLICANT SUBMITS PLANS

Development plans are required for all new development, site improvements or building additions in the zoning districts or uses listed below. You will need to submit plans to the Westlake Planning Department for review and approval by the Westlake Planning Commission for all development in:

- Multi-family
- Interchange services
- Shopping center
- General business
- Office building
- Executive office park
- Recreation business
- Hotel/motel
- Exclusive industrial
- R-1F cluster
- Planned office
- Planned unit development
- Health campus district
- Office-laboratory districts
- For all parking facilities in an automobile parking district
- For all uses and buildings in R-1F-80 and R-2F-100 districts excluding one and two family buildings and houses.

(Chapter 1220.01 of the Westlake Codified Ordinances)

You will need to submit the following to the clerk of commissions:

Fees:

- Application: \$50.00
- Review: (See Chapter 1115.02 for amount)
- Tree Preservation: \$100.00 (if required)

1 copy:

- Proof of ownership (either a warranty deed or an option to purchase)
- A legal description

14 collated sets which shall include **one of each** of the following:

- A completed application form, including parcel number or numbers of the property
- A copy of development plans as described in Chapter 1220
- For any development involving exterior appearance or construction, development plans shall include information documenting that the project complies with Chapter 1237.
- A tree preservation plan, if required
- A letter explaining the development plan proposal addressed to:
Westlake Planning Commission
Attn: Nicolette A. Sackman, CMC
Clerk of Commissions
27700 Hilliard Boulevard
Westlake, OH 44145

4 copies

- Documentation that demonstrates an adequate water supply and hydrant location for fire-fighting purposes as described in Chapter 1371.02 and 1371.03.

1 copy:

- A tax map showing 500 feet around the parcel
- A list of the names and addresses (not tax mailing address of banks) of all property owners within 500 feet of the perimeter of the premises to be developed. This list shall include parcel numbers and shall be prepared and certified by a title company doing business within Cuyahoga County. Please type parcel number, name and address on the mailing address labels. (A copy of these mailing labels may be used as the required list.)

All plans must be folded with printing on the outside and so that outside dimensions are no larger than 9" x 12".

Applicant and/or owner must be present at the planning commission meeting and must be prepared to present their own plans to the commission.

All development plans or parts thereof shall be prepared and submitted by a state licensed/registered professional such as an engineer, surveyor or architect. Development plans shall be drawn at a scale of not less than 50' to the inch and a plan for a division of a development of a group of lots and shall be drawn at a scale of not less than 100' to the inch. (See 1220.03 Westlake Codified Ordinances)

2. PLANNING COMMISSION REVIEW AND MODIFICATION

Copies of the development plan are distributed to various city departments for review and comment. The department reviews are returned to the planning department and the applicant's representative is faxed a copy of any comments, questions or concerns. Comments typically deal with but are not limited to: zoning code requirements, parking, traffic, landscaping, buffering, utilities, storm water drainage, and/or lighting. The staff can ask questions or explain any revisions needed to the development plans. Revisions are to be submitted to the planning department prior to the project being placed on a planning commission agenda.

After the plans are properly reviewed for compliance, the director of planning and the chairman of the planning commission will place the plans' application on the planning commission agenda as soon as practicable. Items are generally taken on a first-come, first-served basis based on the submittal date and completeness of the application. The planning commission generally meets the first and third Monday of each month other than August, when council recesses.

The planning commission will review the plans, taking into account the spirit and intent of the

zoning code, the location of the proposal, the effect on the surrounding properties, and the relationship of the proposal to the guide plan. The commission, in reviewing the proposed development plans for conformity to the zoning code, may make adjustments (by granting a modification) to yards, areas, or other dimensioned requirements. If the applicant requests modifications to one standard, the planning commission may recommend and request other modifications to offset the applicant's request. If modifications made by the planning commission or the applicant are subsequently recommended for approval by the planning commission, the modifications are made a part of the development plans. These modifications are either indicated on the revised plans submitted by the applicant, or they shall be affixed to the development plans approved and signed by the applicant and chairman of the commission. The applicant and/or his assigns shall be bound by such modifications and conditions affixed to the approved development plan.

3. APPROVAL OF DEVELOPMENT PLANS

Within ninety days from the date of the commission meeting at which all required plans and data were first considered by the planning commission, the commission shall either approve the submitted plan, approve a modified development plan or disapprove the development plan. An alternate timetable will be considered if the applicant consents to an extension. In the event the applicant chooses to withdraw the application, the time limitations of this section shall only apply if such application is later presented to the planning commission as required. If the planning commission disapproves the development plans, the planning commission shall indicate the reason for disapproval in the minutes.

Upon approval by the planning commission, the development plan shall be submitted to council for confirmation. A report is filed with the clerk of

council for council's consideration at their next council meeting. Council generally meets the first and third Thursday of each month other than August, when council recesses. Council may make modifications under the same procedure and requirements followed by the planning commission under Sections 1220.05 and 1220.06. Action by council shall be deemed to be final. If the plans are approved by council, the applicant may then apply for a building permit.

The applicant then submits construction plans to the building and engineering departments for review, inspection and issuance of permits. The construction plan will be examined for conformity to the approved development plan. Except for minor revision, as determined by the director of planning, any revisions by the developer will need to be resubmitted through the same procedure required for the original development plan (planning commission and council approval). Minor revisions which do not require further modification and conform to the zoning requirements may be accepted and approved by the director of planning.

Failure to obtain a building permit and begin the construction of the improvements approved in the development plan within one year after council's approval shall make null and void the development plan as approved unless an extension of time is granted by planning commission and approved by council. The filing of a written request with the planning commission for an extension of approval shall toll the running of the one-year period and any approval or disapproval of an extension shall relate back to the date of the letter requesting the extension.

If you have any questions, please contact the planning department at 440-617-4305.

www.cityofwestlake.org

Revised 11-05-04

What you need to know about Development Plans

Review Process



City of Westlake
Planning Department
440-617-4305

The information in this brochure is intended as a general guideline. Please refer to the Codified Ordinances of the City of Westlake for additional information and any updates.