

CODIFIED ORDINANCES OF WESTLAKE
PART ELEVEN - PLANNING AND PLATTING CODE

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CHAPTER 1101
Planning Commission

1101.01 Approval of simple property splits and assembly plats.

EDITOR'S NOTE: The Westlake City Charter provides for the establishment and powers of the City Planning Commission. The following are the provisions of City Charter Article IV, Section 9, relating to the Planning Commission:

SECTION 9. PLANNING COMMISSION.

(a) Membership. The Planning Commission shall consist of one member of Council selected by the President of Council for such a term as Council shall determine, and four electors of the Municipality appointed by the Mayor subject to the approval of a majority of the members elected to Council. Appointed members shall hold no other municipal office or appointment, except one appointed member of the Planning Commission shall be appointed to the Board of Zoning Appeals.
(Amended Nov. 2, 1965.)

(b) Vacancy. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

(c) Duties. The Planning Commission shall meet at least once a month. It shall be the function and duty of the Planning Commission to act as the platting commissioner of the Municipality and as such it shall have control of planning and shall provide regulations covering the platting of all lands within the Municipality so as to secure the harmonious development and to provide for the coordination of streets with other streets and with the official Municipal Plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved; the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, or establish any other conditions precedent to the approval of a proposed plat. The Commission shall make plans and maps of the whole or any portion of the Municipality and of any land outside the Municipality which, in the opinion of the Commission, bears a relation to the planning of the Municipality and to make changes in, additions to, and estimates of such plans or maps when it deems the same advisable. It shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and rezoning of the Municipality for any lawful purpose and such other powers as now or may hereafter be conferred upon it by ordinance of the Council or the general laws of Ohio. All plans and recommendations made by the Planning Commission shall be submitted to Council for approval before the same shall be considered as official, unless Council shall, by ordinance, specifically waive this requirement and grant to the Planning Commission the power to finally determine any matter properly before it. (Amended Nov. 6, 1990.)

(d) Funds. A sufficient sum shall be appropriated by the Council each year to carry out the planning provisions of this Charter.

(e) Mandatory Referral. No public building, street, boulevard, parkway, park, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land, be adopted unless and until it shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless a different period of time be provided by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any provision or any resolution, ordinance or order disapproved by formal action of the

Planning Commission shall require a two-thirds (2/3) vote of all members of the Council for adoption or authorization. If any plan, design or other proposal concerning the character, extent, location, or use of any public improvement or public property or change thereof within the territorial limits of the Municipality does not, under the law or Charter provision covering same, fall within the province of the Council or other official or agency of the Municipality, then the submission to the Planning Commission shall be by the State, County, District, School, Township or other official body, board, or commission having jurisdiction over such public improvement or property in accordance with the provisions of the general law of the State of Ohio. The Planning Commission's disapproval may be overruled at any time after seven (7) days' written notice by the excepting body to the Planning Commission stating the reason for such exception. Such overruling disapproval must be adopted by at least two-thirds (2/3) of such excepting body.

CROSS REFERENCES

- Established - see CHTR. Art. IV, Sec. 1
- Membership; duties; mandatory referral - see CHTR. Art. IV, Sec. 9
- Planning Commission shall be Platting Commission - see Ohio R.C. 713.03
- Review of oil and gas well applications - see BUS. REG. 713.04
- Designation of required areas for public use - see PLAN. & PLAT. 1105.01 et seq.
- Shopping center development plans - see PLAN. & PLAT. Ch. 1109
- Subdividing procedures - see PLAN. & PLAT. Ch. 1125, App. I
- Planning principles - see PLAN. & PLAT. 1127.01 et seq.
- Platting of unsubdivided areas - see PLAN. & PLAT. 1133.04
- Amendments to Land Planning and Subdivision Regulations - see PLAN. & PLAT. 1133.08
- Review of Development Plans - see ZON. 1220.01 et seq.
- Reference to zoning ordinances by Council - see ZON. 1235.04

1101.01 APPROVAL OF SIMPLE PROPERTY SPLITS AND ASSEMBLY PLATS.

(a) "Simple property split" means a division of any parcel of land shown as one unit in the current records of the County Recorder into not more than two separate parcels both of which after the split have frontage on an existing street or streets.

(b) "Assembly Plat" shall mean a plat which, if approved, would aggregate two or more separate parcels of land as shown in the current records of the County Recorder into one parcel of land.

(c) Council hereby specifically waives the requirement that approval of a simple property split or an assembly plat by the Planning Commission requires approval of Council before the same shall be effective and further grants to the Planning Commission the power of final determination of the granting and/or denial of simple property splits and assembly plats. (Ord. 91-210. Passed 12-5-91.)

**CHAPTER 1103
Industrial Commission**

1103.01	Establishment and chairmen members.	1103.04	Authority.
1103.02	Terms of office.	1103.05	Appointment and terms of additional members; removal of members.
1103.03	Purpose.	1103.06	Meetings.

CROSS REFERENCES

Council's power to establish commissions - see CHTR. Art. IV
Sec. 1
Industrial districts - see ZON. Ch. 1218

1103.01 ESTABLISHMENT AND CHAIRMEN MEMBERS.

In accordance with Article IV, Section 1, subsection (b) of the City Charter, there is hereby established within the City an Industrial Commission with membership as follows:

- (a) Executive Chairman;
- (b) Chairman of Real Estate and Land Assembly;
- (c) Chairman of Community Information and Community Relations;
- (d) Chairman of Engineering and Site Development.

The aforementioned chairmen are to be appointed by the Mayor with confirmation by Council.
(Ord. 1967-4. Passed 1-19-67.)

1103.02 TERMS OF OFFICE.

The members of the Industrial Commission are to be appointed as follows:

- (a) The Executive Chairman is appointed for a period of three years;
 - (b) The other chairmen are appointed for a period of two years.
- (Ord. 1967-4. Passed 1-19-67.)

1103.03 PURPOSE.

The purpose of the Industrial Commission is to actively solicit and encourage industrial plants to relocate or expand in the City; to insure the orderly industrial growth within the City; to publicize the advantages and assets which the City has to offer to the proper type of industry; to integrate the future growth of industry with the City so that it does not interfere with present community plans and existing business and residences within the City; to develop information and facts for free dissemination to all parties who might be interested in future industrial development within the City; and to retain existing industrial plants by being knowledgeable of their needs.
(Ord. 1967-4. Passed 1-19-67.)

1103.04 AUTHORITY.

The Industrial Commission shall adopt its own rules of organization and procedure.
(Ord. 1967-4. Passed 1-19-67.)

**1103.05 APPOINTMENT AND TERMS OF ADDITIONAL MEMBERS;
REMOVAL OF MEMBERS.**

Each chairman shall have the authority to appoint two members or more, subject to the approval of the Mayor, to assist him in carrying out his specific duty as set forth in this chapter. Such members shall serve for the term of office that is provided for the chairman who appointed them.

Any member is subject to removal for cause by the Mayor, with confirmation by Council.
(Ord. 1967-35. Passed 4-6-67.)

1103.06 MEETINGS.

The Industrial Commission shall hold meetings as provided by its rules and regulations. The Commission shall submit an annual report to Council by the second Council meeting in January.

(Ord. 1967-4. Passed 1-19-67.)

CHAPTER 1105
Reserve Areas for Public Use

1105.01	Planning Commission to designate required areas by resolution.	1105.04	Notice of application for improvement inconsistent with resolution.
1105.02	Certified resolution for Director of Inspections and Council.	1105.05	Approval of conforming improvement applications.
1105.03	Building permits to conform with resolution.		

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01
 Easements for public use - see PRELIM. UNIT, TABLE B
 Intent of subdivision regulations - see PLAN. & PLAT. 1121.03(d)
 Platted lands reserved for public use - see PLAN. & PLAT. 1125.06
 Easements, drainage ways and public use sites - see PLAN. & PLAT. 1127.06
 Land improvements - see PLAN. & PLAT. Ch. 1129

1105.01 PLANNING COMMISSION TO DESIGNATE REQUIRED AREAS BY RESOLUTION.

Upon the preparation of a plan and map of the whole or any portion of the City which shows the Planning Commission's recommendation for the general location, character and extent of streets, alleys, ways, bridges, boulevards, parkways, parks, playgrounds and other public grounds, easements and open spaces, and the general location of public buildings and other public property, the Commission is hereby authorized to designate by an accurate map or legal description the areas deemed by it necessary for the City to acquire by deed dedication or otherwise in order to effectuate the purpose of such plan and map. Such designation, however, need not be of the whole of the area generally proposed for public use or for all the functional matters to be included in the plan, but may be done by a series of resolutions passed from time to time, each describing only part of the total area determined necessary for the City to acquire. (Ord. 1957-156. Passed 11-2-57.)

1105.02 CERTIFIED RESOLUTION FOR DIRECTOR OF INSPECTIONS AND COUNCIL.

Upon the passage of resolution designating certain areas as necessary for the City to acquire in order to effectuate the plan and map, the Planning Commission shall cause a copy of such resolution, duly certified, to be delivered to the Director of Inspections and to Council.
(Ord. 1957-156. Passed 11-2-57.)

1105.03 BUILDING PERMITS TO CONFORM WITH RESOLUTION.

From and after the date of the receipt of the certified resolution, the Director of Inspections shall not issue a permit for the improvement of any land inconsistent with the terms and provisions of such resolution for a period of ninety days from and after the date an application for such improvement is filed with the Director.
(Ord. 1957-156. Passed 11-2-57.)

1105.04 NOTICE OF APPLICATION FOR IMPROVEMENT INCONSISTENT WITH RESOLUTION.

Upon the filing of an application for improvement of land inconsistent with the terms and provisions of such resolution, the Director of Inspections shall forthwith notify Council and the Planning Commission, in writing, of the filing of such application.
(Ord. 1957-156. Passed 11-2-57.)

1105.05 APPROVAL OF CONFORMING IMPROVEMENT APPLICATIONS.

Unless the land so described is acquired by the City by deed, dedication or otherwise, or unless an action for the appropriation thereof is instituted in accordance with law within a ninety-day period, the application for the improvement as filed with the Director of Inspections, provided the same is in all other respects in accordance with the law, shall be approved.
(Ord. 1957-156. Passed 11-2-57.)

CHAPTER 1109
Shopping Center Development Plans

1109.01	Submission and contents of preliminary plans.	1109.04	Performance guarantee.
1109.02	Approval of preliminary plans.	1109.05	Issuance of building permits.
1109.03	Final development plans.		

CROSS REFERENCES

Land improvements - see PLAN. & PLAT. Ch. 1129
 Business districts - see ZON. Ch. 1216
 Shopping Center District permitted buildings and uses - see ZON. 1216.02, 1216.03
 Yard regulations, Shopping Center Districts - see ZON. 1216.06
 Off-street parking and loading - see ZON. Ch. 1221
 Signs - see ZON. 1223.01 et seq.
 Building permits - see ZON. Ch. 1231; BLDG. Ch. 1313

1109.01 SUBMISSION AND CONTENTS OF PRELIMINARY PLANS.

Fourteen prints of the preliminary development plans of the area proposed for development in a Shopping Center District at a scale of not less than one inch equals 100 feet shall be submitted to the Director of Planning, who shall deliver one set of each of the prints to the Director of Engineering, Director of Inspections, Fire Chief, Service Director, Police Chief and Planning Commission. The preliminary development plans shall contain the following:

- (a) Property Lines and Dimensions. Property lines and dimensions of the parcels proposed for development and the locations of existing main buildings on adjacent lots and on lots directly across the streets bounding the property to be developed.
- (b) Topography. Topography, showing existing contours at not less than two-foot intervals.
- (c) Proposed Main and Accessory Buildings. Location, floor plan, elevations, height and use of all proposed main and accessory buildings.
- (d) Traffic. Proposed system of circulation of vehicular traffic; width of drives, plans for control of traffic in the development.
- (e) Parking and Loading Areas. The arrangement, number and size of proposed parking and loading spaces.

- (f) Outdoor Lighting Fixtures. Location and type of proposed outdoor lighting fixtures.
- (g) Other Site Improvements. Other site improvements, including grading and drainage, design of landscaped yards, planting areas and yards adjoining residence districts.
- (h) Signs. Size, location and nature of proposed signs.
- (i) Utilities. Plans for sanitary sewerage and storm drainage facilities and all other utility installations and connections.
(Ord. 1988-58. Passed 5-19-88.)

1109.02 APPROVAL OF PRELIMINARY PLANS.

(a) Director of Engineering. The Director of Engineering shall review all preliminary development plans for the development of a Shopping Center District relative to location and construction of sanitary sewers, storm drains and all other utilities, improvements of parking and loading area, drives and walks and all other site improvements, including grading and drainage, which normally are under the jurisdiction of City officials, and report to the Planning Commission with his recommendations.

(b) Police Chief. The Police Chief shall review all preliminary development plans relative to the proposed system of circulation of vehicular and pedestrian traffic and plans for traffic control, width of drives, location and width of walks, the arrangement, number and size of proposed parking and loading spaces, the location and type of proposed outdoor lighting installations and external fire protection devices. The Police Chief shall report to the Planning Commission with his recommendations.

(c) Planning Commission.

- (1) The Planning Director shall review such preliminary development plans to determine if they are in accordance with the provisions of this chapter and report his findings to the Planning Commission. The Commission may relax certain of the requirements if it finds that amenities such as privacy, light and openness can thereby be improved through adaptation of topographic conditions and for skillful design in the arrangement of buildings and uses, landscaping, driveways, parking areas or other site features. However, the Commission may require wider yards and additional fences and planting to improve the site plan and protect adjoining developments.
- (2) A report of the action by the Planning Commission and one set of the preliminary development plans shall be sent to the developer and to Council.
- (3) Approval of the preliminary development plan by the Planning Commission and Council shall assure the developer for a one-year period from the date of approval that:
 - A. The location and arrangement of buildings, walks, parking and loading areas, landscaped areas, courts and malls are approved and shall be the basis for preparation of the final development plan; and
 - B. The general terms and any special conditions under which the approval of the plan was granted will not be changed.(Ord. 1988-59. Passed 5-19-88.)

1109.03 FINAL DEVELOPMENT PLANS.

(a) Following approval or approval subject to modification by the Planning Commission, final development plans for a Shopping Center District shall be prepared if the developer intends to proceed with all or part of the proposed development at the same scale. The plans shall contain the information required in the preliminary plans and incorporate such revisions as are prescribed by the Director of Engineering, the Police Chief and the Planning Commission.

(b) Fourteen prints of the final development plans shall be submitted to the Director of Planning, who shall deliver one set of plans each to the Director of Engineering, Fire Chief, Chief of Building Inspections, Service Director, Police Chief and Planning Commission. The above Directors shall review and report to the Planning Director.

(c) Action shall be taken by the Commission within thirty days after all the final development plans are received by the Secretary of the Commission unless an extension of time is agreed upon by the developer.
(Ord. 1988-60. Passed 5-19-88.)

1109.04 PERFORMANCE GUARANTEE.

(a) Required. The developer of a Shopping Center District shall execute and file with the City financial guarantees in lieu of actual installation and completion of the site improvements as indicated and as approved on the final development plans.

(b) Type. The guarantee may be in the form of a performance or surety bond, a certified check or any other type of paid corporate surety approved by the Director of Law and in a form approved by him.

(c) Amount. The financial guarantee shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the site improvements, including parking and loading areas, drives, walks, landscaped courts, malls and yards, outdoor lighting, grading, drainage and sanitary sewerage system, in conformance with the final development plan as approved by the Planning Commission. Such costs shall be estimated by the Director of Engineering.

(d) Terms. The terms of such guarantees shall be determined by Council. However, they shall not be for a longer period than two years unless Council, by a majority vote, extends the time. Bonds shall be executed by the applicant, as principal, with a paid corporate surety authorized to do business in the State.

(e) Stage Development. If a developer applies for and receives final approval of only a portion of the development plan, the required guarantee shall be in an amount equal to the cost of planned site improvements, as listed in subsection (c) hereof, on such portion of the proposed development.

(f) Failure to Complete Improvements. In the event the developer fails to complete the installation of all land improvements, as listed in subsection (c) hereof, and in conformance with the final development plan as approved and according to the terms and conditions of the agreement, the City, upon proper notice, may complete same and appropriate such portion of money or bonds posted for the performance of such work.
(Ord. 1959-97. Passed 12-17-59.)

1109.05 ISSUANCE OF BUILDING PERMITS.

Council shall inform the Director of Inspections in writing when the following conditions have been met:

- (a) Final development plans have been reviewed and approved by the Planning Commission, the Director of Engineering, the Police Chief and Council;
- (b) Satisfactory performance guarantees are received by the City; and
- (c) The sanitary sewerage system has been approved by the Planning Commission, the Director of Engineering and all other public agencies regulating the same.

One set of prints of the approved final development plans shall be forwarded to the Department of Buildings, Structures and Inspections. Building permits for buildings and uses permitted in a Shopping Center District shall be issued, provided such buildings and uses conform to the final development plans as approved, and provided the proposed construction of buildings and uses complies with the Building Code of the City and with all other regulating bodies.

(Ord. 1966-82. Passed 9-1-66.)

**CHAPTER 1111
Storm Drainage**

1111.01	Performance standards; charges.	1111.04	Interpretation; conflicts.
1111.02	Applicability, exemptions and phasing.	1111.05	Post-Construction Water Quality Plan.
1111.03	Master Storm Drainage Plan.	1111.99	Penalty.

CROSS REFERENCES

Notice to fill lots, remove putrid substances - see GEN. OFF. 521.07

Minimum requirements for storm sewer improvements - see S. & P.S. 915.04

Prohibited and permitted uses of storm sewers - see S. & P.S. 915.02

Drainage ways - see PLAN. & PLAT. 1123.07

Drainage facilities - see PLAN. & PLAT. 1129.04

Drainage and sanitation - see BLDG. Ch. 1337

1111.01 PERFORMANCE STANDARDS; CHARGES.

No person, firm, corporation, public agency, partnership or association shall develop any real property as hereinafter described, or connect or cause to be connected any building or structure, either directly or indirectly, with a drain for the removal of surface, roof, ground or other water to be discharged into a ditch, swale, waterway, stream or an existing storm drainage system from any real property hereinafter described, without complying with the following performance standards and paying the charges hereinafter set forth:

- (a) For all developments improved within the City, prior to the enactment date of this Chapter, a storm drainage system shall be designed and constructed by the developer, using on-site or off-site retardation basins and/or underground storage facilities which will reduce the developed storm water run-off from the development to two-thirds of the existing undeveloped storm water run-off using a ten-year design storm as set forth in the Uniform Standards for Sewage and Drainage Improvements as adopted by the Cuyahoga County Sanitary Engineering Department, the City of Cleveland, the Cleveland Regional Sewer District, the Cuyahoga County Municipal Engineers Association, the Ohio Environmental Protection Agency and the Northeast Ohio Areawide Coordinating Agency, and as embodied in a document entitled "City of Westlake Small Retarding Basin Design Procedure," which document is codified at the end of this chapter as Appendix I.

For all developments improved after the enactment date of this Chapter, a Post-Construction Water Quality Plan shall be designed and constructed by the developer, using the currently accepted standards contained within the Ohio *Rain Water and Land Development* manual, ODOT Siltation Control and/or other manual that is acceptable to the Director of Engineering or the Ohio EPA which makes use of the practices that preserve the existing natural condition to the Maximum Extend Practicable (MEP). Present existing parcels of land consisting of less than one acre in area shall be exempted from the requirements of this subsection unless the Director of Engineering deems that the development requires a Post-Construction Water Quality Plan. Individual sites of less than one acre each, but part of a larger development equal to or exceeding one (1) acre, will require a combined Storm Water Pollution Prevention Plan and a Post-Construction Water Quality Plan. (Ord. 2010-164. Passed 12-2-10.)

- (b) For all developments to be improved within the City, a drainage charge per gross acre of area to be developed, prorated at the rate of two thousand five hundred dollars (\$2,500) per acre shall be charged and paid to the City before each building permit is issued within the area to be developed. The charges hereinabove provided shall be placed into a special fund entitled Storm Drainage Capital Improvement Plan adopted by Council and on file with the Clerk of Council. (Ord. 1978-47. Passed 5-18-78.)
- (c) Should the City require a developer, upon the recommendation of the City Engineer or the City's Consulting Engineer and upon the approval of Council, to reduce the rate of and/or improve the quality of the developed storm water run-off from his development to substantially increase the requirements set forth in subsection (a) hereof, in order to further reduce the peak storm water discharge to the City's drainage system, or to improve the water quality discharge of, or to reduce the number of retardation basins or water quality best management practices (BMPs) to be constructed and maintained within the City, or to combine the storm water storage or water quality best management practices (BMPs) requirements water quality best management practices for two or more developments in one common basin or system(s) of best management practices to be located at a more strategic or better site, the City may enter into an agreement, through the Mayor, with the developer, under the following conditions:
 - (1) On any on-site or adjacent site retardation basin or system of water quality best management practices to be constructed by such developer, the City shall set off the drainage charge as set forth in subsection (b) hereof by an amount equal to the estimated increased construction costs, including the cost of extra land area to such developer for the construction of the enlarged retardation basin or system of water quality best management practices which is over and above the estimated costs for the retardation or previous system as required under subsection (a) hereof. The estimated construction costs for both the retardation system or the water quality best management practice required under subsection (a) hereof and this enlarged retardation basin or modified water quality best management practice shall be determined by the City Engineer and his determination shall be final.
 - (2) The maximum set-off in the drainage charge as set forth in subsection (b) hereof shall not exceed two thousand five hundred dollars (\$2,500) per acre of area to be developed.

- (3) The developer shall either give the City clear title to the retardation or water quality basin site while reserving to himself the right to use this area for recreation purposes, or grant the City an easement over such retardation or water quality basin site basin site which gives the City the right to determine what other areas of the City may use this enlarged retardation or water quality basin site basin to reduce the rate or improve the quality of the storm water run-off from their proposed development.
- (d) Should a developer request to use any excess or surplus water volume or quality storage capacity in a particular off-site retardation basin owned or controlled by the City as a substitution for all or part of the water volume or quality storage volume required to reduce the rate or improve the quality of the developed storm water run-off from his development, as set forth in paragraph (a) hereof, upon the recommendation of the City Engineer or the City's Consulting Engineer and upon the approval of Council, the City may enter into an agreement, through the Mayor, with the developer to permit such developer to use all or part of this surplus volume or quality capacity in place of the developer constructing an on-site or adjacent site retardation basin or water quality basin or other best management practice for his development under the following conditions: The developer shall pay to the City an amount equal to the City's costs for constructing or acquiring the storage capacity to be used by this development in this particular retardation basin or water quality basin or other best management practice. The City's costs shall be calculated by the City Engineer on a prorated volume of storage basis using historical costs to the City for constructing or acquiring this particular retardation basin or structure and the City Engineer's determination shall be final.
(Ord. 2010-164. Passed 12-2-10.)
- (e) The owner of a parcel or lot of land, as defined in Section 1123.03, in excess of one acre in size, upon which is located a single family residence as of January 19, 1978 and as long as used as a single family residence thereafter shall be required to pay the fee computed as herein provided for the erection thereon of an addition to the existing single family dwelling or the erection of a detached structure. Two times the square foot area of the addition plus any additional square foot area as determined by the Director of Engineering after a review of the site plan occasioned by more than average roof area, sidewalks, driveways or other improvements increasing run-off prorated on the basis of the present acreage charge in effect at the time of the improvement.
(Ord. 1989-271. Passed 1-4-90.)

1111.02 APPLICABILITY, EXEMPTIONS AND PHASING.

- (a) Applicability. From and after the effective date of this chapter (Ordinance 1978-47, passed May 18, 1978), the provisions hereof shall be applicable as follows:
- (1) Where a developer has received approval of a preliminary plan for a major subdivision and the final plat has not been approved by Council, the developer or the owner of the subdivision shall comply with all the provisions of this chapter.
 - (2) Where a developer has received approval of the final plat of a major subdivision by Council, the developer or the owner of each vacant subplot who has not made application for a building permit shall comply with the provisions of Section 1111.01(b).

- (3) Where a developer has received approval, prior to the adoption of this chapter (Ordinance 1978-47, passed May 18, 1978), of the final plat of a major subdivision by Council and the ordinance adopted by Council provides for the payment of a total storm drainage charge of five hundred dollars (\$500.00) per subplot before a building permit is issued for construction on such subplot, the developer or the owner shall be exempt from the provisions of this chapter.
 - (4) This chapter shall be applicable to developers in all other cases where land is to be developed, except where specifically exempted from the provisions of this chapter.
- (b) Exemptions.
- (1) Farms. The developer or the owner of land or his agent developing or using land for the growing of crops, flowers, fruit or nursery stock for sale, in the natural soil unenclosed by any structure other than a fence, shall be exempt from the provisions of this chapter. Such exemption shall be limited to the area of land, designated by the owner and approved by the Planning Commission, which is to be used to grow such crops, flowers, fruit or nursery stock. The area used for the homesite, barns, shed or accessory building shall be subject to Section 1111.01(a) and (b).
 - (2) Golf courses. The developer or the owner of land or his agent developing or using land in an outdoor area designed for the playing of golf, as defined in the Zoning Code, shall be exempt from the provisions of Section 1111.01(a) and (b). Such exemption, however, shall be limited to the land area for which the actual use of the area is designated for greens, fairways and roughs and adjacent thereto within the geographic area of the golf course.
The developer, owner or his agent shall be entitled to such exemption to the above described areas on condition that the developer, owner or his agent further reduces the run-off from the total golf course land area after development to one-half of the existing storm water run-off using a twenty-five year design storm of two-hour duration by the construction of on-site retardation basins or other storm water controls. The land area of the golf course which is to be used for the clubhouse, proshop and parking, as shown on the development plan approved by the Planning Commission, shall be subject to the provisions of Section 1111.01(b).
 - (3) Governmental agency recreation areas. Governmental agencies, in the development of land areas to be used for recreational purposes, shall be exempt from the provisions of Section 1111.01(b).
(Ord. 1978-47. Passed 5-18-78.)
 - (4) Redevelopment. Any new development area of one (1) acre or more being performed on previously developed property shall be exempt from the provisions of Section 1111.01(b) provided the new development results in a twenty percent (20%) net reduction of the new site impervious area, provide for treatment of at least twenty percent (20%) of the “water quality volume”, or a combination of the two. Where projects are a combination of the 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 twenty percent (20%) water quality volume.
(Ord. 2010-164. Passed 12-2-10.)

(c) Phasing Developments. Any developer or owner of real property in the City, or the agent of either, having a tract of land consisting in area of five acres or more, may, with the approval of the Planning Commission, develop his real property in phases, provided that such developer, owner or agent complies with the provisions and conditions of this chapter as they apply to the area of the property to be developed in the phase approved for development by the Planning Commission.
(Ord. 1978-47. Passed 5-18-78.)

1111.03 MASTER STORM DRAINAGE PLAN.

(a) The Master Storm Drainage Plan, as amended by substitution of Revised Chapter 10, prepared by Woodruff, Inc., Consulting Engineers, and dated April, 1978, is hereby adopted.

(b) After the effective date of this section (Ordinance 1978-48, passed July 20, 1978) all storm water drainage systems to be constructed, serving the area of real property to be developed within the City, shall discharge into streams, ditches or retardation basins established for such area on the Master Storm Drainage Plan, as amended by substitution of Revised Chapter 10.

- (c)
- (1) Land areas designated on the Master Storm Drainage Plan, as amended by substitution of Revised Chapter 10, as areas "To Be Acquired" are hereby deemed to be necessary for public use to effectuate the purpose of the Plan.
 - (2) After the effective date of this section (Ordinance 1978-48, passed July 20, 1978), the Director of Inspections shall not issue a building permit for the improvement of any land area, within any of the areas designated on the Master Storm Drainage Plan, as amended by substitution of Revised Chapter 10, as areas "To be Acquired," for a period of 120 days after an application is filed for such permit. The Director of Inspection shall forthwith notify the Mayor, Council and the Director of Law, in writing, of the filing of such application.
 - (3) The Mayor and the Director of Law shall thereafter take immediate action to acquire the designated land area by deed, dedication, purchase or through an appropriation action filed for such purpose.
 - (4) In the event that Council, upon the recommendation of the City Engineer, deems it appropriate to abandon the land area or to use other areas not previously designated on the Master Storm Drainage Plan, as amended by substitution of Revised Chapter 10, Council shall request, by Resolution, that no action against the applicant be taken to acquire such land area designated and shall direct the Director of Inspections to issue the building permit. Council shall thereafter amend the Master Storm Drainage Plan.
(Ord. 1978-48. Passed 7-20-78.)

1111.04 INTERPRETATION; CONFLICTS.

The provisions of this chapter are intended to supplement those ordinances pertaining to the same subject matter also adopted by Council, except when there is an express conflict with the previous ordinances adopted by Council, in which case the provisions of this chapter shall control.
(Ord. 1978-8. Passed 1-19-78.)

1111.05 POST-CONSTRUCTION WATER QUALITY PLAN.

(a) The Post-Construction Water Quality Plan is intended to improve the quality of storm water runoff from a developed site following completion of construction of the site. The Post-Construction Water Quality Plan shall include a Water Quality Best Management Practices Plan, a Site Maintenance Plan and Water Quality Assurance Agreements. The combined Post-Construction Water Quality Plan will be coordinated with the Erosion and Sedimentation Control Plan and, if necessary, the Riparian and Wetland Setback Plan as part of a combined Storm Water Pollution Prevention Plan for the development. All permanent storm water, soil erosion, sediment control and water quality practices not specifically waived by the City of Westlake shall be constructed prior to the granting of the Final Plat Approval. Upon the request of the owner, the City may defer the construction or installation of a permanent storm water, soil erosion, sediment control or water quality practice prior to the approval of the final plat where, in the Director of Engineering's judgment, such proper construction or installation is not immediately necessary for the protection of the public health and safety; and where the prior installation or construction of such improvement would constitute an undue hardship on the owner because in the case of new vegetation or weather conditions. In such event, the City shall require a Security Bond, Escrow Account, Certified Check or Cash to guarantee that such deferred improvements will be properly constructed or installed within an agreed specified time, but not to exceed six (6) months after the filing of such final plat.

(b) The Post-Construction Water Quality Plan applies to development areas having new or relocated projects involving highways, underground cables, pipelines, subdivisions, industrial projects, commercial projects, building activities on farms, redevelopment of urban areas and all other land uses not specifically exempted. This ordinance does not apply to:

- (1) Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (2) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.
- (3) Construction activities that do not include the installation of any impervious surface (e.g., soccer fields), abandoned mine reclamation activities regulated by the Ohio Department of Natural Resources, stream and wetland restoration activities, and wetland mitigation activities.
- (4) Linear construction projects, (e.g., pipeline or utility line installation), which do not result in the installation of impervious surface and are independent of other construction projects (not part of a larger common plan of development or sale). However, linear construction projects must be designed to minimize the number of stream crossing and the width of disturbance and achieve final stabilization of the disturbed area within twenty (20) feet of the stream bank.
- (5) Transportation projects that are subject to industry specific Ohio EPA Rules are exempt from these rules.
- (6) It is not the role of the community to point out each and every part of the rules and how to implement them on the individual job sites. It is the project owner's responsibility to be proactive in meeting the intent, purpose and requirements of these regulations.

(c) The Post-Construction Water Quality Plan is intended to:

- (1) Allow for development while reducing damage to receiving water resources and drainage systems that may be caused by new development or redevelopment.

- (2) Protect and maintain the physical, chemical, biological and functional characteristics of downstream receiving waters.
- (3) Provide for the perpetual management of storm water runoff quality and quantity.
- (4) Establish consistent technically feasible and operationally practical standards to achieve a level of storm water quantity and quality control that will minimize damage to public and private property and degradation of water resources, and will promote and maintain the health, safety, and welfare of the residents of the City of Westlake.
- (5) Preserve, to the maximum extent practicable (MEP), natural infiltration and groundwater recharge, and maintain subsurface flow that replenishes water resources, wetlands, and wells.
- (6) Assure that storm water quality controls are incorporated into site planning and design.
- (7) Reduce the need for costly treatment and mitigation for the damage to and loss of water resources that are the result of inadequate storm water quality control.
- (8) Ensure that all storm water quality practices are properly designed, constructed, and maintained.

(d) The Post-Construction Water Quality Plan shall utilize Best Management Practices (BMPs) which meet the standards and specifications from the current edition of the Ohio Rain Water and Land Development manual, ODOT Post-Construction storm water standards, or other manual that is acceptable to the Director of Engineering for the City of Westlake or the Ohio EPA. The plan shall be designed to provide for the most effective method(s) of providing long-term water quality improvements with the most feasible long-term maintenance requirements for the BMPs selected.

(e) These plans shall be accompanied by other required permits and documentation relevant to the project, including but not limited to the US Army Corps of Engineers, Ohio EPA, ODNR Division of Water and Ohio EPA NPDES Permit for Construction Activities. Text material for the plans will be on 8.5 by 11 inch paper.

(f) Approved plans shall remain valid for two (2) years from the date of approval. After two (2) years the plans(s) approval automatically expires.

(g) The Water Quality Best Management Practices Plan shall be included with the site development plans submitted for review and approval to the Westlake Engineering Department prior to development and shall include, at a minimum, the following information:

- (1) Site plan with proposed topography shown on one-foot contours.
- (2) Site plan showing any natural or developed waterways and wetlands along with the required Riparian and Wetland Setback Limits.
- (3) Site plan showing locations and details of any proposed post-construction BMPs to be constructed on site during development.
- (4) Description for rationale for use of each chosen BMP to include the anticipated impacts on channel and floodplain morphology, hydrology, and water quality as well as required short and long term maintenance requirements for the chosen BMPs.
- (5) Location of any necessary permanent easements to allow for the long-term maintenance of any post-construction BMPs on site. Easements shall prohibit any development or construction that would prevent the access of necessary equipment needed to properly maintain the BMPs. Easements shall be no narrower than xx feet wide...

(h) The Site Maintenance Plan shall be submitted to the Westlake Engineering Department and approved prior to the approval of the development. The Site Maintenance Plan shall include at a minimum, the following information:

- (1) A copy of the Water Quality Best Management Practices Plan for the development.
- (2) A required schedule of maintenance for each of the BMPs selected for construction/utilization on the site.
- (3) A listing of the person(s) responsible for performing the maintenance for each of the BMPs selected for construction/utilization on the site.
- (4) Notice regarding the proper, EPA approved, removal and disposal of any and all hazardous wastes associated with the cleaning and maintenance of the BMPs on site.
- (5) Notice of required submittal of inspection report from the owner/responsible party for the site to the Director of Engineering on the condition and performance of the BMPs on site. The report shall be due on or before May 1st of each year following completion of the development of the site. The report shall include inspection by a certified engineer or Certified Professional in Erosion and Sediment Control (CPESC) on all BMPs that do not have a high risk for loss of life, bodily injury or damage to structures or infrastructure related to the imminent failure as determined by the Director of Engineering. In the case of BMPs which do have a potential loss of life, a written and stamped report covering the status of the BMP must be prepared by a professional engineer or other individual possessing a valid state license that authorizes them to design the same type of BMP for construction.
- (6) Following completion and approval of the Site Maintenance Plan, additional copies shall be provided to the following parties:
 - 2 copies to Westlake Engineering Department;
 - 1 copy to any person / party responsible for maintenance of any BMP on site; and
 - 1 copy to owner / manager of the site.

(i) The Post-Construction Assurance Agreements shall be submitted to the Westlake Engineering Department and approved prior to the acceptance of the development plat for the site. The Post-Construction Assurance Agreements shall include at a minimum, the following information:

- (1) The name(s) and addresses of the responsible parties for the long-term maintenance of the site.
- (2) All easement agreements required by the Site Maintenance Plan including the recording of city access to all easements for emergency access.
- (3) Signed agreements for all responsible parties acknowledging their requirements for the maintenance of the site BMPs required by the Site Maintenance Plan.
- (4) Signed agreements for all responsible parties to acknowledge their requirements for the submittal of BMP inspection reports.
- (5) Posting of bond(s) or other financial assurance providing for the long term maintenance of the BMPs on site to the satisfaction of the Director of Engineering. (Ord. 2010-164. Passed 12-2-10.)

1111.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 1978-8. Passed 1-19-78.)

APPENDIX 1

CITY OF WESTLAKE SMALL RETARDING BASIN DESIGN PROCEDURE

MAXIMUM DISCHARGE RATE

On-site storm water storage (one of the options set forth in Ordinance 1978-8) is required of new developments within the City of Westlake to prevent the resultant increased storm run-off caused by the development from aggravating flooding conditions along the drainage streams in the watershed. For this reason, the duration of the design storm used to calculate allowable discharge rates from all on-site retarding basins is the concentration time of the main stream of the watershed on which the site to be developed is located. For convenience in calculations, the concentration times of all main streams in the City of Westlake is considered to be two hours. By ordinance, allowable discharge from developed sites or on-site retarding basins is limited to two-thirds of the run-off from the land in its present state of development. Hence, the maximum discharge rate for any on-site retarding basin is found by multiplying together: the factor two-thirds; the run-off coefficient for current land use; the tributary area in acres; and the rainfall intensity for a ten-year two-hour duration storm; i.e. $Q_{10} = 2/3 \times C \times A \times 1.02"/\text{Hr.}$ (Q_{10} in CFS). The allowable discharge rate of undeveloped land after development is therefore limited to 0.204 CFS per acre.

VOLUME OF STORAGE REQUIRED

In order to calculate the volume of storage required to achieve the allowable discharge rate, the total volume of run-off for ten-year storms of various durations has to be calculated to determine the maximum volume of storage the retarding basin must hold. For each storm duration, the total volume of run-off from this storm is calculated and from this volume is deducted the amount of water discharged from the retarding basin while the storm inflow into the retarding basin exceeds the maximum allowable discharge rate. The maximum remainder is the total volume of storage required for this particular retarding basin.

TEN-YEAR RAINFALL INTENSITY-DURATION TABLE

The following rainfall intensity-duration table is to be used for the calculation of ten-year inflow hydrographs to determine the maximum storage requirement in retarding basin design:

(A) Duration of Storm in Minutes	(B) Rainfall Intensity in Inches Per Hour
10	4.95
11	4.78
12	4.63
13	4.48
14	4.34
15	4.21
16	4.09
17	3.98
18	3.87
19	3.76
20	3.67
21	3.57
22	3.49
23	3.40
24	3.32
25	3.25
26	3.17
27	3.10
28	3.04
29	2.97
30	2.91
35	2.64
40	2.41
45	2.22
50	2.06
55	1.92
60	1.80
70	1.60
80	1.43
90	1.30
100	1.19
110	1.10
120	1.02

RUN-OFF COEFFICIENTS

The following run-off coefficients and pervious area percentages are suggested for use in retarding basin design:

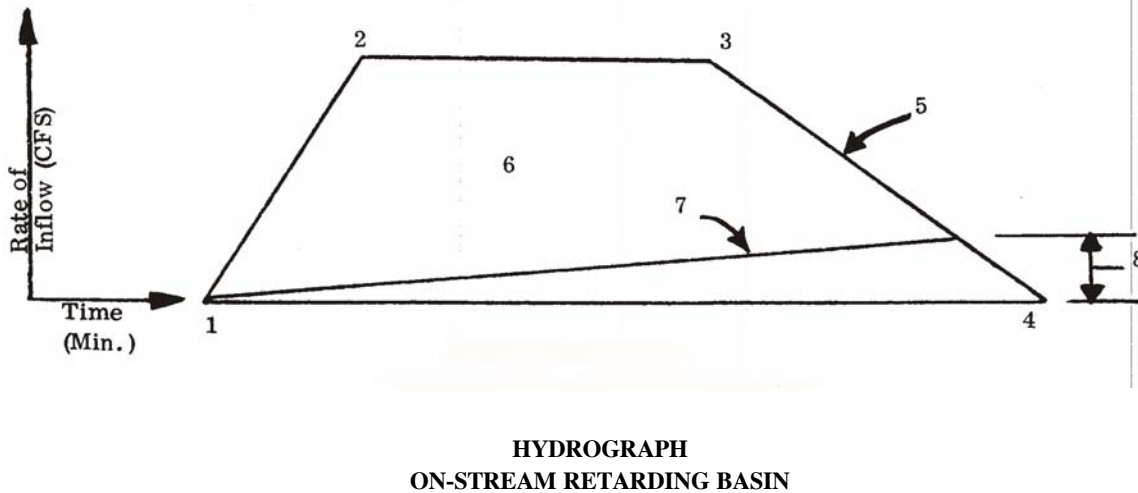
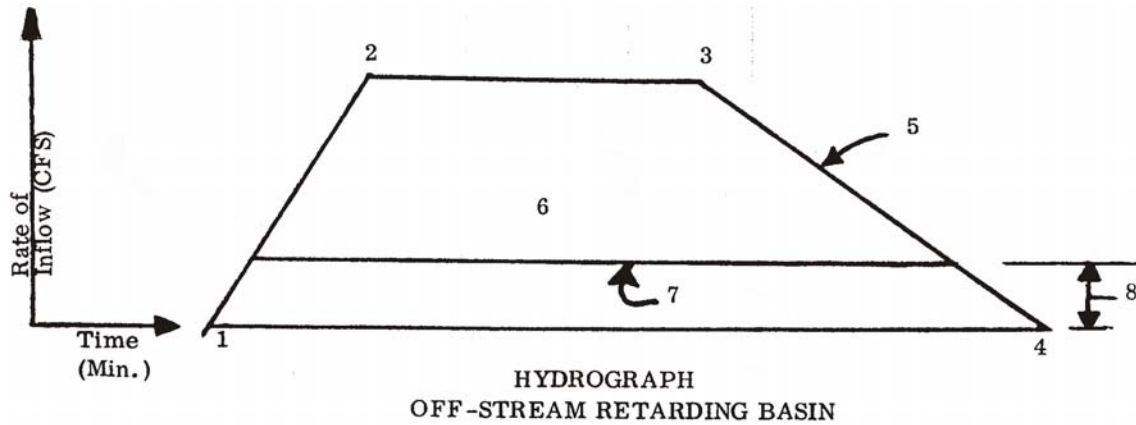
Pervious Area Land Use "C"	Impervious Area %	Run-off Coefficient %
Undeveloped land	100	0.30
Rural Areas	90	0.35
Residential Areas	75	0.45
Apartment Areas	25	0.75
Commercial Areas	10	0.84
Industrial Areas	25	0.75

DISCHARGE CONTROLS

There are two types of discharge controls for on-site retarding basins that have been considered for use in the City of Westlake. One discharge control type (off-stream retarding basins) permits all inflows less than the maximum discharge rate to pass downstream without storage. All inflows in excess of this maximum discharge rate are then diverted to storage in the retarding basin for release after the passage of the storm. Discharge under the other type of control (on-stream retarding basins) is dependent upon retarding basin storage depth, and discharge only reaches the maximum rate at the maximum retarding basin storage depth. This type of retarding basin therefore reaches its maximum storage depth when falling inflow rate drops down to equal maximum discharge rate.

The on-stream retarding basin-type of control is the one most generally used. The shape of the discharge rate curve for this type of control is generally an ogee curve, but for simplicity in analysis can be assumed to be a straight line from the origin of rainfall to its point of intersection with the inflow hydrograph at the maximum discharge rate.

The effect of these two types of control systems is illustrated by the hydrographs on the next page.



LEGEND

1. Beginning of rainfall (Inflow = zero)
2. Concentration time of tributary watershed (Inflow = rational equation with rainfall intensity at end of storm)
3. End of rainfall or duration of storm (Inflow - rational equation with rainfall intensity at end of storm)
4. Calculated time of end of run-off (Inflow = zero)
5. Inflow hydrograph
6. Volume of storage required
7. Discharge curve
8. Maximum allowable discharge

Note: The trapezoidal shape of the above hydrographs will become a triangle if the time of concentration of the tributary watershed equals the duration of rainfall.

DESIGN EXAMPLEDATA

WATERSHED AREA = 36.4 ACRES
 CONCENTRATION TIME = 15 MIN.
 EXISTING LAND USE = UNDEVELOPED
 ALLOWABLE DISCHARGE = 0.204 CFS/AC.
 FUTURE LAND USE = RESIDENTIAL
 I_{10} @ 15 MIN. = 4.21 "/HR.
 $C = 0.45$
 INFILTRATION RATE = 0.5 "/HR.

CALCULATION OF MAXIMUM ALLOWABLE DISCHARGE RATE

$$Q_{10} = 0.204 A$$

$$Q_{10} = 0.204 \times 36.4$$

$$Q_{10} = 7.43 \text{ CFS}$$

CALCULATION OF REQUIRED STORAGE VOLUME

- (1) RETARDING BASIN TYPE = ON-STREAM
 DURATION OF STORM = 15 MIN.

PEAK INFLOW RATE

$$Q_{10} = CIA$$

$$Q_{10} = 0.45 \times 4.21 \times 36.4$$

$$Q_{10} = 69 \text{ CFS @ 15 MIN.}$$

RUN-OFF RATE

$$I_{10} = (0.25 \times 4.21) + (0.75 \times (4.21 - 0.5))$$

$$I_{10} = 1.05 + 2.78$$

$$I_{10} = 3.83 \text{ "/HR.}$$

TOTAL INFLOW VOLUME

$$V_T = \frac{3.83}{12} \times \frac{15}{60} \times 36.4 \times 43,560$$

$$V_T = 126,520 \text{ C.F.}$$

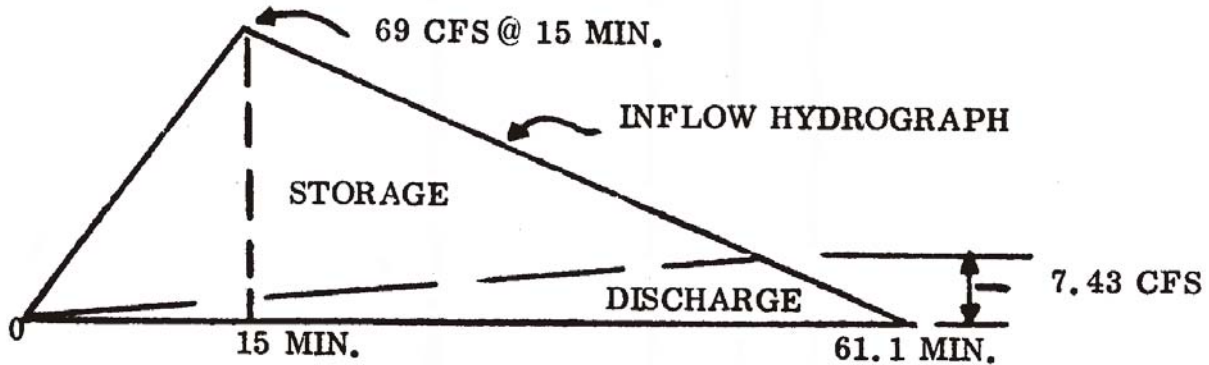
END OF RUN-OFF TIME

$$T_E = \frac{126520 \times 2}{69 \times 60}$$

$$T_E = 61.1 \text{ MIN.}$$

VOLUME OF STORAGE REQUIRED

TOTAL INFLOW	=	126,520 C.F.
LESS DISCHARGE = $\frac{7.43}{2} \times 61.1 \times 60$	=	<u>13,620 C.F.</u>
STORAGE VOLUME	=	112,900 C.F.
	OR	2.59 AC-FT



HYDROGRAPH FOR 15 MIN. STORM

- (2) RETARDING BASIN TYPE = ON-STREAM
- DURATION OF STORM = 30 MIN.
- I_{10} @ 30 MIN. = 2.91 "/HR.

PEAK INFLOW RATE

$$Q_{10} = CIA$$

$$Q_{10} = 0.45 \times 2.91 \times 36.4$$

$$Q_{10} = 47.7 \text{ CFS}$$

RUN-OFF RATE

$$I_{10} = (0.25 \times 2.91) + (0.74(2.91 - 0.5))$$

$$I_{10} = 0.73 + 1.81$$

$$I_{10} = 2.54 \text{ "/HR.}$$

TOTAL INFLOW VOLUME

$$V_T = \frac{2.54 \times 30 \times 36.4 \times 43,560}{12 \times 60}$$

$$V_T = 167,810 \text{ C.F.}$$

END OF RUN-OFF TIME

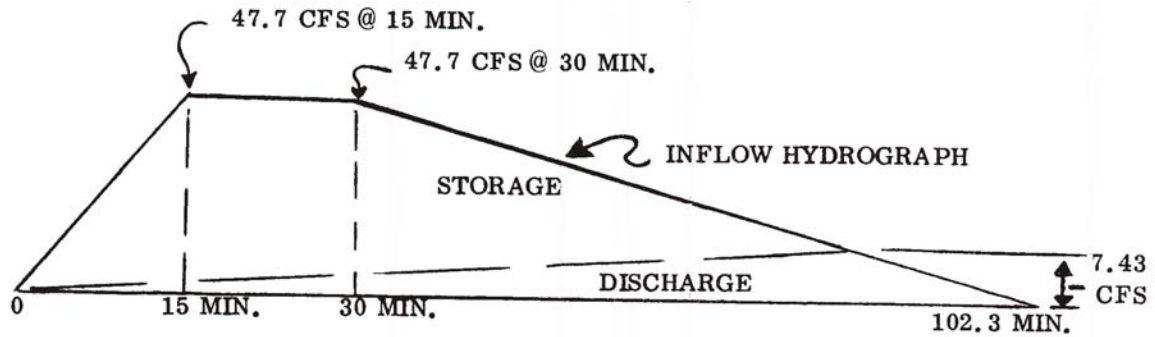
$$T_E = \frac{(167.810 \times 2)}{(47.7 \times 60)} - 15$$

$$T_E = 117.3 - 15$$

$$T_E = 102.3 \text{ MIN.}$$

VOLUME OF STORAGE REQUIRED

TOTAL INFLOW =		167,810
LESS DISCHARGE =	$\frac{7.43 \times 102.3 \times 60}{2}$	= 22,800
STORAGE VOLUME		= 145,010 C.F.
	OR	3.33 AC-FT



HYDROGRAPH FOR 30 MIN. STORM

- (3) RESULTS OF SIMILAR CALCULATIONS MADE FOR STORMS OF INCREASING DURATIONS ARE TABULATED BELOW:

Storm Duration (Min.)	Peak Inflow Rate (cfs)	Volume of Inflow (c.f.)	Volume of Discharge (c.f.)	Storage Required (c.f.)
15	69.0	126,520	13,620	112,900
30	47.7	167,810	22,800	145,010
40	39.5	179,320	28,180	151,140
50	33.7	186,040	33,170	152,870
60	29.5	188,380	37,450	150,930
70	26.2	188,710	41,240	147,470

* MAXIMUM STORAGE REQUIRED

THE MAXIMUM STORAGE REQUIRED FOR THIS ON-STREAM RETARDING BASIN WITH A MAXIMUM ALLOWABLE DISCHARGE OF 7.43 CFS IS THEREFORE A VOLUME OF 152,870 C.F. OR 3.51 AC.-FT. (Ord. 1978-47. Passed 5-18-78.)

**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.)

1115.03 SCHEDULE OF FEES.

(a) Fees for review of subdivision plans shall be deposited with the Director of Finance at the time the plans are submitted and shall be as follows:

Property split/assembly plat	\$0.00 (application fee only)
Minor subdivisions	100.00
Major subdivision review fees:	
Preliminary plan	400.00 plus \$5.00 per lot
Final plan	200.00 plus \$5.00 per lot

The fees for the subdivisions set forth herein shall be separately paid for consideration of preliminary approval and for consideration of final approval irrespective of the fact that the Planning Commission recommends approval or disapproval.

(b) Engineering Inspection of the Construction of Improvements. The fee shall be not more than three percent (3%) of the cost of the improvements, such amount to be deposited with the Director of Finance prior to the presentation of construction plans. Moneys drawn from this amount will be not less than the expenses incurred by the City.
(Ord. 1998-42. Passed 2-5-98.)

1115.04 SIGN PLAN FEES.

There shall be no fee in addition to the application fee for review of sign plans.
(Ord. 1993-24. Passed 2-18-93.)

1115.05 SATELLITE DISH FEES.

There shall be no fee in addition to the application fee for review of satellite dish applications.
(Ord. 1993-24. Passed 2-18-93.)

1115.06 BOARD OF ZONING APPEALS FEES.

The fee for appeal to the Board of Zoning Appeals, or for permission, approval or authority required to be obtained from the Board, under Section 1233.03 of the Zoning Code shall be one hundred dollars (\$100.00).
(Ord. 2009-101. Passed 10-1-09.)

1115.07 TREE PLAN FEE.

The fee for review of a tree preservation plan under Chapter 1137 shall be one hundred dollars (\$100.00) payable at the time of submission.
(Ord. 1993-24. Passed 2-18-93.)

1115.08 DEVELOPER TO BEAR COST OF PROFESSIONAL SERVICES.

In the event the City is required, upon the recommendation of the Planning Commission, Director of Planning or the Director of Engineering to obtain the assistance of outside professional services, including but not limited to, architectural, engineering and traffic, the developer shall reimburse the City for the same. From the date of billing by the City, the developer shall have thirty days to pay said costs. The costs set forth herein shall be paid irrespective of the fact that the plan is approved or disapproved. (Ord. 1994-110. Passed 5-5-94.)

TITLE THREE - Land Planning and Subdivision Regulations

- Chap. 1121. Title and Purpose.
- Chap. 1123. Definitions.
- Chap. 1125. Procedures.
- Chap. 1127. Planning Principles and Design Standards.
- Chap. 1129. Land Improvements.
- Chap. 1130. Buffering.
- Chap. 1131. Plans and Plats.
- Chap. 1133. Modifications; Appeals; Fees and Penalty.
- Chap. 1135. Erosion and Sedimentation in Land Development.
- Chap. 1137. Tree Regulations.
- Appendix I. Outline of Procedures.
- Appendix II. Forms for Final Plat Certifications.
- Appendix III. Performance Bond.

**CHAPTER 1121
Title and Purpose**

- | | |
|--|----------------------------|
| 1121.01 Title; Regulations defined. | 1121.03 Objectives. |
| 1121.02 Purpose. | |

CROSS REFERENCES

- General intent - see PLAN. & PLAT. 1133.01
- Modifications - see PLAN. & PLAT. 1133.02
- Appeals - see PLAN. & PLAT. 1133.03
- Purpose of Zoning Code - see ZON. 1201.01

1121.01 TITLE; REGULATIONS DEFINED.

These Regulations, rules and standards for planning, subdividing and developing land within the City, including procedures for the application, administration and penalties for the violation hereof, shall be known, cited and referred to as the Land Planning and Subdivision Regulations for the City of Westlake, Ohio.

Wherever the term "Regulations" appears in this Title Three (Land Planning and Subdivision Regulations), it means the provisions of Ordinance 1964-62, passed July 16, 1964, as amended, which is codified as Title Three of Part Eleven, Planning and Platting Code, of these Codified Ordinances.

(Ord. 1964-62. Passed 7-16-64.)

1121.02 PURPOSE.

The general purpose of these Regulations is to guide and regulate the planning, subdividing and development of land in order to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the City.
(Ord. 1964-62. Passed 7-16-64.)

1121.03 OBJECTIVES.

It is intended that the provisions of these Regulations shall be applied to achieve the following objectives:

- (a) Orderly development of the land to obtain harmonious and stable neighborhoods;
 - (b) Safe and convenient vehicular and pedestrian circulation;
 - (c) Adequate and economical provisions for utilities and public services to conserve the public funds;
 - (d) Ample public open spaces for schools, recreational and other public purposes;
 - (e) Accurate surveying of land and preparing and recording of plats; and
 - (f) Coordination of land development in accordance with the Zoning Code, Thoroughfare Plan, Guide Plan and other plans of the City.
- (Ord. 1964-62. Passed 7-16-64.)

CHAPTER 1123
Definitions

1123.01	Application of definitions.	1123.05	Maps, plans and plats.
1123.02	General terms.	1123.06	Streets.
1123.03	Lot and parcel.	1123.07	Pedestrian way; easements;
1123.04	Subdivision (minor and major).		building line.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
Regulations defined - see PLAN. & PLAT. 1121.01
Zoning definitions - see ZON. Ch. 1203

1123.01 APPLICATION OF DEFINITIONS.

The following terms shall have, throughout these Land Planning and Subdivision Regulations the meanings given in this chapter.
(Ord. 1964-62. Passed 7-16-64.)

1123.02 GENERAL TERMS.

The following are general definitions and rules of construction for these Land Planning and Subdivision Regulations:

- (a) Words used in the singular include the plural.
- (b) Words used in the present tense include the future tense.
- (c) The word "shall" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.
- (d) "City" means the City of Westlake, Ohio.
- (e) "Commission" means the Planning Commission of the City.
- (f) "Council" means the legislative body of the City.
- (g) "Developer" means any individual, firm, association, corporation, trust or any other legal entity, including his or its agents, commencing proceedings under these Regulations to effect a subdivision of land for himself or itself, or for another.
(Ord. 1964-62. Passed 7-16-64.)

1123.03 LOT AND PARCEL.

"Lot" and "parcel" mean a division of land separated from other divisions by description on a recorded subdivision plat, recorded survey map or by metes and bounds for purposes of sale, lease or separate use.
(Ord. 1964-62. Passed 7-16-64.)

1123.04 SUBDIVISION (MINOR AND MAJOR).

"Subdivision" means a division of any parcel of land, shown as a unit or as contiguous units in the current records of the County Recorder, into two or more lots, parcels, sites or other divisions of land, any one of which is five acres or less, for the purpose, whether immediate or future, of transfer of ownership, including:

- (a) "Minor subdivision", which means the proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving not more than five lots, and
- (b) "Major subdivision", which mean a division of a parcel into two or more lots when such subdivision involves the opening, widening or extension of any street or the granting of easements for the extension and maintenance of sewer, water, storm drainage or other facilities. Any division of a parcel into more than five lots is a major subdivision.

A division of land into parcels of more than five acres for agricultural purposes not involving new streets or easements of access, or a division, sale or exchange of parcels between adjoining lot owners, where such exchange does not create additional building sites, shall not be considered a subdivision.

(Ord. 1964-62. Passed 7-16-64.)

1123.05 MAPS, PLANS AND 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, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.

(d) "Guide Plan" means a composite of the mapped and written proposals for the future development of the City, duly adopted by the Planning Commission and/or Council, indicating its or their recommendations for the uses of private land, public open spaces and buildings and the general street system.

(e) "Park and Recreation Plan" means a map showing the location and size of existing and proposed parks, playgrounds and other open public grounds of the City which is duly adopted by the Planning Commission and/or Council. The Park and Recreation Plan may be part of the Guide Plan.

(f) "Thoroughfare Plan" means a map showing the location and width of existing and proposed streets of the City and duly adopted by the Planning Commission and/or Council. The Thoroughfare Plan may be part of the Guide Plan.

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

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

(i) "Final plat" means the final map of all or a portion of a subdivision and which, if approved, may be recorded.
(Ord. 1964-62. Passed 7-16-64.)

1123.06 STREETS.

"Street" means an avenue, highway, road, thoroughfare, boulevard, parkway, alley or other way proposed for vehicular traffic, and any existing State, County, Township or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder. Included is the land between street right-of-way lines, whether improved or unimproved, and the definition may comprise pavement, shoulders, gutters, sidewalks, median or dividing strips, or other areas within the street lines. Streets shall be classified as follows:

- (a) "Limited-access highway (freeway)" means a divided street, designed for the fast movement of large volumes of traffic, providing no access to abutting properties and having grade separations at all intersections.
 - (b) "Major street" or "arterial street" means a street usually having uncontrolled access and intersections at grade, and designed for moving large volumes of traffic between large or intensively developed districts.
 - (c) "Secondary street" or "collector street" means a street supplementary to and connecting major streets to local streets and to district centers.
 - (d) "Local street" means a street primarily for access to abutting residential properties and serving local needs.
 - (1) "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.
 - (2) "Marginal access street" means a local street providing access to lots which abut or are adjacent to a limited-access highway or major street.
 - (3) "Alley" means a street providing service access to the rear or side of properties abutting also on other streets.
 - (e) "Private street" means a strip of private land providing access to abutting properties.
 - (f) "Right of way" means a strip of land measured between property lines and dedicated for use by the public.
 - (1) "Roadway" means the portion of a street right of way available for vehicular traffic, including parking lanes.
 - (2) "Tree lawn" means the portion of a street right of way between the edge of the pavement or curb and the public sidewalk or property line.
- (Ord. 1964-62. Passed 7-16-64.)

1123.07 PEDESTRIAN WAY; EASEMENTS; BUILDING LINE.

- (a) "Pedestrian way" means a dedicated public right of way limited to pedestrian traffic.
- (b) "Easement" means a grant by a property owner of the use, for a specific purpose, of land by the general public, a corporation or another person.
- (c) "Drainage easement" means the land required for construction, reconstruction or maintenance of the open portion of a drainageway.
- (d) "Storm sewer easement" means the land required for construction, reconstruction or maintenance of an enclosed drainage way.
- (e) "Swale easement" means the land required for construction, reconstruction or maintenance of a swale.
- (f) "Building line" means a line established by the Zoning Code defining the limits of the front yard or required setback from a public right of way in which no structure may be located. (Ord. 1986-236. Passed 3-5-87.)

**CHAPTER 1125
Procedures**

<p>1125.01 Intent.</p> <p>1125.02 Conformance of application with City plans; plan copies furnished.</p> <p>1125.03 Sketch plan for minor subdivision.</p> <p>1125.04 Preliminary plan for major subdivision.</p> <p>1125.05 Final plat for major subdivision.</p>	<p>1125.06 Lands for public use.</p> <p>1125.07 Multi-family, business and industrial developments.</p> <p>1125.08 Maintenance of City map.</p> <p>1125.09 Resubdividing or vacating a recorded subdivision.</p> <p>1125.10 Deposits and fees.</p> <p>1125.11 Mandatory posting requirements of plats and plans.</p>
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CROSS REFERENCES

Reserve areas for public use - see PLAN. & PLAT. Ch. 1105
 Accompanying data for minor subdivision sketch plan - see
 PLAN. & PLAT. 1131.02
 Accompanying data for major subdivision preliminary plan - see
 PLAN. & PLAT. 1131.03
 Accompanying data for major subdivision final plat - see PLAN. &
 PLAT. 1131.04
 Outline of procedures - see PLAN. & PLAT., App. I

1125.01 INTENT.

The procedures established in this chapter are intended to define the steps by which a developer shall design, make an application, record plats and construct improvements, and by which the Planning Commission shall review, make recommendations, approve the plans and otherwise administer these Land Planning and Subdivision Regulations.

For those subdivisions hereinafter classified as minor subdivisions, a sketch plan and abbreviated procedure is established. For all others, which are classified as major subdivisions, a preliminary plan and final plat procedure is established. For an outline of procedures, see Appendix I.

(Ord. 1964-62. Passed 7-16-64.)

1125.02 CONFORMANCE OF APPLICATION WITH CITY PLANS; PLAN COPIES FURNISHED.

The City shall make available to developers copies of these Land Planning and Subdivision Regulations, the Zoning Code, Guide Plan, Thoroughfare Plan, local street plans and other adopted plans, street maps and other information which may affect the development of the property under consideration. Applications for approval of a subdivision shall be in accord with these Regulations, other codes and plans as adopted and information furnished. (Ord. 1964-62. Passed 7-16-64.)

1125.03 SKETCH PLAN FOR MINOR SUBDIVISION.

(a) Application. A sketch plan complying with the requirements set forth in Section 1131.02 shall be prepared for each minor subdivision and an application for approval submitted to the office of the Director of Planning not less than ten days prior to the next regularly scheduled meeting of the Planning Commission. One print of the sketch plan shall be submitted to the Director of Engineering and the Director of Inspections. The purposes of a sketch plan layout are to furnish sufficient information to determine if it qualifies as a minor subdivision, its relation to adjacent subdivisions and compliance with other City codes.

(b) Review by Director of Engineering. The developer shall submit either a metes and bounds deed description or plat, as required, to the Director of Engineering for review and, if it is found to conform to the approved sketch plan and is otherwise satisfactory, the Director shall so certify the approval thereon within seven working days after such receipt.

(c) Action by Commission. The Commission shall take action after receipt of an application with all required maps, sketches and information and the report of the Director of Engineering as to compliance with these Regulations.

(d) Approval. The minor subdivision shall be approved if the Planning Commission determines the proposed division of land is a minor subdivision, and that:

- (1) All the contiguous land owned by the developer therein can be completely subdivided;
- (2) It is properly integrated with adjoining subdivisions or could be properly coordinated with the subdivision and extension of streets to adjoining land; and
- (3) It complies with the planning principles and other sections of these Regulations, the Zoning Code, Guide Plan, Park and Recreation Plan, local street plans and other adopted plans of the City.

An approval notation to that effect shall be made on the sketch plan by the Chairman or Secretary of the Commission, and the developer shall be informed if a metes and bounds deed description or a plat map will be required. Three prints of the approved sketch plan shall be made by the developer and transmitted to the Commission.

(e) Disapproval. If the Commission determines that the proposed division of land is a major subdivision, or if the sketch plan is not approved for other reasons, the Commission shall state the conditions to be complied with before such division will be approved.

(f) Recording. A deed or plat shall be filed and recorded in the office of the County Auditor and the County Recorder by an authorized representative of the City within thirty days after approval by the Planning Commission. The recording fee shall be paid by the developer. (Ord. 1988-61. Passed 5-19-88.)

1125.04 PRELIMINARY PLAN FOR MAJOR SUBDIVISION.

(a) Application. A written application for approval and fourteen black-on-white prints of a preliminary plan for each proposed major subdivision, complying with the requirements set forth in Section 1131.03, shall be submitted to the office of the Director of Planning at least ten days prior to the next regularly scheduled meeting of the Planning Commission. The purposes of the preliminary plan are to explore the best design for the subdivision and the best relationship to adjoining subdivisions or undeveloped land, to outline a program of improvements and to obtain the advice, suggestions and requirements of the Planning Commission and other departments of the City before the plan is made final, as in a detailed drawing. The submittal of alternative plans is recommended. The developer shall furnish the Commission with an area map listing thereon the names and addresses of all property owners within 500 feet and with address stickers for such names, such list to be prepared by a reputable title company doing business within Cuyahoga County certifying that the same is correct in accordance with the latest County records. The applicant shall also furnish a preliminary title report issued by a reputable title company doing business within Cuyahoga County which title report shall include, in addition to the usual contents of the preliminary title report, a list of all special assessments outstanding on such parcel or parcels of land contained in the proposed subdivision together with all real estate taxes due on such parcel or parcels.

(b) Review by Other Public Agencies. If the proposed subdivision is located in an area not served by the public water or sanitary sewer system, the Planning Commission shall transmit one copy of the maps and data accompanying the application to the County Board of Health if septic tanks are proposed, or to the State Sanitary Engineer if a community disposal plant is proposed, for determination of whether methods for disposal of sewage are adequate and will not create a nuisance or pollute the water supply.

(c) Action by Commission. Prior to any action, the Planning Commission shall notify by regular mail the owners of adjoining property within 500 feet of all boundaries of the proposed subdivision (as shown upon the current County Map Records on file at the City Hall) at least ten days before the meeting at which the proposed subdivision will be considered. For all subdivisions which are of such scope or at locations which affect the design of an integrated neighborhood street pattern or extensions to adjoining unsubdivided land, which include public sites or involve topographic or other unusual conditions, the Commission shall obtain an analysis and recommendation from the Regional Planning Commission or from a city planner, civil engineer, surveyor or landscape architect. The Planning Commission shall review the aforesaid analysis and recommendations and determine if the preliminary plan embraces all the applicable planning principles and other provisions of these Land Planning and Subdivision Regulations as well as other codes of the City.

If the Commission finds the proposal is the best plan possible under the circumstances and acts favorably, the Chairman and Secretary shall affix their signatures to six copies of the plan with a notation that it has received approval. If approval is contingent upon any special conditions, these shall be noted on the plans. The Commission shall return one copy to the developer, submit one copy each to the Mayor, Council, the Director of Engineering and the Board of Education. The other copy shall be retained by the Commission.

If the Commission acts unfavorably, it shall state in the record of the Commission the conditions to be complied with before approval may be given, and/or it may redesign and recommend an alternate plan to the developer.

The Commission shall act within sixty days from the date of the meeting at which the application and all required maps, plans and data were received, or within a further extension of time, mutually agreed upon with the developer, otherwise the preliminary plan shall be deemed to have been approved by the Commission.

(d) Approval by Council. After approval by the Planning Commission, the preliminary plan shall be submitted to Council for approval.

(e) Effect of Approval. The approval of the preliminary plan by the Commission and Council shall assure the developer for a one-year period from the date of approval that:

- (1) The general layout of streets, lots and other features is approved and the preliminary plan shall be the basis for the preparation of the final plat;
 - (2) The general terms and any special conditions under which the approval of the plan was granted shall not be changed; and
 - (3) The developer may submit drawings and specifications for improvements and a final plat for the whole or part of the subdivision.
- (Ord. 1988-62. Passed 5-19-88.)

1125.05 FINAL PLAT FOR MAJOR SUBDIVISION.

(a) Application. An application for approval of a final plat shall be submitted in writing to the office of the Director of Planning. Such application shall be reviewed by the Planning Commission as soon as the workload of the Planning Commission shall permit, but in no case shall the Planning Commission be required to review a plat unless the same is submitted at least five days prior to the meeting at which the plan is scheduled to be reviewed. The application shall include the original tracing of the final plat, the original tracing of the drawings for the required improvements, four black-on-white prints of each of these tracings, four sets of specifications and other maps, data and certificates as set forth in Section 1131.04.

Upon review of the plans and specifications by the Director of Engineering and subject to the further requirements of subsection (b) to (g) hereof the developer may obtain conditional approval of the plat by the Commission and may install the required improvements before applying for final plat approval. Alternatively, the developer may apply for approval of the final plat and drawings and specifications of the required improvements concurrently and furnish performance guarantees that he will install the improvements thereafter. Subject to approvals required herein, the developer may construct parts of the improvements before approval of the final plat and furnish performance guarantees in accordance with Section 1129.14, for the construction of the remaining improvements.

The developer may apply for final plat approval of only that section of an approved preliminary plan of a subdivision which he proposes to develop and/or record as the first stage. However, the preliminary approval 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. Preliminary approval of a phased development or a development to be built in more than one section shall continue in full force and effect as long as the developer is actively conducting any phase, but such preliminary approval shall expire, unless an extension of time is granted by the Commission, if the developer ceases all work on the development for a period of more than one year.

(b) Review by Director of Engineering. The Director of Planning shall transmit two prints of the final plat and the drawings and the specifications to the Director of Engineering for determination as to whether:

- (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 all master plans for streets and utilities and the construction standards in effect in the City.

(c) Action by Commission. If the Director of Engineering 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 Land Planning and Subdivision 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 first heard by the Commission, or within a mutually agreed upon extension; otherwise the plat shall be deemed to have received Commission approval. In no event shall there be approval of the final plat, drawings or specifications either by the Commission or by failure of the Commission to act within the required time limits unless the Engineer has prior thereto approved the final plat, drawings and specifications.

Should an issue arise that, in the opinion of the Planning Commission or the Planning Director, requires a hearing on or in interpretation of any land planning or subdivision regulation, it may be referred to the applicable Council committee for resolution.

(d) Form of Approval. The approval of the final plat shall be indicated by a certification to that effect on the original tracing of the plat with the signature of the chairman and clerk of the Commission. The Director of Planning 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 certificate to that effect on each of five sets of black-on-white prints of the original drawings and specifications with the signature of the Director of Engineering. Approval of the improvements as constructed shall likewise be certified by the Director of Engineering, upon receipt of the original tracings "as constructed" date noted thereon.

(e) Council Action. Council shall act upon the final plat and/or drawings and specifications, either separately or concurrently, but in no event shall it approve the final plat for recording until the improvements are constructed or their construction guaranteed.

(f) Recording. The plat shall be filed and recorded in the Office of the County Recorder by an authorized representative of the City within ten days after approval by Council if Council's approval was for recording purposes only or within ten days after the compliance by the developer with all conditions contained in the ordinance accepting the plat for recording purposes only, whichever is later.

(g) Effect of Approval and Recording. If drawings and specifications for improvements are approved, the construction of the improvements may be started. Upon completion of construction of all improvements in accordance with the plans as approved by the Director of Engineering, the final plat may be approved and recorded, building permits may be issued and lots may be sold, leased or transferred.

If drawings and specifications for improvements are approved and construction guaranteed, the final plat may be approved and recorded for record purposes only, construction of improvements started and lots may be sold, leased or transferred. No building permits shall be issued until all improvements are complete in accordance with the plans as approved by the Director of Engineering.

Occupancy permits for a building shall not be issued until streets and all required utilities are accepted by the City for public use. However, a temporary certificate may be issued upon the condition that the developer assumes all responsibility for maintenance of streets and utilities until they are officially accepted by the City.

(Ord. 1986-54. Passed 11-6-86.)

1125.06 LANDS FOR PUBLIC USE.

(a) Dedication for Public Use. When the final plat indicates land for public use, the plat shall be submitted to Council for acceptance of dedication of any public land and acceptance of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance shall be by separate action of Council.

(b) Land Reserved for Public Use. The City may request, by resolution, that a developer set aside, reserve or offer for sale land for streets, parks, playgrounds or other public uses shown upon a duly approved Thoroughfare Plan, Local Street Plan, Park and Recreation Plan or Guide Plan for a period of ninety days after the application for approval of a preliminary plan, or for a longer period as may be mutually agreed upon by the City and the developer, to allow the City time to acquire such land.

During such period, no structure shall be erected, no trees or topsoil shall be removed or destroyed, no grading shall be done and no land so reserved shall be put to any use whatsoever except on written approval of the Planning Commission.

(Ord. 1964-62. Passed 7-16-64.)

1125.07 MULTI-FAMILY, BUSINESS AND INDUSTRIAL DEVELOPMENTS.

An application and preliminary plan shall be submitted by the developer to the Planning Commission for all proposals to subdivide land for multi-family, business and industrial developments. All procedures, maps, plans and other data required by these Land Planning and Subdivision Regulations for preliminary plans as set forth in Section 1131.03 shall be complied with and furnished if determined applicable by the Commission.

Where streets or other areas are intended to be used by the public and public utilities are to be constructed, all procedures, maps and other data required by these Regulations for final plats as set forth in Section 1131.04 shall be complied with and furnished if determined applicable by the Commission. The recording of a site or development plan or final plat may be required.

(Ord. 1964-62. Passed 7-16-64.)

1125.08 MAINTENANCE OF CITY MAP.

In order that proposed subdivisions may be properly planned and reviewed, a map of the City showing all streets and lot lines shall be kept up to date by the Director of Engineering. Preliminary plans, when approved, shall be indicated on a print of the City map, and every final plat or deed, when recorded, shall be added to the tracings.

(Ord. 1964-62. Passed 7-16-64.)

1125.09 RESUBDIVIDING OR VACATING A RECORDED SUBDIVISION.

An application for resubdividing, replatting or vacation of a subdivision shall be made by the owner thereof to the Planning Commission in the same form as for an original subdivision, along with all required maps, a title search, a report from a title company and other information requested by the Planning Commission. The title report shall include the results of a title search of the property to be resubdivided and the land abutting the property to be resubdivided. The original lots shall be shown by dotted lines, and lot numbers and other references shall be made to

the previously recorded subdivision. If approved by the Commission, those types of replatting and vacating actions as required by the provisions of Ohio R.C. 711.17 to 711.31, inclusive, shall be submitted to the Clerk of the Court of Common Pleas.
(Ord. 1977-183. Passed 10-20-77.)

1125.10 DEPOSITS AND FEES.

(EDITOR'S NOTE: Deposits and fees are now contained in Chapter 1115 of the Planning and Platting Code.)

1125.11 MANDATORY POSTING REQUIREMENTS OF PLATS AND PLANS.

(a) No developer of a subdivision or builder constructing buildings within a subdivision, or person, firm or corporation being the agent of a developer or builder in the sale of lots within a subdivision, shall sell a lot or construct a building without first having posted within a designated sales office or within a temporary construction office of such builder or developer the following:

- (1) A copy of the final plat of the subdivision which has been approved for recording purposes only by the Planning Commission, Council and other required administrative officials of the City;
- (2) A topographical map clearly showing thereon grades, elevations, easements, open ditches, swales, creeks, walkways and any other land characteristics of the subdivision which may be of concern to a prospective purchaser;
- (3) A copy of all Declarations of Covenants and Deed Restrictions which have been recorded with the Cuyahoga County Recorder and which run with the land;
- (4) A copy of any Nonprofit Homeowners' Association Charter, Rules or Regulations, if any, which may be applicable to the homeowners within the subdivision; and
- (5) A statement for each lot to be sold specifying the type and amount of charge or charges to be paid to the City by any prospective buyer, or agent for the prospective buyer, for any storm or sanitary sewer tap-in fee or charge respectively before a building permit can be issued for construction on each lot.

(b) Every developer of a subdivision or builder constructing buildings within a subdivision, or person, firm or corporation being the agent of a developer or builder in the sale of lots within a subdivision, shall require that all prospective purchasers of lots and/or buildings within the subdivision execute and sign a certificate stating therein that such prospective purchaser has been shown and has reviewed all of the plats, plans and documents specified in subsection (a) hereof before the sale of a lot or building in the subdivision has been made.

(c) The Director of Inspections is hereby directed to furnish a certified copy of this section to all builders or developers making application for a building permit within the City at the time a subdivision plat is approved.
(Ord. 1978-9. Passed 1-19-78.)

CHAPTER 1127
Planning Principles and Design Standards

1127.01	Intent and application; incorporation of plans for public areas.	1127.03	Street planning.
		1127.04	Block planning.
		1127.05	Lot design.
1127.02	Topography.	1127.06	Public uses.

CROSS REFERENCES

Reserve areas for public use - see PLAN. & PLAT. Ch. 1105
 Drainage facilities design standards - see PLAN. & PLAT. 1129.04(c), 1129.13
 Sanitary facilities design standards - see PLAN. & PLAT. 1129.05(d), 1129.13
 Water supply design standards - see PLAN. & PLAT. 1129.06(c), 1129.13
 Roadway pavement standards - see PLAN. & PLAT. 1129.08(a), 1129.13
 Preliminary plan to conform to planning principles - see PLAN & PLAT. 1131.03(b)
 Modifications - see PLAN. & PLAT. 1133.02
 Zoning Code intent - see ZON. 1201.01
 Access walks to business and industrial districts - see ZON. 1221.15

1127.01 INTENT AND APPLICATION; INCORPORATION OF PLANS FOR PUBLIC AREAS.

The planning principles established in this chapter are intended to be fundamental principles to be applied with professional skill in the planning of land so as to produce attractive and harmonious neighborhoods, convenient and safe streets and economical layouts of residential, business and industrial development.

It may not be possible to incorporate all these principles in each subdivision (especially small developments), however, the Planning Commission shall determine if certain principles are not applicable.

If a comprehensive Guide Plan, Thoroughfare Plan or plan for parks and other open areas has been adopted, streets, school sites, public parks and all other land uses shown on the Guide Plan, Thoroughfare Plan or plan for parks and other open areas shall be incorporated in the subdivision plans.

(Ord. 1964-62. Passed 7-16-64.)

1127.02 TOPOGRAPHY.

Subdivisions shall be planned to take advantage of the topography of the land to economize in the construction of drainage facilities, to reduce the amount of grading and to minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan. Topographic maps shall be utilized in the land planning.

- (a) Streets. Land which is relatively flat or of very gentle slopes shall be planned so that the streets follow the natural drainage courses, and as many lots as possible shall be above the street grade. On irregular topography, streets shall be designed to avoid extensive cuts and fills and so that lots on one side of the street will not be excessively above or below the street grade.
- (b) Natural Drainage. Subdivisions shall be designed to take advantage of natural grades so that all the land can be drained without excessive grading. Unless watercourses or drainage ways are enclosed, lots shall be arranged so that rear lot lines will be approximately parallel to the natural or straightened course, and only where such a plan is not possible may side lot lines be arranged parallel to an open drainage course. Drainage easements may be included as part of a lot but shall not be used as a building site or included in calculating the required lot area or widths. The area of storm sewer easements shall not be deducted from the lot area or width requirements. The Director of Engineering may however, require that the storm sewer easement be deducted when the depth or size of the storm sewer is of such extent that it requires greater clearance between structures for maintenance purposes. The area of swale easements shall not be deducted from lot area or width requirements.
- (c) Natural Features. Natural features, changes in level, brooks, lakes, hilltops and other focal points within the site, and distant view outside the subdivision, shall be integrated in the design to obtain natural variations and interest in each neighborhood and to create attractive building sites.
(Ord. 1987-40. Passed 3-19-87.)

1127.03 STREET PLANNING.

In addition to relating streets to topography, as required in Section 1127.02(a), streets shall be designed according to the function served, the use of abutting land, and standards of width, intersections, maximum grades and curvatures, as set forth in the following subsections:

- (a) Major Streets. Major streets function primarily for the movement of fast traffic between points of heavy traffic generation and, unless shown otherwise on the Thoroughfare Plan, shall be planned for continuation of existing streets in the system at the same width or greater width in accordance with adopted City standards. Major streets shall contain as few intersections as possible. Where a subdivision of one-family dwellings adjoins a major street, the Planning Commission may require the developer to prepare sketches and estimates of a plan based on marginal access streets or such other treatment as the fronting of lots on perpendicular local streets in order to protect the residential property from the movement of heavy traffic and to eliminate driveways cutting into a major street, and it may require a plan wherein lots do not have direct access onto the major street or require a setback of such depth that marginal streets can be constructed in the future.

- (b) Secondary Streets. Secondary streets function for the collection of traffic from local streets and for the distribution of traffic onto major streets. They normally contain a relatively large number of intersections with local streets and a few with major streets. Unless shown otherwise on the Thoroughfare Plan, a secondary street system may be required wherever a residential neighborhood surrounded by major streets is designed to serve over 500 dwelling units.
- (c) Local Streets. Local streets function to provide direct and full access to each lot. They shall be planned for convenient circulation toward the principal directions of travel, bus routes, schools and playgrounds. The street pattern shall be sufficiently indirect to discourage through traffic. Three-way or "T" intersections shall predominate; four-way or cross-intersections shall be avoided.
- (d) Extension of Streets. Where a subdivision adjoins unsubdivided land, certain streets shall be planned to extend to the boundary lines so that all parcels may be subdivided and a coordinated street system obtained. A temporary turn-around or back-around shall be provided for each such street extension if more than 300 feet in length and if lots front thereon. Provisions shall be made for future extension of the street and utilities and so noted on the final plat.
- (e) Nonconforming Widths. Where property abuts a street which does not conform to the width required by Thoroughfare Plans of the City or by the County or State Transportation Department, or by these Land Planning and Subdivision Regulations, the additional width shall be dedicated when such land is subdivided. Streets of less than the required width shall not be permitted.
- (f) Reserve Strips Adjoining Streets. Reserve strips adjoining streets or other provisions to control access or extensions to pavement and/or utilities to a nearby property shall not be permitted except where provisions for the control and disposal of land comprising such strips has been assigned to the City under conditions approved by the Planning Commission.
- (g) Multi-Family Developments. Public and private streets for multi-family developments shall be planned to connect only with major or secondary streets so that large volumes of traffic will not be generated on local residential streets. Vehicular and pedestrian access shall be planned so that a street, service drive, parking area or delivery area will be located not more than 100 feet from main or service entrance of a building and will be available for each dwelling unit.
- (h) Business and Industrial Development. Streets for business and industrial developments shall be planned to connect only with major streets so that large volumes of traffic will not be generated on local residential streets. The intersection of service streets or access driveways to parking areas, with major streets shall be located so as to cause the least possible interference with the movement of traffic on the major streets. Access driveways (measured on centerline) shall be located not less than fifty feet from the right-of-way line of the nearest intersecting street and spaced at not less than 130-foot intervals. Where possible, parking areas serving adjoining business establishments shall be interconnected by drives. The Commission may require the dedication and improvement of marginal service roads along major streets abutting such developments.

- (i) Intersections. Streets shall be designed to intersect as nearly at ninety degrees as possible, and no street shall intersect another at less than sixty degrees. The intersection of more than two streets at one point shall not be permitted. The center lines of two streets generally opposite, when intersecting a third street, shall be offset no less than 125 feet or shall have no offset. Property lines at street intersections shall be rounded with a radius of not less than thirty feet for major streets, twenty-five feet for secondary streets and twenty-five feet for local streets unless determined otherwise by the Director of Engineering.
- (j) Right-of-Way Widths.
- (1) One and two-family developments. Local streets shall have right-of-way widths of not less than sixty feet except as follows:
 - A. The turn-around of a cul-de-sac shall have a diameter of not less than 125 feet. A "T" and "Y" turn-around may be approved by the Planning Commission in unusual locations.
 - B. Marginal access streets abutting a major street shall have a minimum right-of-way width of not less than forty feet.
 - (2) Multi-family, business and industrial streets. For multi-family, business and industrial streets the right of way shall be determined for each development, but in no case shall the right of way be less than sixty feet. The pavement width shall be sufficient to safely accommodate the maximum traffic, parking and loading needs and access for fire protection equipment.
 - (3) Secondary streets. Secondary streets shall be consistent with the Thoroughfare Plan and standards. The right-of-way width may vary from sixty to eighty feet.
 - (4) Major streets. Major streets shall be consistent with State Highway Department, County or City Thoroughfare Plans and standards. The right-of-way width may vary from eighty to 120 feet.
- (k) Grades. Vertical alignment shall not exceed ten percent for local streets, seven for secondary streets and six percent for major streets. Street grades shall be not less than 0.4 percent in order to provide adequate surface drainage. Streets shall level off to a grade not exceeding three percent for a distance of not less than seventy-five feet from the right of way of an intersecting street. All changes in grade shall be connected by vertical curves. The rate of change of grade of such curve shall not exceed three percent.
- (l) Curvature of Streets (Horizontal Alignment). Angles in the horizontal alignment of center lines of streets shall be connected by a curve with a radius of not less than 150 feet for local streets, 300 feet for secondary streets and 500 feet for major streets. Between reverse curves there shall be a center line tangent of not less than 200 feet long on major and secondary streets and not less than 100 feet long on local streets.

- (m) Street Names. Street names shall be selected which will not duplicate or be confused with the names of existing streets in western 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 Planning Commission and, wherever possible, shall be in accordance with the following system:

<u>General Direction</u>	<u>Long Continuous</u>	<u>Short Disconnected</u>
North-south	Streets	Courts
East-west	Avenues	Places
Diagonal	Roads	Ways
Curving	Drives-boulevards	Lanes or circles.

(Ord. 1964-62. Passed 7-16-64.)

1127.04 BLOCK PLANNING.

(a) One-Family Subdivisions.

- (1) Block lengths shall be planned to average 1,500 feet, and shall not exceed 1,800 feet or be less than 800 feet unless approved by the Planning Commission. A cul-de-sac street shall not exceed 500 feet in length. However, the Commission may permit a length not exceeding 1,000 feet if the parcel cannot be subdivided otherwise.
- (2) Block widths shall be planned to accommodate two tiers of lots, except that a single tier of lots may be required by the Commission to separate a residential development for major streets, adjoining nonresidential land uses and unusual topographic or natural features. A planting screen of at least ten feet in width with no right of access may be required along the lots abutting such a major street or nonresidential land uses.
(Ord. 1964-62. Passed 7-16-64.)
- (3) Means of access. Any subdivision or street proposed to contain more than twenty-five dwellings thereon, or any street or extension thereof, proposed to exceed 1,000 feet in length, shall have a minimum of two permanent means of access, one from each direction. Such permanent means of access must be a dedicated public street(s) constructed to the street standards of Section 1129.08 and have at least two intersections with one or more major or secondary street(s). (Ord. 1995-178. Passed 12-21-95.)

(b) Multi-Family, Business or Industrial Subdivisions. Blocks for multi-family, business or industrial subdivisions shall be adequate to accommodate the building sites and provide the yards, service drives, off-street parking and other required facilities. In a multi-family development a public or private cul-de-sac street shall not exceed 500 feet in length.

(c) Partial Blocks. If the site of a proposed subdivision is of such limited dimensions as would result in a partial block with some fractional or odd-shaped lots, the Commission may develop a local street plan and request the developer to incorporate the subdivision into the plan. All lots that cannot be conforming as to depth or other zoning regulations shall be retained by the developer and shall not be approved as a building site or recorded as a separate lot.

(d) Pedestrian Ways. Pedestrian ways of not less than a ten-foot right of way may be required across blocks exceeding 1,500 feet in length or at the end of cul-de-sac streets for access to schools, playgrounds, bus stops or to other public facilities where convenient pedestrian circulation has not been provided by streets.
(Ord. 1964-62. Passed 7-16-64.)

1127.05 LOT DESIGN.

Each lot shall be designed to form an adequate site for the type of building to be developed. The lot shall be more or less rectangular in form. A triangular shaped lot or one with acute angles, irregular boundaries or other shape that restricts its use as a building site shall be avoided.

- (a) Area and Width. The area and width of lots shall be not less than required by the Zoning Code. Drainage easements shall be deducted from lot area or width requirements. (Ord. 1990-196. Passed 11-15-90.)
- (b) Depth. The depth of a lot (one-family subdivision) shall be not less than one and four-tenths times its width (1.4:1), nor exceed three and one-half times its width. All lots shall be at least 170 feet deep from right of way. This ratio may be increased when the rear line of such lots abuts a freeway, railroad or other incompatible nonresidential land use. Lots abutting major streets (one-family subdivision) may exceed the aforesaid maximum depth ratio (3-1/2:1) in order to increase the safety and privacy thereon. However, the depth shall not exceed five times the width. Such roadside subdivisions shall be planned to achieve uniform rear lot lines. The depth of lots abutting on secondary streets shall also be increased in depth proportionate to the increased setback. (Ord. 1999-64. Passed 4-15-99.)
- (c) Corner Lots. Corner lots shall have extra area and width to obtain the required side, rear and front yards of building setback from an appropriate orientation to both streets and as may be required by the Zoning Code. Corner lots shall have a minimum lot width at the building line of 120 feet and a minimum lot area of 22,000 square feet. The added width requirements for corner lots shall be deducted from the corner lot width before application of the lot minimum or maximum depth to width requirements.
- (d) Side Lot Lines. Side lot lines shall be designed to be at right angles to straight street lines or radial to curved street lines, except that such lines may be modified to accommodate topography or natural features. At a three-way or "T" intersection, the side lot lines shall be adjusted so that a dwelling site will not be directly on the projected line of the street which terminates. (Ord. 1990-196. Passed 11-15-90.)

1127.06 PUBLIC USES.

(a) Utility Easements. Where utilities are not located in the street, easement for overhead power lines at least fifteen feet wide shall be centered on rear lot lines. Easements for other utilities shall be determined by the Director of Engineering.

(b) Drainageways. Where a subdivision is traversed by a drainageway and easement of an appropriate type conforming substantially with the lines of such drainageway shall be provided. Easements for drainageways shall be a minimum width of twenty feet or of such further width as required by the Director.

(c) Sites for Public Use. Sites for a park, playground, school or other public use, if shown on a Park and Recreation Plan or comprehensive Guide Plan adopted by the Planning Commission and located in whole or in part in a proposed subdivision, shall be incorporated in the plan of the subdivision and reserved for such purpose. Drainageways, ponds, lakes or isolated parcels shall not be accepted unless they are part of the Guide Plan or are compatible with such a Plan.

(Ord. 1987-41. Passed 3-19-87.)

**CHAPTER 1129
Land Improvements**

1129.01	Compliance and intent.	1129.13	Design standards.
1129.02	Required improvements.	1129.14	Performance guarantee in lieu of installation.
1129.03	Grading.	1129.15	Street maintenance deposit or bond.
1129.04	Drainage facilities.	1129.16	Liability insurance.
1129.05	Sanitary facilities.	1129.17	Failure to complete improvements.
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1129.07	Other utilities.		
1129.08	Street improvements.		
1129.09	Monuments.		
1129.10	Street trees.		
1129.11	Street name signs.		
1129.12	Extra-size and off-site improvements.		

CROSS REFERENCES

Street excavations - see S. & P.S. Ch. 901
 Photographs or inspection reports required for new sewers - see S. & P.S. 915.05
 Tree planning and management - see S. & P.S. Ch. 949
 Final plat approval required improvement installation or performance guarantees - see PLAN. & PLAT. 1125.05(a)
 Street planning - see PLAN. & PLAT. 1127.03
 Block planning - see PLAN. & PLAT. 1127.04
 Lot design - see PLAN. & PLAT. 1127.05
 Improvement drawings and specifications - see PLAN. & PLAT. 1131.04(b)
 Topsoil removal - see BLDG. Ch. 1367

1129.01 COMPLIANCE AND INTENT.

The land improvements which are hereby required shall be designed, furnished and installed by the developer in accordance with the provisions of these Land Planning and Subdivision Regulations and other codes of the City, and shall be installed before the final plat is approved, or in lieu thereof agreements to install any or all utilities shall be approved concurrent with the approval of the final plat.

It is intended that the developer shall dedicate all land required for public rights of way within the subdivision and furnish and install all improvements in order to provide a complete and coordinated system of streets and utilities for the neighborhood, in accordance with the Thoroughfare Plan and adopted utility plans.
(Ord. 1964-62. Passed 7-16-64.)

1129.02 REQUIRED IMPROVEMENTS.

The land improvements required of the developer of a subdivision, as set forth in this chapter, are determined according to the type and size of lots, to the accessibility of a sewer and water system and the relationship to existing and planned streets.

- (a) Rights of Way and Easements. Land for the right of way for the opening or extension of any street within or on the boundary of the subdivision shall be dedicated by the developer, and all easements for the extensions of utilities shall be provided.
- (b) Construction; Extensions; Off-Site and Extra-Size Improvements. Improvements, such as utilities, pavements, walks and other land improvements as required by the schedules set forth in this chapter shall be designed, furnished and installed as hereinafter set forth or required by other codes of the City. The improvements shall be of such sizes and capacities as are required for the development of the proposed subdivision and of extra sizes as may be necessary to serve nearby land which is an integral part of the neighborhood service or drainage areas. Such improvements shall be subject to the approval of the Director of Engineering. The developer shall be required to extend the improvements to serve adjoining unsubdivided land. If streets or utilities are not available at the boundary of a proposed subdivision, the Planning Commission may require the developer to construct off-site extensions of the improvements. Procedures for providing any necessary extra-size and off-site improvements and general standards for prorating costs are set forth in Section 1129.12.
- (c) Schedule of Improvements. The developer shall provide and install, within the proposed subdivision, land improvements for one-family districts, classified according to lot widths, and multi-family and business districts, not less than set forth in the following schedule for development in any use district:

Required Improvements

Grading	Streets and lots
Drainage facilities	Open ditch or sewer system
Sanitary facilities	Septic tanks or sewer system
Water supply	Public supply
Streets	Pavement and curb
Walks	Both sides
Trees	Required
Monuments	Required.

(Ord. 1964-62. Passed 7-16-64.)

1129.03 GRADING.

(a) Grading Plan. Subdivisions shall be planned to take advantage of the natural topography so as to minimize grading as set forth in Section 1127.02. A grading plan shall be prepared for the street areas along with the street improvement details, and before buildings may be constructed, a detailed land development plan shall be prepared showing the buildings and the grading of each block and lot.

(b) Block Grading. The grading of blocks and lots shall be in accordance with the current standards established by the Director of Engineering. The plans may be based on any of the following grading systems:

- (1) Where there is a ridge along rear lot lines and the lots drain to the streets;
- (2) Where parts of all lots drain to a swale or ditch along rear lot lines;
- (3) Where there is a gentle or a steep cross slope and drainage onto adjoining properties;
- (4) Where the land is relatively flat and adequate drainage must be formed; or
- (5) Where there is a variation of the above conditions.

The grading of the roadway shall extend the full width of the right of way. Tree lawns shall be graded at a gradient of not less than two percent nor more than five percent upward from the curb to the sidewalk or property line.

(c) Lot Grading. The floor elevation of each building shall be set in relation to the street. The lot shall be graded so that water drains away from each building at a minimum grade of two percent. Surface drainage swales with a grade of between 0.5 percent and two percent shall be designed so that surface water will drain into a street gutter, storm sewer, drain inlet or natural drainage way. Surface drainage swales with grades in excess of two percent shall have paved inverts. The minimum grades of driveways shall be 0.4 percent and a maximum of ten percent. Grading shall 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 one and one-half to one and shall be seeded or sodded as directed by the Director. Masonry retaining walls exceeding three feet in height shall have a hedge, fence or rail at the top edge of the wall.

(d) Topsoil and Trees. The Director may require that topsoil stripped from the roadway and construction areas shall be preserved for use on each site. The Planning Commission may also require that as many trees as can be reasonably utilized in the final development plan be preserved.

(Ord. 1964-62. Passed 7-16-64.)

1129.04 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 Director of Engineering. 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 Commission, the developer may rechannel any watercourse 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 City for a drainage channel not less in width than required by a plan or standards adopted by the City or as directed by the Director. The developer shall be responsible for clearing the drainage way of all debris as a condition of acceptance. The Director 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 Director of Engineering or the County Engineer. Whoever has jurisdiction, in accordance with the Engineering Design Manual for Sanitary Sewerage and Drainage Facilities published by the Regional Planning Commission, the February, 1952, edition.
(Ord. 1964-62. Passed 7-16-64.)

1129.05 SANITARY FACILITIES.

Sanitary facilities shall be designed and constructed by the developer as required for the district in which the proposed subdivision is located for the proper disposal of wastes for each lot, as follows:

- (a) Public System. Where sanitary sewers and a sewer outlet are accessible within 1,500 feet of the proposed subdivision, a public sanitary sewer system and a house connection shall be provided for each lot.
- (b) Independent System. Where sanitary sewers and a sewer outlet are not within 1,500 feet of the proposed subdivision, the Director of Engineering may permit the design and construction of an independent sanitary system, including a primary and secondary treatment plant and a house connection for each lot, provided that a permit has been issued by the State and that such a system is designed and the plant located so that it can be integrated into the Regional Sewer and Water Plan of Cuyahoga County or a sewer plan of the City and the temporary treatment plant abandoned when public trunk sewers are installed. All operating costs shall be paid for by the benefiting property owners.
An independent treatment plant shall be located on a site of sufficient area to serve the entire tributary area and shall be located at least 300 feet from any dwelling.
- (c) Septic Tanks. Where sanitary sewers and a sewer outlet are not accessible within 1,500 feet of the proposed subdivision, and where an independent system is not provided, individual septic tanks for each lot may be installed if approved by the County Board of Health. In addition, the Director may require the construction of sanitary sewers and laterals for house connections, all of which are to be capped, if the construction of a trunk sewer is planned or programmed for the area.

- (d) Design Standards. The sanitary sewer and independent treatment system shall be designed and constructed in accordance with the standards and plans of the Director of Engineering or the Cuyahoga County Sanitary Engineer where he may have jurisdiction. Trunk sewers shall be designed and constructed in accordance with the Engineering Design Manual for Sanitary Sewers and Drainage Facilities by the Regional Planning Commission. Septic tanks shall be designed and constructed in accordance with regulations of the County Board of Health. The developer shall construct and pay for all sanitary sewers to adequately serve the proposed subdivision. If extra-size or off-site sewers are required, the standards for prorating costs as set forth in Section 1129.12 shall be used. (Ord. 1964-62. Passed 7-16-64.)

1129.06 WATER SUPPLY.

A water system shall be designed and constructed by the developer, as required for the district in which the subdivision is located, and a supply provided for each lot, as follows:

- (a) Public Supply. Where a public water supply and a main are within 1,000 feet of the subdivision, a public water system shall be provided for fire protection and a house connection shall be provided for domestic use to serve each lot.
- (b) Wells. Where a public main is not within 1,000 feet of a proposed subdivision, a well shall be provided for each lot.
- (c) Design Standard. A public water system shall be designed and constructed in accordance with the standards and plans of the City of Cleveland Water Department and of the City of Westlake. Private wells shall be designed and constructed in accordance with the standards of the County Board of Health. The developer shall construct and pay for all water mains necessary to serve the subdivision. If extra-size or off-site water lines are required, standards for prorating costs as set forth in Section 1129.12 shall be used. The developer shall provide a temporary easement if the streets are not dedicated prior to installation of the water lines. (Ord. 1964-62. Passed 7-16-64.)

1129.07 OTHER UTILITIES.

In all subdivisions of five or more lots:

- (a) Underground Communication Required.
- (1) The preliminary plan of any new subdivision shall be submitted to all utility companies serving the subdivision as well as the Director of Inspections for their recommendations.
 - (2) Utility easements ten feet in width for communication and electric power and street lighting distribution lines and facilities shall be provided on all front lot lines and along certain side or rear lot lines where necessary.
 - (3) Prior to granting final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the following in accordance with the requirements of Chapter 1305 entitled National Electrical Code:

- A. Underground communication cables;
- B. Underground distribution cables for power and street lighting from a common distribution system, and the equipment and housing necessary in the operation of the distribution system; and
- C. Adequate provision for street light lamps and standards in accordance with a design approved by Council.

The subdivider shall bear the increase in costs, if any, over the normal mode of construction of communication or electrical lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations of the telephone or electric company involved.

- (4) The Director of Inspections may authorize a variance from these regulations when undue hardship may result from strict compliance. In granting any variance, the Director shall prescribe only conditions that he deems necessary or desirable for the public interest and when he finds that there are special circumstances or conditions affecting the property such that the strict application of the provisions of this section would deprive the applicant of the reasonable use of his land.

(b) Requirements for Underground Electric Power and Street Lighting.

- (1) In a new subdivision of five or more lots, all communication, electric power and street lighting wires, conduits or cables to serve lots in such subdivision shall be constructed underground and upon easements provided for utilities, except that those wires, conduits or cables owned by or serving individual customers and located wholly on the customer's property need not be located upon easements. The subdivider shall bear the increase in costs, if any, over the normal mode of construction of communication or electric lines and facilities, as determined by the telephone or electric company involved in accordance with the rules and regulations of the telephone or electric company involved.
- (2) All underground communication, electric power and street lighting wires, conduits or cables shall be constructed in accordance with the standards required in The Public Utilities Commission of Ohio Rules, Regulations and Specifications for Situations Where Electric Lines Cross or More or Less Parallel the Line of a Railroad, Interurban Railway, or Other Public Utility and Safety Rules for Electric Supply and Communication Lines, published by the State of Ohio, 1967, or by other regulations of the Public Utilities Commission of Ohio.
- (3) Provision shall be made for the installation of street lighting standards on minor streets by the electric utility serving the subdivision at a minimum mounting height of fifteen feet for luminaires and spaced no farther apart than every fourth lot.

Provisions shall be made for the installation of street lighting standards on major or collector streets by the electric utility serving the subdivision to provide lighting intensity meeting the minimum recommendations of American Standard Practice for Roadway Lighting.

Until used, the wiring as provided shall be safety insulated and/or de-energized.

- (c) The developer shall make arrangements for the installation of gas mains and shall submit drawings to the Director of Engineering for approval.
- (d) The provisions of this section shall be applicable to One-Family Residence Districts, Multi-Family Residence Districts, Shopping Center Districts and General Business Districts.
(Ord. 1969-13. Passed 12-4-69.)

1129.08 STREET IMPROVEMENTS.

The developer shall design and furnish pavements, curbs and gutters of sizes and types in one-family and multi-family developments not less than set forth in the following schedule.

The Planning Commission shall determine appropriate and reasonable improvements that shall be required for each development in Business and Industrial Districts.

<u>Improvement</u>	<u>One-Family Residence District</u>	<u>Multi-Family Residence District</u>
<u>LOCAL STREET</u>		
Pavement width	25 feet	29 feet
Base	4 inches	4 inches
Surface	7-inch reinforced concrete	7-inch reinforced concrete
Curb and gutter	Integral - mountable	Integral - mountable
<u>SECONDARY STREET</u>		
Pavement width	Minimum 25 feet	29 feet
Base	4 inches	4 inches
Surface	9-inch reinforced concrete	9-inch reinforced concrete
Curb and gutter	Integral-mountable	Integral-mountable

- (a) Pavements. The width of the pavement shall be measured from back to back of curbs. The Planning Commission, on the advice of the Director of Engineering, may require higher standards and/or greater widths than set forth above because of extraordinary traffic loads or unusual conditions in specific locations. A cul-de-sac shall have a minimum diameter of not less than 100 feet if fully paved. A cul-de-sac may have a planter in the center thereof but if a planter is provided the diameter of the cul-de-sac shall be of sufficient size as approved by the Planning Commission, City Engineer and the safety forces to permit all City vehicles to negotiate the cul-de-sac but in no case shall the pavement width be less than thirty feet measured from back to back of curbs.
(Ord. 1983-58. Passed 9-1-83.)

The preparation of subgrade, the materials and the construction of pavement shall be in accordance with the standards of the City, the County Engineer or the Construction and Material Specifications of the Ohio Transportation Department, the January 1, 1971 edition, whichever is applicable or has jurisdiction, and as directed by the Director of Engineering.

After the underground utilities and house connections are installed and rough grading is complete, the roadway subgrade shall be shaped, rolled and compacted. The developer may 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 bond, in the amount required, guaranteeing that all pavements shall be maintained in a passable and reasonable condition, without expense to the City, until acceptance of final pavement for maintenance and use by the City.

- (1) Temporary roadway. After the underground installations have been completed, the owner shall cause that area to be occupied by the future pavement to be excavated to a depth of at least fifteen inches below and parallel with the established finished pavement grade. Over such area he shall place a No. 12 slag (or comparable material) base, choked with slag screenings and rolled to a compacted thickness of at least eight inches. The surface of this base shall be maintained by the owner at not less than seven inches below finished grade at all times during the period in which building construction work is in progress and until such time that the final pavement work begins. The temporary roadway shall be maintained to the satisfaction of the Director of Engineering at all times.
If accepted by the Director, this material may be allowed to remain as an insulation course when the permanent concrete pavement is being installed.
- (2) Permanent paving. No paving construction shall be started, other than that work required under subparagraph (1) above, until such time that trench backfill material has been allowed to reach its final settlement. This compaction can be acquired either by selected backfill, as directed by the Director, or by natural causes over a longer period of time, and also not until after permission to install such pavement has been granted by the Director. The pavement installations shall be made in accordance with the approved plans and under the inspection furnished by the City and paid for by the owner.
- (b) Curbs and Gutters. Concrete curbs and gutters integral with the pavement shall be provided as required in the district where the subdivision is located. Mountable curbs shall not be used in Business and Industrial Districts. Mountable curbs and gutters shall be of the size as required by the Director.
- (c) Driveways. Driveways shall be located in accordance with the development plan of the block and may be grouped in pairs or spaced separately.
The total pavement width at the curb shall be at least six feet wider than the width of the driveway or as directed by the Director. The grade of the apron shall not exceed five percent for a distance of ten feet from the sidewalk, and the maximum grade of the driveway shall not exceed ten percent.
(Ord. 1989-47. Passed 2-16-89.)

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- (d) Public Sidewalks. Sidewalks shall be provided where feasible as determined by the Director of Engineering on both sides of the street in all districts.
- (1) A. All sidewalks shall be located in the public right of way, so that the edge of the walk is approximately one foot from the limit of the right of way, unless otherwise directed by the Director of Engineering.
(Ord. 1993-102. Passed 5-6-93.)
- B. No sidewalk shall have a grade separation of one-half inch or greater. Where such a separation occurs, it shall be eliminated through such necessary methods as filling gaps, ramping sudden changes in level, leveling or replacement.
- (2) A. On corner lots, each sidewalk shall be extended to the curb with a ramp where the sidewalk meets the street. Unless otherwise approved by the Director, these extensions shall be sloped to meet the street at a slope no greater than 1:12. The maximum rise for any run shall be thirty inches (760 millimeters). The minimum clear width of a ramp shall be thirty-six inches (915 millimeters) exclusive of flared sides. The cross ramp slope shall be no greater than 1:50.
- B. The ramp surface shall be stable, firm and slip resistant. The ramp and their approaches shall be designed so that water shall not accumulate on walking surfaces. If gratings are located in walking surfaces, then they shall have spaces no greater than one-half inch (13 millimeters) wide in one direction. If the gratings have elongated openings, they shall be placed so the long dimension is perpendicular to the dominate direction of travel.
- C. Transitions from ramps to walks, gutters or streets shall be flush and free of abrupt changes.
- D. If a ramp is located where pedestrians shall walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.
- E. Curb ramps shall be located or protected to prevent their obstruction by parked cars. Built up curb ramps shall be located so that they do not extend into vehicular traffic lanes. Curb ramps at marked crossings shall be wholly contained with the markings, excluding any flared sides.

- F. If diagonal (or corner type) curb ramps have returned curbs or other well defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have forty-eight inches (1220 millimeters) minimum clear space. If diagonal curb ramps have flared sides, they shall also have at least a twenty-four inch (640 millimeters) long segment of straight curb located on each side of the curb ramp and within the marked crossing.
- (3) A. No walk shall be less than five feet wide.
- B. When a section of sidewalk currently existing at a width of four feet needs to be replaced, it shall not be replaced with a width of five feet unless the entire area of sidewalk needs to be replaced such that there shall not be an irregular pattern of four feet and five feet sections existing in the same area. An area may include an entire street or the area between two driveways. When a deficient four foot wide section of sidewalk existing in a driveway, it may remain at four feet until such time as the driveway is replaced. At that time the sidewalk shall be built to be five feet wide.
- C. A sidewalk shall not be caused to be less than four feet where the existing adjacent walks are four feet, or five feet upon replacement subject to subsection (d)(3)B. hereof, by any other existing structure or obstacle. In a situation where a structure or obstacle lies in the path of the sidewalk, the structure or obstacle shall be modified to allow the proper width and/or alignment within the public right-of-way or an easement shall be obtained from property owners to allow the proper alignment and/or width of the walk.
- D. Sidewalks shall be constructed of Portland concrete cement not less than four inches thick with 6 x 6 - 10/10 welded wire fabric, except that where they are crossed by driveways, they shall not be less than six inches thick and all sidewalks shall be in accordance with other City standards for construction.
(Ord. 1993-25. Passed 2-4-93.)
- (4) Once eighty percent (80%) of the dwelling units within the new development or subdivision are completed, the owner of the property shall cause sidewalks to be installed in accordance with City standards within sixty days, weather permitting, or the City may cause such sidewalks to be installed at the owner's cost. (Ord. 1995-75. Passed 9-21-95.)
- (e) Curbs at Pedestrian Crosswalks. All new curbs that are authorized to be constructed under these Subdivision Regulations, and all existing curbs which are part of any reconstruction, shall have a ramp with a nonslip surface built into the curb at each pedestrian crosswalk so that the sidewalk and street blend into a common level. Such ramps shall not be less than forty inches wide and shall, insofar as feasible, be

constructed in accordance with the standard drawings and specifications for curb ramps of the Ohio Department of Transportation and the applicable provisions of the Ohio Building Code, which drawings and specifications of the Ohio Department of Transportation and applicable provisions of the Ohio Building Code are hereby adopted and approved and made a part hereof as though fully rewritten herein. (Ord. 1989-47. Passed 2-16-89.)

1129.09 MONUMENTS.

A monument shall be accurately placed at each street intersection, at points of curves of streets and at intermediate points as may be required by the Director of Engineering. The monuments shall be concrete, six inches by six inches by thirty inches long, with an iron pin in the center, or metal monuments as approved by the Director. The top of the monuments shall be set at the finished grade upon the completion of the grading of the streets and lots.

Iron pins shall be accurately placed on each lot at each corner and at changes in direction of the lot boundary. (Ord. 1964-62. Passed 7-16-64.)

1129.10 STREET TREES.

Street trees of species which have been determined by the Tree Commission to be adaptable to local conditions, resistant to damage and disease and which cause the least interference with underground utilities and street lighting shall be permitted in the tree lawn if it is at least seven feet wide. The selection and spacing shall be in accordance with the Street Plan for the City.

- (a) All builders/developers within R-1F-80 and R-1F Cluster Districts in the City are required to post fees to have trees planted by the City Service Department. Such trees must be of a caliper and species recommended by the Tree Commission. The Tree Commission shall set forth three cultivars of trees which shall be planted. Each development may contain all or one of the three cultivars, but only one cultivar per street.
- (b) Once the trees have been selected, the Urban Forestry Manager will determine the recommended spacing and number of trees per lot and total number of trees per development. Said guidelines shall be established and kept on file in the office of the Urban Forestry Manager.
- (c) Trees selected pursuant to this section shall not be planted until a certificate of occupancy has been issued for the residence. Once said certificate has been issued, the Urban Forestry Manager shall determine the proper time to plant said trees.
- (d) The builder/developer shall guarantee the placement of all monies for all street trees required herein to the satisfaction of the Director of Public Service. In order to secure the guarantee, he shall deposit with the City a fee in the amount of two hundred fifty dollars (\$250.00) per tree required as determined by the Urban Forestry Manager. The fee(s) shall be used for the purchase, installation, inspection(s) and care of said trees.

(Ord. 2008-64. Passed 4-3-08.)

1129.11 STREET NAME SIGNS.

Street name signs shall be furnished and installed by the developer in accordance with the standards of the City. The letters and numerals shall be either three or four inches high set on a reflecting material. The signs shall be mounted at a height of approximately seven feet above the top of the curb. Placement of signs shall be in accordance with the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways and placed on diagonally opposite corners, on the far right-hand side of the intersection for traffic on the more heavily traveled street, and as close to the corner as possible. (Ord. 1964-62. Passed 7-16-64.)

1129.12 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 for part of the improvements, but shall not be required to pay for that part of the materials or construction of the pavements of major streets, trunk sewers or water mains which are determined by the Director of Engineering, 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, sanitary sewer or 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 City 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 City may assess against the benefited 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 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 rights 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 City, the following conditions:
- (1) The relative location and size of the proposed subdivision;
 - (2) The traffic estimated to be generated by the development in relation to present streets;
 - (3) The natural drainage area for sewers and the service area for water;
 - (4) The development benefits that will accrue to the subdivision;
 - (5) The sequence of land and utility development in the vicinity; and
 - (6) Any other condition it may find pertinent.
- (Ord. 1964-62. Passed 7-16-64.)

1129.13 DESIGN STANDARDS.

The design of the water system, storm and sanitary sewerage systems and roadways shall be in accordance with the various aforesaid standards and requirements, including all backfill materials as directed by the Director of Engineering. Drawings and specifications for the improvements shall be reviewed and approved by the Director and the installation shall be subject to his continual inspection.

At the completion of the construction, and before acceptance by the Director, the developer shall furnish the City a set of record tracings showing the locations, sizes and elevations of all underground utilities.

(Ord. 1964-62. Passed 7-16-64.)

1129.14 PERFORMANCE GUARANTEE IN LIEU OF INSTALLATION.

(a) Type of Guarantees. The developer may execute and file with the City financial guarantees, in lieu of actual installation or completion, of the required improvements concurrently with the application for approval of the final plat. Such guarantees may be in the form of a performance or surety bond, a certified check or any other type of surety approved by the Director of Finance. (Ord. 1995-159. Passed 7-20-95.)

(b) Terms. The terms of such guarantees shall be determined by Council. However, they shall not be for a longer period than two years unless Council, by resolution, extends the time. Bonds shall be executed by the applicant as principal with a surety company authorized in the State and shall be in a form substantially as shown in Appendix III of these Land Planning and Subdivision Regulations.

(c) Amount of Guarantee. The financial guarantees shall be in an amount equal to the estimated total cost of materials and labor required to install or construct the improvements, plus fifteen percent for engineering and legal fees and contingencies. Such costs shall be determined by the Director of Engineering. When any portion of an improvement has, upon inspection, been found satisfactorily completed, a reduction in the bonds or partial withdrawal of funds equal to the estimated costs of such completed improvements may be authorized.

(d) 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. 1964-62. Passed 7-16-64.)

1129.15 STREET MAINTENANCE DEPOSIT OR BOND.

The developer shall guarantee the construction and materials of the street pavement for a two-year period upon completion of all improvements to the satisfaction of the Director of Engineering and all other improvements for a two year period upon completion of all improvements to the satisfaction of the Director. In order to secure the guarantee, he shall deposit with the City an amount equal to ten percent (10%) of the total cost of the construction of street improvements and all other public improvements in a maintenance fund, or furnish a maintenance bond equal to ten percent (10%) of the total cost of the construction of street improvements and all other public improvements.
(Ord. 1994-194. Passed 9-15-94.)

1129.16 LIABILITY INSURANCE.

The developer shall agree to indemnify and save harmless the City against and from any and all loss, cost, damage, liability and expense on account of damage to property of, injury to or death of persons or parties caused by, growing out of or in any way whatsoever attributable to the construction of such improvements and the use of the street delineated on the subdivision plat during construction. The developer shall further agree, but without limiting his liability to indemnify the City, to carry liability insurance contracts with a reliable insurance company covering the period of such construction in the sum of one hundred thousand dollars (\$100,000) to three hundred thousand dollars (\$300,000) for injury to or death of persons, and in the sum of fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000) for damage to or destruction of property, which insurance contracts shall include the City as a named insured. The developer agrees to maintain on file with the City during the period of such construction, certificates or memoranda of insurance evidencing that such insurance contracts are in force.
(Ord. 1964-62. Passed 7-16-64.)

1129.17 FAILURE TO COMPLETE IMPROVEMENTS.

In the event the developer fails to complete the installation of all land improvements according to the terms and conditions of the agreement, the City, upon proper notice, may complete the same and appropriate such necessary portion of the money or bonds posted for the faithful performance of such work.
(Ord. 1964-62. Passed 7-16-64.)

1129.18 IMPROVEMENTS PRIOR TO BUILDING CONSTRUCTION AND OCCUPANCY.

A building permit may be issued and construction started after the completion of the underground utilities.

An occupancy certificate shall not be issued until all required improvements are completed, except as provided in Section 1125.05(g)
(Ord. 1964-62. Passed 7-16-64.)

**CHAPTER 1130
Buffering**

1130.01 Intent.

1130.02 Purpose.

1130.03 Definitions.

1130.04 General provisions.

1130.05 Applicability.

1130.06 Procedures.

1130.07 Appeals.

1130.99 Penalty.

CROSS REFERENCES

Injuring vines, bushes, trees or crops - see GEN. OFF. 541.06

Fences and hedges - see GEN. OFF. 521.06

Trees and weeds - see S. & P.S. Ch. 949

1130.01 INTENT.

The intent of this chapter is to:

- (a) Extend space or screen undesirable views to reduce the impact of one land use upon another;
- (b) Increase soil water retention through landscape requirements;
- (c) Protect and preserve the appearance and property values of residential uses from adverse effects of adjoining nonresidential uses and certain multi-family uses; and
- (d) Supplement land use planning and not be considered as its substitution.
(Ord. 1975-158. Passed 12-18-75.)

1130.02 PURPOSE.

The purpose of this chapter is to promote the health, safety, morals and general welfare of the residents of the City by providing for space requirements and visual screen landscape buffers to remove, reduce, lessen or absorb the shock of impact of incompatible uses of real properties between one use or zone district and another.

(Ord. 1975-158. Passed 12-18-75.)

1130.03 DEFINITIONS.

As used in this chapter:

- (a) "Landscaping" means living materials, including, but not limited to, grass, ground covers, shrubs, vines, hedges, trees and nonliving durable material commonly used in landscape development.

- (b) "Screen" means plant material or other nonliving durable material, including, but not limited to, walls, berms or decorative wood fencing.
- (c) "Opacity" means the state of being impervious to rays of light measured by observation of any two square yard area lying between two feet and ten feet from the ground.
- (d) "Shrub" means a self-supporting, deciduous and/or evergreen species, normally branched near the base, bushy and less than fifteen feet in height, as normally grown in Cuyahoga County.
- (e) "Tree" means a self-supporting, woody, deciduous and/or evergreen plant with a well defined central stem or a species of such plant that normally grows to a height of fifteen feet or more in Cuyahoga County.
- (f) "Vine" means a plant that normally requires physical support to reach mature form.
(Ord. 1975-158. Passed 12-18-75.)

1130.04 GENERAL PROVISIONS.

- (a) Materials. Landscape buffering may include, but shall not be limited to, trees, shrubs, bushes, earth berms or a combination thereof.
- (b) Screening. Screening shall consist of plant material or other nonliving durable landscape material. (Ord. 1991-83. Passed 5-16-91.)
- (c) Buffered Areas.
 - (1) Location and width. Buffering shall be located on those less restrictive portions of land bordering or abutting a more restrictive zoned or use district and shall be a minimum of ten feet in width. In Business Districts, Planned Office Districts, Multi-Family Districts and Automobile Parking Districts, buffering width shall be not less than thirty feet when bordering or abutting a Residential District. Plant material and screening shall be distributed within the buffer area so as to provide the desired opacity and visual screening. (Ord. 1994-195. Passed 11-17-94.)
 - (2) Use. Designated buffered areas shall be used for no other purpose than plantings or screening. Required buffer areas shall not be used for open retention basins or driveway access unless approved by the Planning Commission.
 - (3) Design. A buffered area shall be designed to permit access to easement tracts to grantees to perform the functions for which the easements were granted and to facilitate use of such easement areas for fire protection purposes.
 - (4) Opacity. Where buffering is required, the buffer material and screening shall provide a minimum of eighty percent (80%) opacity in the summer and sixty percent (60%) opacity in the winter when viewed from two feet to ten feet above the adjacent ground level.

(d) Fences and Walls. Fences shall be acceptable as part of a landscape buffer where traffic noise and lights create a need for a greater buffer. When used, they shall be a decorative style and type. Walls and berms may be used in unusual cases, as may be required by the Planning Commission to fulfill the buffering requirements.

(e) Natural Plantings Requirements. Where natural plantings and trees exist in yards requiring buffering, such natural plantings and existing trees shall be preserved and grades maintained so as to provide eighty percent (80%) summer opacity and sixty percent (60%) winter opacity when viewed from two feet to ten feet above ground level. Additional landscape material and screening may be required to supplement the natural plantings to meet the desired opacity.

(f) Buffering Effect. The desired buffering shall be achieved not later than twelve months after the initial installation. The Planning Commission may extend this period of time when a hardship would be created because of expected growth or material shortages, but the Commission shall not extend such period beyond five years from the time the initial installation was to have been or has been installed.

(g) Modification Requirements. The Commission may modify or change the location of a buffer area contiguous to side and rear property lines where topographical problems prevent the installation of buffer materials or where the buffering effect cannot be reasonably obtained at the lot line.

(Ord. 1991-83. Passed 5-16-91.)

1130.05 APPLICABILITY.

(a) Landscape buffering shall be mandatory between residential zoning and uses and R-MF-40, R-MF-24, and R-MF-15 Districts and between residential uses and zones and abutting Office Building, Shopping Center, Industrial, General Business, Recreation Business, Office-Laboratory and Interchange Services District, and a minimum of 10' buffer between non-residential uses and residential uses within any residential district.

(Ord. 2011-156. Passed 1-19-12.)

(b) All buffering requirements imposed under the provisions of this chapter shall be installed and constructed before a Certificate of Occupancy is issued for a new building or structure or a vehicular use area is used or occupied. No existing building, structure or vehicular use area adjoining a Single-Family or Multi-Family District shall be expanded, altered or modified until the plans are submitted by the owner or developer to the Planning Commission. The Commission shall review such plans to determine if the changes adversely affect any properties in a Single-Family or Multi-Family District. The Commission, after its review, shall require, where necessary, the establishment of a landscape buffering area or a revision of a previously established buffered area.

(c) Owners or developers of off-street parking areas shall be required to include a plan for buffering the parking area. Such plan shall be submitted to the Commission for approval. Such plan may be included as a part of the development plot plan when a submission of a development plot plan is required.

(Ord. 1975-158. Passed 12-18-75.)

1130.06 PROCEDURES.

(a) When an application for a development plan is made, the Director of Planning shall determine if the buffering requirement might be applicable. If he determines that the request comes under the buffering requirement, the Director shall so advise the applicant and shall submit a request to the Planning Commission that the matter be reviewed once the applicant has furnished the Commission with the following:

- (1) A copy of the site plan;
- (2) The topography of the building site and surrounding area; and
- (3) A complete description of the area to be constructed or modified.

(b) The applicant shall provide the Commission with a detailed description and sketch of the landscape buffer, preferably prepared by a landscaping expert, which visually and verbally outlines the nature and the effect of the proposed landscape buffer.

(c) The Commission may request photographs or other descriptive data if the Commission deems such data necessary.

(d) The Commission shall notify all owners immediately adjacent to the property in question prior to any meeting at which the landscape buffering requirement will appear on the agenda.

(e) A certificate of occupancy shall not be granted until buffering requirements have been completed. If compliance is delayed because of the growing season, a temporary permit to occupy may be granted by the Director of Inspections. Such delay should not extend beyond the next growing season following the date upon which the certificate of occupancy is requested.

(f) Where buffering is required, a building permit shall not be issued by the Director of Inspections until an agreement has been reached between the applicant and the Commission as to the buffering requirement. The agreement between the Commission and the owner and/or developer shall include, among other requirements, provisions for the following:

- (1) Maintenance of the landscape buffer on the part of the applicant;
 - (2) Replacement procedures for any portion of the landscape buffer that is for any reason no longer viable;
 - (3) Replacement of the landscape buffer involving plant material that does not extend beyond the next growing season;
 - (4) Replacement of landscape material such as fences; and
 - (5) Replacement of landscape material within sixty days from the date of notification by the Director of noncompliance.
- (Ord. 1988-63. Passed 5-19-88.)

1130.07 APPEALS.

Any decision or determination by the Director of Inspections or the Planning Commission pertaining to buffering requirements may be appealed to the Board of Zoning Appeals under the procedures established in Article IV, Section 10, of the City Charter and under Chapter 1233 of these Codified Ordinances.

(Ord. 1975-158. Passed 12-18-75.)

1130.99 PENALTY.

(a) Whoever violates or fails to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor for the first offense and a fourth degree misdemeanor for any subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 1995-76. Passed 5-4-95.)

(b) Whoever has control of any land or structure whereon or wherein a violation of any of the provisions of this chapter occurs, and any other person who assists in the commission of any such violation, shall be guilty of a separate offense and shall be liable to the penalty provided herein.

(Ord. 1975-158. Passed 12-18-75.)

**CHAPTER 1131
Plans and Plats**

1131.01	Purpose.	1131.03	Preliminary plan for major subdivision.
1131.02	Sketch plan for minor subdivision.	1131.04	Final plat for major subdivision.

CROSS REFERENCES

Maps, plans and plats defined - see PLAN. & PLAT. 1123.05
 Submission of sketch plans for minor subdivision - see PLAN. & PLAT. 1125.03
 Submission of preliminary plan for major subdivision - see PLAN. & PLAT. 1125.04
 Submission of final plat for major subdivision - see PLAN. & PLAT. 1125.05
 Plans for multi-family, business and industrial developments - see PLAN. & PLAT. 1125.07
 Outline of procedures - see PLAN. & PLAT. App. I

1131.01 PURPOSE.

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 and preparing plans and for reviewing, approving and recording plats.
 (Ord. 1964-62. Passed 7-16-64.)

1131.02 SKETCH PLAN FOR MINOR SUBDIVISION.

The developer shall furnish with the application for approval of a sketch plan for a minor subdivision, as provided in Section 1125.03, either separate or combined, the following:

(a) Maps and Data.

- (1) Property description. A drawing or print showing by scale and dimensions the parcel which is to be subdivided and all contiguous land of the same ownership, the name of the owner and of adjoining property owners, including designations of parcels according to official records, and bearing and distance to the nearest intersection of dedicated streets.

- (2) Topography. Information on the topography and drainage of the proposed subdivision and within fifty feet thereof.
- (3) Utilities. Information on the accessibility of required utilities.
- (4) Structures. Locations of existing structures on the parcel, residential structures on adjoining parcels within twenty-five feet of the proposed subdivision and all nonresidential structures on adjoining parcels.
- (b) Sketch Plan. The sketch plan shall be clearly drawn, at a scale of not less than fifty feet to the inch, showing:
 - (1) The proposed layout;
 - (2) Dimensions of each lot;
 - (3) Existing dedicated streets (including the full widths and names);
 - (4) Required building line on all proposed lots;
 - (5) Lot numbers; and
 - (6) North point.(Ord. 1964-62. Passed 7-16-64.)

1131.03 PRELIMINARY PLAN FOR MAJOR SUBDIVISION.

The developer shall furnish with the application for approval of a preliminary plan of a major subdivision, as required in Section 1125.04, the following maps, data and plans:

- (a) Maps and Data. Maps and data, either separate or combined, as follows:
 - (1) A vicinity map, such as a section of the 400-foot scale municipal map, showing thereon the location of the proposed subdivision and its relationship to adjacent developments, streets and all community facilities which serve or influence it.
 - (2) 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, and structures on the parcel and within twenty-five feet on adjoining properties.
 - (3) A topographic map, showing contours at two-foot intervals based on the County datum. It shall show approximate direction and gradient of ground slope on immediately adjacent land; indicate typical subsurface characteristics of the tract; show watercourses, marshes, wooded areas and other significant features. The topographic map may be compiled by photogrammetric methods and shall be at the same scale as the preliminary plan.
 - (4) Titles and certifications indicating present parcel designations according to official records, name of developer, name and address of owners, certification of registered surveyor, scale as the preliminary plan.
- (b) Preliminary Plan. The preliminary plan shall be prepared in accordance with the planning principles set forth in Chapter 1127. The plan shall be accurately and clearly drawn at a scale of fifty feet to one inch. It may be drawn in pencil on transparent tracing paper. The drawing shall include topographic and property line data, the surrounding streets and lots, and the proposed plan or alternate plans of the subdivision, and show the following:

- (1) Streets: the layout, right-of-way and pavement widths and names;
 - (2) Other rights of way: location, width and purpose;
 - (3) Lots: number and approximate dimensions;
 - (4) Sites to be reserved or dedicated for parks, playgrounds or other public uses;
 - (5) Sites for multi-family, institutional, business or industrial uses;
 - (6) Building lines on all lots; and
 - (7) Title, graphic scale; north arrow and date.
- (c) Other Preliminary Plans. The Planning Commission may require additional preliminary drawings showing information such as street profiles and grades, proposed sanitary and storm sewers and water service, or the prospective street system of adjacent land owned by the developer.
- (d) Ownership. The Commission shall require that the owner certify ownership and approval of the preliminary plan.
- (e) Modification. The Commission may modify or vary the strict application of the lot dimension requirements set forth in Sections 1127.05 and 1211.08 where the size, shape and topography restrict development, provided that the modification is within the intent and spirit of the subdivision regulations, and further provided that any modification will be set forth in the minutes of the Commission and made a condition of its approval.
(Ord. 1987-37. Passed 3-19-87.)

1131.04 FINAL PLAT FOR MAJOR SUBDIVISION.

The developer shall furnish, with the application for approval of a final plat of a subdivision, as required in Section 1125.05, the following plans, data and plats:

- (a) Final Plat. The plat shall be drawn and signed in India ink on tracing cloth at a scale of fifty feet to one inch. Sheets shall be not less than eighteen inches by twenty-four inches or larger than thirty-six inches 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 shall show the following information:
- (1) Control points. Control points to which all dimensions, angles and bearings are to be referred; nearest established street line, 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 lines; 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 and all bearings or deflection angles to the nearest second;
 - (3) Streets. Name and width of each street within the proposed subdivision and those adjoining;
 - (4) Setback. Building setback lines on all lots;

- (5) Lot and block identification. Number or letter, in progressive order, for each lot and block conforming with the County Recorder's procedures;
 - (6) Dedication and acceptance. Boundaries and, by graphic symbols, all parcels which are to be dedicated or reserved for public use or easements;
 - (7) Monuments. Location and description of those found, set or to be set;
 - (8) Ownership. Names of owners of record of adjoining unplatted land;
 - (9) Subdivision plats. Reference to adjoining platted land by name and by volume and page of County Recorder's maps;
 - (10) Owner's certification. Certification by owner of acceptance of plat and statement offering dedication of streets, rights of way and any sites for public use or sites reserved by deed covenants for common use of all property owners;
 - (11) Surveyor's certification. Certification and seal by a registered surveyor as to preparation and details of survey and plat;
 - (12) Protective covenants. Protective covenants if any, referenced to or included on plat;
 - (13) Title. Title, including name of subdivision, municipality, county, state, original township section, tract or lot; scale, shown graphically; north arrow and date;
 - (14) Appendix forms. The titles, certificates, statements, etc., set forth above shall be in accordance with the forms in Appendix II of these Regulations.
- (b) Drawings and Specifications. Drawing showing cross-sections, plans and profiles, elevations, construction details and specifications for all required land improvements. They shall be prepared in accordance with the requirements of Chapter 1129.
- (c) Certification by Director of Engineering. Certification by the Director stating that the developer has:
- (1) Designed and installed improvements in accordance with the provisions of these Regulations and any conditions set forth by the Planning 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. Protective covenants, if any, in final form, to be recorded separately;
- (e) Modification. The Planning Commission may modify or vary the strict application of the lot dimension requirements set forth in Sections 1127.05 and 1211.08 where the size, shape and topography restrict development, provided that the modification is within the intent and spirit of these Subdivision Regulations, and further provided that any modification will be set forth in the minutes of the Commission and made a condition of its approval.
- (f) Other Data. Other data, certificates or affidavits as may be required by the Commission in the enforcement of these Land Planning and Subdivision Regulations.
(Ord. 1987-38. Passed 3-19-87.)

CHAPTER 1133
Modifications; Appeals; Fees and Penalty

1133.01	General intent of Regulations.	1133.06	Conflict of interest.
1133.02	Modifications.	1133.07	Sale or lease of lots.
1133.03	Appeals.	1133.08	Amendments.
1133.04	Commission may plat	1133.09	Separability.
	unsubdivided areas.	1133.99	Penalty.
1133.05	Schedule of fees.		

CROSS REFERENCES

Mandatory referral of amendments to regulations - see CHTR.
 Art. IV, Sec. 9(e)
 Violations of regulations - see Ohio R.C. 711.102
 Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15
 Progressive unit installation; sale of lots - see PLAN. & PLAT.
 1129.14(d)

1133.01 GENERAL INTENT OF REGULATIONS.

These Land Planning and Subdivision Regulations shall be considered minimum requirements for the protection of the public health, safety, comfort, prosperity or general welfare, pursuant to the authority of the State platting and land subdivision statutes, Ohio R.C. Chapter 711, or such statutes hereafter in effect, and shall be construed most favorably to the City as encouraging standards of planning and development exceeding these basic and minimum Regulations.

(Ord. 1964-62. Passed 7-16-64.)

1133.02 MODIFICATIONS.

Where the Planning Commission finds that the land involved in a subdivision is of such size or shape, is subject to such title limitations, is affected by such topographical conditions or is to be devoted to such usage that it is impossible or impracticable in the particular proposal for the developer to conform fully to a provision of these Land Planning and Subdivision Regulations, the Commission may accept such adjustments as may be reasonable, if within the general intent and purpose of these Regulations.

(Ord. 1964-62. Passed 7-16-64.)

1133.03 APPEALS.

A developer aggrieved by any action of the Planning 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.
(Ord. 1964-62. Passed 7-16-64.)

1133.04 COMMISSION MAY PLAT UNSUBDIVIDED AREAS.

The Planning Commission may, pursuant to the authority of Ohio R.C. Chapter 713 and Sections 735.17 to 735.26, inclusive, or such statutes hereafter in effect, prepare plans of unsubdivided or improperly subdivided areas showing a pattern of future streets and public open spaces. After a public hearing, such plans or parts thereof may be adopted and recorded by the Commission. Thereafter no subdivision may be approved and no street may be accepted or improved unless it conforms substantially to such recorded plan, and no applications for a permit to construct a building on land shown within the right of way of a planned street shall be issued until such land has been acquired or reserved for street purposes, but such permit may not be withheld for a period exceeding ninety days.
(Ord. 1964-62. Passed 7-16-64.)

1133.05 SCHEDULE OF FEES.

(EDITOR'S NOTE: The schedule of fees is now contained in Chapter 1115 of the Planning and Platting Code.)

1133.06 CONFLICT OF INTEREST.

Officials and employees of the City shall not be employed by or receive compensation from any developer for the planning of, or in seeking approval of, any subdivision or development within the jurisdiction of these Land Planning and Subdivision Regulations.
(Ord. 1964-62. Passed 7-16-64.)

1133.07 SALE OR LEASE OF LOTS.

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

(b) Sale of Lots. The sale of lots or parcels 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 owners 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 herein provided.
(Ord. 1964-62. Passed 7-16-64.)

1133.08 AMENDMENTS.

Amendments to these Land Planning and Subdivision Regulations may be initiated by the Planning Commission or Council. If initiated by Council they shall be referred to the Commission. If the amendment is approved by the Commission, Council may adopt the ordinance by a majority vote. If, however, such amendment is not approved by the Commission, such ordinance may be adopted only by a two-thirds vote of the entire membership of Council.
(Ord. 1964-62. Passed 7-16-64.)

1133.09 SEPARABILITY.

If any section, subsection, sentence, clause or phrase of these Land Planning and Subdivision Regulations is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portion of these Regulations.
(Ord. 1964-62. Passed 7-16-64.)

1133.99 PENALTY.

(a) Violations. Whoever violates any rule or provision of these Land Planning and Subdivision Regulations for which no penalty is otherwise provided shall be fined not more than one thousand dollars (\$1,000).

(b) Transfer of Land Before Recording. Whoever, being the owner or agent of the owner of any land located within the jurisdiction of these Regulations, willfully transfers any lot or parcel of such land from or in accordance with any plat of a subdivision, before such plat has been recorded, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or parcel of land sold. The description of such lot or parcel by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeit herein provided. The City may enjoin such sale or agreement by a civil action in any court of competent jurisdiction.
(Ord. 1964-62. Passed 7-16-64.)

(c) Posting of Plats and Plans. Whoever violates or fails to comply with any of the provisions of Section 1125.11 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for the first offense. For a second or subsequent offense, such person shall be guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.
(Ord. 1977-154. Passed 9-1-77.)

**CHAPTER 1135
Erosion and Sedimentation
In Land Development**

1135.01	Requirements.	1135.07	Approved plan modification.
1135.02	Standards and criteria.	1135.08	Exceptions to plan requirement.
1135.03	Sediment control plan content.	1135.09	Exemptions.
1135.04	Plan review.	1135.10	Variance.
1135.05	Guarantees for completion of work.	1135.99	Penalty.
1135.06	Inspection to insure compliance.		

CROSS REFERENCES

Grading and drainage - see BLDG. Ch. 1363

Removal of topsoil - see BLDG. Ch. 1367

1135.01 REQUIREMENTS.

No person shall cause or allow earth-disturbing activities on a development area except in compliance with the standards and criteria set out below:

- (a) When a proposed development area consists of one or more acres and earth-disturbing activities are proposed for the whole area or any part thereof, the responsible person shall develop and submit for review an erosion and sediment control plan prior to any earth-disturbing activity. Such a plan shall contain sediment pollution control practices so that compliance with other provisions of this chapter will be achieved during and after development. Such a plan shall include specific requirements established by the City and shall be filed with the City.
- (b) When a proposed development area involves less than one acre, it is not necessary to submit a sediment control plan; however, the responsible person shall comply with the other provisions of this chapter. All earth-disturbing activities shall be subject to surveillance and site investigation by the City to determine compliance with the standards and regulations.
(Ord. 1987-187. Passed 2-18-88.)

1135.02 STANDARDS AND CRITERIA.

The City of Westlake, Ohio, Erosion and Sedimentation in Land Development Handbook, the "Water Management and Sediment Control for Urbanizing Areas" handbook prepared by the Soil Conservation Service, the Ohio Rain Water and Land Development manual, ODOT Siltation Controls or other manual that is acceptable to the Director of Engineering or the Ohio EPA are hereby adopted for the purpose of establishing recommended standards and criteria to control pollution of public waters by soil sediment and other pollutants from accelerated erosion by erection, construction, alteration, repair and to apply and maintain a level of management and conservation practices to control sediment pollution. The Erosion and Sedimentation Plan shall be combined with the Post-Construction Water Quality Plan and the Riparian and Wetland Setback Plan, if required to create a comprehensive Storm Water Management Plan for the site as required by the Ohio EPA as part of the NPDES Storm Water Permit for General Construction. (Ord. 2010-167. Passed 12-2-10.)

1135.03 SEDIMENT CONTROL PLAN CONTENT.

In compliance with this section, a sediment control plan for a proposed development area, with maps drawn to scale of not less than one inch equals fifty feet, shall be submitted containing the following information.

- (a) Location of the area and its relation to its general surroundings, including but not limited to:
 - (1) Off-site areas susceptible to sediment deposits or to erosion caused by accelerated runoff;
 - (2) Off-site areas affecting potential accelerated runoff and erosion control; (Ord. 1987-187. Passed 2-18-88.)
- (b) A description of the total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavating, filling or grading, including off-site borrow, fill or spoil areas and off-site utility installation areas);
- (c) The location of existing buildings, structures, utilities, water bodies, drainage facilities, vegetative cover, paved areas (streets, roads, driveways, sidewalks, etc.) and other significant natural or man-made features on the development area and adjacent land within 100 feet of the boundaries;
- (d) A general description of the predominant soil types, their location and their limitations for the proposed use;
- (e) Proposed use of the development area including present development and ultimate utilization with detail on soil cover, both vegetative and impervious;
- (f) All proposed earth disturbance including:
 - (1) Areas of excavation, grading and filling;
 - (2) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes;
 - (3) Kinds of utilities and proposed areas of installation;
 - (4) Proposed paved and covered areas in square feet or to scale on a plan map;
 - (5) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement; description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay, stony, etc.;
 - (6) Proposed kind of cover on areas not covered by buildings, structures or pavement; description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, riprap, mulch, etc.;

- (g) Provisions for temporary and permanent erosion control;
- (h) Proposed construction sequence and time schedule for all earth-disturbing activities and installation of provisions of erosion and stormwater management;
(Ord. 1987-187. Passed 2-18-88.)
- (i) Proposed construction sequence, locations, and time schedule for all earth-disturbing activities with proposed installation and details of erosion and sediment pollution control BMPs to be installed and operational during each phase of the construction sequence.
- (j) Design computations and applicable assumptions for all erosion and sediment pollution control BMPs. Volume and velocity of flow shall be given for all surface water conveyance. This information shall also be provided for surface water outlets;
- (k) Estimate of cost of erosion and sediment control and water management structures and features;
- (l) Title, scale, direction, legend and date of all plan maps;
- (m) Name and address of the person preparing the plan, the owner and the person responsible for the development area; (Ord. 1987-187. Passed 2-18-88.)
- (n) Location and detail of designated construction entrances where vehicles will access the construction site;
- (o) In-stream activities, including stream crossings;
- (p) Areas designated for the storage or disposal of solid, sanitary and toxic wastes, locations of dumpsters, fuel tanks, cement truck washouts and any other potentially hazardous debris or waste generating activities;
- (q) The location of any existing or planned riparian and/or wetland setback areas and easements for the maintenance or protection of streams, wetlands and permanent BMPs;
- (r) The location and description of all pertinent surrounding natural features within 200 feet of the development site including but not limited to: water resources such as wetlands, springs, lakes, ponds, rivers and streams (including intermittent streams with a defined bed and bank) conservation easements other sensitive natural resources on or receiving runoff from the development all off-site borrow or spoil areas all off-site utility installation areas that are related to the planned project;
(Ord. 2010-167. Passed 12-2-10.)

1135.04 PLAN REVIEW.

The Director of Engineering shall review all sediment control plans and indicate compliance or noncompliance to the person who filed the plan. Indication of noncompliance shall include the plan deficiencies and the procedures for filing a revised plan. Pending preparation and approval (determination of a status of compliance) of a revised plan, earth-disturbing activities shall proceed only in accordance with conditions outlined on the approved plan.
(Ord. 1987-187. Passed 2-18-88.)

1135.05 GUARANTEES FOR COMPLETION OF WORK.

The developer shall provide commitments to the satisfaction of the City to ensure performance and compliance with this chapter. All costs pertaining to construction and maintenance of erosion and sediment control measures shall be clearly indicated on the developer's project estimate and identified on the approved construction plans.
(Ord. 1987-187. Passed 2-18-88.)

1135.06 INSPECTION TO ENSURE COMPLIANCE.

The City or its representative may inspect development areas to determine compliance with these regulations. If it is determined that a violation of these regulations exists, the responsible person shall be notified of the deficiencies or noncompliance. After a period of thirty days for voluntary compliance, the inspector shall report the deficiency or noncompliance to the Director of Engineering of the City. The City, upon determination that a person is not complying with these regulations, may issue, by certified mail, an order to comply. The order shall describe the problem and the work needed and specify a date whereby the work must be completed. (Ord. 1987-187. Passed 2-18-88.)

1135.07 APPROVED PLAN MODIFICATION.

An approved plan may be changed by the Director of Engineering in the following cases:

- (a) Where inspection has revealed the inadequacy of the facilities installed to accomplish the erosion and sediment control objectives of the approved plan, appropriate modifications to correct the deficiencies of the plan shall be submitted by the person responsible for carrying out the plan;
- (b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other unexpected conditions the approved plan cannot be effectively carried out, proposed amendments to the plan, consistent with the requirements of this chapter shall be submitted to the City.

(Ord. 1987-187. Passed 2-18-88.)

1135.08 EXCEPTIONS TO PLAN REQUIREMENT.

No sediment control plan shall be required for a public road, highway, other transportation or drainage improvement, or maintenance thereof, undertaken by a governmental agency or entity, if such agency or entity plans to follow a statement of sediment control policy which has been submitted by the sponsoring agency or entity and approved by the City.

(Ord. 1987-187. Passed 2-18-88.)

1135.09 EXEMPTIONS.

(a) Three types of utility construction agricultural development and mining operations are exempt from the provisions of this chapter. They are:

- (1) Individual service connections;
- (2) Construction, installation or maintenance of electric, gas, cable and telephone utility lines; and
- (3) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surface road, street, sidewalk or related structure. Emergency work to protect life, limb or property and emergency repairs, provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, and if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of the City.
(Ord. 1987-187. Passed 2-18-88.)
- (4) Land disturbing activities related to producing agricultural crops or Silviculture operations regulated by the Ohio Agricultural Sediment Pollution Abatement Rules (1501: 15-3-01 to 1501: 15-3-09 of the Ohio Administrative Code) and existing at the time of passage of this regulation.
- (5) Surface mining operations regulated by Chapter 1514 of the Ohio Revised Code and existing at the time of passage of this regulation.

(Ord. 2010-167. Passed 12-2-10.)

1135.10 VARIANCE.

The Board of Building Appeals of the City may grant a variance to these regulations where the owner or his appointed representative can show that a hardship exists whereby compliance with these regulations is not appropriate, based upon the following:

- (a) That exceptional topographic or other physical conditions exist which are peculiar to the particular parcel of land;
- (b) That the peculiar condition in subsection (a) hereof did not result from previous actions by the owner;

Adverse economic conditions shall not be considered as a valid reason or a hardship for a variance request to be granted. No variances shall be granted where activities occur that will defeat the purposes of regulations.

The request for a variance shall be submitted to the Board of Building Appeals with a copy to the Director of Engineering and shall state the specific variances sought and include sufficient data to justify the granting of a variance.

(Ord. 1987-187. Passed 2-18-88.)

1135.99 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.

(Ord. 1987-187. Passed 2-18-88.)

**CHAPTER 1137
Tree Regulations**

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

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.)

APPENDIX I
Outline of Procedures

1. The Land Planning and Subdivision Regulations are prepared by the Planning Commission and recommended to Council, and after holding a public hearing the Regulations are adopted by Council.
2. Thereafter, subdivisions are reviewed and approved by the Planning Commission in accordance with the adopted Regulations and any amendments thereto.
3. The developer, before subdividing, obtains information on or a copy of the Regulations, and other applicable codes in effect.
4. For a minor subdivision, the developer prepares a sketch plan and submits it to the Planning Commission. After review, the Commission or approving authority may give final approval and the subdivision may be recorded and the lots created may be sold.
5. For a major subdivision, the developer prepares a preliminary plan in accordance with the planning principles in Chapter 1127, submits it to the Planning Commission and applies for approval. After review, the Commission may approve, conditionally approve or disapprove the preliminary plan.
6. The developer, having received approval of a preliminary plan of a major subdivision, prepares drawings and specifications for the improvements in accordance with the provisions of Chapter 1129, and a final plat of the subdivision in accordance with the provisions of Chapter 1131. He may either:
 - a. Apply for approval of the drawings and specifications of improvements, and after approval construct such improvements and then apply for approval of the final plat for recording, or
 - b. Apply for approval of the drawings and specifications of improvements and the final plat concurrently, and furnish performance guarantees for the subsequent construction of the improvements.
7. The Planning 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 are furnished.
8. After approval, the final plat of the subdivision may be recorded by the City and the developer may sell the lots.
9. The developer shall offer for dedication the streets or other public areas and Council may accept such a proposal.
10. The acceptance of streets and utilities for use and maintenance shall be by separate action of Council.

APPENDIX II

Forms for Final Plat Certifications

Form 1 TITLE

_____ Subdivision
 (name of)
 Part of original tract _____

 (municipality)

 (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) (easements) (parks or other public areas) designated in graphic symbols on this plat.

(_____
 (Witness)
 (owner) _____
 (signature)
 (lettered)
 (_____
 (owner) _____
 (signature)
 (lettered)
 (_____)

Form 3 ACKNOWLEDGMENT BY INDIVIDUAL (directly below the above certificate)

State of Ohio _____)
 County of _____)

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 by hand and official seal at
 _____ (city) _____, _____ (state) this _____ day of (month), (year).

 Notary Public
 My Commission expires _____

Form 3A ACKNOWLEDGMENT BY CORPORATION

State of Ohio _____)
County of _____)

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 COMMISSION

This plat of _____ subdivision has been approved by the Planning Commission of the Municipality 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 \$_____, which has been posted with the _____ to assure completion of all improvements in case of default.

_____, 19____
(date)

Director of Engineering

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 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)

Director of Engineering

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

56M

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_____
President

Clerk

Form 9 COUNTY RECORDS

Transferred this _____ day of _____, 19__.

County Auditor

Recorded in Plat Book _____, Page No. _____

this _____ day of _____, 19__.

County Recorder

APPENDIX III

Performance Bond

City of Westlake, Ohio

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 City Planning 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 the said Subdivision in accordance with the 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 Westlake, 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 the said _____ Subdivision as required by the drawings and specifications therefor, the same 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 Westlake, Ohio, this obligation to be null and void, otherwise to remain in full force and effect.

WITNESS our hands this _____ day of _____, 19____.

WITNESS:

PRINCIPAL

SURETY