

CODIFIED ORDINANCES OF FAIRPORT HARBOR

PART ELEVEN - PLANNING AND ZONING

TITLE ONE - Platting and Subdivision Regulations

Chap. 1111. Rules Governing Plats and Subdivisions.

TITLE THREE - Zoning

Chap. 1121. Districts Established; Map.

Chap. 1125. General Zoning Regulations.

Chap. 1125.05 Off-Street Parking.

Chap. 1126. Site and Grading Plans.

Chap. 1127. Erosion and Sediment Control.

Chap. 1128. Storm Water Management.

Chap. 1129. Height and Area Requirements.

Chap. 1133. Signs.

Chap. 1134. Wireless Communication Facilities.

Chap. 1137. Administration and Enforcement.

Chap. 1138. Conditional Use Permits.

Chap. 1141. Board of Zoning Appeals.

Chap. 1145. Amendments.

Chap. 1149. Definitions.

CODIFIED ORDINANCES OF FAIRPORT HARBOR
PART ELEVEN - PLANNING AND ZONING CODE

TITLE ONE - Platting and Subdivision Regulations
Chap. 1111. Rules Governing Plats and Subdivisions.

CHAPTER 1111
Rules Governing Plats and Subdivisions

1111.01	Rules, regulations and fees.	1111.04	Improvements inure to benefit of Village.
1111.02	Improvements required.	1111.05	Compliance required.
1111.03	Bond in lieu of completed improvements.	1111.06	Connections to sewer or water systems.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
 Lot numbering and revision - see Ohio R.C. 711.02, 711.06, 711.28 et seq.
 Cornerstones and permanent markers - see Ohio R.C. 711.03, 711.14
 Plat acknowledgement and recording - see Ohio R.C. 711.06
 Fee of designated public land to vest when plat recorded - see Ohio R.C. 711.07, 711.11
 Council to hold public hearing on general platting rules and regulations - see Ohio R.C. 711.09
 Engineer to approve plats; inspection of streets and acceptance - see Ohio R.C. 711.08, 711.091
 Violations of rules and regulations - see Ohio R.C. 711.102
 Unlawful transfer of lots - see Ohio R.C. 711.13, 711.15
 Approval without plat - see Ohio R.C. 711.131
 Vacating plats - see Ohio R.C. 711.17 et seq., 711.39
 Subdividing by an instrument of conveyance - see Ohio R.C. 711.40

1111.01 RULES, REGULATIONS AND FEES.

The following rules and regulations shall govern the acceptance and approval of plats within the Municipality.

- (a) All plats shall be submitted in duplicate in compliance with applicable state codes.
- (b) Length of all lot lines and overall distances around the outside boundaries of plats shall be shown to the nearest one-one hundredth of a foot.
- (c) All angles to outside corners of plats and sufficient angles to locate interior points on the plat shall be shown. Angles and tangent distances or central angles and degree of curvature shall be given for curved lines.
- (d) Permanent monuments of a type acceptable to the City Engineer shall be set under the direction of a registered surveyor at the intersection of all outside boundary lines of the platted property and at all points of intersection and change of alignment in the center lines of streets.
- (e) All plats shall be drawn accurately to a scale of 100 feet to an inch. Rights of way and easements granted for any purpose shall be correctly shown.
- (f) In general, 600 feet shall be considered the maximum block length.
- (g) Two weeks shall be allowed for the checking, approval or disapproval of any proposed plat.
- (h) Each plat presented to the Municipality dedicating streets, alleys and grounds to the public shall be accompanied by an abstract of title showing areas included in streets free from mortgage or other liens and the title thereto good in the owners signing such plat.
- (i) Each plat shall be accompanied by a profile of all streets dedicated, showing the elevations of such streets above the established base of levels of the Municipality.
- (j) The following fee schedule is hereby established:

Preliminary Plan	1 to 20 Sublots	\$100.00 + \$5.00 per Sublot
Preliminary Plan	21 + Sublots	100.00 + \$5.00 per Sublot
Preliminary Plan	Resubmission	50.00
Final Plat	1 to 15 Sublots	200.00 + \$10.00 per Sublot
Final Plat	16 to 30 Sublots	200.00 + \$10.00 per Sublot
Final Plat	31 to 50 Sublots	200.00 + \$10.00 per Sublot
Final Plat	51 to 100 Sublots	200.00 + \$10.00 per Sublot
Final Plat	101 + Sublots	200.00 + \$10.00 per Sublot
Final Plat	Resubmission	50.00
Subdivision Regulations	Variance	20.00
Table		200.00
Lot Split		100.00

(Ord. 2009-031. Passed 6-2-09.)

1111.02 IMPROVEMENTS REQUIRED.

Before an allotment or subdivision in the Municipality shall be approved and the dedication of the streets, alleys and public grounds therein accepted, the owners of such allotment or subdivision shall first construct therein sanitary sewers, sidewalks and water mains and perform the necessary street grading in such a manner as shall be required by Council. (Ord. 440. Passed 6-8-20.)

1111.03 BOND IN LIEU OF COMPLETED IMPROVEMENTS.

If the improvements specified in the preceding section are not completed at the time the plat is tendered for acceptance, then the owners of such proposed subdivision or platted property shall file with Council a bond in such an amount, with sureties and in such form as may be approved by Council. The bond shall be made payable to the Municipality and conditioned that the streets shall be open for public travel in accordance with the provisions of this chapter, and shall be accepted by Council within a time to be fixed by Council, which in no event shall exceed one year from the date of the approval of the plat. The bond shall be further conditioned that the owner of the subdivision or platted property shall cause the streets, avenues or other highways to be improved in the manner shown on the plat and shall be put in an open and safe condition, to the satisfaction of Council, within the time stated; that the owner will save the Municipality free and harmless from any and all damages or claims for damages or other liability to persons or property arising out of, resulting from or on account of such areas not being in safe and proper condition for public travel on account of the manner in which the work upon such proposed streets, avenues and other highways shall be performed, whether such damage or liability may arise from any act done or omitted to be done, or from any negligence by or on the part of the owner, his agent, contractors or employees in connection with the doing of the work. (Ord. 440. Passed 6-8-20.)

1111.04 IMPROVEMENTS INURE TO BENEFIT OF VILLAGE.

The owners of land included in such plat shall, at or before the acceptance thereof by Council, file with Council their written agreement and consent that any and all such improvements shall, upon the acceptance of such plat by Council, become the property of the Village for the use and for the benefit of the Village, or any of the inhabitants thereof. The Village or inhabitants thereof shall be permitted to use such sewers, water mains, sidewalks or streets, or any part thereof to be constructed, to such an extent and for such purpose as the same may be adapted without any obligation or liability for compensation or damage, or other reward for such use. (Ord. 440. Passed 6-8-20.)

1111.05 COMPLIANCE REQUIRED.

No allotment or subdivision shall be approved, or the dedication of the streets, alleys and public grounds therein accepted, until the provision set forth herein shall have been duly complied with. (Ord. 440. Passed 6-8-20.)

1111.06 CONNECTIONS TO SEWER OR WATER SYSTEM.

Nothing contained herein shall be construed to authorize any sanitary sewer in such allotment to be connected with the Village sewer system, or authorize the connection of any water main in such allotment, except in accordance with the ordinances of Council or the regulations of the Board of Trustees of Public Affairs. (Ord. 440. Passed 6-8-20.)

TITLE THREE - Zoning

- Chap. 1121. Districts Established; Map.
- Chap. 1125. General Zoning Regulations.
- Chap. 1126. Site and Grading Plans.
- Chap. 1127. Erosion and Sediment Control.
- Chap. 1129. Height and Area Requirements.
- Chap. 1133. Signs.
- Chap. 1134. Wireless Communication Facilities.
- Chap. 1137. Administration and Enforcement.
- Chap. 1138. Conditional Use Permits.
- Chap. 1141. Board of Zoning Appeals.
- Chap. 1145. Amendments.
- Chap. 1149. Definitions.

CHAPTER 1121
Districts Established; Map

<ul style="list-style-type: none"> 1121.01 Purpose. 1121.02 Division into districts; maps incorporated. 1121.03 Compliance required; agricultural uses permitted; uses classified. 1121.04 R (Residential) District permitted uses. 1121.041 Assisted Living Homes. 1121.05 Multi-Family Districts uses (MF). 1121.051 Multi-Family High Density District Uses (MFHD). 	<ul style="list-style-type: none"> 1121.06 C-1 Neighborhood Business District. 1121.07 C-2 Community Business District. 1121.071 C-3 Community Business District. 1121.08 I (Industrial) District permitted uses. 1121.09 Marine Industrial District (M-I). 1121.10 Marine Recreation District (M-R). 1121.11 Bed and Breakfast District (BB).
---	---

District

CROSS REFERENCES

- Zoning of annexed areas - see Ohio R.C. 303.25, 519.18
- Council may amend districting or zoning - see Ohio R.C. 713.10
- Basis of districts - see Ohio R.C. 713.10
- Amendments - see P.& Z. Ch. 1145

1121.01 PURPOSE.

For the purposes of promoting the public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, Council finds it necessary and advisable to regulate the

location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, setback building lines, size of yards, courts and other open spaces, the density of population, the use of buildings and other structures, including tents, cabins and trailer coaches, and the uses of land for trade, industry, residence, recreation or other purposes, and for such purposes, divide the area of the Village into districts or zones.

(Ord. 2380. Passed 1-18-55.)

1121.02 DIVISION INTO DISTRICTS; MAPS INCORPORATED.

(a) For the purpose of carrying out the provisions of the Zoning Ordinance, the area of the Village is hereby divided into the following districts:

- (1) Residential, which shall be designated as "R".
- (2) Multi-Family-District (MF).
- (3) Neighborhood Business, which shall be designated as "C-1 District" and Community Business, which shall be designated as "C-2 District".
- (4) Industrial and Manufacturing, which shall be designated as "I".
- (5) Marine Industrial District, which shall be designated "M-I".
- (6) Marine Recreation District, which shall be designated "M-R".
- (7) Multi-Family High Density District, which shall be designated "MFHD."

(b) The districts as shown on the maps attached hereto are established and are made a part of the Zoning Ordinance.

(Ord. 1991-103. Passed 12-2-91.)

1121.03 COMPLIANCE REQUIRED; AGRICULTURAL USES PERMITTED; USES CLASSIFIED.

(a) No building or premises shall be used, and no building shall be erected or altered, except in conformity with the regulations prescribed herein for the district in which it is located.

(b) Land in any district may be used for agricultural purposes, provided there are no buildings constructed incident to that use, unless approved by the Board of Zoning Appeals.

(c) For the purpose of the Zoning Ordinance, the various uses of buildings and premises shall be classified as set forth in this chapter.

(Ord. 2380. Passed 1-18-55.)

1121.04 R (RESIDENTIAL) DISTRICT PERMITTED USES.

(a) The following uses and no other shall be deemed Class R uses and permitted in all R Districts:

- (1) Single-family and two-family dwellings for residence purposes and buildings accessory thereto, but excluding the use of tents, cabins, and trailer coaches for residence purposes.
- (2) Trailer coaches shall not be deemed to constitute all or any part of a dwelling and shall not be used for residence purposes.
- (3) Church, school, college, public library, public museum, community center, public-owned park, public-owned playground.

- (4) Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence provided:
- A. Such use does not involve any extension or modification of the dwelling which will alter its outward appearance as a dwelling;
 - B. Such use does not involve any outward evidence of such use other than a sign as authorized in other sections of the Zoning Ordinance;
 - C. Such use does not occupy more than twenty-five percent (25%) of the total floor area of the dwelling unit;
 - D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in the Zoning Ordinance and shall not be located in a required front yard;
 - E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (5) Hospital, sanitarium or rest home for other than drug or liquor addicts, contagious diseases or insane or mental cases, provided that any such hospital, sanitarium or rest home shall have a lot area of not less than five acres and a frontage on a public thoroughfare of not less than fifty feet.

(b) The uses described shall be permitted only provided such uses are not injurious, dangerous or offensive by reason of odor, dust, noise, smoke, gas, fumes, flame or vibration. (Ord. 1983-84. Passed 12-29-83.)

1121.041 ASSISTED LIVING FACILITIES.

(a) Location. An Assisted Living Overlay District is hereby created to allow for assisted living facilities in all Residential Zones (R) and all Multi-Family District Uses (MF) and Multi-Family High Density District uses (MFHD), so long as the proposed facility meets the requirements of this section.

(b) Regulations.

- (1) Definition. An Assisted Living Facility is defined as a facility in which the owners and/or staff, for a fee, provide housing, supervision, assistance and companionship for adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL's) and who cannot provide sufficient self care due to age, frailty or physical limitation, and yet their limited function does not require on-going on site medical management or on site nursing supervision and/or care.
- (2) Variance. Location must comply with all requirements of (R) Residential Zoning, except as herein specified.

- (3) Residential floor area.
- A. Bedrooms:
 - 1. Any single person occupancy of a room shall have a minimum floor area of 120 square feet.
 - 2. Any two person occupancy of a room shall have a minimum floor area of 220 square feet. There shall be a maximum allowance of two persons in one room.
 - 3. A minimum floor area of 25 square feet per person occupance of closed space within the bedroom area shall be provided and shall not be added to the bedroom floor area requirements.
 - B. Common Living Area: Must be a minimum of 50 square feet per resident exclusive of halls and stairways, as established by State standards.
 - C. Kitchen or food preparation area shall be provided.
 - D. Bathroom: A minimum of one full bath for every two sleeping rooms.
 - E. Additional storage: Each resident shall have 50 cubic feet minimum of storage accessible to residents, family and staff.
 - F. Laundry facilities: Must be provided for residents.
 - G. Parking: One parking space will be required for every five beds, and one additional parking space for total number of staff.
 - H. Minimum lot size: The lot size will include the building, setbacks, side-yards and rearyard, and the required parking area. In no event, shall the lot size be less than 6,000 square feet.
 - I. Greenspace: A minimum of twenty-five percent (25%) of the total lot area will remain as plantable greenspace.
- (4) Safety/Inspection.
- A. Assisted Living Homes shall comply with the requirements of the BOCA. National Fire Prevention Code and any amendments thereto and all other applicable safety codes. In addition, all units shall require fire extinguishers, emergency lighting, smoke detector, exit way signs and other safety devices as necessary or required by local ordinance or State law.
 - B. Inspection, for the purpose of fire safety, shall be conducted by the Village Fire Department prior to occupancy by residents and shall be conducted a minimum of one time per year thereafter.
 - C. Owners shall display proof of such inspection and compliance in a conspicuous place.
 - D. A floor plan designating present location, exits and evacuation route shall be posted in each room in a conspicuous place.
 - E. All signs shall conform to zoning regulations required for single family homes in R-districts only in Section 1133.03.
 - F. The residents and occupants may be permitted pursuant to any and all Federal Regulations and State of Ohio Regulations. (Ord. 99-55. Passed 6-17-99.)

1121.05 MULTI-FAMILY DISTRICT USES (MF).

(a) Permitted Uses. The following uses, and no other, shall be deemed Class MF uses and permitted in all MF Districts:

- (1) Any use permitted in an R District.
- (2) Apartments and condominiums. (Ord. 1983-83. Passed 10-29-83.)

1121.051 MULTI-FAMILY HIGH DENSITY DISTRICT USES (MFHD).

(a) Permitted Uses. The following uses, and no other, shall be deemed Class MFHD uses and permitted in all MFHD districts:

- (1) Any use permitted in an R District.
- (2) Apartments and condominiums.
(Ord. 1991-105. Passed 12-2-91.)

1121.06 C-1 NEIGHBORHOOD BUSINESS DISTRICT.

The C-1 Neighborhood Business District is established to provide a variety of retail, personal and professional services convenient to surrounding residences.

(a) Permitted Uses. The following uses and no others shall be permitted in a C-1 District:

- (1) Convenient retail
Antique store;
Bakery;
Beverage store;
Camera shop;
Delicatessen;
Drugstore;
Florist;
Gift shop;
Grocery stores of 10,000 sq. ft. or less;
Ice cream and/or candy shop;
Music store, including lessons.
- (2) Convenient personal services.
Barber shop;
Beauty shop;
Day care center;
Dry cleaning store;
Funeral home;
Laundromat;
Print shop and photo engraving;
Tailor, custom;
Travel agency.
- (3) Professional offices.
Accounting;
Advertising;
Architecture;
Dentistry;
Engineering;
Insurance;
Law;
Medical;
Optical;
Photography;
Public relations;
Real estate;
Any profession licensed by the State of Ohio.
- (4) Organizational and institutional.
Business, technical or trade school;
Civic organization;
Library, museum, art gallery;
Philanthropic groups.

(5) Apartments.

Second floor or above (Ord. 1982-91. Passed 11-15-82.)

(6) Boat maintenance and repair. (Ord. 90-88. Passed 10-29-90.)

Any use not specifically listed which is determined by the Planning Commission to be similar to the foregoing permitted uses shall be permitted.

(b) Accessory Uses. Accessory uses shall be permitted as follows:

(1) Any accessory use or structure, which is customarily associated with and is accessory or incidental to a permitted principal use.

(2) Exterior signs which pertain only to a permitted use on the premises subject to the provisions of Chapter 1133.

(c) Required Conditions. The following conditions are required in a C-1 District:

(1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for off-street parking for automobiles and off-street loading.

(2) The parking and loading facilities shall comply with Section 1125.05.

(3) Processes and equipment employed and goods processed or sold shall be limited to those which comply with Section 1125.07.

(4) All businesses shall conform to all other applicable standards listed in the Zoning Ordinance. (1982-91. Passed 11-15-82.)

1121.07 C-2 COMMUNITY BUSINESS DISTRICT.

The C-2 Community Business District is established to provide a wide variety of goods and services for the residents of the Village and area.

(a) Permitted Uses. The following uses and no others shall be permitted in a C-2 District:

(1) Any uses permitted and as regulated in a C-1 District, except residential uses.

(2) General retail and offices;
 Appliance store;
 Art supplies and paintings outlet;
 Automobile parts store;
 Clothing store;
 Dry goods store;
 Farm market;
 Financial institution;
 Furniture, retail and reupholstering outlet;
 General offices;
 Grocery store;
 Hardware store;
 Jewelry store;
 Liquor store;
 Office supplies outlet;
 Pet store;
 Radio and TV store;
 Specialty shops;
 Sporting goods outlet;
 Toy store;
 Variety store.

- (3) General and special services;
 - Caterer;
 - Furrier;
 - Glass cutting;
 - Hotel, motel;
 - Locksmith;
 - Plumbing;
 - Radio and TV repair;
 - Restaurant;
 - Studio;
 - Taxidermist;

Carpenter, paperhanging, electrical, heating, provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for any such use shall have any opening other than stationary windows or required fire exists within fifty feet of any "R" District.

- (4) Indoor recreation and entertainment;
 - Auditorium;
 - Bowling alley;
 - Dance hall;
 - Health club;
 - Gymnasium;
 - Night club;
 - Skating rink;
 - Swimming pool;
 - Tavern;
 - Theater;
- (5) Government offices and services.
- (6) Apartments. Second floor or above.
- (7) Service station garage provided that the use is screened from abutting residential zones by walls, solid fencing, plantings or a combination of these. Screening shall be equally effective in winter and summer.

Any use which is not specifically listed, if determined by the Planning Commission to be similar to the foregoing permitted uses shall be permitted.

- (b) Accessory Uses. The following accessory uses are permitted in a C-2 District:
 - (1) Accessory uses and structures as permitted and as regulated in the C-1 District.
 - (2) Other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any permitted principal use.
- (c) Required Conditions. The following are required conditions for a C-2 District:
 - (1) Not more than three horsepower shall be employed in the operation of any one machine and not more than twelve horsepower in the operation of all machines for fabrication, repair and other processing in any establishment.
 - (2) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with performance standards in Section 1125.07.
(Ord. 1982-92. Passed 11-15-82.)

1121.071 C-3 COMMUNITY BUSINESS DISTRICT.

The C-3 Community Business District is established to provide a wide variety of goods and services for the residents of the Village and area.

- (a) Permitted Uses. The following uses and no others shall be permitted in a C-3 District:

- (1) Any uses permitted and as regulated in a C-2 District, except residences of any kind, including apartments of any type and residential rental property. (Ord. 1998-30. Passed 5-5-98.)

1121.08 I (INDUSTRIAL) DISTRICT PERMITTED USES.

The purpose of the I District is to encourage the development of manufacturing and similar establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare based on the performance standards of Section 1125.07. Research activities are encouraged.

- (a) Use Regulations. A building or premises shall be used only for the manufacture of the following products and related purposes:
- Acetylene: The storage of oxygen and acetylene in tanks if the oxygen is stored in separate rooms from acetylene and such rooms are separated by not less than a two hour fire resistant wall;
 - Assembly plants;
 - Automobile body shop and/or upholstering;
 - Batteries;
 - Billboards and signs;
 - Blacksmith shops;
 - Boat and recreational vehicle storage;
 - Boat building;
 - Book bindery;
 - Bottling plant;
 - Brushes;
 - Building trades, general offices, storage and retail;
 - Cabinet making;
 - Candles;
 - Cannery;
 - Canvas;
 - Ceramics;
 - Clocks;
 - Coffins;
 - Cold storage plant;
 - Cork;
 - Cosmetics: The packaging and distribution of pharmaceutical and cosmetic items;
 - Docks and wharves for industrial purposes;
 - Electric appliance assembly;
 - Electric signs;
 - Emery cloth;
 - Fabricating;
 - Felt;
 - Fiber products;
 - Fixtures;
 - Fumigating contractor;
 - Fur products;

Furniture;
Generators;
Glass: The production by hand of crystal glass art novelties.
Glass, (the storage of);
Hair products;
Hearing equipment;
Ice, the manufacture, distribution and storage of;
Industrial design and engineering;
Ink;
Jewelry;
Laboratories;
Leather products, not to include tanning;
Linen and towel supply;
Machine shops;
Mattresses;
Metals;
(1) Manufacture of products of precious metals;
(2) Manufacture of metal, steel and brass, stamps;
(3) Metal fabricating;
(4) Metal spinning;
(5) Metal working shop;
Motors;
Musical instruments;
Novelties, not to include fireworks;
Offices related to manufacturing uses;
Optical goods;
Paint;
Paper products, but not including the manufacture of paper itself;
Pharmaceuticals;
Phonograph records;
Plastic extrusions and plastic moldings;
Plumbing shop and plumbing contractor's shop
Printing and engraving shops;
Radios, electronic devices, TV, stereos, (the assembly of);
Research and development operations;
Rope;
Rugs;
Saddles;
Sand;
Sandpaper;
Sash and door manufacturing;
Shell products;
Shoes;
Stencils;
Tobacco products;
Tools and dies;
Toys;
Trailers;
Valves;
Venetian blinds;
Watches;
Welding;

Wine storage and manufacture.

(Ord. 1981-82. Passed 3-15-81; Ord. 1988-45. Passed 5-16-88;
Ord. 1995-81. Passed 10-17-95; Ord. 1996-58. Passed 8-6-96.)

1121.09 MARINE INDUSTRIAL DISTRICT (M-I).

The purpose of the M-I District is to encourage the development of the shipping industry and related uses which are in conformity with the performance standards of the Zoning Ordinance.

- (a) Use Regulations. A building or premises shall be used only for the following purposes:

Any use permitted in any "I" District;

Lighterage;

Towing and tugboat services;

Docks, including buildings and facilities; operation and maintenance;

Loading vessels;

Marine cargo handling;

Marine warehousing and storage

Piers, including buildings and facilities; operation and maintenance;

Ship hold cleaning;

Stevedoring;

Terminal operation, waterfront;

Unloading vessels;

Boat hiring, except pleasure;

Boat livery, except pleasure;

Boat rental, commercial;

Boat yards, and incidental repair;

Boathouses, commercial;

Cargo salvaging, from distressed vessels;

Chartering of commercial boats;

Marine salvaging; limited salvaging and wrecking of watercraft;

Marine surveyors, except cargo;

Marine wrecking: removing underwater hazards;

Oil spill cleanup;

Piloting vessels in and out of harbors;

Ship cleaning, except hold cleaning;

Ship registers; survey and classification of ships and marine equipment;

Steamship leasing;

Marine repair, not to include dry docking of vessels.

(Ord. 1981-83. Passed 3-15-81; Ord. 1995-94. Passed 10-17-94.)

Handling and storage of limestone, sand, gravel, and similar commodities, provided such use does not cause objectionable noise, odor, dust, smoke or glare. (Ord. 1985-53. Passed 9-9-85.)

1121.10 MARINE RECREATION DISTRICT (M-R).

(a) Conformity to Use and Building Regulations. Buildings, structures, bulkheads, docks, waterways and land in a Marine Recreation District shall be used, and buildings, structures, bulkheads and docks shall hereafter be erected, altered, enlarged or designed to be used, in whole or in part, only in accordance with the following regulations.

- (b) Permitted Buildings and Uses in Marine Recreation District.

- (1) Club houses, containing dining rooms, and/or snack bars, toilet rooms, showers, recreation areas such as tennis courts, etc.
- (2) Dwellings, including garage, exclusively for caretakers having a minimum floor area of 800 square feet. Living quarters for caretakers may also be provided in clubhouse buildings. Any other residential use is prohibited.
- (3) Sales and storage buildings for the sale, repair, storage of boats, motors and other marine equipment.
- (4) Restaurants containing dining area with tables and chairs and/or counter.
- (5) Gasoline fuel oil pumps and tanks. (If placed underground, to be sufficiently anchored to keep empty tank from rising out of the ground.)
- (6) Concrete launching ramp.
- (7) Bulkheads to be steel sheet piling, concrete or if similar permanent nature.
- (8) Boat docks. Docks to be not less than two feet wide and sufficient to support 100 pounds per square foot live load. Boat docks may be made to be removable for winter storage or for channel dredging purposes.
- (9) Provide three parking spaces for cars for each dock, provide minimum of ten foot by twenty foot space for each car, i.e., three car spaces for every two boats.
- (10) Utilities. Provide for water main, gas mains, telephone, sanitary and storm sewers and electricity. All utilities to be protected and designed to avoid floor damages. (Ord. 1981-84. Passed 3-15-81.)
- (11) Health and safety.
 - A. No toilet facilities (heads) are to be used on boats while docked or under power in lagoons, river and boat docking areas;
 - B. Signs must be posted by the owner or operator regarding same;
 - C. No fuel shall be dispensed at gas docks while the motor is running or persons are smoking on board, or any stoves on board are operating, or while any other flame is permitted; and a notice of same shall be posted at fueling area;
 - D. No garbage or refuse may be dumped around dock area, lagoons or river;
 - E. All areas of the Marine Recreation District are to be kept clean and sanitary;
 - F. The owner or operator shall provide adequate lighting around docks, parking areas and other areas under his or her control;
 - G. Storage tanks to be dumped or pumped shall be emptied only at docks having proper disposal facilities;
 - H. Docks and dock areas shall be kept in a safe and debris-free condition;
 - I. Entrance area to docks shall be maintained in such a manner as to allow unencumbered access to docks;
 - J. Wood docks must be in a safe condition and not rotting;
 - K. Docks shall provide a flat walkway to prevent listing conditions;
 - L. Steel docks (including posts) shall be maintained in a safe condition and not rusting;
 - M. All areas of the Marine Recreation District are to be kept in a safe and usable condition;
 - N. All electrical outlets in dock areas are to be ground fault protected; and
 - O. All dock areas must ban sufficient lighting to provide adequate safety.

(Ord. 2009-30. Passed 6-2-09.)

- (12) All plans and specifications of lagoons, docks, bulkheads, lighting and buildings shall be approved by the Planning Commission before a building permit is issued.
 - (13) All present operations are to conform to these regulations within two years after the date of passage of this section.
 - (14) All marinas shall conform with the laws and regulations of the State of Ohio pertaining to marinas as set forth in:
 - A. Ohio R.C. 3733.21, to 3733.30.
 - B. Ohio Sanitary Code Section HE-28-1 to HE-28-09.
 - C. Ohio Fire Code 1310:7-5-01 Sec. F 100.2.
 - (15) All new buildings must be flood proofed or first floor level constructed two feet above the 100 year regulatory flood level.
(Ord. 1981-84. Passed 3-15-81.)
- (c) Operation Permit for Marine Recreation; Fee. A permit for operation shall be renewed each year. Such permit shall be issued on a calendar year basis. The fee for a permit is one dollar (\$1.00) per dock with a minimum of one hundred dollars (\$100.00) per Marina.
- (1) If conforming, the Zoning Inspector shall issue the permit.
 - (2) If nonconforming, and upon the Zoning Inspector's refusal, Council may issue a temporary permit and specify the conditions and time in which to conform. (Ord. 2009-30. Passed 6-2-09.)

1121.11 BED AND BREAKFAST DISTRICT (BB).

- (a) Definitions. "Bed and Breakfast Inn" means any single-family dwelling in which rooms are rented to paying guests on an overnight basis with not more than one meal served daily, the entire service to be included in one stated price.
- (b) Purpose. The BB Bed and Breakfast District is established to enable single-family dwelling units to conduct Bed and Breakfast operations as defined herein, and focuses on the need to provide owners an incentive to continue occupancy and maintenance of single-family structures. Protection to neighborhoods is emphasized with the provision of standards that prohibit nuisance and detrimental change in the single-family character of any site proposed for a Bed and Breakfast operation, and Bed and Breakfast must also be in compliance with all current zoning, building and fire code regulations which do not conflict with this section.
- (c) Criteria and Conditions.
- (1) The structure to be used as a Bed and Breakfast Inn shall be owner-occupied and managed. The primary usage shall be residential.
 - (2) No existing residential structure shall be removed in order to allow for a Bed and Breakfast Inn nor shall such a structure be removed in order to provide parking for such a use. The structure shall remain a residential structure, i.e., the kitchen shall not be remodeled to a commercial kitchen.
 - (3) Meals may be served for profit to guests only.
 - (4) No more than three rooms shall be rented.

- (5) No structure shall be used for a Bed and Breakfast Inn unless there are at least two exits to the outdoors from such premises. Each room utilized for sleeping, shall have minimum size of 100 square feet for two occupants with an additional thirty square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using the Bed and Breakfast Inn.
- (6) Two parking spaces, pursuant to Section 1125.05, plus one additional space per room rented must be provided, exclusive of on street parking. All parking spaces shall be paved.
- (7) Identifying signs not exceeding two square feet may be mounted flat against the wall of the principal building, such sign shall be non illuminated and unanimated.
- (8) If the applicant is unable to meet subsections (5) or (6) above, the applicant may request special consideration from the Planning Commission through a site plan review process. The Village's intent is not to encourage yards to be destroyed, or landscaping to be removed, or the integrity of the neighborhood altered in order to provide parking.
- (9) Each operator shall keep a list of the names of all persons staying at the Bed and Breakfast Inn. Such list shall be available for inspection by Village officials at any time.
- (10) The maximum length of stay for any guest of the Bed and Breakfast Inn shall be fourteen days.

(d) Location of Bed and Breakfast's.

North of Second Street;

West of High Street;

Facing the Park - 200 Block-Eagle Street, 200 Block-Plum Street, 300 Block-Third Street.

(e) Licensing and Fees. It shall be unlawful for any persons to operate a Bed and Breakfast Inn as defined without first having obtained from the Zoning Inspector a license, such license to be issued upon approval of initial application and thereafter on a calendar year basis. The fee for a license is thirty-five dollars (\$35.00).

(f) Application Requirements. Applicants for a license to operate a Bed and Breakfast Inn shall submit a floor plan of the single-family dwelling unit, along with the application provided and required fee, illustrating that the proposed operation will comply with all provisions of the Zoning Ordinance, Village Fire Department, Lake County Building Codes and Lake County Health Department, whether specified herein or not.

(g) Consideration of Issuance. Upon receipt of application, duly filed with the Zoning Inspector for a license, the Zoning Inspector shall within ten days:

- (1) If conforming, issue the license to operate the Bed and Breakfast Inn.

- (2) If nonconforming, and upon the Zoning Inspectors refusal, the applicant may apply to the Planning Commission for consideration of whether the license shall be issued based upon the information provided, and the impact such use would have on the residential neighborhood involved.

(h) Suspension, Revocation and Renewal. The Zoning Inspector shall have the authority to refuse to renew a license or to suspend or revoke a license for continued and repeated violations of the provisions of this section. (Ord. 1996-108. Passed 2-4-97.)

CHAPTER 1125
General Zoning Regulations

<p>1125.01 Prohibited uses.</p> <p>1125.02 Nonconforming uses.</p> <p>1125.03 Public utilities and railroads excluded.</p> <p>1125.04 Minimum floor area requirements.</p> <p>1125.05 Required parking facilities.</p> <p>1125.06 Approval of Village Engineer required; proceedings and technical contents for site and grading plans.</p>	<p>1125.07 Performance standards.</p> <p>1125.08 Approval of Village Planning Commission required; proceedings and technical contents for site plan.</p> <p>1125.09 Approval of the Village Zoning Inspector required.</p>
---	--

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13
 Nonconforming uses, retroactive measures - see Ohio R.C. 713.15
 Off-street parking facilities - see Ohio R.C. 717.05 et seq.
 Zoning applies to housing; projects - see Ohio R.C. 3735.44
 Height and area requirements - see P. & Z. Ch. 1129
 Signs - see P. & Z. Ch. 1133

1125.01 PROHIBITED USES.

(a) The following uses shall be deemed to constitute a nuisance and shall not be permitted in any District:

- (1) Commercial amusement park;
- (2) Commercial aviation field;
- (3) Metallic powder works;
- (4) Crematory;
- (5) Distilling of bones, fat or glue; glue or gelatin manufacturing;
- (6) Manufacturing or storage of explosives, gunpowder or fireworks;
- (7) Dumping, storing, burying, refuding, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as the normal use of premises, unless done at a place provided by Council for such specific purpose;
- (8) Junkyards, automobile grave yards or places for the dismantling or wrecking of used vehicles, or for the collection or depositing of scrap metal, used paper, rags, used glass or junk for salvage, sale or storage purposes, or for the abandoning of the same, unless done at a place provided for by Council for such specific purposes.
- (9) Slaughterhouses;
- (10) Trailer parks, trailer camps or trailers for residential use;

- (11) Basements for residential purposes, unless residence will be completed within two years, and satisfactory evidence of this intention must be furnished at the time a permit is obtained;
- (12) Hospitals and sanitariums for contagious diseases, insane or mental cases or drug or liquor addicts;
- (13) Storage, piling or accumulating of building material on a vacant lot, unless a Zoning Certificate has been issued for the construction on such lot involving the use of such material. (Ord. 2380. Passed 1-18-55.)

1125.02 NONCONFORMING USES.

(a) A nonconforming use existing at the time the Zoning Ordinance takes effect may be continued, except that if it is voluntarily discontinued for one year or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

(b) Any building arranged, intended or designed for a nonconforming use, the construction of which has been started at the time of the passage of the Zoning Ordinance, but not completed, may be completed and put to such nonconforming use, provided it is done within one year after the Zoning Ordinance takes effect.

(c) Any building or structure, existing as a nonconforming use at the time the Zoning Ordinance takes effect, which is destroyed by fire or the elements, may be reconstructed and restored, provided the same is done within one year from the date of such destruction.

(d) All provisions herein pertaining to nonconforming uses apply to land uses as well as building uses.

(e) A building or structure devoted to a nonconforming use at the time the Zoning Ordinance takes effect may not be altered or enlarged so as to extend such nonconforming use.

(f) Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or nonconforming use. (Ord. 2380. Passed 1-18-55.)

1125.03 PUBLIC UTILITIES AND RAILROADS EXCLUDED.

The Zoning Ordinance shall not apply to public utilities or railroads. (Ord. 2380. Passed 1-18-55.)

1125.04 MINIMUM FLOOR AREA REQUIREMENTS.

<u>District</u>	<u>Minimum Gr. Cover</u>
"R" Residential 1 Family	800 sq. ft.
(per family) 2 Family	800 sq. ft. per unit 500 sq. ft.
"MF" Multi-Family	
One bedroom	800 sq. ft.
Two bedroom	800 sq. ft.
Three bedroom	950 sq. ft.
Each additional bedroom	150 sq. ft.

1125.06 APPROVAL OF VILLAGE ENGINEER REQUIRED; PROCEEDINGS
AND TECHNICAL CONTENTS FOR SITE AND GRADING PLANS.

(a) No zoning certificate shall be issued by the Village Zoning Inspector providing for construction, changing of use, or altering the exterior dimensions of any building, including accessory buildings, or changing the use of any premises in any zoning district in the Village until the Village Engineer has indicated his approval of any such action by signature upon the site plan to be submitted to the Village Zoning Inspector pursuant to Section 1137.01.
(Ord. 1993-104. Passed 11-1-93.)

(b) The following is a summary of the procedure that will be required for all applicants:

- (1) Submit five site plans to the Zoning Inspector for approval. The Zoning Inspector will keep one for his records and forward four copies to the Village Engineer.
- (2) The Village Engineer will review the site plan, note any necessary changes, retain one copy for his records and return the three remaining copies to the applicant.
- (3) Submit three remaining site plans with three sets of building plans to the Lake County Building Department who will forward one approved plan to the Zoning Inspector and retain the other for their files.
- (4) Final grading inspection and approval by the Building Department and Village Engineer will be based on the final grade elevations as determined by a Registered Surveyor or Engineer (signature and registration number required). "As-built" grades shall be shown on an approved plan.
- (5) Adjustments in grading may be required if sufficient conformance to site plan is not met. (Ord. 1981-35. Passed 6-1-81.)
- (6) For any new Residential construction, Single Family dwellings (R), the Village Engineer must approve a site plan in order for the Village Zoning Inspector to issue a zoning certificate. This section does not apply to any new additions made to current existing structures.
(Ord. 1995-78. Passed 8-30-95.)

(c) The following information shall be contained on the plan which shall be either 11" x 17" x 22" in size using any standard engineer's scale such as 1" - 20', 1" - 30', etc, and prepared by a registered engineer and/or surveyor (signature and registration number required).

- (1) Permanent bench elevation.
- (2) Existing and proposed elevation at lot corners.
- (3) Existing and proposed elevation at building corners.
- (4) Existing elevation at crown of road at intersection of lot lines.
- (5) Existing bottom of road ditch or top of curb at intersection of lot lines.
- (6) Elevation of sanitary sewer, location and invert and rim elevation.
- (7) Elevation of culvert or storm sewer, location and invert and rim elevation.
- (8) Proposed elevation of the basement, first floor, and/or slab floor and garage.
- (9) Sublot number and subdivision name or tie to the nearest intersecting street.
- (10) Front, side and rear set-back of all buildings.
- (11) Existing structures within fifty feet of all property lines.

- (12) Contour lines shall be shown on entire site and extended fifty feet beyond property lines with intervals as dictated by the following lot slope:
 - Less than 1% - 6"
 - 1% to 3% - 1'
 - Greater than 3% - 2'
- (13) Distance, size and elevation of adjacent drive culverts.
- (14) Size, invert elevation, and acreage of area draining to drive culvert, stream enclosures or storm sewers. Size should be based on minimum three-year storm condition.
- (15) Lots adjacent to rivers or streams shall make reference to high water elevations and flood plain limits as instructed by the Village Engineer.
- (16) Roof downspout discharge points and direction.
- (17) Easements and deed restrictions related to storm drainage facilities which apply to any part of the site shall be shown.
- (18) All development will be reviewed for the possible effects of sediment and erosion damage and will be required to conform to the minimum standards of the "URBAN SEDIMENT POLLUTION ABATEMENT RULES" as set forth by the Division of Soil and Water District of The Ohio Department of Natural Resources.
- (19) Locate and top all paved areas.
- (20) Curb types and grades.
- (21) Design of pavements with reference to soil CBR.
- (22) Profiles of underground improvements may be required.
- (23) Storm water control structures, and other drainage structures including grading and elevations.
- (24) Verification and calculations of drainage and pavement facilities.

(d) It is suggested that major developments schedule a pre-design conference with the Village Engineer for any special problems that may be encountered in a given area. (Ord. 1981-35. Passed 6-1-81.)

(e) Compliance Deposit. In addition to any deposits prescribed under any other provisions of the Village's Codified Ordinances, all applicants for any zoning or building permit requiring a temporary occupancy permit for all new construction in any zoning district in the Village, or upon filing a preliminary plot plan for approval of said plan which is not in conjunction with the issuance of a zoning permit, shall deposit with the Village a sum in cash, or by a treasurer's check, a certified check, a irrevocable letter of credit, or a performance bond in the amount of one hundred percent (100%) of the estimated cost for the site plan improvements to be made. The estimated cost for site plan improvements shall be based upon those improvements necessary for completion of the building and/or final plot plan approval which are incomplete at the time of the application for a temporary occupancy permit for all new construction required as a part of the zoning or building permit, or in the instance of a preliminary plan which is not filed in conjunction with a zoning permit, at the time of filing the preliminary plot plan. The compliance deposit may, upon request to the Mayor and with the concurrence of Council, be reduced to a sum not less than twenty-five percent (25%) of the compliance deposit required herein for a preliminary plot plan which is not filed with or in conjunction with the issuance of a zoning permit. The estimate of cost shall be provided by the Village Engineer at the request of the Village Zoning Inspector.
(Ord. 1998-107. Passed 9-15-98.)

1125.07 PERFORMANCE STANDARDS.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by the Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements inclusive.

- (a) Air Pollution. Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- (b) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (c) Water Pollution. Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- (d) Electrical Disturbance. No activity shall emit at any point, electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
(Ord. 1981-85. Passed 3-15-81.)
- (e) Noise. (Repealed)
(EDITOR'S NOTE: Former subsection (e) hereof was repealed by Ordinance 26-2004, passed July 13, 2004.)

(f) Vibration.

- (1) "Steady state vibrations" mean earth-borne oscillations that are continuous. Discrete pulses that occur more frequently than 100 times per minute shall be considered to be steady state vibrations.
- (2) "Impact vibrations" mean earth-borne oscillations occurring in discrete pulses at or less than 100 pulses per minute.
- (3) "Frequency means the number of oscillations per second of a vibration.
- (4) "Three component measuring system" means a device for recording the intensity of any vibration in three mutually perpendicular directions.
 - A. Maximum permitted steady state vibration displacement. No activity shall cause or create a steady state vibration at any point on any lot line, with a displacement in excess of the permitted steady state vibration displacement for the frequencies as set forth in the following table.

Maximum Permitted Steady State Vibration Displacement

<u>Frequency</u> <u>(cycles per second)</u>	<u>Displacement</u> <u>(in inches)</u>
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

- B. Maximum permitted impact vibration displacement. No activity shall cause or create an impact vibration, at any point on any lot line, with a displacement for the frequencies as set forth in the following table.

Maximum Permitted Impact Vibration Displacement

<u>Frequency</u> <u>(cycles per second)</u>	<u>Displacement</u> <u>(in inches)</u>
10 and below	.0016
10 - 20	.0010
20 - 30	.0006
30 - 40	.0004
40 - 50	.0002
50 - 60	.0002
60 and over	.0002

- (g) Smoke, Dust and Other Particulate Matter.
- (1) "Particulate matter" means any finely divided liquid or solid matter capable of being air or gas-borne.
 - (2) "Dust" means solid particulate matter capable of being air or gas-borne.
 - (3) "Process weight" means the total weight of all materials used in any process which discharges dust into the atmosphere. Such materials shall include solid fuels, but not liquid or gaseous fuels or combustion air.
 - (4) "Combustion for indirect heating" means the burning of fuel in equipment, such as steam boilers, water or air heaters, stills, or brew kettles, where there is no contact between the products of combustion and the materials being heated.
 - (5) "Standard Smoke Chart numbers" mean the numbers on the Standard Smoke Chart indicating graduations of light-obscuring capacity of smoke.
 - (6) "Smoke" means any visible emission into the open air from any source, except emissions of an uncontaminated water vapor.
 - (7) "Smoke unit" means a measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in a Standard Smoke Chart number the time of emission in minutes. For example, the emission of Standard Smoke Chart number 1 for one minute equals one smoke unit.
 - (8) Maximum permitted emission of smoke. The density of emission of smoke normal operations shall not exceed Standard Smoke Chart number 2, and the quantity of smoke shall not exceed a maximum of 10 smoke units per hour per stack.
 - (9) Maximum permitted emission of dust.
 - A. Related to combustion for indirect heating. The emission into the atmosphere of dust related to combustion for indirect heating from any source shall not exceed the maximum number of pounds of dust per million British thermal units heat input per hour as set forth herein: The maximum permitted emission shall be 0.50 pounds per minimum-size plants producing a heat input of ten million or less British thermal units per hour and 0.15 for maximum-size plants producing a heat input of 10,000 million or more British thermal units per hour. All intermediate values shall be determined from a straight line plotted on log graph paper.
 - B. Related to processes. The emission into the atmosphere of process dust or other particulate matter which is unrelated to combustion for indirect heating or incineration shall not exceed 0.50 pounds per hour for 100 pounds of process weight or 50 pounds per hour for 100,000 pounds of process weight. All intermediate values shall be determined from a straight line plotted on log graph paper.
- (h) Odorous Matter. The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
- (i) Toxic or Noxious Matter.
- (1) "Toxic or noxious matter" means any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, containing properties which by chemical means are:
 - A. Inherently harmful and likely to destroy life or impair health, or

- B. Capable of causing injury to the well-being of persons or damage to property.
- (2) The emission of toxic or noxious matter shall be so controlled that no concentration at or beyond lot lines shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause damage or injury to property.
- (j) Radiation Hazards.
- (1) "Fireproof containers" includes steel or concrete containers and shall not include lead or other low-melting or alloys, unless the lead or low-melting metal or alloys are completely encased in steel.
- (2) Unsealed radioactive materials shall not be manufactured, utilized, or stored, unless such materials are stored in a fireproof container at or below ground level, in excess of one million times the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection of the New York State Department of Labor.
- (3) No one of the following fissionable materials shall be assembled at any one point, place, or work area on a zoning lot in a quantity equal to or in excess of the amount set forth herein:
- | <u>Material</u> | <u>Quantity (Grams)</u> |
|-------------------|-------------------------|
| Uranium - 233 200 | |
| Plutonium - 239 | 200 |
| Uranium - 235 200 | |
- (k) Fire and Explosive Hazards.
- (1) "Slow burning" materials means materials which will not ignite or support combustion during an exposure for five minutes to a temperature of 1,200° F. and which, therefore, do not constitute an active fuel.
- (2) "Moderate burning" means materials which in themselves burn moderately and may contain small quantities of a high grade of combustibility.
- (3) "Free burning" materials means materials constituting an active fuel.
- (4) "Intense burning" materials means materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.
- (5) "Flammable or explosive" materials means materials which produce flammable or explosive vapors or gases under ordinary weather temperature including liquids with an open cup flash point of less than 100° F.
- (6) "Open cup flash point" means the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a Tagliabue open cup tester.
- (7) "Original sealed containers" means containers with a capacity of not more than fifty-five gallons.
- (8) Classification. Materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified open cup flash points.
- A. Class I includes slow burning to moderate burning materials. This shall include all liquids with an open cup flash point of 182° F. or more.

- B. Class II includes free burning to intense burning materials. This shall include all liquids with an open flash point between 100° F. and 182° F.
 - C. Class III includes materials which produce flammable or explosive vapors or gases under ordinary weather temperature. This shall include all liquids with an open cup flash point of less than 100° F.
 - D. Class IV includes materials which decompose by detonation, including but not limited to all primary explosives.
- (9) Regulations applying to Class I materials or products. Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.
- (10) Regulations applying to Class II and Class III materials or products. Class II materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:
- A. Such storage, manufacture or utilization shall be carried on only within buildings or other structures which are completely enclosed by an incombustible exterior wall.
 - B. Such buildings or other structures shall either be set back at least forty feet from any lot lines, or in lieu thereof, all such buildings shall be protected throughout by an automatic fire extinguishing system.
- (11) An activity involving the use or storage of flammable or explosive materials (Class IV) shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (l) Humidity, Heat or Glare. Any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at or beyond any lot line.
- (m) Enforcement Provisions. The Zoning Inspector prior to the issuance of a zoning permit, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits of tolerances.
- (n) Measurement Procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall also conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency. (Ord. 1981-85. Passed 3-15-81.)

**1125.08 APPROVAL OF VILLAGE PLANNING COMMISSION REQUIRED;
PROCEEDINGS AND TECHNICAL CONTENTS FOR SITE PLAN .**

(a) **Purpose and Intent:** The purpose of the site plan review requirements is to ensure and maintain development practices and patterns to protect the public health and safety of the community and to properly advance the long term community vision and planning goals set forth in the Village Comprehensive Plan. Establishing these regulations will create a planning process to achieve the following:

- (1) Promotion of an integrated approach toward site design/development with emphasis upon building design, landscaping, layout;
- (2) Provide assurance that a single development and/or one built in phases will be completed in accordance with an approved plan;
- (3) Ensure sites are properly designed for traffic circulation and emergency access;
- (4) Promote the public health and safety for the residents of Fairport Harbor.

The following process is illustrated in a flow chart (figure 1125.08-1).

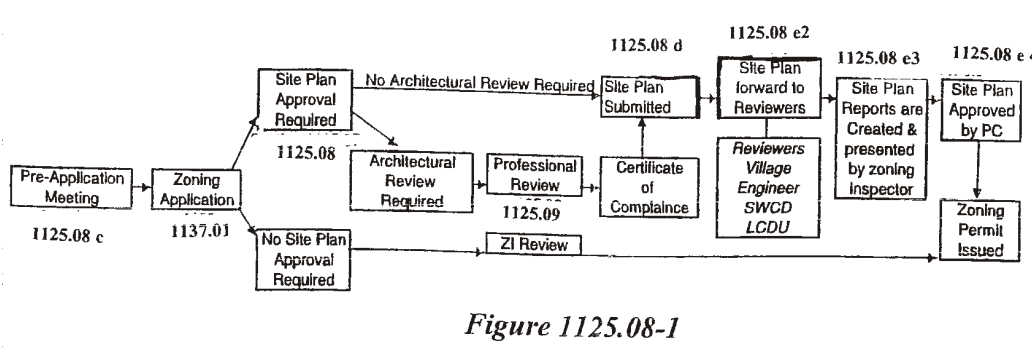


Figure 1125.08-1

(b) **Requirement.**

- (1) A site plan is required to be submitted for any use or development involving the new construction, reconstruction or expansion of structures in the C-1, C-2, C-3, M-R, M-1, I, MFHD or M-F Districts, or non-residential uses permitted in the Residential Use Districts. This includes any existing or previously approved development that proposes to modify a use or site, including expanding the floor area of the permitted use, increasing the number of dwelling units in a multi-family development, or changing the use which requires an increase in the amount of parking or a change in the site's circulation. A site plan will be required for uses in R districts when the improvements are over 500 square feet or if the improvements require design standards approval by the Architectural Review Compliance Officer.

- (2) If a Conditional Use Permit is required, this section and Chapter #1138, Conditional Use Permits, of the Zoning Code must be followed and reviewed by the Village Planning Commission. Conditional Use Permit applications proposed will be subject to design review by the Architecture Review Board.
- (3) No construction activity as defined herein shall commence for any application until the site plan has been submitted and approved in accordance with these regulations and the zoning permit is issued.

(c) Informal Review Process: It is recommended that, prior to incurring any expense associated with preparing and submitting a detailed site plan application for consideration, the prospective applicant meets for an informal review with the Zoning Inspector or his/her designated representative. At the discretion of the Zoning Inspector, proposed projects may be subject to an informal review at a meeting of review agency's officials.

- (1) The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within. This may include any potential variance requests that need to be filed with the Board of Zoning Appeals.
- (2) To aid in the discussion, the potential applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, location of buildings, and parking areas, internal circulation patterns, proposed size of buildings and uses to be included in the development.
- (3) Requests for informal review process that are made at least ten (10) days prior to the next meeting of the Village Planning Commission will be placed on the agenda of the next regularly scheduled meeting. The applicant is encouraged to pre-schedule the meeting with the Zoning Inspector.
- (4) No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate any potential and subsequent approval or disapproval of the plan.
- (5) At the discretion of the Village, other agencies with appropriate technical advice may attend the meeting.

(d) Site Plan Application and Submission Requirements: All applications shall be submitted to the Zoning Inspector. The application shall be filed by the owner, a group of owners acting jointly, or an authorized agent acting on behalf of the land owner(s). Each application will be accompanied by the required application fee in accordance with the current Fairport Harbor fee schedule. Additional fees may be incurred by the applicant for the cost of plan review by professional consultants, when deemed appropriate by the Village. Application shall include fifteen (15) copies of the following:

- (1) Letter of description and justification: Letter should include description of existing and proposed use(s) and building(s), with details that might be considered important such as, type of business, customer traffic, external effects and other pertinent information, and the reason why the proposed site plan is in the public interest.
- (2) Letter of approved variance(s): Variances must be granted prior to the application for site plan approval. If applicable, correspondence from the Village Board of Zoning Appeals is required to confirm the details of the granted variance.

- (3) Site Plan with the following information: The plan must be prepared, signed and sealed by an Ohio licensed professional engineer, land surveyor or architect and shall include the following:
- A. Title, date, north arrow and scale.
 - B. Name, address, telephone and fax numbers of the owner or authorized agent developer, surveyor, engineer and other consultants.
 - C. Clearly identified boundary lines, corner pins and dimensions of the subject parcel, including land survey data and parcel numbers, right-of-way lines and right-of-way names.
 - D. Zoning and land use of subject site and adjacent parcels.
 - E. Location, size or width of all existing and proposed roadways and driveways, curb cuts, parking areas, pedestrian paths, road rights-of-way, and public transit stops within the site. Include location of parking spaces for disabled drivers. Traffic flow map indicating ingress/egress patterns and internal circulation routes.
 - F. Existing and proposed sanitary facilities indicating pipe size, grades, invert elevations and locations of manholes.
 - G. Existing and proposed water facilities including line sizes and locations and hydrant locations.
 - H. Storm water management provisions in accordance with Chapter 1128.
 - I. Location and elevations of existing hydrologic features, including natural or man-made surface drainage ways, flood plains and wetlands.
 - J. Wooded areas, soils of local importance, and known and/or suspected cemeteries, historical or archeological sites.
 - K. Widths, locations, uses and grantees of all existing and proposed easements and utility lines. Location of all other utilities including but not limited to natural gas, cable TV, electric and telephone.
 - L. Location and size of existing and proposed freestanding identification, advertising and traffic control devices.
 - M. Location of all existing and proposed structures, building heights and dimensions, uses, gross floor area, location of entrances, and loading points within 100 feet of site. Include architectural renderings and elevation drawings of dominant building(s) on the site, which accurately reflect the conditions as they will appear upon completion of the development.
 - N. Dimensions of all building setbacks and building spacing.
 - O. A Landscaping Plan identifying the following and in accordance with Section 1129.18, Landscaping and Screening Requirements, of the Zoning Code:
 - 1. Outline of all buildings and impervious surface areas.
 - 2. Location of all existing and proposed landscaping, fences and walls, and other screening features with cross-sections.
 - 3. Species, size and condition of all new trees, shrubs, plants, sod and ground cover.

4. Area calculations for all areas used towards landscaping and buffer areas.
 5. Legend showing all plant materials, species and common names, sizes, and symbols used on plan, including exact area of coverage.
 6. Contour lines at one foot intervals, indicating the location of berms, mounds, detention/retention areas and swales.
 7. Phasing lines, if the landscaping is to be installed in more than one season.
 8. Irrigation system plans (if applicable).
- P. Location of mechanical equipment, trash enclosures, backflow devices, and services areas.
- Q. Existing and proposed topographic contours at one foot intervals within 100 ft. of the proposed site.
- R. Vicinity map.
- S. The following data block must also be included on the site plan
1. Land area within property lines. (acres, square feet)
 2. Gross floor area. (square feet)
 3. Proposed streets.
 4. Number of buildings.
 5. Number of stories.
 6. Maximum height of buildings.
 7. Total building coverage area. (% square feet)
 8. Hard surface area. (% square feet)
 9. Present zoning.
 10. Proposed uses.
 11. Building setbacks (front, side and rear).
 12. Building spacing.
 13. Permitted maximum sign area. (square feet)
 14. Proposed sign area.
 15. Parking area (square feet).
 16. Parking spaces required.
 17. Parking spaces provided.
 18. Handicap parking required.
 19. Handicap parking provided.
 20. Interior parking lot landscaping required.
 21. Interior parking lot landscaping provided.
 22. Loading spaces required.
 23. Loading spaces provided.
- T. Written verification from appropriate agency that sufficient water and sanitary sewer capacity exists to accommodate the proposed development. If an on-site sewage disposal system is proposed, correspondence from the Lake County General Health District and/or Ohio EPA is required.
- U. Proposed landscaping and screening plans indicating the location and nature of existing and proposed vegetation, landscaping and screening elements. Design should be in accordance with parking and buffer requirements set forth in the Village Zoning Code.

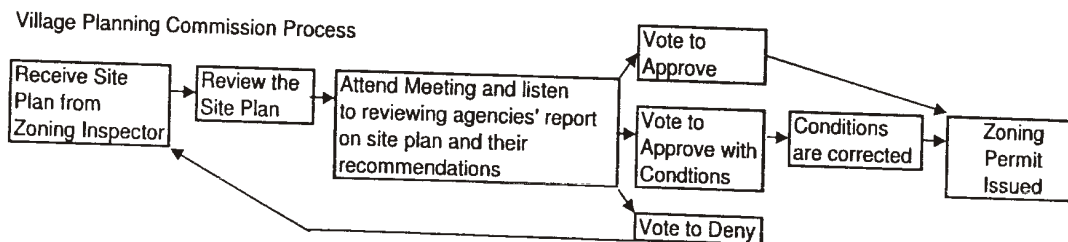
- V. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
- W. Proposed timetable and schedule for the development of the site.
- X. Any other items required by the Village Planning Commission or Zoning Inspector to assist in a complete and proper review of the proposed site plan, including, but not limited, to a traffic impact study.

(e) Approval Process:

- (1) Review for completeness: The Zoning Inspector or his/her designated representative shall, within ten (10) days of receiving the site plan application, review the application to determine the accuracy and compliance with the applicable regulations and submission requirements. When the application is deemed sufficient and the fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Village Planning Commission.
- (2) Plan distribution: The Zoning Inspector may distribute the application to the following for review and comment.
 - A. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development.
 - B. Other agencies which, at the discretion of the Village, may have appropriate technical advice.
 - C. Appropriate local Village officials and departments.
 - D. Appropriate professional consultants retained by the Village. All reports, comments or expert opinions shall be returned to the Zoning Inspector.
 - E. Transmission to the Village Planning Commission: The site plan application and all reports or comments prepared by the individuals in Section 1125.08(e)(2)B. above shall be compiled by the Zoning Inspector or by the Village designee and transmitted to the Village Planning Commission.
- (3) Village Planning Commission review criteria: In reviewing the site plan, the Village Planning Commission shall determine that the plan complies with the applicable requirements of this Zoning Code and the following review criteria:
 - A. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of the Zoning Code.
 - B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
 - C. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Code.
 - D. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.

- E. The site shall be planned to accomplish a desirable transition with the streetscape, and provide for adequate planting, pedestrian movement and parking areas. Stormwater and water quality measures shall be integrated in the design of parking lots and roof water run off to assure that the run-off water quality is maintained or improved in accordance with Chapter 1128 of this Code.
 - F. Grading, surface drainage and sediment control provisions will comply with all applicable regulations and requirements of the Village.
 - G. The design and construction standards of all private streets and any public improvements will comply with the provisions of all applicable agencies including the Village Engineer and Lake County Utilities Department.
 - H. Maximum possible privacy for adjacent residential properties shall be provided through good building design and landscaping according to the requirements set forth in the Zoning Code.
 - I. Where applicable, design of buildings shall be developed in accordance with the Fairport Harbor Design Standards. On all site plans, consideration shall be given to the relationship of adjacent development in terms of building height, mass, texture, lines and patterns, compatible integration and character. Design Standards are in accordance with Sections 1129.13 through 1129.17 of the Zoning Code.
 - J. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
 - K. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
 - L. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion.
 - M. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
 - N. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property in accordance with Section 1129.12 of the Zoning Code, as applicable.
 - O. If the proposed development is to be carried out in phases, each phase shall have adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of applicable open space areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases and adjoining property.
- (4) Village Planning Commission action: Village Planning Commission shall either:
- A. Approve the site plan as submitted; or

- B. Conditionally approve the site plan subject to the inclusion of specific conditions not originally included in the plan as submitted. Such conditions may include, but not be limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets. The Zoning Inspector shall issue a letter to the applicant within 7 days specifically stating the conditions placed upon the application; or
- C. Deny the site plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Village Planning Commission shall identify the deficiencies and suggest modifications to the site plan that, if made, may bring the site plan into compliance. The Zoning Inspector shall issue a letter to the applicant within 7 days specifically stating the decision of the Village Planning Commission.
- D. A modified site plan may be resubmitted for consideration by the Village Planning Commission at a regularly scheduled meeting. The Zoning Inspector shall transmit such plans to the Village Planning Commission, which shall be reviewed in accordance with the criteria set forth in Section 1125.08 (d).
- (5) Upon conditional approval of the site plan, the developer shall prepare and submit to the Zoning Inspector a final site plan. The final site plan shall include any modifications required by the Village Planning Commission during the site plan approval procedures. The Zoning Permit will not be issued until conditions placed on the site plan by the Village Planning Commission are met and included by the applicant in the final site plan.
- (6) Upon approval of the site plan, the Zoning Inspector shall issue a Zoning Permit for the proposed use.
The Village Planning Commission shall act within sixty (60) days from the date the application was determined to be complete, or an extended period as mutually agreed upon by the applicant and Village Planning Commission.



(f) Expiration of Plan Approval: An approved site plan shall remain valid for a period of twelve (12) months following the date of the issuance of the Zoning Permit, unless the Village Planning Commission authorizes a longer period at the time of approval. If, at the end of that time, construction of the development has not commenced, then approval of the site plan shall expire and be of no effect unless resubmitted and re-approved in accordance with this section. Construction is deemed to have commenced when all necessary excavation and piers or footings of one or more principal buildings included in the site plan, or relevant phase thereof have been completed.

(g) Deviation from plan: Any deviations or alterations from the approved site plan by the Fairport Harbor Planning Commission are prohibited. Upon determination that alternations to the approved plan are necessary, the applicant shall immediately notify the Zoning Inspector who shall make a determination whether or not the applicant shall resubmit the site plan and newly determined alterations to the Village Planning Commission for the purpose of amending the approval. (Ord. 2008-133. Passed 12-16-08.)

1125.09 APPROVAL OF THE VILLAGE ZONING INSPECTOR REQUIRED.

Proceedings and technical contents for Architectural Design for all districts.

- (a) Fairport Harbor Village has created architectural review standards to help retain its character. A zoning permit will not be issued by the Zoning Inspector for construction, or altering the exterior dimensions of any building in C-1, C-2, C-3, M-R, M-I, I, MFHD or M-F Districts or non-residential uses permitted in the Residential Use Districts or any construction, or altering the exterior dimensions of any building over the value of \$10,000 excluding roofs or accessory building under 600 SF without being approved for architectural design standards listed in Sections 1129.13 to 1129.17.
- (b) The owner of the property will submit the plans prepared by a registered architect for the building to the Zoning Inspector.
- (c) The Zoning Inspector will review and make a decision on a structure meeting the architectural standards for C-1, C-2, C-3, M-R, M-I, I, MFHD or M-F Districts or non-residential uses permitted in the Residential Use Districts. If the plans are in conformance with the Sections 1129.13 to 1129.17, then the Zoning Inspector will issue a compliance certificate.
- (d) The compliance certificate will be added to the site plan review. The Village Planning Commission shall not approve any site plan that is required to have the compliance certificate without the compliance certificate.
- (e) The Zoning Inspector may seek advice from the Planning Commission, Village Architect, or Village Engineer prior to the administrative approval.
(Ord. 2008-133. Passed 12-16-08.)

CHAPTER 1125.05
Off-Street Parking

1125.05.01	Purpose.	1125.05.07	Location of parking spaces.
1125.05.02	Parking space.	1125.05.08	Surfacing of drives, parking, loading and service spaces.
1125.05.03	Off-street parking spaces and access driveways.	1125.05.09	Lighting and striping.
1125.05.04	Minimum number of required parking spaces.	1125.05.10	Landscaping, screening and buffering.
1125.05.05	Units of measure.	1125.05.11	Special parking provisions.
1125.05.06	Deferred construction of required spaces.	1125.05.12	Handicap parking spaces.

1125.05.01 PURPOSE.

The off-street parking regulations contained herein are promulgated in order to achieve the following:

- (a) To relieve congestion on public streets so that they can be utilized more fully for the movement of vehicular and pedestrian traffic;
- (b) To promote the safety and convenience of pedestrians, guests, shoppers and employees by segregating parking areas from public rights-of-way thereby lessening congestion; and
- (c) To promote the general convenience, welfare and prosperity of residential, institutional, service, commercial and industrial developments, which depend upon off-street parking and loading facilities.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.02 PARKING SPACE.

A parking space shall consist of the square footage necessary to meet the requirements as set forth in the "Off-Street Parking Dimensional Table" contained in Section 1125.05.03 of the Code, but in no case shall a parking space be less than one hundred and sixty-two (162) square feet exclusive of access driveways, aisles, ramps, columns, streets, alleys, private drives or roadways, usable for the parking of passenger vehicles or commercial vehicles under a two (2) tons capacity. (Ord. 2008-133. Passed 12-16-08.)

1125.05.03 OFF-STREET PARKING SPACES AND ACCESS DRIVEWAYS.

Off-street parking spaces and access driveways serving said individual parking spaces shall conform to the following table:

Off-street Parking Dimensional Table

	Degree Angle:	45	60	90	Parallel
(a)	Width of Parking Space	9	9'	9'	9'
(b)	Length of Parking Space	19'	19'	18'	25'
(c)	Width of Driveway Aisle	13'	18'	22'	25'
(d)	Width of Access Driveway				
	(One-way traffic)	15'	22'	22'	13'
	(Two-way traffic)	22'	22'	22'	22'

All parking space dimensions shall be exclusive of driveways, aisles and other circulation areas.

Parking areas having more than one (1) aisle or driveway shall have directional signs or markings on each aisle or driveway indicating direction(s) of traffic flow.

Parking driveways shall be located 36 feet apart when attaching to a public right-of-way. (Ord. 2008-133. Passed 12-16-08.)

1125.05.04 MINIMUM NUMBER OF REQUIRED PARKING SPACES.

Use/Activity Minimum Parking Spaces Required

(a) Residential:

- (1) Single-Family Dwelling: A minimum of two (2) enclosed spaces (i.e.: garage) and a minimum of five hundred (500) square feet of unenclosed parking area per dwelling unit shall be provided. Driveways and parking areas shall be improved with asphalt, concrete, brick or other similar type material and shall be a minimum of six feet in width outside of the right-of-way. The percentage of front yard area improved as driveway and parking area shall not exceed twenty percent (20%) of the total front yard area. There shall be no off-street parking provided within the road right-of-way.
- (2) Duplex Dwelling: Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed. The driveway and parking area shall be improved with asphalt, concrete, brick or other similar type material. The percentage of front yard area improved as driveway and parking area shall not exceed twenty percent (20%) of the front yard area. There shall be no off-street parking provided within the road right-of-way.
- (3) Multi-Family Dwelling: Four (4) spaces per dwelling unit, of which two (2) spaces shall be enclosed.
- (4) Senior Citizen Development: Two and one-half (2-1/2) spaces per dwelling unit, of which one (1) shall be enclosed for the dwelling and others provided as visitors' spaces. The parking area shall be improved by asphalt, concrete or brick. Visitor designated parking spaces shall contain spaces which measure twelve (12) feet by twenty (20) feet in area.

- (b) Educational/Community Facilities:
- (1) Child or Adult Day Care Centers: One (1) space for every employee on maximum shift, plus one (1) space per five (5) persons enrolled at center capacity. Vehicles used to transport clients on field trips or similar activities shall be permitted to park overnight at the center in compliance with the parking setbacks.
 - (2) Church/Place of Worship: One (1) space for every three (3) seats.
 - (3) Library, Museum: One (1) space for every 250 square feet of gross floor area and one (1) space for every employee on maximum shift, plus an area designated for the safe loading and unloading of persons.
 - (4) Community Center: One (1) space for every 100 square feet of gross floor area and one (1) space for every two (2) seats at maximum facility capacity, plus an area designated for the safe loading and unloading of persons.
 - (5) Nursing Homes, Rest Homes, or Convalescent Homes: One (1) space for every four (4) beds and one (1) space for every three (3) employees of the combined employment of the largest shift.
 - (6) Schools, Elementary, Middle or Junior High: One (1) space per classroom and ten (10) additional spaces for staff with one (1) additional space for every five (5) seats in the largest assembly room.
 - (7) Schools, Senior High: Five (5) spaces per classroom and one (1) space for every four (4) seats in the largest assembly room.
- (c) Commercial Recreational:
- (1) Auditoriums, Stadiums: One (1) space for every four (4) persons of seating capacity, plus one (1) space for every employee on maximum shift, plus an area designated for the safe and convenient loading and unloading.
 - (2) Studios for Instruction: One and one-half (1.5) spaces per student at maximum capacity, plus one (1) space for every employee on maximum shift, plus an area designated for the safe and convenient loading and unloading of students.
 - (3) Health/Recreational Facility: One (1) space for every 250 square feet of exercise area, locker room or Membership Sports/Fitness area and equipment rooms.
 - (4) Indoor Movie Theaters: One (1) space for every three (3) seats.
 - (5) Meeting/Banquet Facilities, Clubs: One (1) space for every three (3) persons of seating capacity, and plus one (1) space for every employee on maximum shift.
 - (6) Swimming Pools, Public: One (1) space for every fifty (50) square feet of defined active recreation area including water, lawn deck and bath house.
 - (7) Tennis Courts: Four (4) spaces per court.
 - (8) Marinas: One (1) space for every boat slip.

- (d) Office and Professional Services:
- (1) Business, Professional and Administrative Services (except medical and dental): One (1) space for every three hundred fifty (350) square feet of gross floor area.
 - (2) Dental, Medical and Clinical Offices: One (1) space for every 200 square feet of gross floor area.
 - (3) Banks, Credit Unions and other Financial Services: One (1) space for every 300 square feet of floor area, plus one (1) space for every employee on maximum shift.
 - (4) Funeral Home: One (1) space for every fifty (50) square feet of parlor or viewing room area.
 - (5) Veterinary Clinics and Hospitals: One (1) space for every four hundred (400) square feet of floor area and one (1) space for every two (2) employees.
- (e) Retail and Service:
- (1) Retail and Service Uses (unless otherwise specified): One (1) space for every two hundred and fifty (250) square feet of floor area.
 - (2) Restaurant-Counter Service: One (1) space for every 75 square feet of usable floor area, plus one (1) space for every three (3) employees, with a minimum of six (6) spaces.
 - (3) Restaurant-Table Service: One (1) space for every 75 square feet of gross floor area, plus one (1) space for every employee on maximum shift, plus ten (10) spaces.
 - (4) Convenience Store: One (1) space for every one hundred (100) square feet of gross floor area.
 - (5) Furniture, Appliance, Building Supply, Showrooms (Plumbing, Electrical, Decorators and Related Trades), Nursery and Garden Supply: One (1) space for every four hundred (400) square feet of floor area or display area.
 - (6) Hotels and Motels: One (1) space per room, plus seventy-five percent (75%) of the normal spaces required for accessory uses such as restaurants and meeting/banquet facilities. Plus one (1) space for every employee on maximum shift.
 - (7) Bed and Breakfast: One (1) space per room plus one (1) space for every employee on maximum shift.
 - (8) Gas Station: One (1) space for every employee on maximum shift, plus eight (8) spaces for customers.
 - (9) Car Wash, Automatic: One (1) space for every employee on maximum shift, plus 10 waiting spaces.
 - (10) Car Wash, Self-Serve: One (1) space for every employee on maximum shift, plus three waiting spaces per stall.
 - (11) Automotive Services/Repair: One (1) space for every employee on maximum shift, plus three for each lift or service bay, plus eight (8) spaces for customers.

- (12) Instant Oil Change: One (1) space for every employee on maximum shift, plus three (3) waiting spaces for every service bay.
- (13) Automobile, Motorcycle, Boat and Recreational Vehicle: One (1) space for every four hundred (400) square feet of enclosed sales area, one space for every six hundred (600) square sales and service feet of outdoor sales area, one (1) space for every service bay, and one (1) space for every employee on maximum shift.
- (f) Manufacturing/Warehousing:
 - (1) Manufacturing: One (1) space for every four hundred (400) square feet of gross floor area.
 - (2) Research Laboratory: One (1) space for every five hundred (500) square feet of gross floor and Testing Labs area.
 - (3) Warehousing: One (1) space for every one thousand (1000) square feet of gross floor area. (Ord. 2008-133. Passed 12-16-08.)

1125.05.05 UNITS OF MEASURE.

In determining the required number of parking spaces, the following rules shall apply:

- (a) Floor Area: Where floor area is designated as the standard for determining parking space requirements, gross floor area shall be used for all land uses.
- (b) Seating Capacity: Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one (1) seat for each twenty-four (24) lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one (1) seat for each twenty (20) square feet of floor area of the assembly room.
- (c) Employees: Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees on any two (2) successive shifts, unless specified otherwise above.
- (d) Fractional Numbers: Fractional numbers shall be rounded up to the next highest whole number. (Ord. 2008-133. Passed 12-16-08.)

1125.05.06 DEFERRED CONSTRUCTION OF REQUIRED SPACES.

If the number of parking spaces required in Section 1125.05.05 is substantially larger than the number anticipated by the applicant and/or the project is to be built in phases, and the applicant provides sufficient evidence to the Zoning Inspector that supports the reduced parking needs, a site plan may be approved with a lesser number of parking spaces provided:

- (a) That the total number of spaces initially provided shall not be less than seventy percent (70%) of the spaces required under Section 1125.05.05.
- (b) That suitable area(s) are reserved for the construction of the balance of the total number of spaces that otherwise would have been required under Section 1125.05.05 and shall be indicated on the site plan in locations with drainage and landscaping in full compliance with this Code.

- (c) That the Zoning Inspector upon evaluation of the project's parking needs, may direct at anytime that some or all of the remaining land banked parking spaces be constructed.
- (d) That any additional parking shall be provided according to the approved site plan and only after approval of the construction plans by the Village Engineer.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.07 LOCATION OF PARKING SPACES.

(a) All parking spaces as required under this Section shall be located on the same lot or parcel as the building or use being served, except that where an increase in the number of spaces is required by a change of use or enlargement of use where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than five hundred (500) feet from any other non-residential building being served, provided however, that such spaces have reasonable and safe access to the building being served. The off-street parking shall be screened from adjacent single-family residentially used land.

The property owner may use on-street parking as part of the number of parking spaces that are provided so long as the on street parking is within 500 feet of the building and not claimed by another use. Half of the required parking spaces shall be in an off-street parking area.

The property owner may lease off-street parking spaces from the Village and count them as part of the number of parking spaces provided so long as the spaces are within 500 feet of the building and not previously leased.

(b) That, for other than single-family, two-family or multi-family dwellings, the parking area be designed in such a manner that a vehicle entering or leaving the parking area shall be moving in a forward direction. Access to driveways for parking areas and/or loading spaces shall be located in such a way that any vehicle entering or leaving said lot shall be clearly visible for a reasonable distance from a private or public street.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.08 SURFACING OF DRIVES, PARKING, LOADING AND SERVICE SPACES.

Required off-street parking surfaces, access drives, and loading and service areas in any district, except in conjunction with a single or two-family dwelling, shall be of asphalt, Portland cement concrete and shall be so graded and drained as to properly dispose of any surface water and prevent the drainage of such water onto adjacent properties.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.09 LIGHTING AND STRIPING.

Any parking area intended to be used during non-daylight hours shall be illuminated to provide a safe environment, but light trespass shall be kept to a minimum. Such lighting shall be so arranged as to direct the light away from any adjoining properties or public road rights-of-way. Parking areas with a required capacity of over five (5) vehicle spaces shall be striped with six (6) inch wide lines between the parking spaces.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.10 LANDSCAPING, SCREENING AND BUFFERING.

All developments shall include the following required landscaping for parking lots:

- (a) **Interior Parking Lot Landscaping:** For parking areas in any district designed to accommodate twenty (20) or more vehicles, a minimum of ten percent (10%) of the parking lot shall be planted as landscaped island areas, developed and distributed throughout the parking lot so as to provide visual and climatic relief from broad expanses of pavement and designed to reduce the amount of runoff from the site. Each individual landscaped island shall be a minimum of ten (10) feet in width in any horizontal direction and shall provide at least one (1) major shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches. For the purposes of this section, the parking area shall be the total surface area including access and circulation aisles.
- (b) **Additional Plantings along Public Streets:** Whenever parking areas consisting of five (5) or more spaces are located such that the parked cars will be visible from a public road right-of-way, landscaping, in addition to the required interior parking lot landscaping in subsection (a) above, shall be planted and maintained between the street and the parking lot. Such landscaping shall be a minimum of three (3) feet in height and located adjacent to the perimeter of the parking lot and placed to effectively screen parking areas from the view of public road rights-of-way without impeding vision sight lines from a motor vehicle, either to the right or left with respect to an adjacent private drive or public road right-of-way. In lieu of landscaping, parking areas may be screened by the use of decorative elements such as building wall extensions, berms, mounding or other innovative means so as to screen parking areas from the view of public road rights-of-way without impeding vision sight lines from a motor vehicle, either to the right or left with respect to an adjacent private or public road.
(Ord. 2008-133. Passed 12-16-08.)

1125.05.11 SPECIAL PARKING PROVISIONS.

- (a) Owners of camping and recreational vehicles may park or store such equipment in any residential district subject to the following conditions:
 - (1) A recreational vehicle shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this vehicle be used for living or housekeeping purposes.
 - (2) If the camping or recreational vehicle is parked or stored outside, it shall be parked or stored behind the front building setback line of the lot.
 - (3) Camping or recreational vehicles may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours, as long as such parking for loading or unloading purposes does not obstruct the view of driveway vehicular and pedestrian traffic of adjoining or abutting properties.
 - (4) Trailers may be used as a temporary business office during construction projects as long as they are located at least twenty-five (25) feet from a public road right-of-way and at least fifty (50) feet from any abutting property line. Such trailer used as a business office shall be removed when a model home has been completed if it is a residential project, and shall be removed immediately upon completion if it is a commercial or industrial project.

(b) The parking or storage of tractor trailers, truck tractors, truck cabs, truck trailers, dump trucks, busses, tow trucks, flat bed trucks and/or any other types of commercial vehicles, which require a commercial driver's license to operate and/or exceeds 4,500 pounds empty weight, shall be prohibited in any residential district. Such vehicles shall be allowed in residential districts for the purposes of making deliveries and/or pick-ups, or for the loading or unloading of persons. (Ord. 2008-133. Passed 12-16-08.)

1125.05.12 HANDICAP PARKING SPACES.

Handicap accessible parking spaces shall be provided in accordance with the following provisions of the Americans with Disabilities Act, including but not limited to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) Manual published in July of 1998 by the U.S. Architectural and Transportation Barriers Compliance Board for proper design and implementation, and/or the Code of Federal Regulations (28 CFR Part 36) Revised as of July 1, 1994, and all amendments and revisions thereto. (Ord. 2008-133. Passed 12-15-08.)

CHAPTER 1126
Site and Grading Plans

- 1126.01 Preliminary plot plan requirements.
- 1126.02 Approval of preliminary plot plan; finished ground grade and grade of foundation.
- 1126.03 Final plot plan.

- 1126.04 Deposit, costs and fees.
- 1126.05 Provision for drainage of surface water required.
- 1126.06 Conflicts.
- 1126.07 Violations.
- 1126.99 Penalty.

1126.01 PRELIMINARY PLOT PLAN REQUIREMENTS.

In addition to all other requirements of the Building and Housing Code, the Zoning Code and ordinances or statutes of the Village, the County and the State, and before a building permit is issued by the County Building Inspection Department for a building, a person who owns, leases or is in possession or control of any property who desires to construct a new building or structure, or to remodel or reconstruct an existing building or structure wherein the existing grade of the lot or building is proposed to be changed, or a person seeking to change the grade of any property by more than three inches, shall, in addition to obtaining all other permits required by the Village, County and State, submit to the Village Zoning Inspector an application for a permit, the required deposit and three copies of the plot plan of the property, prepared by a registered civil engineer or a registered surveyor, showing where such proposed construction or reconstruction is or shall be situated and showing, as applicable, the following:

- (a) The existing elevation of the center of the street;
- (b) The existing elevation of the top of the nearest street curb, if any;
- (c) The existing elevation of the top of the nearest portion of the sidewalk, if any;
- (d) The existing elevation at each corner of the lot;
- (e) The first or main floor elevation and the location of adjacent buildings within 105 feet;
- (f) The elevations of the existing grade and proposed finished grade of the lot on a suitable contour interval;
- (g) The proposed elevation of the first or main floor of the building or garage and the lawn grade at the building corners;
- (h) The foundation and/or slab elevation;
- (i) The bearings and lot dimensions, the lot and block number or lot and tract number, all easements of record, an arrow showing the north direction and the street name;
- (j) A reference bench mark established on some permanent object in the near vicinity which shall remain undisturbed during construction and available for elevation checks. The bench mark may be assumed to be 100 feet where a Village bench mark is not available.
- (k) The location, elevation and size of all existing and proposed on-site sanitary systems, sanitary sewers, water lines and storm sewers in or adjacent to the lot;

- (l) Building dimensions, setback and side yard dimensions;
- (m) Size and invert elevations of driveway culverts;
- (n) The existing elevations of the road ditch, if any, in front of the property at twenty-five foot intervals;
- (o) A certification by the registered surveyor that the property has been surveyed and iron pins set at all lot corners; and
- (p) Any other information that may be required by the Village Engineer to ensure that the proposed building elevations and site gradings are compatible with adjacent property and that positive drainage is achieved.
(Ord. 1998-119. Passed 10-20-98.)

1126.02 APPROVAL OF PRELIMINARY PLOT PLAN; FINISHED GROUND GRADE AND GRADE OF FOUNDATION.

(a) Upon receipt of the application and plot plan, as described in Section 1126.01, the Village Zoning Inspector shall, if all other aspects of the application for the permit are in order, submit a copy of the application and plot plan to the Village Engineer. The Engineer shall examine such plot plan for conformity to the proper relation with existing or proposed sanitary sewers, water lines, storm drainage and existing grades of adjacent lands and buildings, following the guidelines of subsection (b) hereof. If the plan does not so conform, the Engineer shall call the applicant's attention to the lack of conformity and require that the plan be changed in that respect. Once the Village Engineer finds that the plan conforms to the within Codified Ordinance, it shall be approved. Such approved plan shall be a condition of any permit which may be issued pursuant to this Chapter for such construction. It shall then be the responsibility of the applicant to perform all work in conformity with the various grades and elevations of the final approved plot plan and to set witness markers clearly designating the lot corners.

(b) The finished ground grade of a building shall be established in proper relation to the surrounding grade, driveway and street. The parcel of land or lot shall be graded so that water drains away from each building at a minimum grade of two percent. Surface drainage swales shall have a minimum grade of .5 percent designed so that surface water will drain onto a swale, street gutter, storm sewer, drain inlet or natural drainage way. The grades of driveways shall be a minimum of .4 percent and a maximum of fifteen 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 three to one. If a masonry retaining wall exceeds three feet in height, a hedge, fence or railing shall be provided.

(c) At such time as the permit holder has constructed the foundation or slab referred to in Section 1126.01(h), he or she shall request that the Village Engineer check the grade. No further construction shall be permitted until the Engineer has checked the elevation of such foundation and found it be in accordance with the plot plan approved pursuant to subsection (a) hereof.

(d) At appropriate times, the Village Engineer may inspect the progress of the site work. The permit holder shall be notified of any deficiencies discovered during such inspection, and he or she shall repair such deficiency within the time frame acceptable to the Village Engineer.

(e) Upon completion of construction and before a certificate of occupancy is issued for a building by the County Building Inspection Department, the permit holder shall schedule, with the Village Engineer, a pre-final inspection of the site work completed at that time. As soon as weather conditions allow for an adequate inspection, the Village Engineer shall inspect the site work. Any deficiency observed during such inspection shall be brought to the attention of the permit holder who shall correct such deficiency within a time frame acceptable to the Village Engineer. The Village Engineer shall bring to the permit holder's attention any change or addition to the site work which is to be incorporated into the final plot plan. (Ord. 1998-119. Passed 10-20-98.)

1126.03 FINAL PLOT PLAN.

Upon completion of the final grading and seeding of the site, the permit holder shall file with the Village Engineer a final plot plan, which shall show the final grades of the improvement as constructed. Such plan shall be certified, by a registered civil engineer or surveyor, as to the accuracy of the plan in depicting the actual construction. Such civil engineer or surveyor shall also certify that he or she has made an actual field observation of as-built conditions and that such conditions are as shown on the plan. The form of such certification shall be prescribed by the Village Engineer. (Ord. 1998-119. Passed 10-20-98.)

1126.04 DEPOSIT, COSTS AND FEES.

(a) The Fiscal Officer or Zoning Inspector shall collect a five hundred dollar (\$500.00) deposit at the time of application for a permit. The Village Engineer shall estimate the cost of the grade plan review. If the estimated cost exceeds the five hundred dollar (\$500.00) deposit, the applicant shall be informed of the estimated cost and shall be directed to deposit the difference between the Engineer's estimate and the applicant's original five hundred dollar (\$500.00) deposit, which difference shall be deposited prior to the Engineer's examination of the plot plan.

(b) The applicant shall be charged for the actual costs incurred by the Village Engineer for reviewing the plot plan, issuing the permit, inspecting the site and setting the grade, and any and all other expenses associated with the issuance of the permit. Such costs shall be computed on the basis and in accordance with the legislation governing the right of compensation for the Village Engineer at the time. Any deficiency between the actual costs of the services rendered by the Village Engineer and the deposit paid by the applicant shall be paid to the Village prior to the approval of the final plot plan. Any excess of the deposit over the actual costs of the Village Engineer and the permit fee shall be returned to the applicant.

(c) All costs and fees paid pursuant to this Chapter shall be deposited in the General Fund of the Village. (Ord. 1998-119. Passed 10-20-98.)

1126.05 PROVISION FOR DRAINAGE OF SURFACE WATER REQUIRED.

In addition to the requirements of this Chapter or of any ordinance adopted by the Village, wherever the plot plan filed under Section 1126.01 fails to indicate a method of positive draining of surface water from the lot, the Village Engineer shall notify the applicant of such failure and the applicant shall be required to correct such deficiency before resubmission for approval. (Ord. 1998-119. Passed 10-20-98.)

1126.06 CONFLICTS.

This chapter is not intended to repeal, abrogate or impair Section 1125.06, but is deemed to be supplemental thereto. Wherever this Chapter and/or Section 1125.06 or any other valid ordinance, building code or restriction, conflict or overlap, the more stringent restriction shall prevail. (Ord. 1998-119. Passed 10-20-98.)

1126.07 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this chapter, or fail to comply with any of such provisions or with any lawful requirement of any public authority made pursuant to this chapter, or knowingly use or cause or permit the use of any lands in violation of this chapter or in violation of any permit granted under this chapter. (Ord. 1998-119. Passed 10-20-98.)

1126.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this Chapter is 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, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 1998-119. Passed 10-20-98.)

CHAPTER 1127
Erosion and Sediment Control

1127.01	Purpose and scope.	1127.09	Performance standards.
1127.02	Definitions.	1127.10	Abbreviated Storm Water Pollution Prevention Plan.
1127.03	Disclaimer of liability.	1127.11	Bond.
1127.04	Conflicts, severability, nuisances and responsibility.	1127.12	Enforcement.
1127.05	Development of Storm Water Pollution Prevention Plans.	1127.13	Violations.
1127.06	Application procedures.	1127.14	Appeals.
1127.07	Compliance with state and federal regulations.	1127.15	Penalty.
1127.08	Storm Water Pollution Prevention Plan.		

1127.01 PURPOSE AND SCOPE.

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

- (b) This regulation will:
- (1) Allow development while minimizing increases in erosion and sedimentation.
 - (2) Reduce water quality impacts to receiving water resources and wetlands that may be caused by new development or redevelopment activities.

(c) This regulation applies to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways, underground cables, or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing; and all other uses that are not specifically exempted in Section 1127.01(d).

(d) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules and landscaping and/or gardening performed by a resident on residentially zoned land.
(Ord. 2005-012. Passed 1-25-05.)

1127.02 DEFINITIONS.

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

- (a) **ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN (ABBREVIATED SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.
- (b) **ACRE:** A measurement of area equaling 43,560 square feet.
- (c) **BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices (both structural and non-structural) to prevent or reduce the pollution of water resources and wetlands. BMPs also include treatment requirements, operating procedures, and practices to control facility and/or construction site runoff, spillage, or leaks; sludge or waste disposal; or drainage from raw material storage.
- (d) **COMMUNITY:** Throughout this regulation, this shall refer the Fairport Harbor Village, its designated representatives, boards, or commissions.
- (e) **CONSTRUCTION ENTRANCE:** The permitted points of ingress and egress to development areas regulated under this regulation.
- (f) **DEVELOPMENT AREA:** A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (g) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (h) **DRAINAGE:** (1) The area of land contributing surface water to a specific point. (2) The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (i) **EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (j) **EROSION AND SEDIMENT CONTROL:** The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity, or any combination of those forces.
- (k) **FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.
- (l) **LANDSCAPE ARCHITECT:** A Professional Landscape Architect registered in the State of Ohio.
- (m) **LARGER COMMON PLAN OF DEVELOPMENT OR SALE:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

- (n) **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that site owners of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- (o) **MINOR SUBDIVISION:** Any subdivision, all lots of which front on an existing Village dedicated street and with which there is no new street or right-of-way required or proposed.
- (p) **NPDES:** National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (q) **PARCEL:** Means a tract of land occupied or intended to be occupied by a use, building or group of buildings and their accessory uses and buildings as a unit, together with such open spaces and driveways as are provided and required. A parcel may contain more than one contiguous lot individually identified by a 'Permanent Parcel Number' assigned by the Lake County Auditor's Office.
- (r) **PERSON:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof.
- (s) **PHASING:** Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.
- (t) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio.
- (u) **RAINWATER AND LAND DEVELOPMENT:** Ohio's standards for storm water management, land development, and urban stream protection. The most current edition of these standards shall be used with this regulation.
- (v) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.
- (w) **SEDIMENT:** The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.
- (x) **SEDIMENTATION:** The deposition or settling of sediment.
- (y) **SETBACK:** A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Soil disturbing activities in this area are restricted by this regulation.
- (z) **SOIL DISTURBING ACTIVITY:** Clearing, grading, grubbing, excavating, filling, stockpiling, demolition, or other construction activity that alters the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.
- (aa) **STABILIZATION:** The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or a combination of those forces.
- (bb) **STORM WATER POLLUTION PREVENTION PLAN (SWP3):** The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

- (cc) **SUBDIVISION:** The division or resubdivision of land into two or more parts, lots, parcels, sites, units, tracts, or interests for the purpose of transfer of ownership, lease, or building development which includes private or public street construction.
- (dd) **UNSTABLE SOILS:** A portion of land that is identified by the Fairport Harbor Village Engineer as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.
- (ee) **WATER RESOURCE:** Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.
- (ff) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended).
(Ord. 2005-012. Passed 1-25-05.)

1127.03 DISCLAIMER OF LIABILITY.

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.
(Ord. 2005-012. Passed 1-25-05.)

1127.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

- (a) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions shall prevail.
- (b) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- (c) This regulation shall not be construed as authorizing any person to maintain a private or public nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- (d) Failure of the Fairport Harbor Village to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Fairport Harbor Village, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.
(Ord. 2005-012. Passed 1-25-05.)

1127.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.

(a) This regulation requires that a Storm Water Pollution Prevention Plan be developed and implemented for all soil disturbing activities disturbing one (1) acre or more and that an Ohio EPA Construction Site General Permit be obtained.

(b) The following soil disturbing activities requires an Abbreviated Storm Water Pollution Prevention Plan be developed and implemented:

- (1) New single-family residential construction with soil disturbing activities between one tenth (1/10) acre and one (1) acre which are not part of a larger common plan of development. If such new construction activities are part of a larger common plan of development or site disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan shall be required.
- (2) All multi-family or non-residential construction including additions, accessory buildings and accessory uses which disturbs less than one (1) acre of land.
- (3) Any soil disturbing activities not related to construction disturbing between one (1) acre and one tenth (1/10th) acre. If such activities disturb one (1) acre or more, or are part of a larger common plan of development or site disturbing one (1) acre or more, an Ohio EPA Construction Site General Permit and a Storm Water Pollution Prevention Plan may be required.

(c) Activities disturbing 1/10th (one tenth) or less of an acre are not required to submit a Storm Water Pollution Prevention Plan or an Abbreviated Storm Water Pollution Prevention Plan, unless required by the Fairport Harbor Village Engineer. These activities must comply with all other provisions of this regulation.
(Ord. 2005-012. Passed 1-25-05.)

1127.06 APPLICATION PROCEDURES.

(a) Soil Disturbing Activities Submitting a Storm Water Pollution Prevention Plan:
The applicant shall submit three (3) sets of the SWP3 as submitted to Ohio EPA and a copy of Ohio EPA's general permit issued for the project and the appropriate fees, deposits and sureties in accordance with the schedule published by the Fairport Harbor Village Administration to the Fiscal Officer for the following projects:

- (1) For general clearing projects: Prior to issuance of a Village zoning permit.
- (2) For other construction projects: Before issuance of a building permit by the Lake County Building Department Chief Official and a zoning permit from the Village Zoning Inspector.
- (3) For subdivision preliminary or interim projects: With submittal of the plans.
- (4) For subdivision improvement projects: With submittal of the plans and before issuance of any construction permit.

(b) Soil Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan: The applicant shall submit four (4) sets of the Abbreviated SWP3 and the appropriate fees, deposits and sureties in accordance with the schedule published by the Fairport Harbor Village Administration to the Fiscal Officer for the following projects:

- (1) For single-family home construction: Before issuance of a building permit by the Lake County Building Department Chief Official and a zoning permit from the Village Zoning Inspector.
- (2) For other construction projects: Before issuance of a building permit by the Lake County Building Department Chief Official and a zoning permit from the Village Zoning Inspector.
- (3) For general clearing projects: Prior to issuance of a Village zoning permit.

(c) The Fairport Harbor Village shall review the plans submitted under subsection (a) or (b) hereof for conformance with this regulation and approve or return for revisions with comments and recommendations for revisions after receipt of the plan. A plan rejected because of deficiencies shall receive a narrative report stating specific problems and the procedures for filing a revised plan which may be shown on a copy of the applicant's plan.

(d) Soil disturbing activities shall not begin and permits shall not be issued without an approved SWP3 or Abbreviated SWP3.

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

(f) Approvals issued in accordance with this regulation shall remain valid for one (1) year from the date of approval. (Ord. 2005-012. Passed 1-25-05.)

1127.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the US Army Corps of Engineers, and other federal, state, and/or county agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. Proof of compliance with the appropriate and applicable state and federal regulations shall be submitted with each Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Prevention Plan.

- (a) Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, or project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.

- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, or project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that an Ohio EPA Isolated Wetland Permit is not required. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, if an Individual Permit is required for the development project, public notice, or project approval. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
 - (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (e) Ohio Dam Safety Laws: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable. (Ord. 2005-012. Passed 1-25-05.)

1127.08 STORM WATER POLLUTION PREVENTION PLAN.

- (a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.
- (b) The SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.
- (c) The SWP3 shall incorporate measures as recommended by the most current edition of Rainwater and Land Development as published by the Ohio Department of Natural Resources and shall include the following information:
 - (1) Site description: The SWP3 shall provide:
 - A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).
 - B. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
 - C. An estimate of the impervious area and percent of imperviousness created by the soil disturbing activity.

- D. Existing data describing the soil and, if available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
- E. A description of prior land uses at the site and the present and proposed zoning (if applicable).
- F. An implementation schedule which describes the sequence of major soil-disturbing operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion and sediment controls to be employed during each operation of the sequence.
- G. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s).
- H. The aerial (plan view) extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project.
- I. For subdivided developments where the SWP3 does not call for a centralized sediment control capable of controlling multiple individual lots, a detailed drawing of a typical individual lot showing standard individual lot erosion and sediment control practices.
- J. Location and description of any storm water discharges associated with dedicated asphalt and dedicated concrete plants associated with the development area and the best management practices to address pollutants in these storm water discharges.
- K. Site map showing:
 - 1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.
 - 2. Soil types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.
 - 3. Existing and proposed one foot (1) contours. This must include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres for both the predeveloped and post-developed site conditions.
 - 4. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - 5. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - 6. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.

7. Sediment ponds, including their sediment settling volume and contributing drainage area.
 8. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling.
 9. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
 10. The location of any in-stream activities including stream crossings.
- (2) A soils engineering report. The Fairport Harbor Village Engineer, the Chief Building Inspector and/or the Village Zoning Inspector may require the SWP3 to include a Soils Engineering Report based upon his/her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and may require all the information listed below at the discretion of the above officials. Recommendations included in the report and approved by the Fairport Harbor Village Engineer shall be incorporated in the grading plans and/or other specifications for site development.
- A. Data regarding the nature, distribution, strength, and erodibility of existing soils.
 - B. If applicable, data regarding the nature, distribution, strength, and erodibility of the soil to be placed on the site.
 - C. Conclusions and recommendations for grading procedures.
 - D. Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.
 - E. Design criteria for corrective measures when necessary.
 - F. Opinions and recommendations covering the stability of the site.
(Ord. 2005-012. Passed 1-25-05.)

1127.09 PERFORMANCE STANDARDS.

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

The controls shall include the following minimum components:

- (a) Non-structural Preservation Measures: The SWP3 must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.

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

- (1) Stabilization: Disturbed areas must be stabilized as specified in Tables 1 and 2 below.

Table 1: Permanent Stabilization

<u>Area requiring permanent stabilization</u>	<u>Time frame to apply erosion controls</u>
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a stream and at final grade.	Within 2 days of reaching final grade.
Any area at final grade.	Within 7 days of reaching final grade within that area.

Table 2: Temporary Stabilization

<u>Area requiring temporary stabilization</u>	<u>Time frame to apply erosion controls</u>
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area.
Disturbed areas that will be idle over winter.	Prior to November 1.

Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.

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

- (c) Runoff Control Practices. The SWP3 shall incorporate measures that control the flow of runoff from disturbed areas so as to prevent erosion. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- (d) Sediment Control Practices. The SWP3 shall include a description of, and detailed drawings for, all structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, storm drain inlet protection, and earth diversion dikes or channels which direct runoff to a sediment settling pond. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment settling pond.

Sediment control practices must meet the following requirements:

- (1) Timing. Sediment control structures shall be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven (7) days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.
- (2) Sediment settling ponds. Concentrated storm water runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection, as determined in Table 3 below, shall pass through a sediment settling pond or equivalent best management practice upon approval from the Fairport Harbor Village Engineer.

The sediment-settling pond shall be sized to provide at least 67 cubic yards of storage per acre of total contributing drainage area. When determining the total contributing drainage area, offsite areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not comingled with sediment-laden runoff. The depth of the sediment-settling pond must be less than or equal to five (5) feet. The configuration between the inlets and the outlet of the basin must provide at least two units of length for each one unit of width (>2:1 length:width ratio). Sediment must be removed from the sediment-settling pond when the design capacity has been reduced by 40 percent. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

- (3) Silt fence and diversions. Sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties, water resources, and wetlands from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour and shall be capable of temporarily ponding runoff. The relationship between the maximum drainage area to silt fence for a particular slope range is shown in Table 3 below. Storm water diversion practices shall be used to keep runoff away from disturbed areas and steep slopes. Such devices, which include swales, dikes or berms, may receive storm water runoff from areas up to 10 acres.

Table 3: Maximum Drainage Area to Silt Fence

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

- (4) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.
- (5) Off-site tracking of sediment and dust control. Best management practices must be implemented to ensure sediment is not tracked offsite and that dust is controlled. These best management practices must include, but are not limited to, the following:

- A. Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
- B. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked offsite. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly.

Based on site conditions, the Fairport Harbor Village Engineer may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

- C. Silt fence or construction fence installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.
- D. Designated wheel washing areas. Wash water from these areas must be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for dewatering in conformance with Section 1127.09(g) of this regulation.

- E. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The Fairport Harbor Village Engineer may require dust controls including the use of water trucks to wet disturbed areas, tarping stockpiles, temporary stabilization of disturbed areas, and regulation of the speed of vehicles on the site.
- (6) Stream protection. Construction vehicles shall avoid water resources and wetlands. If the applicant is permitted to disturb areas within 50 feet of a water resource or wetland, the following conditions shall be addressed in the SWP3:
- A. All BMPs and stream crossings shall be designed as specified in the most recent edition of the Rainwater and Land Development Manual.
 - B. Structural practices shall be designated and implemented on site to protect water resources or wetlands from the impacts of sediment runoff.
 - C. No structural sediment controls (e.g., the installation of silt fence or a sediment settling pond in-stream) shall be used in a water resource or wetland.
 - D. Where stream crossings for roads or utilities are necessary and permitted, the project shall be designed such that the number of stream crossings and the width of the disturbance are minimized.
 - E. Temporary stream crossings shall be constructed if water resources or wetlands will be crossed by construction vehicles during construction.
 - F. Construction of bridges, culverts, or sediment control structures shall not place soil, debris, or other particulate material into or close to the water resources or wetlands in such a manner that it may slough, slip, or erode.
- (7) Modifying controls. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the applicant shall replace or modify the control for site conditions.
- (e) Non-sediment Pollutant Controls: No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands. These practices shall include but are not limited to the following:
- (1) Waste Materials: A covered dumpster shall be made available for the proper disposal of garbage, plaster, drywall, grout, gypsum, and other waste materials.
 - (2) Concrete Truck Wash Out: The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
 - (3) Fuel/Liquid Tank Storage: All fuel/liquid tanks and drums shall be stored in a marked storage area. A dike shall be constructed around this storage area with a minimum capacity equal to 110 % of the volume of all containers in the storage area.

- (4) Toxic or Hazardous Waste Disposal: Any toxic or hazardous waste shall be disposed of properly.
- (5) Contaminated Soils Disposal and Runoff: Contaminated soils from redevelopment sites shall be disposed of properly. Runoff from contaminated soils shall not be discharged from the site. Proper permits shall be obtained for development projects on solid waste landfill sites or redevelopment sites.
- (f) Compliance with Other Requirements. The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- (g) Trench and Ground Water Control. There shall be no sediment laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant laden by traversing over disturbed soils or other pollutant sources.
- (h) Internal Inspections. All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The applicant shall assign qualified inspection personnel to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Qualified inspection personnel are individuals with knowledge and experience in the installation and maintenance of sediment and erosion controls.
- These inspections shall meet the following requirements:
- (1) Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of or the potential for, pollutants entering the drainage system.
 - (2) Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. The applicant shall utilize an inspection form provided by the Fairport Harbor Village or an alternate form acceptable to the Fairport Harbor Village Engineer.
 - (3) Discharge locations shall be inspected to determine whether erosion and sediment control measures are effective in preventing significant impacts to the receiving water resource or wetlands.
 - (4) Locations where vehicles enter or exit the site shall be inspected for evidence of offsite vehicle tracking.
 - (5) The applicant shall maintain for three (3) years following final stabilization the results of these inspections, the names and qualifications of personnel making the inspections, the dates of inspections, major observations relating to the implementation of the SWP3, a certification as to whether the facility is in compliance with the SWP3, and information on any incidents of non-compliance determined by these inspections.

- (i) Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures and frequency of needed actions to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the Fairport Harbor Village Engineer. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:
- (1) When practices require repair or maintenance. If an internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - (2) When practices fail to provide their intended function. If an internal inspection reveals that a control practice fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - (3) When practices depicted on the SWP3 are not installed. If an internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (j) External Inspections: The City reserves the right to perform independent inspections as may be deemed appropriate to verify erosion control practices conform with approved plans.
- (k) Final Stabilization. Final stabilization shall be determined by the Fairport Harbor Village Engineer.
(Ord. 2005-012. Passed 1-25-05.)

1127.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

- (a) In order to control sediment pollution of water resources and wetlands, the applicant shall submit an Abbreviated SWP3 in accordance with the requirements of this regulation.
- (b) The Abbreviated SWP3 shall be certified by a professional engineer, a registered surveyor, certified professional erosion and sediment control specialist, or a registered landscape architect.

(c) The Abbreviated SWP3 shall include a minimum of the following BMPs. The Fairport Harbor Village may require other BMPs as site conditions warrant.

- (1) Construction Entrances: Construction entrances shall be built and shall serve as the only permitted points of ingress and egress to the development area. These entrances shall be built of a stabilized pad of aggregate stone or recycled concrete or cement sized greater than 2" in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of the Rainwater and Land Development Manual.
- (2) Concrete Truck Wash Out. The washing of concrete material into a street, catch basin, or other public facility or natural resource is prohibited. A designated area for concrete washout shall be made available.
- (3) Street Sweeping. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall be cleaned weekly.
- (4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

<u>Area requiring stabilization</u>	<u>Time frame to apply erosion controls</u>
Any disturbed area within 50 feet of a stream and not at final grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 21 days.

For all construction activities, any disturbed area, including soil stockpiles, that will be dormant for more than 21 days but less than one year, and not within 50 feet of a stream.	Within 7 days of the most recent disturbance within the area
--	--

Disturbed areas that will be idle over winter Prior to November 1.

Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed. These techniques may include mulching or erosion matting.

- (5) Inlet Protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment laden water entering active storm drain systems. Straw or hay bales are not acceptable forms of inlet protection.
- (6) Internal Inspection and Maintenance. All controls on the development area shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. Maintenance shall occur as detailed below:

- A. When practices requiring repair or maintenance. If the internal inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) days of the inspection.
 - B. When practices fail to provide their intended function. If the internal inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 must be amended and the new control practice must be installed within ten (10) days of the inspection.
 - C. When practices depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) days from the date of the inspection. If the inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- (7) Final Stabilization. Final stabilization shall be determined by the Fairport Harbor Village Engineer.
(Ord. 2005-012. Passed 1-25-05.)

1127.11 BOND.

(a) If a Storm Water Pollution Prevention Plan or Abbreviated Storm Water Pollution Prevention Plan is required by this regulation, soil disturbing activities shall not be permitted until a cash bond as identified on the Fairport Harbor Schedule of Fees, Deposits and Sureties has been deposited with the Fairport Harbor Village's Finance Department. This bond shall be posted for the Fairport Harbor Village to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The cash bond shall be returned, less the Fairport Harbor Village administrative fees as detailed in Chapter 1127 of the Codified Ordinances of the Fairport Harbor Village, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the Fairport Harbor Village's Engineer.

(b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the Fairport Harbor Village Engineer.
(Ord. 2005-012. Passed 1-25-05.)

1127.12 ENFORCEMENT.

(a) All development areas may be subject to external inspections by the Fairport Harbor Village to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(b) After each external inspection, the Fairport Harbor Village shall prepare and distribute a status report to the applicant.

(c) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the Fairport Harbor Village may take action as detailed in Section 1127.14 of this regulation.
(Ord. 2005-012. Passed 1-25-05.)

1127.13 VIOLATIONS.

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

(b) Upon notice, the Mayor, Village Administrator and/or designee may suspend any active soil disturbing activity for a period not to exceed ninety (90) days, and may require immediate erosion and sediment control measures whenever he or she determines that such activity is not meeting the intent of this regulation. Such notice shall be in writing, shall be given to the applicant, and shall state the conditions under which- work may be resumed. In instances, however, where the Mayor, Village Administrator and/or designee finds that immediate action is necessary for public safety or the public interest, he or she may require that work be stopped upon verbal order pending issuance of the written notice.
(Ord. 2005-012. Passed 1-25-05.)

1127.14 APPEALS.

This section is reserved for future legislation.

1127.15 PENALTY.

(a) Whoever violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the first degree and shall be fined no more than one thousand dollars (\$1,000.00) or imprisoned for no more than six (6) months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the Fairport Harbor Village instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the order of the Fairport Harbor Village Service Director and/or Commissioner of Building.
(Ord. 2005-012. Passed 1-25-05.)

CHAPTER 1128
Storm Water Management

1128.01	Purpose and scope.	1128.10	Alternative actions.
1128.02	Definitions.	1128.11	Easements.
1128.03	Disclaimer of liability.	1128.12	Maintenance and final inspection approval.
1128.04	Conflicts, severability, nuisances and responsibility.	1128.13	On-going inspections.
1128.05	Development of Comprehensive Storm Water Management Plans.	1128.14	Fees.
1128.06	Application procedures.	1128.15	Bond.
1128.07	Compliance with State and Federal regulations.	1128.16	Installation of water quality best management practices.
1128.08	Comprehensive Storm Water Management plans.	1128.17	Violations.
1128.09	Performance standards.	1128.18	Appeals.
		1128.99	Penalty.

1128.01 PURPOSE AND SCOPE.

(a) The purpose of this regulation is to establish technically feasible and economically reasonable storm water management standards to achieve a level of storm water quality and quantity control that will minimize damage to property and degradation of water resources and will promote and maintain the health, safety, and welfare of the citizens of the Village of Fairport Harbor, Ohio:

(b) This regulation requires owners who develop or re-develop their property within the Village of Fairport Harbor, Ohio to:

- (1) Control storm water runoff from their property and ensure that all storm water management practices are properly designed, constructed, and maintained.
- (2) Reduce water quality impacts to receiving water resources that may be caused by new development or redevelopment activities.
- (3) Control the volume, rate, and quality of storm water runoff originating from their property so that surface water and ground water are protected and flooding and erosion potential are not increased.
- (4) Minimize the need to construct, repair, and replace subsurface storm drain systems.

- (5) Preserve natural infiltration and ground water recharge, and maintain subsurface flow that replenishes water resources, except in slippage prone soils.
- (6) Incorporate storm water quality and quantity controls into site planning and design at the earliest possible stage in the development process.
- (7) Reduce the expense of remedial projects needed to address problems caused by inadequate storm water management.
- (8) Maximize use of storm water management practices that serve multiple purposes including, but not limited to, flood control, erosion control, fire protection, water quality protection, recreation, and habitat preservation.
- (9) Design sites to minimize the number of stream crossings and the width of associated disturbance in order to minimize the Village of Fairport Harbor, Ohio future expenses related to the maintenance and repair of stream crossings.
- (10) Maintain, promote, and re-establish conditions necessary for naturally occurring stream processes that assimilate pollutants, attenuate flood flows, and provide a healthy water resource.

(c) This regulation shall apply to all parcels used or being developed, either wholly or partially, for new or relocated projects involving highways and roads; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; grading; and all other uses that are not specifically exempted in Section 1128.01.

(d) Public entities, including the State of Ohio, Lake County, and the Village of Fairport Harbor, Ohio shall comply with this regulation for roadway projects initiated after April 4, 2006 and, to the maximum extent practicable, for projects initiated before that time.

(e) This regulation does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules.

(f) This regulation does not require a Comprehensive Storm Water Management Plan for linear construction projects, such as pipeline or utility line installation, that do not result in the installation of impervious surface as determined by the Village Engineer or CT Consultants, Inc. Such projects must be designed to minimize the number of stream crossings and the width of disturbance. Linear construction projects must comply with the requirements of Chapter 1127 Erosion and Sediment Control.
(Ord. 2006-040. Passed 4-4-06.)

1128.02 DEFINITIONS.

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

- (a) ACRE: A measurement of area equaling 43,560 square feet.
- (b) AS-BUILT SURVEY: A survey shown on a plan or drawing prepared by a Registered Surveyor indicating the actual dimensions, elevations, and locations of any structures, underground utilities, swales, detention facilities, and sewage treatment facilities after construction has been completed.

- (c) **BEST MANAGEMENT PRACTICES (BMPs):** Schedule of activities, prohibitions of practices, operation and maintenance procedures, treatment requirements, and other practices to reduce the pollution of water resources and to control storm water volume and rate.
- (d) **CLEAN WATER ACT:** Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4, 33 U.S.C. 1251 et. seq. Referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972.
- (e) **COMMUNITY:** The Village of Fairport Harbor, Ohio its designated representatives, boards, or commissions.
- (f) **COMPREHENSIVE STORM WATER MANAGEMENT PLAN:** The written document and plans meeting the requirements of this regulation that sets forth the plans and practices to minimize storm water runoff from a development area, to safely convey or temporarily store and release post-development runoff at an allowable rate to minimize flooding and stream bank erosion, and to protect or improve storm water quality and stream channels.
- (g) **CRITICAL STORM:** A storm that is calculated by means of the percentage increase in volume of runoff by a proposed development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a developed site.
- (h) **DETENTION FACILITY:** A basin, pond, tank, oversized pipe, or other structure that reduces the peak flow rate of storm water leaving the facility by temporarily storing a portion of the storm water entering the facility.
- (i) **DEVELOPMENT AREA:** A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.
- (j) **DEVELOPMENT DRAINAGE AREA:** A combination of each hydraulically unique watershed with individual outlet points on the development area.
- (k) **DISTURBED AREA:** An area of land subject to erosion due to the removal of vegetative cover and/or soil disturbing activities.
- (l) **DRAINAGE:** The removal of excess surface water or groundwater from land by surface or subsurface drains.
- (m) **EROSION:** The process by which the land surface is worn away by the action of wind, water, ice, gravity, or any combination of those forces.
- (n) **EXTENDED CONVEYANCE:** A storm water management practice that replaces and/or enhances traditional open or closed storm drainage conduits by retarding flow, promoting percolation of runoff into the soil, and filtering pollutants during the storm water quality event.
- (o) **EXTENDED DETENTION:** A storm water management practice that replaces and/or enhances traditional detention facilities by releasing the runoff collected during the storm water quality event over at least 24 to 48 hours, retarding flow and allowing pollutants to settle within the facility.
- (p) **FINAL STABILIZATION:** All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least 80% coverage for the area has been established or equivalent stabilization practices, such as the use of mulches or geotextiles, have been employed.
- (q) **GRADING:** The process in which the topography of the land is altered to a new slope.

- (r) **IMPERVIOUS COVER:** Any surface that cannot effectively absorb or infiltrate water. This may include roads, streets, parking lots, rooftops, sidewalks, and other areas not covered by vegetation.
- (s) **INFILTRATION:** A storm water management practice that does not discharge to a water resource during the storm water quality event, requiring collected runoff to either infiltrate into the groundwater and/or be consumed by evapotranspiration, thereby retaining storm water pollutants in the facility.
- (t) **LARGER COMMON PLAN OF DEVELOPMENT:** A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.
- (u) **MAXIMUM EXTENT PRACTICABLE:** The level of pollutant reduction that operators of small municipal separate storm sewer systems regulated under 40 C.F.R. Parts 9, 122, 123, and 124, referred to as NPDES Storm Water Phase II, must meet.
- (v) **NPDES:** National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.
- (w) **NONSTRUCTURAL STORM WATER MANAGEMENT PRACTICE:** Storm water runoff control and treatment techniques that use natural features to control runoff and/or reduce pollution levels.
- (x) **POST-DEVELOPMENT:** The conditions that exist following the completion of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.
- (y) **PRE-CONSTRUCTION MEETING:** Meeting prior to construction between all parties associated with the construction of the project including government agencies, contractors and owners to review agency requirements and plans as approved and submitted.
- (z) **PRE-DEVELOPMENT:** The conditions that exist prior to the initiation of soil disturbing activity in terms of topography, vegetation, land use, and the rate, volume, quality, or direction of storm water runoff.
- (aa) **PROFESSIONAL ENGINEER:** A Professional Engineer registered in the State of Ohio with specific education and experience in water resources engineering, acting in conformance with the Code of Ethics of the Ohio State Board of Registration for Engineers and Surveyors.
- (bb) **REDEVELOPMENT:** A construction project on land where impervious cover has previously been developed and where the new land use will not increase the runoff coefficient. If the new land use will increase the runoff coefficient, then the project is considered to be a new development project rather than a redevelopment project.
- (cc) **RIPARIAN AREA:** Land adjacent to any brook, creek, river, or stream having a defined bed and bank that, if appropriately sized, helps to stabilize streambanks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.
- (dd) **RIPARIAN AND WETLAND SETBACK:** The real property adjacent to a water resource on which soil disturbing activities are limited, by the Lake County Standard of 25 feet. The Village may adjust this setback as required by site conditions to protect the natural resources in the area.

- (ee) **RUNOFF:** The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually returned to water resources.
- (ff) **SEDIMENT:** The soils or other surface materials that can be transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (gg) **SEDIMENTATION:** The deposition of sediment in water resources.
- (hh) **SITE OWNER/OPERATOR:** Any individual, corporation, firm, trust, commission, board, public or private partnership, joint venture, agency, unincorporated association, municipal corporation, county or state agency, the federal government, other legal entity, or an agent thereof that is responsible for the overall construction site.
- (ii) **SOIL DISTURBING ACTIVITY:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, increased storm water quantity and/or decreased storm water quality.
- (jj) **STABILIZATION:** The use of Best Management Practices that reduce or prevent soil erosion by storm water runoff, trench dewatering, wind, ice, gravity, or a combination thereof.
- (kk) **STRUCTURAL STORM WATER MANAGEMENT PRACTICE:** Any constructed facility, structure, or device that provides storage, conveyance, and/or treatment of storm water runoff.
- (ll) **WATER QUALITY VOLUME.** The volume of runoff from a contributing watershed that must be captured and treated, equivalent to the maximized capture volume as defined in the American Society of Civil Engineers (ASCE) Manual and Report on Engineering Practice No. 87 and Water Environment Federation Manual of Practice No. 23 titled Urban Runoff Quality Management.
- (mm) **WATER RESOURCE:** Any public or private body of water; including wetlands; the area within the ordinary high water level of lakes and ponds; as well as the area within the ordinary high water level of any brook, creek, river, or stream having a defined bed and bank (either natural or artificial) which confines and conducts continuous or intermittent flow.
- (nn) **WATER RESOURCE CROSSING:** Any bridge, box, arch, culvert, truss, or other type of structure intended to convey people, animals, vehicles, or materials from one side of a watercourse to another. This does not include private, non-commercial footbridges or pole mounted aerial electric or telecommunication lines, nor does it include below grade utility lines.
- (oo) **WATERSHED:** The total drainage area contributing storm water runoff to a single point.
- (pp) **WETLAND:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas (40 CFR 232, as amended) or determined by the Ohio Department of Natural Resources. (Ord. 2006-040. Passed 4-4-06.)

1128.03 DISCLAIMER OF LIABILITY.

(a) Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or any particular parcel of property.

(b) By approving a Comprehensive Storm Water Management Plan under this regulation, the Village of Fairport Harbor does not accept responsibility for the design, installation, and operation and maintenance of storm water management practices. (Ord. 2006-040. Passed 4-4-06.)

1128.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.

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

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

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

(d) Failure of the Village of Fairport Harbor, Ohio to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village of Fairport Harbor, Ohio its officers, employees, or agents being responsible for any condition or damage resulting therefrom. (Ord. 2006-040. Passed 4-4-06.)

1128.05 DEVELOPMENT OF COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) This regulation requires that a Comprehensive Storm Water Management Plan be developed and implemented for soil disturbing activities disturbing one (1) or more acres of total land, or less than one (1) acre if part of a larger common plan of development or sale disturbing one (1) or more acres of total land, and on which any regulated activity of Section 1128.01 (c) is proposed.

(b) The Village of Fairport Harbor, Ohio shall administer this regulation, shall be responsible for determination of compliance with this regulation, and shall issue notices and orders as may be necessary. The Village of Fairport Harbor, Ohio may consult with the Lake County SWCD, private engineers, storm water districts, or other technical experts in reviewing any Comprehensive Storm Water Management Plan. (Ord. 2006-040. Passed 4-4-06.)

1128.06 APPLICATION PROCEDURES.

(a) Pre-Application Meeting: The applicant may attend a Pre-Application Meeting with the Village Engineer to discuss the proposed project, review the requirements of this regulation, identify unique aspects of the project that must be addressed during the review process, and establish a preliminary review and approval schedule.

(b) Preliminary Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets of a Preliminary Comprehensive Storm Water Management Plan (Preliminary Plan) and the applicable fees to the Village Administrator. The Preliminary Plan shall show the proposed property boundaries, setbacks, dedicated open space, public roads, water resources, storm water control facilities, and easements in sufficient detail and engineering analysis to allow the Village Engineer to determine if the site is laid out in a manner that meets the intent of this regulation and if the proposed storm water management practices are capable of controlling runoff from the site in compliance with this regulation. The applicant shall submit two (2) sets of the Preliminary Plan and applicable fees for review time as follows:

- (1) For subdivisions: In conjunction with the submission of the preliminary subdivision plan.
- (2) For other construction projects: In conjunction with the application for a zoning permit.
- (3) For general clearing projects: In conjunction with the application for a zoning permit.

Final Comprehensive Storm Water Management Plan: The applicant shall submit two (2) sets of a Final Comprehensive Storm Water Management Plan (Final Plan) and the applicable fees to the Village Administrator in conjunction with the submittal of the final plat, improvement plans, or application for a building or zoning permit for the site. The Final Plan shall meet the requirements of the Village 1128 and shall be approved by the Village Engineer prior to approval of the final plat and/or before issuance of a zoning permit by the Zoning Inspector.

(c) Review and Comment: The Village Engineer shall review the Preliminary and Final Plans submitted, and shall approve or return for revisions with comments and recommendations for revisions. A Preliminary or Final Plan rejected because of deficiencies shall receive a narrative report noting specific problems and the procedures for filing a revised Preliminary or Final Plan.

(d) Approval Necessary: Land clearing and soil-disturbing activities shall not begin and zoning and/or building permits shall not be issued without an approved Comprehensive Storm Water Management Plan.

(e) Sublots Will Not Proceed: Comprehensive Storm Water Management Plans for individual sublots in a subdivision will not be approved and building permits will not be issued unless the larger common plan of development or sale containing the subplot is in compliance with this regulation.

(f) Valid for Two Years: Approvals issued in accordance with this regulation shall remain valid for two (2) years from the date of approval.
(Ord. 2005-040. Passed 4-4-06.)

1128.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from other federal, state, and/or county agencies. If requirements vary, the most restrictive shall prevail. These permits may include, but are not limited to, those listed below. Applicants are required to show proof of compliance with these regulations before the Village of Fairport Harbor, Ohio will issue a building or zoning permit.

- (a) Ohio EPA NPDES Permits authorizing storm water discharges associated with construction activity or the most current version thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.
- (b) Section 401 of the Clean Water Act: Proof of compliance shall be a copy of the Ohio EPA Water Quality Certification application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 401 of the Clean Water Act is not applicable. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (c) Ohio EPA Isolated Wetland Permit: Proof of compliance shall be a copy of Ohio EPA's Isolated Wetland Permit application tracking number, public notice, project approval, or a letter from the site owner certifying that a qualified professional has surveyed the site and determined that Ohio EPA's Isolated Wetlands Permit is not applicable. Isolated wetlands shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (d) Section 404 of the Clean Water Act: Proof of compliance shall be a copy of the U.S. Army Corps of Engineers Individual Permit application, public notice, or project approval, if an Individual Permit is required for the development project. If an Individual Permit is not required, the site owner shall submit proof of compliance with the U.S. Army Corps of Engineer's Nationwide Permit Program. This shall include one of the following:
- (1) A letter from the site owner certifying that a qualified professional has surveyed the site and determined that Section 404 of the Clean Water Act is not applicable.
 - (2) A site plan showing that any proposed fill of waters of the United States conforms to the general and special conditions specified in the applicable Nationwide Permit. Wetlands, and other waters of the United States, shall be delineated by protocols accepted by the U.S. Army Corps of Engineers at the time of application of this regulation.
- (e) Ohio Dam Safety Law: Proof of compliance shall be a copy of the ODNR Division of Water permit application tracking number, a copy of the project approval letter from the ODNR Division of Water, or a letter from the site owner certifying and explaining why the Ohio Dam Safety Law is not applicable. (Ord. 2006-040. Passed 4-4-06.)

1128.08 COMPREHENSIVE STORM WATER MANAGEMENT PLANS.

(a) Comprehensive Storm Water Management Plan Required: The applicant shall develop a Comprehensive Storm Water Management Plan describing how the quantity and quality of storm water will be managed after construction is complete for every discharge from the site and/or into a water resource. The Plan will illustrate the type, location, and dimensions of every structural and non-structural storm water management practice incorporated into the site design, and the rationale for their selection. The rationale must address how these storm water management practices will address flooding within the site as well as flooding that may be caused by the development upstream and downstream of the site. The rationale will also describe how the storm water management practices minimize impacts to the physical, chemical, and biological characteristics of on-site and downstream water resources and, if necessary, correct current degradation of water resources that is occurring or take measures to prevent predictable degradation of water resources.

(b) Preparation by Professional Engineer: The Comprehensive Storm Water Management Plan shall be prepared by a registered professional engineer and include supporting calculations, plan sheets, and design details. To the extent necessary, as determined by the Village Engineer a site survey shall be performed by a Registered Professional Surveyor to establish boundary lines, measurements, or land surfaces.

(c) Community Procedures: The Village Engineer shall prepare and maintain procedures providing specific criteria and guidance to be followed when designing the storm water management system for the site. These procedures may be updated from time to time, at the discretion of the Village of Fairport Harbor based on improvements in engineering, science, monitoring, and local maintenance experience. The Village Engineer shall make the final determination of whether the practices proposed in the Comprehensive Storm Water Management Plan meet the requirements of this regulation. The Village Engineer may also maintain a list of acceptable and/or unacceptable Best Management Practices that meet the criteria of this ordinance to be used in the Village of Fairport Harbor, Ohio.

(d) Contents of Comprehensive Storm Water Management Plan: The Comprehensive Storm Water Management Plan shall contain an application, narrative report, construction site plan sheets, a long-term Inspection and Maintenance Agreement, and a site description with the following information provided:

(1) Site description:

- A. A description of the nature and type of the construction activity (e.g. residential, shopping mall, highway, etc.).
- B. Total area of the site and the area of the site that is expected to be disturbed (i.e. grubbing, clearing, excavation, filling or grading, including off-site borrow areas).
- C. A description of prior land uses at the site.
- D. An estimate of the impervious area and percent of imperviousness created by the soil-disturbing activity at the beginning and at the conclusion of the project.
- E. Existing data describing the soils throughout the site, including the soil series and association, hydrologic soil group, porosity, infiltration characteristics, depth to groundwater, depth to bedrock, and any impermeable layers.

- F. If available, the quality of any known pollutant discharge from the site such as that which may result from previous contamination caused by prior land uses.
 - G. The location and name of the immediate water resource(s) and the first subsequent water resource(s).
 - H. The aerial (plan view) extent and description of water resources at or near the site that will be disturbed or will receive discharges from the project.
 - I. Describe the current condition of water resources including the vertical stability of stream channels and indications of channel incision that may be responsible for current or future sources of high sediment loading or loss of channel stability.
- (2) Site map showing:
- A. Limits of soil-disturbing activity on the site.
 - B. Soils types for the entire site, including locations of unstable or highly erodible soils.
 - C. Existing and proposed one-foot (1') contours. This must include a delineation of drainage watersheds expected before, during, and after major grading activities as well as the size of each drainage watershed in acres.
 - D. Water resource locations including springs, wetlands, streams, lakes, water wells, and associated setbacks on or within 200 feet of the site, including the boundaries of wetlands or streams and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
 - E. Existing and planned locations of buildings, roads, parking facilities, and utilities.
 - F. The location of any in-stream activities including stream crossings.
- (3) Contact information: Company name and contact information as well as contact name, addresses, and phone numbers for the following:
- A. The Professional Engineer who prepared the Comprehensive Storm Water Management Plan.
 - B. The site owner.
- (4) Phase, if applicable, of the overall development plan.
- (5) List of subplot numbers if project is a subdivision.
- (6) Ohio EPA NPDES Permit Number and other applicable state and federal permit numbers, if available, or status of various permitting requirements if final approvals have not been received.
- (7) Location, including complete site address and subplot number if applicable.
- (8) Location of any easements or other restrictions placed on the use of the property.
- (9) A site plan sheet showing:
- A. The location of each proposed post-construction storm water management practice.
 - B. The geographic coordinates of the site AND each proposed practice in North American Datum Ohio State Plan North.

It is preferred that the entire site be shown on one plan sheet to allow a complete view of the site during plan review. If a smaller scale is used to accomplish this, separate sheets providing an enlarged view of areas on individual sheets should also be provided.

- (10) An Inspection and Maintenance Agreement binding on the owner and all subsequent owners of lands served by the system of storm water management practices designed for the site. Such Agreements shall include all post-construction BMPs, shall be recorded with the deed of the property(s) within the site, and shall provide and stipulate the following:
- A. The location of each storm water management practice, including those practices permitted to be located in, or within 50 feet of, water resources.
 - B. The method of assured funding for long-term maintenance and inspections of all storm water management practices.
 - C. Features of the design that facilitate maintenance of a practice.
 - D. The on-going procedures needed to assure the continued performance of storm water management practices.
 - E. Additional standards, as required by the Village Engineer, to ensure continual performance of storm water management practices permitted to be located in, or within 50 feet of, water resources.
 - F. The party responsible for long-term maintenance, including repairs. This party shall also hold the easements required under Section 1128.11.
 - G. A prohibition on alteration of the practice without prior written request and approval from the Village Engineer.
 - H. An easement that allows the Village of Fairport Harbor, Ohio access to the storm water management practice at reasonable times for inspections to document the condition of the practice and to ensure it is functioning as originally designed and approved.
 - I. Permission for Village of Fairport Harbor, Ohio to enter upon the property and take whatever action is deemed necessary by the Village to maintain facilities that do not perform as specified in the Inspection and Maintenance Agreement, and to be reimbursed by the property owner(s) served by the facility for all expenses incurred within 10 days of receipt of invoice from the Village of Fairport Harbor, Ohio.
 - J. A release of the Village of Fairport Harbor, Ohio from all damages, accidents, casualties, occurrences, or claims that might arise or be asserted against said parties from the construction, presence, existence, or maintenance of the storm water management practices.

Alteration or termination of these stipulations is prohibited. The interpretation and extent of detail required shall be solely that of the Village Engineer. The applicant must provide a draft of this Inspection and Maintenance Agreement as part of the Comprehensive Storm Water Management Plan submittal. Once a draft is approved, a recorded copy of the Agreement must be submitted to the Village Engineer to receive final inspection approval of the site.

- (11) Calculations required: The applicant shall submit calculations for projected storm water runoff flows, volumes, and timing into and through all storm water management practices for flood control, channel protection, water quality, and the condition of the habitat, stability, and incision of each water resource and its the floodplain, as required in Section 1128.09 of this regulation. These submittal shall be completed for both pre- and post-development land use conditions and shall include the underlying assumptions and hydrologic and hydraulic methods and parameters used for these calculations. The applicant shall also include critical storm determination and demonstrate that the runoff from upper watershed areas have been considered in the calculations.
- (12) List of all contractors and subcontractors before construction: Prior to construction or before the pre-construction meeting, provide the list of all contractors and subcontractors names, addresses, and 24-hour phone numbers involved with the implementation of the Comprehensive Storm Water Management Plan including a written document containing signatures of all parties as proof of acknowledgment that they have reviewed and understand the requirements and responsibilities of the Comprehensive Storm Water Management Plan.
- (13) Existing and proposed drainage patterns: The location and description of existing and proposed drainage patterns and storm water management practices, including any related storm water management practices beyond the development area and the larger common development area.
- (14) For each storm water management practice to be employed on the development area, include the following:
 - A. Location and size, including detail drawings, written maintenance requirements during and after construction listed on the site plan, and design calculations, all where applicable.
 - B. Final site conditions including storm water inlets and permanent nonstructural and structural storm water management practices. Details of storm water management practices shall be drawn to scale and shall show volumes and sizes of contributing drainage areas.
 - C. Any other structural and/or non-structural storm water management practices necessary to meet the design criteria in this regulation and any supplemental information requested by the Village Engineer.
(Ord. 2006-040. Passed 4-4-06.)

1128.09 PERFORMANCE STANDARDS.

(a) General: All components of the storm water system, including storm water management practices for storage, treatment and control, and conveyance facilities, shall be designed to prevent structure flooding during the 100-year, 24-hour storm event; to maintain predevelopment runoff patterns, flows, and volumes; and to meet the following criteria:

- (1) Integrated practices that address degradation of water resources. The storm water management practices shall function as an integrated system that controls flooding and minimizes the degradation of the physical, biological, and chemical integrity of the water resources receiving storm water discharges from the site. Acceptable practices shall:

- A. Not disturb riparian areas, unless the disturbance is intended to support a watercourse restoration project and complies with the Village of Fairport Harbor's established riparian setback requirements addressed earlier in this document.
- B. Maintain predevelopment hydrology and groundwater recharge on as much of the site as practicable.
- C. Only install new impervious surfaces and compact soils where necessary to support the future land use.
- D. Compensate for increased runoff volumes caused by new impervious surfaces and soil compaction by reducing storm water peak flows to less than predevelopment levels.

Storm water management practices that meet the criteria in this regulation, and additional criteria required by the Village Engineer, shall comply with this regulation.

- (2) Practices designed for final use: Storm water management practices shall be designed to achieve the storm water management objectives of this regulation, to be compatible with the proposed post-construction use of the site, to protect the public health, safety, and welfare, and to function safely with minimal maintenance.
- (3) Storm water management for all lots: Areas developed for a subdivision, as defined in Part 11 of the Village's codified ordinances, shall provide storm water management for the development of all subdivided lots. This shall include provisions for lot grading and drainage that prevent structure flooding during the 100-year, 24-hour storm; and maintain, to the extent practicable, the pre-development runoff patterns, volumes, and peaks from the lot.
- (4) Storm water facilities in water resources: Storm water management practices shall not be constructed in water resources unless the applicant obtains all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies, and the activity is in compliance with Chapter 1127 of the Village's codified ordinances and the Lake County standards for riparian setback requirements unless the Village determines that a modified setback is required, all as determined by the Village Engineer.
- (5) Storm water ponds and surface conveyance channels: All storm water pond and surface conveyance designs must provide a minimum of one (1) foot freeboard above the projected peak stage within the facility during the 100-year, 24-hour storm. When designing storm water ponds and conveyance channels, the applicant shall consider public safety as a design factor and alternative designs must be implemented where site limitations would preclude a safe design.
- (6) Exemption: The site where soil-disturbing activities are conducted shall be exempt if the site is part of a larger common plan of development where the storm water management requirements for the site are provided by an existing storm water management practice, or if the storm water management requirements for the site are provided by practices defined in a regional or local storm water management plan approved by the Village Engineer.
- (7) Maintenance: All storm water management practices shall be maintained in accordance with Inspection and Maintenance Agreements approved by the Village Engineer as detailed in Section 1128.08.

- (8) Ownership: Unless otherwise required by the Village of Fairport Harbor, Ohio, storm water management practices serving multiple lots in subdivisions shall be on a separate parcel held and maintained by an entity of common ownership or, if compensated by the property owners, by the Village of Fairport Harbor, Ohio. Storm water management practices serving single lots shall be placed on these lots, protected within an easement, and maintained by the property owner.
- (9) Preservation of Existing Natural Drainage. Practices that preserve and/or improve the existing natural drainage shall be used to the maximum extent practicable. Such practices may include minimizing site grading and compaction; protecting and/or restoring water resources, riparian areas, and existing vegetation; and maintaining unconcentrated storm water runoff to and through these areas.

(b) Storm Water Conveyance Design Criteria: All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include but not be limited to:

- (1) Stream relocation or enclosure: The Village Engineer may allow the enclosure or relocation of water resources only if the applicant obtains all appropriate permits from the Ohio EPA, the U.S. Army Corps, and other applicable federal, state, and local agencies and the activity is in compliance with Chapter 1127 of the Village's codified ordinances and the Village's riparian setback requirements, all as determined by the Village Engineer. At a minimum, stream relocation designs must show how the project will minimize changes to the vertical stability, floodplain form, channel form, and habitat of upstream and downstream channels on and off the property.
- (2) Off-site storm water discharges: Off-site storm water runoff that discharges to or across the applicant's development site shall be conveyed through the storm water conveyance system planned for the development site at its existing peak flow rates during each design storm. Off-site flows shall be diverted around storm water quality control facilities or, if this is not possible, the storm water quality control facility shall be sized to treat the offsite flow. Comprehensive Storm Water Management Plans will not be approved until it is demonstrated to the satisfaction of the Village Engineer that off-site runoff will be adequately conveyed through the development site in a manner that does not exacerbate upstream or downstream flooding and erosion.
- (3) Sheet flow. The site shall be graded in a manner that maintains sheet flow over as large an area as possible. The maximum flow path length and area of sheet flow shall be determined based on the slope, the uniformity of site grading, and the use of easements or other legally-binding mechanisms that prohibit re-grading and/or the placement of structures within sheet flow areas. In no case shall the overland flow path in a sheet flow area be longer than 300 feet, nor shall a sheet flow area exceed 1.5 acres. Flow shall be directed into an open channel, storm sewer, or other storm water management practice from areas too long and/or too large to maintain sheet flow, all as determined by the Village Engineer.

- (4) Open channels: Unless otherwise allowed by the Village of Fairport Harbor, Ohio drainage tributary to storm water management practices shall be provided by an open channel with landscaped banks and designed to carry the 10-year, 24-hour storm water runoff from upstream contributory areas.
- (5) Open drainage systems: Open drainage systems shall be used on all new development sites to convey storm water. Storm sewer systems shall be allowed only when the site cannot be developed at densities allowed under Village of Fairport Harbor, Ohio zoning ordinance or where the use of an open drainage system affects public health or safety, all as determined by the Village Engineer. The following criteria shall be used to design storm sewer systems when necessary:
- A. Storm sewers shall be designed such that they do not surcharge from runoff caused by the 5-year, 24-hour storm, and that the hydraulic grade line of the storm sewer stays below the gutter flow line of the overlying roadway, or below the top of drainage structures outside the roadway during a 10-year, 24-hour storm. The system shall be designed to meet these requirements when conveying the flows from the contributory area within the proposed development and existing flows from offsite areas that are upstream from the development.
 - B. The minimum inside diameter of pipe to be used in public maintained storm sewer systems is 12 inches. Smaller pipe sizes may be used in private systems, subject to the approval of the Village Engineer.
 - C. All storm sewer systems shall be designed to take into consideration the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency. The hydraulic grade line for the storm sewer system shall be computed with consideration for the energy losses associated with entrance into and exit from the system, friction through the system, and turbulence in the individual manholes, catch basins, and junctions within the system.
 - D. The inverts of all curb inlets, manholes, yard inlets, and other structures shall be formed and channelized to minimize the incidence of quiescent standing water where mosquitoes may breed.
 - E. Adequately sized headwalls shall be required at all storm sewer inlets or outlets to and from open channels or lakes.
- (6) Water Resource Crossings. The following criteria shall be used to design structures that cross a water resource within the Village of Fairport Harbor, Ohio.
- A. Water resource crossings other than bridges shall be designed to convey the stream's flow for the minimum 25-year, 24-hour storm.

- B. Bridges, open bottom arch or spans are the preferred crossing technique and shall be considered in the planning phase of the development. Bridges and open spans should be considered for all State Scenic Rivers, cold water habitat, exceptional warm water habitat, seasonal salmonid habitat streams, and Class III headwater streams. The footers or piers for these bridges and open spans shall not be constructed below the ordinary high water mark.
 - C. If a culvert or other closed bottom crossing is used, twenty-five (25) percent of the cross-sectional area or a minimum of 1 foot of box culverts and pipe arches must be embedded below the channel bed and designed accordingly.
 - D. The minimum inside diameter of pipes to be used for crossings shall be 12 inches.
 - E. The maximum slope allowable shall be a slope that produces a 10-fps velocity within the culvert barrel under design flow conditions. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.
 - F. All culvert installations shall be designed with consideration for the tailwater of the receiving facility or water resource. The tailwater elevation used shall be based on the design storm frequency.
 - G. Headwalls or other approved structures shall be required at all culvert inlets or outlets to and from open channels or lakes.
 - H. Streams with a drainage area of 5 square miles or larger shall incorporate floodplain culverts at the bankfull elevation to restrict head loss differences across the crossing so as to cause no rise in the 100-year storm event.
 - I. Bridges shall be designed such that the hydraulic profile through a bridge shall be below the bottom chord of the bridge for either the 100-year, 24-hour storm, or the 100-year flood elevation as determined by FEMA, whichever is more restrictive.
- (7) Overland flooding: Overland flood routing paths shall be used to convey storm water runoff from the 100-year, 24-hour storm event to an adequate receiving water resource or storm water management practice such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak 100-year water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation at the structure. When designing the flood routing paths, the conveyance capacity of the site's storm sewers shall be taken into consideration.

- (8) Compensatory flood storage mitigation: In order to preserve floodplain storage volumes and thereby avoid increases in water surface elevations, any filling within 100-year floodplains approved by the Village of Fairport Harbor, Ohio must be compensated by removing an equivalent volume of material. First consideration for the location(s) of compensatory floodplain volumes should be given to areas where the stream channel will have immediate access to the new floodplain within the limits of the development site. Consideration will also be given to enlarging existing or proposed retention basins to compensate for floodplain fill if justified by a hydraulic analysis of the contributing watershed. Unless otherwise permitted by the Village of Fairport Harbor, Ohio, reductions in volume due to floodplain fills must be mitigated within the legal boundaries of the development. Embankment slopes used in compensatory storage areas must reasonably conform to the natural slopes adjacent to the disturbed area. The use of vertical retaining structures is specifically prohibited.
- (9) Velocity dissipation: Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water resource so that the natural physical and biological characteristics and functions of the water resource are maintained and protected.
- (c) Storm Water Quality Control:
- (1) Direct runoff to a BMP: The site shall be designed to direct runoff from areas disturbed during construction to one or more of the following storm water management practices. These practices are listed in Table 2 of this regulation:
- A. Extended conveyance facilities that slow the rate of storm water runoff; filter and biodegrade pollutants in storm water; promote infiltration and evapotranspiration of storm water; and discharge the controlled runoff to a water resource.
 - B. Extended detention facilities that detain storm water; settle or filter particulate pollutants; and release the controlled storm water to a water resource.
 - C. Infiltration facilities that retain storm water; promote settling, filtering, and biodegradation of pollutants; and infiltrate all captured storm water into the ground based on the findings of the soil engineering report prepared for the site.
 - D. Other BMPs may be approved by the Village Engineer if the applicant demonstrates that they satisfactorily meet the objectives of this regulation according to criteria in Section 1128.09(c)(6).
- (2) Criteria applying to all storm water management practices. Practices chosen must be sized to treat the water quality volume (WQv) and to ensure compliance with Ohio Water Quality Standards (OAC Chapter 3745-1).
- A. The WQv shall be equal to the volume of runoff from a 0.75 inch rainfall event and shall be determined according to one of the following methods:

1. Through a site hydrologic study approved by the Village Engineer that uses continuous hydrologic simulation; site-specific hydrologic parameters, including impervious area, soil infiltration characteristics, slope, and surface routing characteristics; proposed best management practices controlling the amount and/or timing of runoff from the site; and local long-term hourly records, or
2. Using the following equation:

$$WQV = C * P * A / 12$$
 where terms have the following meanings:
 WQV = water quality volume in acre-feet
 C = runoff coefficient appropriate for storms less than 1 in.
 P = 0.75 inch precipitation depth
 A = area draining into the storm water practice, in acres.
 Runoff coefficients required by the Ohio Environmental Protection Agency (Ohio EPA) for use in determining the water quality volume are listed in Table 1. Alternatively, the Village Engineer may consider use of the following equation to calculate the runoff coefficient if the applicant can demonstrate that appropriate controls are in place to limit the proposed impervious area of the development:
 $C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$, where:
 i = fraction of the drainage area that is impervious

Table 1: Runoff Coefficients Based on the Type of Land Use

Land Use	Runoff Coefficient
Industrial & Commercial	0.8
High Density Residential (>8 dwellings/acre)	0.5
Medium Density Residential (4 to 8 dwellings/acre)	0.4
Low Density Residential (<4 dwellings/acre)	0.3
Open Space and Recreational Areas	0.2
Where land use will be mixed, the runoff coefficient should be calculated using a weighted average. For example, if 60% of the contributing drainage area to the storm water treatment structure is Low Density Residential, 30% is High Density Residential, and 10% is Open Space, the runoff coefficient is calculated as follows $(0.6)(0.3) + (0.3)(0.5) + (0.1)(0.2) = (0.35)$	

- B. An additional volume equal to 20% of the WQv shall be incorporated into the storm water practice for sediment storage.
- C. Storm water quality management practices shall be designed such that the drain time is long enough to provide treatment and protect against downstream bank erosion, but short enough to provide storage available for successive rainfall events as defined in Table 2.

Table 2: Draw Down Times for Storm Water Management Practices

Best Management Practice	Drain Time of WQv
Infiltration	24 - 48 hours
Extended Conveyance (Vegetated Swales, Filter Strips)	*
Extended Detention <ul style="list-style-type: none"> • Extended Dry Detention Basins • Wet Detention Basins ** • Constructed Wetlands (above permanent pool) • Media Filtration, Bioretention 	48 hours 24 hours 24 hours 40 hours
* Size to pass a hydrograph with a volume equal to the WQv, a duration of 2 hours, and peak rainfall intensity of 1 inch/hour at a depth of no more than 3 inches. **Provide both a permanent pool and an extended detention volume above the permanent pool, each sized with at least 0.75*WQV	

NOTE: This is the same table found in the Ohio EPA Construction General Permit. It has been reordered to match CRWP's recommended BMP categories and a more technically correct description of the "drain time" for vegetated swales and filter strips has been added.

- D. Each practice shall be designed to facilitate sediment removal, vegetation management, debris control, and other maintenance activities defined in the Inspection and Maintenance Agreement for the site.
- (3) Additional Criteria for Extended Detention Facilities:
- A. The outlet shall be designed to release the bottom 50 percent of the water quality volume in no less than 2/3rd of the drain time. A valve shall be provided to drain any permanent pool volume for removal of accumulated sediments. The outlet shall be designed to minimize clogging, vandalism, and maintenance.
 - B. The basin design shall incorporate the following features to maximize multiple uses, aesthetics, safety, and maintainability:
 - 1. Basin side slopes above the permanent pool shall have a run to rise ratio of 4:1 or flatter.

2. The perimeter of all permanent pool areas deeper than 4 feet shall be surrounded by an aquatic bench that extends at least 8 feet and no more than 15 feet outward from the normal water edge. The 8 feet wide portion of the aquatic bench closest to the shoreline shall have an average depth of 6 inches below the permanent pool to promote the growth of aquatic vegetation. The remainder of the aquatic bench shall be no more than 15 inches below the permanent pool to minimize drowning risk to individuals who accidentally or intentionally enter the basin, and to limit growth of dense vegetation in a manner that allows waves and mosquito predators to pass through the vegetation. The maximum slope of the aquatic bench shall be 10 (H) to 1 (V). The aquatic bench shall be planted with hearty plants comparable to wetland vegetation that are able to withstand prolonged inundation.
 3. A forebay designed to allow larger sediment particles to settle shall be placed at basin inlets. The forebay volume shall be equal to at least 10% of the water quality volume (WQv).
- (4) Additional criteria applying to extended conveyance facilities.
- A. Swales and filter strips shall be lined with fine, turf-forming, water-resistant grasses to slow and filter flows. Maximum depth of flow shall be no greater than three inches or as approved by the Village.
 - B. Concentrated runoff shall be converted to sheet flow before entering an extended conveyance facility.
- (5) Additional criteria applying to infiltration facilities.
- A. Infiltration facilities shall only be allowed if the soils of the facility fall within hydrologic soil groups A or B, and if the seasonal high water table and any underlying bedrock are at least six feet below the final grade elevation.
 - B. All runoff directed into an infiltration basin must first flow through an extended conveyance facility to remove coarser sediments that could cause a loss of infiltration capacity.
 - C. During construction, all runoff from disturbed areas of the site shall be diverted away from the proposed infiltration basin site. No construction equipment shall be allowed within the infiltration basin site to avoid soil compaction.
- (6) Alterative post-construction BMPs: The applicant may request approval from the Village Engineer for the use of alternative structural post-construction BMPs if the applicant shows, to the satisfaction of the Village Engineer and with prior written approval from Ohio EPA, that these BMPs are equivalent in pollutant removal and runoff flow/volume reduction effectiveness to those listed in Table 2.
- (d) Storm Water Quantity Control: The Comprehensive Storm Water Management Plan shall describe how the proposed storm water management practices are designed to meet the following requirements for storm water quantity control for each watershed in the development:

- (1) The peak discharge rate of runoff from the Critical Storm and all more frequent storms occurring under post-development conditions shall not exceed the peak discharge rate of runoff from a 1-year, 24-hour storm occurring on the same development drainage area under pre-development conditions.
- (2) Storms of less frequent occurrence (longer return periods) than the Critical Storm, up to the 100-year, 24-hour storm shall have peak runoff discharge rates no greater than the peak runoff rates from equivalent size storms under pre-development conditions. The 1, 2, 5, 10, 25, 50, and 100-year storms shall be considered in designing a facility to meet this requirement.
- (3) The Critical Storm for each specific development drainage area shall be determined as follows:
 - A. Determine, using a curve number-based hydrologic method that generates hydrographs, or other hydrologic method approved by the Village Engineer the total volume (acre-feet) of runoff from a 1-year, 24-hour storm occurring on the development drainage area before and after development. These calculations shall meet the following standards:
 1. Calculations shall include the lot coverage assumptions used for full build out as proposed.
 2. Calculations shall be based on the entire contributing watershed to the development area.
 3. Curve numbers for the pre-development condition must reflect the average type of land use over the past 10 years and not only the current land use.
 4. To account for future post-construction improvements to the site, calculations shall assume an impervious surface such as asphalt or concrete for all parking areas and driveways, regardless of the surface proposed in the site description.
 - B. From the volume determined in Section 1128.09(d)(3)A., determine the percent increase in volume of runoff due to development. Using the percentage, select the 24-hour Critical

Table 3: 24-Hour Critical Storm

If the Percentage of Increase in Volume of Runoff is:		The Critical Storm will be:
Equal to or Greater Than:	and Less Than:	
----	10	1 year
10	20	2 year
20	50	5 year
50	100	10 year
100	250	25 year
250	500	50 year
500	----	100 year

For example, if the percent increase between the pre- and post-development runoff volume for a 1-year storm is 35%, the Critical Storm is a 5-year storm. The peak discharge rate of runoff for all storms up to this frequency shall be controlled so as not to exceed the peak discharge rate from the 1-year frequency storm under pre-development conditions in the development drainage area. The post-development runoff from all less frequent storms need only be controlled to meet pre-development peak discharge rates for each of those same storms.

(e) **Storm Water Management on Redevelopment Projects:** Comprehensive Storm Water Management Plans for redevelopment projects shall reduce existing site impervious areas by at least 20 percent. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide storm water quality control facilities for at least 20 percent of the site's impervious area. When a combination of impervious area reduction and storm water quality control facilities is used, the combined area shall equal or exceed 20 percent of the site. Where conditions prevent impervious area reduction or on-site stormwater management for redevelopment projects, practical alternatives as detailed in Section 1128.10 may be approved by the Village Engineer.
(Ord. 2006-040. Passed 4-4-06.)

1128.10 ALTERNATIVE ACTIONS.

(a) When the Village of Fairport Harbor, Ohio determines that site constraints compromise the intent of this regulation, off-site alternatives may be used that result in an improvement of water quality and a reduction of storm water quantity. Such alternatives shall meet the following standards:

- (1) Shall achieve the same level of storm water quantity and quality control that would be achieved by the on-site controls required under this regulation.

- (2) Implemented in the drainage area of the proposed development project to the maximum extent practicable.

(b) Alternative actions may include, but are not limited to the following. All alternative actions shall be approved by the Village Engineer:

- (1) Fees, in an amount specified by the Village of Fairport Harbor, Ohio to be applied to community-wide storm water management practices.
- (2) Implementation of off-site storm water management practices and/or the retrofit of an existing practice to increase quality and quantity control.
- (3) Stream, floodplain, or wetland restoration.
- (4) Acquisition or conservation easements on protected open space significantly contributing to storm water control such as wetland complexes. (Ord. 2006-040. Passed 4-4-06.)

1128.11 EASEMENTS.

Access to storm water management practices as required by the Village Engineer for inspections and maintenance shall be secured by easements. The following conditions shall apply to all easements:

- (a) Easements shall be included in the Inspection and Maintenance Agreement submitted with the Comprehensive Storm Water Management Plan.
- (b) Easements shall be approved by the Village of Fairport Harbor, Ohio prior to approval of a final plat and shall be recorded with the Lake Auditor and on all property deeds.
- (c) Unless otherwise required by the Village Engineer, access easements between a public right-of-way and all storm water management practices shall be no less than 25-feet wide.
- (d) The easement shall be graded and/or stabilized as necessary to allow maintenance equipment to access and manipulate around and within each facility, as defined in the Inspection and Maintenance Agreement for the site.
- (e) Easements to structural storm water management practices shall be restricted against the construction therein of buildings, fences, walls, and other structures that may obstruct the free flow of storm water and the passage of inspection and maintenance equipment; and against the changing of final grade from that described by the final grading plan approved by the Village of Fairport Harbor, Ohio Any re-grading and/or obstruction placed within a maintenance easement may be removed by the Village of Fairport Harbor, Ohio at the property owners' expense. (Ord. 2006-040. Passed 4-4-06.)

1128.12 MAINTENANCE AND FINAL INSPECTION APPROVAL.

To receive final inspection and acceptance of any project, or portion thereof, the following must be completed and provided to the Village Engineer:

- (a) Final stabilization must be achieved and all permanent storm water management practices must be installed and made functional, as determined by the Village Engineer and per the approved Comprehensive Storm Water Management Plan.

- (b) An As-Built Certification, including a Survey and Inspection, must be (sealed, signed and dated) by a Professional Engineer or a Professional Surveyor with a statement certifying that the storm water management practices, as designed and installed, meet the requirements of the Comprehensive Storm Water Management Plan approved by the Village Engineer. In evaluating this certification, the Village Engineer may require the submission of a new set of storm water practice calculations if he/she determines that the design was altered significantly from the approved Comprehensive Storm Water Management Plan. The As-Built Survey must provide the location, dimensions, and bearing of such practices and include the entity responsible for long term maintenance as detailed in the Inspection and Maintenance Agreement.
- (c) A copy of the complete and recorded Inspection and Maintenance Agreement as specified in Section 1128.08 must be provided to the Village Engineer.
(Ord. 2006-040. Passed 4-4-06.)

1128.13 ON-GOING INSPECTIONS.

The Village of Fairport Harbor, Ohio shall inspect storm water management practices periodically. Upon finding a malfunction or other need for maintenance, the Village of Fairport Harbor, Ohio shall provide written notification to the responsible party, as detailed in the Inspection and Maintenance Agreement, of the need for maintenance. Upon notification, the responsible party shall have five (5) working days, or other mutually agreed upon reasonable time, to make repairs or submit a plan with detailed action items and established timelines. Should repairs not be made within this time, or a plan approved by the Village Engineer for these repairs not be in place, the Village of Fairport Harbor, Ohio may undertake the necessary repairs and assess the responsible party.
(Ord. 2006-040. Passed 4-4-06.)

1128.14 FEES.

The Comprehensive Storm Water Management Plan review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the Village of Fairport Harbor, Ohio before the review process begins. The Village Engineer shall establish an hourly fee schedule based upon the cost for providing these services.
(Ord. 2006-040. Passed 4-4-06.)

1128.15 BOND.

(a) If a Comprehensive Storm Water Management Plan is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond or surety of \$1,500/acre disturbed, has been deposited with the Village of Fairport Harbor, Ohio Finance Department. This bond or surety shall be posted for the Village of Fairport Harbor, Ohio to perform the obligations otherwise to be performed by the owner of the development area as stated in this regulation and to allow all work to be performed as needed in the event that the applicant fails to comply with the provisions of this regulation. The stormwater bond or surety will be returned, less Village of Fairport Harbor, Ohio administrative fees as detailed in Chapter 1128 of the Village of Fairport Harbor, Ohio Codified Ordinances, when the following three criteria are met:

- (1) After 80% of the lots of the project have been complete or 80% of the total project has been permanently stabilized or two years from the time of permanent stabilization have passed.
- (2) An As Built Inspection of all water quality practices is conducted by the Village Engineer.
- (3) A Inspection and Maintenance Agreement signed by the developer, the contractor, the Village of Fairport Harbor, Ohio and the private owner or homeowners association who will take long term responsibility for these BMPs, is accepted by the Village Engineer.

(b) Once these criteria are met, the applicant shall be reimbursed all monies that were not used for any part of the project. If all of these criteria are not met after three years of permanent stabilization of the site, the Village of Fairport Harbor, Ohio may use the monies to fix any outstanding issues with all storm water management structures on the site and the remainder of the monies shall be given to the private lot owner/ homeowners association for the purpose of long term maintenance of the project.
(Ord. 2006-040. Passed 4-4-06.)

1128.16 INSTALLATION OF WATER QUALITY BEST MANAGEMENT PRACTICES.

The applicant may not direct runoff through any water quality structures, or portions thereof that would be degraded by construction site sediment until the entire area tributary to the structure has reached final stabilization as determined by the Village Engineer this occurs after the completion of the final grade at the site, after all of the utilities are installed, and the site is subsequently stabilized with vegetation or other appropriate methods. The developer must provide documentation acceptable to the Village Engineer to demonstrate that the site is completely stabilized. Upon this proof of compliance, the water quality structure(s) may be completed and placed into service. Upon completion of installation of these practices, all disturbed areas and/or exposed soils caused by the installation of these practices must be stabilized within 2 days. (Ord. 2006-040. Passed 4-4-06.)

1128.17 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this regulation, or fail to comply with any of such provisions or with any lawful requirements of any public authority made pursuant to this regulation, or knowingly use or cause or permit the use of any lands in violation of this regulation or in violation of any permit granted under this regulation.
(Ord. 2006-040. Passed 4-4-06.)

1128.18 APPEALS.

Any person aggrieved by any order, requirement, determination, or any other action or inaction by the Village of Fairport Harbor, Ohio in relation to this regulation may appeal to the Village Board of Zoning Appeals and then if not satisfied may appeal to the court of Common Pleas. Such an appeal shall be made in conformity with Ohio Revised Code. Written notice of appeal shall be served on the Village of Fairport Harbor, Ohio.
(Ord. 2006-040. Passed 4-4-06.)

1128.99 PENALTY.

(a) Any person, firm, entity or corporation; including but not limited to, the owner of the property, his agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provision of this regulation is guilty of a misdemeanor of the third degree and shall be fined no more than five hundred dollars (\$500.00) or imprisoned for no more than sixty (60) days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The imposition of any other penalties provided herein shall not preclude the Village of Fairport Harbor, Ohio instituting an appropriate action or proceeding in a Court of proper jurisdiction to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of this regulation or other applicable laws, ordinances, rules, or regulations, or the orders of the Village of Fairport Harbor, Ohio. (Ord. 2006-040. Passed 4-4-06.)

CHAPTER 1129
Height and Area Requirements

1129.01	Standards adopted.	1129.14	Architectural design: multi-family structures.
1129.02	Lot area.	1129.15	Architectural design: Village Center commercial and retail structures.
1129.03	Lot of record.	1129.16	Architectural design: neighborhood and suburban context commercial and retail structures.
1129.04	Established setback.	1129.17	Architectural design: industrial structures.
1129.05	Accessory building.	1129.18	Landscaping and screening.
1129.06	Corner lots; setback and side yard.	1129.99	Penalty.
1129.07	Yard clearances.	Appendix A	
1129.08	Dwellings required to have access to public street.		
1129.09	Residential use in C-District.		
1129.10	C-1 or C-2 lots.		
1129.11	Residential rearyard setback.		
1129.12	Trash receptacles and portable toilets.		
1129.13	Architectural design: single-family and two-family houses.		

CROSS REFERENCES

General zoning regulations - see P. & Z. Ch. 1125
Amendments - see P. & Z. Ch. 1145

1129.01 STANDARDS ADOPTED.

The height and area requirements for the location and erection of buildings on any lot or tract of land are established and shown on the table marked Appendix annexed hereto and made a part hereof as though fully rewritten herein.
(Ord. 1983-82. Passed 11-29-83.)

1129.02 LOT AREA.

In computing lot area, no portion of the road or street right of way may be included, regardless of whether or not the lot owner holds the title to the same.
(Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.03 LOT OF RECORD.

On any lot which was designated on a recorded plat at the time the Zoning Ordinance took effect, a building may be constructed or enlarged regardless of lot size, but new construction or enlargement must comply with the setback, side line and rear line restrictions. No existing lot shall be diminished in lot area or frontage to less than the requirements now in effect, except for the purpose of enlarging adjoining lots.
(Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.04 ESTABLISHED SETBACK.

Where there is an existing established setback by older housing along the street, all new construction shall conform with such setback.
(Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.05 ACCESSORY BUILDING.

Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building for the purposes of this section. All other accessory buildings shall be at least ten feet from any dwelling. However, an accessory building located not less than ten feet to the rear of the main building may be erected not less than five feet from a side lot line, except on a corner lot, provided it will not be less than ten feet distance from any existing dwelling. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building. No accessory building in a residential district shall exceed in height the height of the main building constructed on the premises or eighteen feet whichever is lesser. (Ord. 90-33. Passed 5-7-90.) (See Appendix "A")

1129.06 CORNER LOTS; SETBACK AND SIDE YARD.

The setback building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the setback line for an inside lot on such street, but in no event shall the side yard clearance be less than fifteen feet. (Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.07 YARD CLEARANCES.

All required yard clearances shall remain open and unoccupied by any building or structure. (Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.08 DWELLINGS REQUIRED TO HAVE ACCESS TO PUBLIC STREET.

No dwelling or apartment house shall be erected, altered or used unless the same shall have access to a public street. If located in the rear of another building with no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty feet in width. Such reserved strip of land may not form a part of any lot width, lot yard or lot area required by the Zoning Ordinance. If more than one dwelling is located in the rear of another building with no immediate public street frontage, then such easement for access shall be not less than forty feet in width and each additional rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as though such dwellings were located on a public street. The easement shall be executed with the requirement provided by law for deeds and shall be filed with the Lake County Recorder for Record. (Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.09 RESIDENTIAL USE IN C-DISTRICT.

Residential uses permitted in a C-District shall meet the requirement of the district in which they are first permitted, except in a C-2 District no front or side yard shall be required. (Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.10 C-1 OR C-2 LOTS.

Any C-1 or C-2 lot abutting an R lot shall have a minimum five foot side yard on such sideline. (Ord. 1983-82. Passed 11-29-83.) (See Appendix "A")

1129.11 RESIDENTIAL REARYARD SETBACK.

Residential District (R) rearyard setback to be the average of the perpendicular rearyard depth of the left and right side of the structure. (Ord. 1996-60. Passed 7-2-96.) (See Appendix "A")

1129.12 TRASH RECEPTACLES AND PORTABLE TOILETS.

All solid waste resulting from any permitted principal, conditional or accessory use shall either be disposed of, stored in buildings or in a completely enclosed container. Such portable toilet, building, container or dumpster shall comply with the following:

- (a) All portable toilets and commercial compactors, storage bins, refuse containers, utilities and mechanical equipment shall be contained wholly within enclosed buildings, or enclosed by three solid walls and one gated wall of such nature and height (2 ft. height exceeding enclosed containers) as to conceal completely all operations thereof from grade level. They shall adhere to all setback requirements.
- (b) Gates and doors shall be kept closed at all times and only opened when containers are being used or emptied or serviced.
- (c) All receptacle areas shall be designed and constructed with screening as an integral part of the associated building architecture and using the building, materials, and architectural details to unite screening structure with the building when property abuts a residential property.
- (d) Loading, unloading, opening, closing, or operation of trash containers shall not take place in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 7:00 p.m. and 7:00 a.m. The actual pick-up/haul away time for trash containers and commercial trash/waste containers shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m. The actual operation of trash compactors shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m., including delivery and loading operations.
- (e) Construction or temporary trash receptacles and portable toilets are exempt from the screening and setback rules and fees.
(Ord. 2008-133. Passed 12-16-08.)

1129.13 ARCHITECTURAL DESIGN: SINGLE-FAMILY AND TWO-FAMILY HOUSES.

- (a) Applicability. These requirements apply to houses with one or two residential units in all zoning districts.
- (b) Intent. A home can be an expression of the owner's personal tastes and individuality. The intent is not to regulate or restrict particular residential architectural styles, but rather to preserve the unique character of the Village by requiring interesting, high quality residential architectural design for single-family and two-family houses.
- (c) Exterior Walls and Facades.
 - (1) Four-sided design. All walls must include materials and design characteristics consistent with those on the front facade. Rear and side wall materials that are allowed to be used are: Brick, vinyl siding, wood shingles, shakes or siding (except plywood sheathing as the exposed material) or any materials that are of greater quality and approved by the Village Architectural Review Officer.
 - (2) Transparency. All elevations must contain multiple windows. The fenestration pattern on side and rear walls that face navigable waterways, public rights-of-way, parks and open space must be similar to primary facade walls.

- (3) Facade articulation. Facades must be articulated by using color, arrangement, or change in materials to emphasize the facade elements.
- (4) Garages.
 - A. New housing development must avoid front elevations that result in a streetscape consisting mainly of rows of garage doors. A front-loading garage may occupy $\leq 50\%$ of the house linear frontage, and may protrude ≤ 6 feet from the longest front wall.
 - B. Garage doors on attached garages that are visible from the public right-of-way must be segmented.
 - C. Attached front-loading garages for more than two cars must be designed so garage bays beyond the first two are recessed by 4 feet from the main garage frontage.
- (5) Repetitive Design. Development of ten or more single-family and two-family houses must have four or more different types of housing models. Houses with identical or similar building elevations and/or floor plans must not be placed on adjacent lots or directly across the street from each other.

(d) Material. Predominant building exterior materials must be high quality, and used in their natural context and color.

(e) Additions. All additions to a single-family home must be in the same style of the original structure or the entire must be rehabilitated into a single architectural style. (Ord. 2008-133. Passed 12-16-08.)

1129.14 ARCHITECTURAL DESIGN: MULTI-FAMILY STRUCTURES.

(a) Applicability. These requirements apply in the MF and MFHD Districts and any residential structures with more than two units in other districts.

(b) Intent. The intent of this section is to increase the livability, quality and appearance of multi-family complexes and higher density residential areas. The design of the development contributes to the overall image of the Village and is a significant component of the community's residential mix.

(c) Form and Mass.

- (1) Massing. All buildings must be designed to provide complex massing configurations with a variety of different wall planes and roof lines. Plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces of >50 feet are prohibited.
- (2) Townhouse articulation. The facades of attached townhouses must be articulated to differentiate individual units.
- (3) Townhouse row length. No more than four attached townhouses may be attached in any single row or building cluster.
- (4) Building length. The maximum building length of a multi-family building is 200 feet.

(d) Exterior Walls and Facades.

- (1) Four-sided design. All walls must include materials and design characteristics consistent with those on the front facade. Inferior or lesser quality materials for side or rear walls are prohibited.

- (2) Transparency. All elevations on multi-family and attached townhouse buildings must contain multiple windows. The fenestration pattern on side and rear walls must be similar to primary facade walls.
 - (3) Garage doors.
 - A. Garage doors must be segmented.
 - B. The plane of each garage door must be offset by ≥ 2 feet from the plane of the garage door adjacent to it.
 - C. No more than four garage doors may appear on any row of townhouses or single side of a multi-family building.
 - D. Garage doors must be sited to avoid long, monotonous rows of garage doors and building walls. Garages must be oriented so they do not visually dominate the facade or streetscape.
 - (4) Mechanical equipment. Heating, venting, and air conditioning units on exterior building walls must be covered by an architectural grille, and be designed to blend in with surrounding wall surfaces. Such units must be set flush with the facade. When adjacent to building windows, they must be designed to appear as part of the building fenestration pattern.
- (e) Roofs.
- (1) Sloping roofs. On buildings where sloping roofs are the predominant roof type, each building roof must have at least five distinct ridge lines (including dormers). At least three of the ridge lines must be at right angles to each other, or be separated by a height of ≥ 2 feet. Sloping roof pitch must be at least 4:12.
 - (2) Flat roofs. On buildings where flat roofs are the predominant roof type, parapet walls must vary in height and/or shape at least once every ≤ 50 feet of building wall length.
- (f) Materials and Colors.
- (1) Building materials. Predominant building exterior materials must be high quality, and used in their proper context and color. A minimum of twenty-five percent (25%) of all exterior walls must be finished with masonry, brick, or stone. Vinyl siding is strongly discouraged.
 - (2) Roof materials. Roof materials must be high quality, durable and consistent with local architectural themes. Acceptable roof materials include concrete tile, high profile asphalt shingles, metal shingles and split seam metal.
 - (3) Colors. Material colors must be low-reflecting, subtle and neutral or earth-toned. Light colors are preferred. Awning colors should be complementary to the dominant color scheme of the host structure. Colors should be appropriate for the context of a lakefront community.
- (g) Outdoor Space and Balconies.
- (1) Townhouse units. Attached townhouse units must have a private outdoor patio or deck area with dimensions of 6 feet x 10 feet. Such an area must be demarcated by patio paving, decking, a privacy screen, low wall, or landscape screening.

- (2) Multi-family buildings. All multi-family buildings must provide private outdoor balcony or patio areas for at least fifty percent (50%) of all units. Such areas must have a minimum floor area with dimensions of ≤ 6 feet x 8 feet.
- (3) Structural integration. Outdoor patios and balconies must be architecturally and structurally integrated into the host structure. (Ord. 2008-133. Passed 12-16-08.)

1129.15 ARCHITECTURAL DESIGN: VILLAGE CENTER COMMERCIAL AND RETAIL STRUCTURES.

(a) Applicability. These requirements apply in the C-2 District. Development in the C-1 District must conform to the standards in this section, or the neighborhood and suburban context commercial and retail standards.

(b) Intent. The Village Center design theme encompasses several styles of commercial retail architecture common throughout the East and Midwest, on downtown Main Streets and town centers, which lend themselves to creating a unique, inviting, pedestrian-friendly commercial environment.

The intent of this chapter is to foster architectural themes appropriate for preserving the traditional Village Center character.

(c) Form and Mass. The typical storefront includes a centrally placed, recessed door flanked by display windows. Windows are raised off the ground by wood, stone or metal bulkheads. The signboard above the storefront is to be a prominent part of the building, and canvas awnings or shed roofs may be used to shade the storefront and shelter outdoor displays from the elements. Two-story buildings will contain retail uses on the first floor, and offices or residences on the second floor; one-story buildings are to be devoted exclusively to retail uses.

(d) Exterior Walls and Facades.

- (1) Pattern. Walls must include a repeating pattern that includes at least three of these elements:
 - A. Color change;
 - B. Texture change;
 - C. Material module change; and
 - D. Expression of architectural or structural bays through a change in plane at 0.5 of a foot or more wide, such as an offset, reveal or projecting rib D.

One or more of elements in subsection (d)(1)A., B. or C. hereof must repeat horizontally. All elements must repeat at intervals of ≤ 30 feet.

- (2) Base. Walls must have a recognizable base with:
 - A. Integrally textured materials such as stone or other masonry;
 - B. Integrally colored and patterned materials such as smooth-finished stone;
 - C. Lighter or darker colored materials, mullions or panels; or
 - D. Planters.
 - E. And have a recognizable top with: cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or stepped parapets.

- (3) Four-sided design. All walls must include materials and design characteristics consistent with those on the front facade. Inferior or lesser quality materials for side or rear walls are prohibited.
 - (4) Street facing walls. Walls facing streets, parking lots, and/or connecting pedestrian walkways must not have a blank, uninterrupted length more than 20 feet without including two or more of these features: change in plane, change in texture or masonry pattern, windows, or other equivalent elements that subdivide the wall into human scale proportions.
 - (5) Other exterior walls. Side or rear walls may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible.
 - (6) Street facing facades. Facades and walls facing streets, parking lots (excluding parking lots at rear loading docks), and/or connecting pedestrian walkways must be subdivided and proportioned using features such as windows, display areas, entrances, arcades, arbors, and awnings along $\geq 60\%$ of the facade.
 - (7) Awnings. Awnings may be placed over individual windows, doors and patios. Awnings must not stretch across the entire storefront or facade.
 - (8) Transparency.
 - A. The first floor front and walkway facing facades and walls must have windows and doors between 3 feet and 8 feet above the walkway grade for $\geq 80\%$ of the facade.
 - B. The second floor front and walkway facing facades and walls must have windows for $\geq 50\%$ of the facade length.
 - C. Side walls on all floors, and rear walls above the ground floor, must have windows and doors between 3 feet and 8 feet above the surface grade for $\geq 25\%$ of the facade or wall length.
 - D. Window and door frames ≤ 0.5 of a foot wide are included in the calculation of transparent frontage length.
 - (9) Garage doors.
 - A. Garage bay doors facing the public right-of-way must be segmented.
 - B. Garage doors must be recessed ≥ 2 feet behind the building facade.
 - C. Roll-up garage doors are prohibited.
- (e) Roofs.
- (1) Appearance. Roofs must appear to be flat.
 - (2) Mechanical equipment screening. Rooftop and ground mounted mechanical equipment must be completely screened (visually and acoustically) from the public right-of-way and adjacent properties.
- (f) Materials and Colors.
- (1) Building materials.
 - A. Acceptable building materials include brick, integrally colored concrete masonry units that resemble standard sized face brick, cast stone, marble, and cast iron.

- B. Concrete block and large concrete masonry units, painted masonry, tilt-up concrete panels, metal and vinyl siding, and prefabricated metal panels are prohibited.
 - C. Wood, and cellulose and masonry-based siding materials, may be used for trim and other architectural details, but not as the predominant surface material.
- (2) Building colors.
- A. Material colors must be low-reflecting, subtle and neutral or earth-toned. Trim must be painted or colored white, black or a dark shade of green, blue, maroon or brown.
 - B. High-intensity colors, metallic colors, black (except for trim) or fluorescent colors are prohibited.
 - C. Awning colors must be complementary to the dominant color scheme of the host structure.
- (Ord. 2008-133. Passed 12-16-08.)

1129.16 ARCHITECTURAL DESIGN: NEIGHBORHOOD AND SUBURBAN
CONTEXT COMMERCIAL AND RETAIL STRUCTURES.

(a) Applicability. These requirements apply in the C-3 District. Development in the C-1 District must conform to the standards in this section, or the village center commercial and retail standards.

(b) Intent. Commercial buildings in the Village should not be considered disposable, but rather built to age gracefully and maintain their functionality, with the intent of being a future landmark worthy of preservation efforts decades after construction. These standards are intended to ensure new development is compatible with the built environment, and respects and reinforces the unique character and sense of place of the Village, while creating a built environment attractive to prospective consumers, thus resulting in a healthy and desirable business climate.

(c) Character and Image. Building design must contribute to the sense of place by using predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. Standard formula or prototype building designs must be modified if necessary to conform to Village design standards; cookie-cutter architecture is unacceptable. In shopping centers or multiple building developments, individual buildings must include predominant characteristics shared by all buildings in the development so the development forms a cohesive place.

(d) Forms and Mass. A single, large, dominant building mass must be avoided in new buildings and projects involving changes to the mass of existing buildings. Changes in mass should be related to entrances, the integral structure and/or the interior space organization and activities, and not just for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.

(e) Exterior Walls and Facades.

(1) Pattern.

- A. Facades and walls must include a repeating pattern with an expression of architectural or structural bays through a change in plane ≥ 1 foot wide, such as:
An offset, reveal, pilaster, projecting ribs, fenestration patterns, or piers; and two (2) or more of these elements:

1. Color change;
 2. Texture change; and
 3. Material module change.
- B. One or more of elements 1., 2 or 3. must repeat horizontally. All elements must repeat at intervals of ≤ 30 feet.
- (2) Base. Facades and walls must have a recognizable “base” with (but not limited to):
- A. Integrally textured materials such as stone or other masonry;
 - B. Integrally colored and patterned materials such as smooth-finished stone;
 - C. Lighter or darker colored materials, mullions or panels; or
 - D. Planters and a recognizable “top” with (but not limited to):
 - E. Cornice treatments, other than colored “stripes” or “bands” alone, with integrally textured materials such as stone or other masonry or differently colored materials;
 - F. Sloping roof with overhangs and brackets;
 - G. Stepped parapets.
- (3) Four-sided design. All walls must include materials and design characteristics consistent with those on the front. Lesser quality materials for side or rear walls are prohibited. Rear and side wall materials that are allowed to be used are: Brick, vinyl siding, wood shingles, shakes or siding (except plywood sheathing as the exposed material) or any materials that are greater quality and approved by the Village Architectural Review Officer.
- (4) Long walls and facades; projections and recesses. Walls ≥ 100 feet long must include wall plane projections or recesses having a $\geq 3\%$ depth of the facade length, and extending $\geq 20\%$ of the facade length.
- (5) Street facing walls. Walls must not have a blank, uninterrupted length > 30 feet without including two or more of these features: change in plane, change in texture or masonry pattern, windows, or other equivalent elements that subdivide the wall into human scale proportions. Side or rear walls facing walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations, only when actual doors and windows are not feasible because of the building use.
- (6) Street facing facades. Facades and walls facing streets, parking lots (excluding parking lots at rear loading docks), and/or connecting pedestrian walkways must be divided and proportioned using features such as windows, display areas, entrances, arcades, arbors, and awnings along $\geq 60\%$ of the facade.
- (7) Primary building entrances. Primary building entrances must be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico to provide shelter from the sun and inclement weather.
- (8) Retail building entrances. Anchor stores, $\geq 50\%$ of the stores in a shopping center; and freestanding, single-use buildings, must have a clearly defined, highly visible customer entrance with four or more of the following design elements:

- A. Arcades.
 - B. Arches.
 - C. Canopies or porticos.
 - D. Details such as tile work and moldings integrated into the building structure and design.
 - E. Display windows.
 - F. Integral planters or wing walls that include landscaped areas and/or places for sitting.
 - G. Outdoor patios.
 - H. Overhangs.
 - I. Peaked roof forms.
 - J. Raised corniced parapets over the door.
 - K. Recesses and/or projections.
- (9) Awnings. Awnings may be as long as a single storefront.
- (10) Transparency.
- A. Front and side facades and walls of retail spaces with less than 20,000 square feet in shopping centers and multi-tenant buildings must be transparent between 3 feet and 8 feet above the walkway grade along $\geq 50\%$ of the facade or wall.
 - B. Front and side facades and walls of retail buildings and spaces with $\geq 20,000$ sq. ft. must be transparent between 3 feet and 8 feet above the walkway grade along 40% or more of the facade or wall.
Casement frames and mullions are included in the calculation of transparent frontage.
- (11) Garage doors. Garage bay doors must be segmented. Roll-up garage doors are prohibited. Garage doors must be recessed ≥ 2 feet behind the building facade.
- (f) Roofs.
- (1) Roof form design. Roof forms must correspond to and denote building elements and functions such as entrances, arcades and porches. Roof forms should relate to adjacent buildings or developments.
 - (2) Required features. Roofs must have one of the following features:
 - A. Overhanging eaves, extending ≥ 1.5 feet past the supporting walls.
 - B. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope ≥ 1 foot of vertical rise for every 3 feet of horizontal run and ≤ 1 foot of vertical rise for every 1 foot of horizontal run.
 - (3) Roof lines. The continuous plane of a roof line must be ≤ 100 feet.
 - (4) Mechanical equipment screening. Rooftop and ground mounted mechanical equipment must be screened (visually and acoustically) so it is not visible from the public right-of-way.
- (g) Materials and Color.
- (1) Building materials. Predominant building exterior materials must be high quality, and used in their natural context and color. Masonry, brick, stone, and wood are examples of appropriate building materials. Concrete masonry units, smooth-faced concrete block, painted brick and masonry, tilt-up concrete panels, vinyl and aluminum siding, and prefabricated metal panels and buildings are prohibited.

- (2) Roof materials. Roof materials must be high quality, durable and consistent with local architectural themes. Acceptable roof materials include concrete tile, high profile asphalt shingles, metal shingles and split seam metal.
- (3) Building colors.
 - A. Building colors must be low-reflecting, muted and neutral or earth-toned. Roof colors must be muted and compatible with the dominant building color.
 - B. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited.
 - C. Shiny, glossy or reflective materials, or brighter colors may be used on building trim and accents with a cumulative surface area of $\leq 0.25\%$ (1/400th) of a wall.
 - D. Awning colors must be complementary to the dominant color scheme of the host structure.
- (4) Material or color changes. Material or color changes must occur only at a change of plane or reveal line. Material or color changes at the outside corners of structures that give the impression of “thinness” and artificiality are prohibited. Piecemeal embellishment and frequent material changes are prohibited.
(Ord. 2008-133. Passed 12-15-08.)

1129.17 ARCHITECTURAL DESIGN: INDUSTRIAL STRUCTURES.

- (a) Applicability. These requirements apply in the I District.
- (b) Intent. Industrial sites are not frequently visited by the public, but they are often quite visible to Village residents and visitors. Quality architectural design helps offset the perceived impact of industrial uses, and creates a professional environment that reflects positively on the Village and its businesses.
- (c) Character and Image. Building design must include predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. In industrial parks, each building must include predominant characteristics shared by all buildings in the development, so the development forms a cohesive place.
- (d) Form and Mass. A single, large, dominant building mass must be avoided in new buildings and, to a reasonable feasible extent, in projects involving changes to the mass of existing buildings. Changes in mass must be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.
- (e) Exterior Walls and Facades.
 - (1) Pattern.
 - A. Facades and walls must include a repeating pattern with an expression of architectural or structural bays through a change in plane $\geq 12"$ wide, such as:
An offset, reveal, pilaster, projecting ribs, fenestration patterns, or piers, and one or more of the following elements:

1. Color change;
 2. Texture change; and
 3. Material module change.
- B. All elements must repeat at intervals of ≤ 30 feet.
- (2) Four-sided design. All facades and walls must include materials and design characteristics consistent with those on the front facade. Rear and side wall materials that are allowed to be used are: brick, vinyl siding, wood shingles, shakes or siding (except plywood sheathing as the exposed material) or any materials that are greater quality and approved by the Village Architectural Review Officer.
- (3) Garage doors. Bay doors must be screened using wing walls, carefully placed berms on the site, or other effective screening and site planning techniques, or otherwise sited so visibility from the public right-of-way is minimized. Bay doors must not face the street. Bay doors must be integrated into the overall design theme of the site with color, texture, and windows. Segmented garage bay doors with windows are preferred to roll-up garage doors.
- (4) Primary building entrances.
- A. Primary building entrances must be clearly defined and recessed or framed by a sheltering element as an awning, arcade or portico to provide shelter from the sun and inclement weather.
- B. High Street accessibility ramp and landscaping planter locations. All future improvements to commercial establishments along the east side of High Street from Third Street to Fourth Street that require a building permit or improve the sidewalk and/or entrances to the commercial establishments along this section of High Street shall require the installation of accessibility ramps to the entrance of the building.
- The accessibility ramps must be a minimum of 5 feet - 4 inches in width from the face of the building and leave a remaining sidewalk width of 10 feet - 4 inches to the face of the roadway curb. In cases where the accessibility ramp and remaining sidewalk width is greater than the combined 15 feet - 8 inches, a concrete landscaping planter shall be installed from the distance of 10 feet - 4 inches from the face of the roadway curb to the limit of the 5 feet - 4 inch accessibility ramp. As a result, the limit of the accessibility ramps and/or concrete landscaping planter will be 10 feet - 4 inches from the face of the roadway curb for all of the commercial establishments along this defined section of High Street. Refer to the Accessibility Ramp Standards - Typical Drawings for the typical layout of the accessibility ramps and/or Concrete Landscaping Planters, attached as Exhibit A of original Ordinance 2009-032.
- C. High Street accessibility ramp and landscaping planter materials and dimensions. Commercial establishments requiring the installation of accessibility ramps and concrete landscaping planters as previously defined shall be constructed with Class C Concrete placed on an approved compacted granular material foundation. The accessibility ramp railings shall be constructed with metal railings meeting the materials and style as defined by

the Accessibility Ramp Standards - Typical Drawings, attached as Exhibit B of original Ordinance 2009-032. All accessibility ramps, concrete landscaping planters and railing dimensions shall be as defined by the Accessibility Ramp Standards - Typical Drawings, are attached as Exhibit C of original Ordinance 2009-032.

All accessibility ramps, concrete landscaping planters and railings shall be submitted for review and approval through the preparation of the site plan as prepared by a registered civil engineer. The site plan submittal shall be in accordance with these Codified Ordinances. All accessibility ramps, concrete landscaping planters and railing installations will require inspection during construction by the Village or the Village Engineer.

- D. When the accessibility ramps are built in conformity with the requirements of this section, the accessibility ramps do not have to meet the building or structure setback requirements that are set forth in these Codified Ordinances at Part Eleven - Planning and Zoning Code, Title Three - Zoning.
- E. When the accessibility ramps are to be installed in the road right of way, the accessibility ramps shall be maintained in a safe condition and the accessibility ramp, landscaping planters and railings shall be maintained in good repair by the property owner who is contiguous to the accessibility ramp. The property owner who is contiguous to the accessibility ramp shall indemnify, protect, and hold harmless the Village from any claim, loss, or damage arising in any way from property owner who is contiguous to the accessibility ramp use or the user's use of the right-of-way including, but not limited to traffic control, OSHA, or the construction, operation or maintenance of the user's facilities or from any user's negligent or wrongful act or omission. In addition to other requirements set forth herein, each property owner who is contiguous to the accessibility ramp and/or the user of the right-of-way shall:
 - 1. Locate the accessibility ramp within the right-of-way in accordance with the provisions of this section;
 - 2. Use its best efforts to cooperate with other users and the Village for the best, most efficient, most aesthetic, and least obtrusive use of the rights-of-way, consistent with safety, and to minimize traffic and other disruptions, including street cuts;
 - 3. Ensure that above ground structures and facilities do not constitute a hazard to traffic and would not cause undue damage to any person or vehicle using the rights-of-way;
 - 4. Upon notification by and at the direction of the Village and at the sole cost of the property owner who is contiguous to the accessibility ramp and landscaping planter, promptly remove as necessary during any construction, repair, or modification of any Village improvement or for any other reasonable cause as determined by the Village;

5. Perform all work, construction, maintenance, or removal of the accessibility ramp and landscaping planter and facilities within the right-of-way in accordance with good engineering and construction practice and ODOT traffic control guidelines, including any appropriate safety codes, and use best efforts to repair and replace any street, curb, or other portion of the right of way or facilities or structures located therein to a condition materially equivalent to its condition prior to the work or to Village standards, whichever is greater, in a manner which minimizes any inconvenience to the public, the Village, and other users; and
6. Each user or property owner who is contiguous to the accessibility ramp shall ensure that any subcontractors or others performing any work or services in the right-of-way on behalf of the user or property owner who is contiguous to the accessibility ramp comply with all applicable provisions of this section and the user and property owner who is contiguous to the accessibility ramp shall be responsible and liable hereunder for all actions of any subcontractors or others as if the user had performed or failed to perform any obligation.
(Ord. 2009-032. Passed 6-2-09.)

(f) Roofs.

- (1) Required features. Roofs must have one of the following features:
 - A. Parapet walls that serve to screen rooftop mechanical equipment.
 - B. Overhanging eaves, extending ≥ 3 feet past the supporting walls.
 - C. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope ≥ 1 feet of vertical rise for every 3 feet of horizontal run and ≤ 1 foot of vertical rise for every 1 foot of horizontal run.
- (2) Mechanical equipment screening. Rooftop and ground-mounted mechanical equipment must be completely screened (visually and acoustically) from the public right-of-way and adjacent properties.

(g) Materials and Color.

- (1) Building materials. Durable, high quality building materials must be used. Masonry, brick, stone, integrally colored concrete masonry units, and highly detailed tilt-up concrete panels are examples of appropriate building materials.
- (2) Building colors. Building colors must be low-reflecting, subtle and neutral or earth-toned. High-intensity colors, bright primary colors, metallic colors, black or fluorescent colors are prohibited. Shiny, glossy or reflective materials, or brighter colors may be used on building trim and accents with a cumulative surface area of $\leq 0.25\%$ (1/400th) of a wall.

- (3) Material or color changes. Material or color changes must occur only at a change of plane or reveal line. Material or color changes at the outside corners of structures that give the impression of “thinness” and artificiality are prohibited. Piecemeal embellishment and frequent material changes are prohibited.
- (h) Pre-Fabricated and Pre-Engineered Buildings. Pre-fabricated and pre-engineered buildings must also conform to the following standards.
 - (1) All exterior building materials must be equal or better in quality to what would be found on a site-built building. Exposed metal and corrugated surfaces (except standing seam and split seam roofs) are prohibited. Exterior doors must include plate hinges (not surface hinges), panels and windows.
 - (2) Fenestration must be used to create a strong visual presence. (Ord. 2008-133. Passed 12-16-08.)

1129.18 LANDSCAPING AND SCREENING.

(a) Purpose Statement: The purpose of these regulations is to help protect and preserve important natural and environmental variables, and their functions, of a site while enhancing the overall character and appearance of the built environment. Specific objectives include:

- (1) Minimize potential noise, glare and visual clutter of outdoor storage, rubbish areas, dumpsters, parking and loading areas by obscuring the view with landscaping and screening.
- (2) Provide protection from soil erosion
- (3) Soften the appearance of building masses and break up and reduce the impact of large parking areas.
- (4) Remove, reduce, lessen or absorb the impact between one use or zone and another.

(b) Applicability. A Landscape Plan is required to be submitted for any use or development involving the construction, reconstruction or expansion of structures in the C-1, C-2, C-3, I, M-R, M-I, MF and MFHD zones or non-residential uses permitted in the residential zones. The Landscape Plan shall be submitted as part of the Site Plan requirements set forth in Section 1125.08 (d) (3) O.

Existing landscape material shown on a site plan that is in satisfactory condition may be used to satisfy any landscaping requirement in whole or part.

Where this section and other areas of the Zoning Ordinance conflict one another, the provisions in this section shall apply.

(c) General Requirements. The proposed location of buildings, off-street parking areas, and other earth disturbing activities shall be accomplished with the desire to minimize the removal of individual trees having a trunk diameter of six (6) inches or greater as measured four and one-half (4 1/2) feet above ground level.

Landscape materials shall be arranged to create varied and attractive views and complement the architectural features of the principal structure on the site. Any landscape or screening material that is a required element of a regulation or approved development plan that dies or is destroyed shall be replaced within 60 days, or when soil conditions permit, and shall take place for the first two(2)years after project completion. Plans shall be implemented within 120 days of project or phase completion or when soil conditions permit.

In areas where general planting will not prosper, other materials such as fences, walls, shavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged.

A mature tree, tree mass or woodland should remain on the site providing it does not pose any undue threat to health, safety and welfare by its location with respect to any proposed improvements to the site.

Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner.

The plan must be prepared by a landscape architect or other landscape design professional. The plan shall contain the items set forth in Section 1125.08(d)(3)O. of the Site Plan Review.

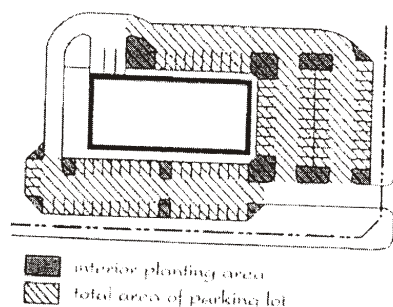
(d) Building Planting Requirements (All Districts Except C-2):

- (1) General requirement: A minimum five foot (5') planting area shall be provided between all building walls and paved areas except at service areas, mechanical equipment areas and primary pedestrian access points to the structure. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and walkways and similar architectural projections shall be considered parts of the building to which attached. The five (5) foot planting area shall be landscaped.
- (2) Planted rear and side yard: Landscape areas will be in accordance with the rear and side-yard setbacks established in the zoning district in which the proposal is located. Areas outside the requirements in subsection (d)(1) hereof, a, and areas not paved, shall be landscaped with live ground cover or lawn.

(e) Building Planting Requirements C-2. General Requirement: Any area between the building and the property or right-of-way line shall be a planting area, except at service areas, mechanical equipment areas, and primary pedestrian access points to the structure. Open structures such as porches, canopies, balconies, platforms, carports, covered patios and walkways, and similar architectural projections shall be considered parts of the building to which attached. The planting area shall be landscaped.

(f) Interior Parking Lot Guidelines (Figure 1).

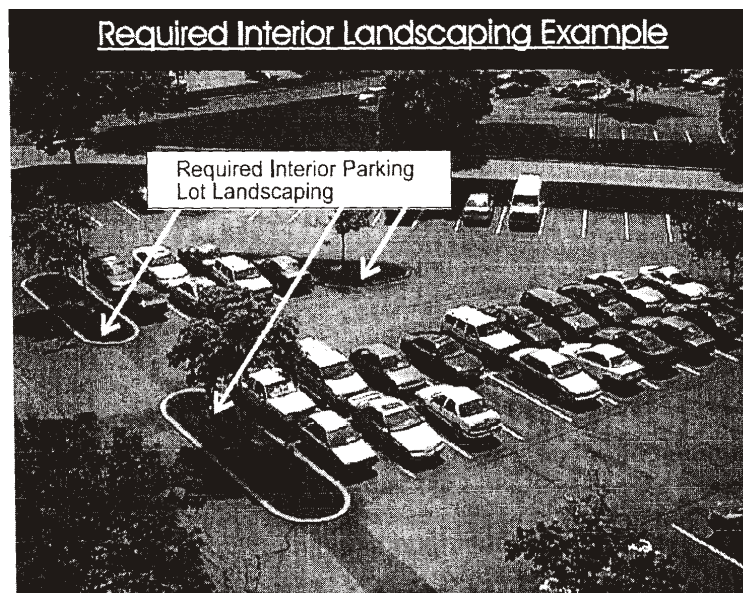
Figure 1



Interior parking guidelines are intended to define major circulation aisles and driving lanes and provide visual and climatic relief from broad expanses of pavement.

- (1) Any open parking area (including parking spaces and interior access lanes, but excluding loading, unloading and storage areas) that contain more than six thousand (6,000) square feet of area or twenty (20) or more vehicular parking spaces shall provide interior landscaping in addition to any other required perimeter landscaping.
- (2) The amount of this interior landscaping shall be a minimum of ten percent (10%) of the total parking area. Interior parking area does not include access drives or ingress/egress areas.
- (3) Landscaped areas shall be evenly dispersed throughout parking area in islands or peninsulas, provided each island or peninsula is not less than one hundred (100) square feet in size. Design shall not impede internal vehicular traffic circulation. Each island shall be a minimum of five (5) feet in any horizontal direction.
- (4) Within landscaped islands or peninsulas, one major shade tree shall be provided for every ten (10) parking spaces. Required trees placed in islands shall be placed in a space containing at least one hundred fifty (150) square feet of pervious area per tree to allow for adequate root aeration and expansion.
- (5) Each tree, at the time of installation, shall have a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
- (6) Remaining areas shall be vegetated with grass or similar low level plant material not to exceed two (2) feet in height.

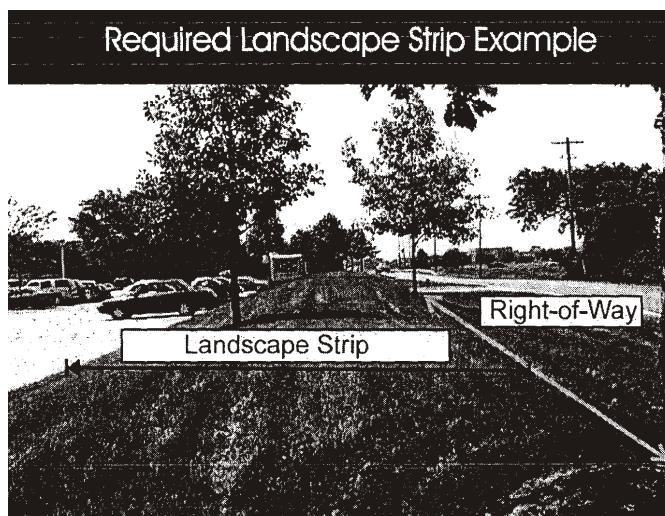
Illustration 1



(g) Landscaping along Road Frontage (Illustration 2). The landscape strip is required in the C-1, C-3, I, M-R, M-I, MF and MFHD districts. The landscape strip is measured from the right-of-way line to the parking lot.

- (1) This landscape strip shall be provided along the full width of the lot and shall be unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).
- (2) Within this landscape strip, there shall be at least one (1), two (2) inch caliper deciduous tree or small flowering tree with creative placement for every thirty-five (35) feet of road frontage, along with random shrub plantings. Recommend five (5) shrubs randomly staggered every thirty-five (35) feet of road frontage.
- (3) Landscape mounds shall have an elevation at least two feet (2=) higher than the finished elevation of the parking lot. Earth mounds and decorative landscape treatments shall not block adequate safe distances at driveway locations and intersections.
- (4) The width of the landscape strip shall be no less than ten (10) feet. Corner lots shall have a landscape strip of required width on both frontages.
- (5) Mounds shall block or screen the view of adjacent off-street parking areas and shall be constructed with plant materials to prevent erosion. Slopes on earthen mounds shall be no greater than 2:1 with a minimum crown width of at least two feet (2=) to create a generally flat crest.
 - A. The transition between existing grade and the slope of a mound should be gradual with contouring intended to make the mound appear as part of natural landscape. Gradual slope variation within the mound will encourage a more natural appearance.
 - B. Where applicable, trees should be planted on the shallower portion of the slope.
 - C. It is recommended the top twelve inches (12") of the mound consist solely of high quality topsoil.
- (6) The grading plan and landscape plan shall evaluate the site and ensure underground utilities, surface water and groundwater flow, and mature trees are not adversely affected by the landscape strip.

Illustration 2



(h) Perimeter Parking Lot Guidelines. Landscaping around the perimeter of parking lots is required in the C-1, C-2, C-3, I, M-I, M-R, MF, and MFHD districts.

- (1) Landscape areas will be in accordance with the side-yard setbacks established in the zoning district in which the proposal is located. Perimeter screening shall effectively conceal parking areas and interior driveways from adjoining property with the use of earth mounds, a planting strip, hedge, or fence material for visual separation from adjoining property.
- (2) In areas where a common (shared) interior access point between businesses is proposed, the perimeter landscaping requirement for that area is waived.

(i) Landscaping/screening for Service Structure(s). Service structures include, but are not limited to, loading/unloading docks, propane tanks, electrical transformers, and other equipment or elements providing service to the building or site.

- (1) Screening shall include a continuous planting, hedge, fence or similar feature that will enclose any service structure on all sides. Fences shall be designed in accordance with Chapter 1307.
- (2) Screening established with plant materials shall provide seventy-five percent (75%) opacity with two years (2) of planting and shall be equally effective in the winter and summer. All other types of screening shall completely screen service structures. Construction materials and design features shall be consistent with the primary structure on site.
- (3) The minimum height of screening material shall be two (2) feet more than the height of the enclosed structure, but shall not exceed ten (10) feet.
- (4) If a service structure is designed to be removed or emptied mechanically on a regular basis, a curb to contain the placement of the structure is required.

(j) Landscaping/screening Adjacent to Residential Areas.

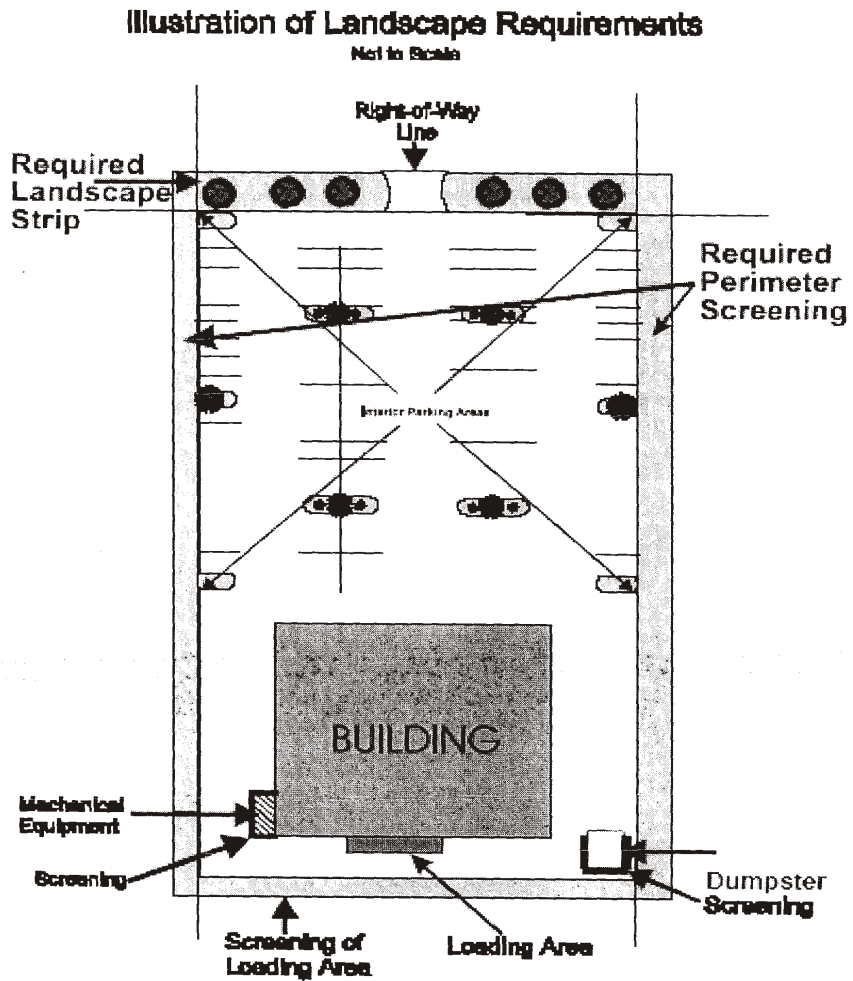
- (1) A minimum buffer strip of ten (10) feet shall be used when said district abuts any residential district. This ten (10) foot buffer strip shall be included in the side and rear yard clearance and shall not be additional footage.
- (2) The twenty 20-foot required buffer zone will be considered a protected "Green Space". The "Green Space" is a canopy cover with existing mature trees or, if necessary, planted with additional selected hardwoods. If soil and environmental conditions require other types of trees or plants, Best Management Practices shall be utilized as recommended by a certified Arborist, Urban Forester or other expert. Trees planted are required to be a variety of the type (i.e. Maples, Oak, Beech, Elms, Conifers, etc.) that can achieve, as a goal, a fifty percent (50%) canopy cover.

- (3) Mature trees, tree masses, or woodlands existing in the required buffer “Green Space” shall be designated “Tree Save Area” on all plans including landscaping and site plans. All “tree save areas” shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one (1) foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete. The barrier shall be shown on all plans including the landscape plan.
- (4) The following practices are not permitted and considered harmful in a “tree save area”: grading or trenching; placing backfill near trees; driving or parking equipment in “tree save” areas; dumping of trash; storage of construction materials and supplies.
 - A. Protected “Green Space” is not allowed to be used for water retention, retention basins, storage, out buildings, or dumping of any type.
 - B. “Green space” maintenance, proper pruning, proper clearing of dead trees, control of grape vine and other invasive plants/vegetation is required to take place annually by the property owner (minimum requirement). Consultation/review by a certified Arborist, Urban Forester or similar expert shall be used, if needed, at the expense of the property owner.

(k) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement and parking areas. In order to minimize run-off and provide adequate open space, sites shall have a minimum pervious area of thirty percent (30%). Storm water and water quality measures shall be integrated in the design of parking lots and roof water runoff to assure that the runoff water quality is maintained or improved. Incorporation of Best Management Practices (B.M.P.) such as rain gardens and or bio retention basins shall be used.

Illustration 3- Overall landscape requirements

Illustration of Landscape Requirements Not to Scale



(l) Landscaping Material Standards.

- (1) Evergreen shrubs: Plants shall be no less than twenty-four (24) inches in height.
- (2) Deciduous shrubs: Plants shall be no less than thirty (30) inches in height.
- (3) Conifers (evergreen trees): Each tree, at the time of installation, shall be no less than six (6) feet as measured from the top of the soil ball.
- (4) Deciduous trees: Each tree, at the time of installation, shall have a clear trunk height of at least six (six) feet and a minimum caliper of two (2) inches as measured at six (6) inches above the crown of the roots (if bare root) or from the top of the soil ball.

(m) Recommended Vegetation List. Artificial plants shall not be used to meet landscaping requirements, and all plant materials used to comply with provisions of this section, shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under state regulations.

The applicant shall also be responsible for ensuring landscape materials are not included in the Ohio Department of Natural Resource's list of invasive species or noxious weeds list. (Ord. 2008-133. Passed 12-16-08.)

1129.99 PENALTY.

Any person, firm, corporation, their agent(s) or employee(s) thereof violating any of the provisions of Chapter 1129 or who fail or refuse to obey a lawful order of the Zoning Inspector issued pursuant to said Chapter 1129 shall be guilty of a minor misdemeanor and shall be subject to a fine up to one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed to have been committed each day during which a violation continues. (Ord. 2008-133. Passed 12-16-08.)

APPENDIX A

<u>DISTRICT</u>				Maximum Hgt. of <u>Bldgs.</u> (Stories)		Minimum Depth of Either <u>Front Yd.</u> (Ft.)	Minimum Sum of <u>Side Yd.</u>	Width of Depth of <u>Rear Yd.</u> (Feet)	Minimum Lot <u>Area</u> (Feet)	Minimum Lot <u>Frontage</u> (Feet)	Minimum (Sq.Ft.)	Minimum (Feet)	
"R" Residential	1-Family	*(5,6)	2-1/2	35		25 *(3)	5 *(2)	10	40*(10)	6000 *(1)		50 *(7)	
	2-Family	*(5,6)	2-1/2	35		25 *(3)		10	40*(10)	9000 *(1)		50 *(7)	
	Accessory Bldg.	*(4,6)	1-1/2	18	25			6	5	—		—	
"MF" Multifamily	Each Family	*6	2-1/2	35	25			20	20	4500 *(1)		50 *(7)	
	Accessory Bldg.	*6	1-1/2	18	25			10	5	—		—	
"C-1" Neighborhood Business	Accessory	*6	2-1/2	35		0	0 *(9)		0	40		* (8)	50 *(8)
	Bldg.	*6	1-1/2	20	25			10	5	—		—	
"C-2" Community Business	Accessory	*6		3	45	* (8)	0 *(9)(8)		* (8)	40		* (8)	50 *(8)
	Bldg.	*6		2	30	25	5		10	5		—	—
"C-3" Community Business				35	25		40			25		20,000	
"I" Light Industrial	Accessory	*6	2-1/2	35	50			50	40	37000		140	
	Bldg.	*6	2-1/2	35	50			30	15	—		—	
"MI" Marine Industrial	Accessory	*6	2-1/2	35	50			50	40	37000		140	
	Bldg.	*6	2-1/2	35	50			30	15	—		—	
"MR" Marine Recreation	Accessory	*6	2-1/2	35	50			30	40	37000		140	
	Bldg.	*6	1-1/2	20	50			30	15	—		—	

APPENDIX A (Cont.)

<u>DISTRICT</u>			Maximum Hgt. of <u>Bldgs.</u> (Stories)	(Ft.)	(Feet)	Minimum Depth of Either <u>Front Yd.</u> (Feet)	Minimum Sum of <u>Side Yd. Side Yd. Rear Yd.</u> (Feet)	Width of Depth of <u>Rear Yd.</u> (Feet)	Minimum Lot <u>Area</u> (Sq.Ft.)	Minimum Lot <u>Frontage</u> (Sq.Ft.)	Minimum
"MFHD" Multi-Family											
Each Family	*6	2-1/2	35	25	10	20	20		1500*(1)	50 *(7)	
High Density											
Accessory Bldg.	*6	1-1/2	18	25	5	10	5				
(Ord. 1983-82. Passed 11-29-83; Ord. 1991-06. Passed 12-2-91; Ord. 1996-60. Passed 7-2-96; Ord. 1998-57. Passed 7-7-98.)											

*1 See Section 1129.02

*6 See Section 1129.07

*2 See Section 1129.03

*7 See Section 1129.08

*3 See Section 1129.04

*8 See Section 1129.09

*4 See Section 1129.05

*9 See Section 1129.10

*5 See Section 1129.06

*10 See Section 1129.11

CHAPTER 1133
Signs

1133.01	Purpose.	1133.10	Organization signs.
1133.02	Types of signs.	1133.11	Conformance.
1133.03	General requirements for all signs and districts.	1133.12	Zoning Permit.
1133.04	Residential district signs.	1133.13	Zoning Permit fee.
1133.05	Commercial, Manufacturing and Marina Districts.	1133.14	Non-conforming signs.
1133.06	Entrance and exit signs.	1133.15	Inspection of the installation.
1133.07	Temporary signs.	1133.16	Maintenance.
1133.08	Park and recreational signs.	1133.17	Periodic inspection.
1133.09	Political signs and political statement signs.	1133.18	Governmental signs excluded.
		1133.99	Penalty.

CROSS REFERENCES

Power to regulate advertising - see Ohio R.C. 715.65

Nonconforming uses - see P. & Z. 1125.02

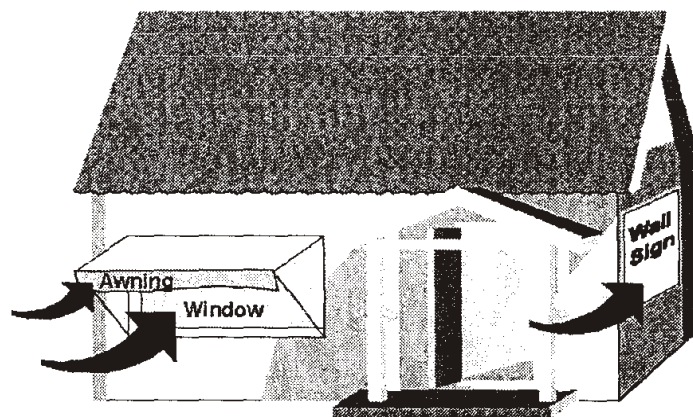
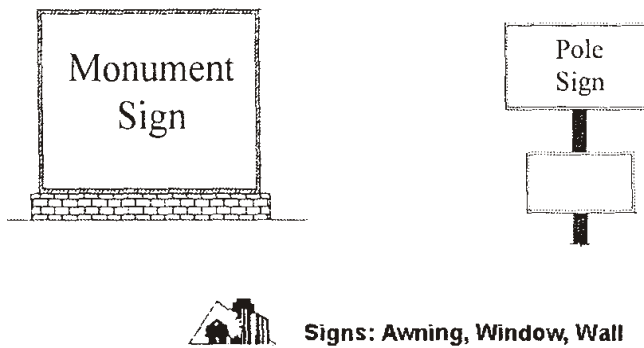
Defined - see P. & Z. 1149.01(49)

1133.01 PURPOSE.

The purpose of these regulations is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. The intent is to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas.

(Ord. 2008-133. Passed 12-16-08.)

1133.02 TYPES OF SIGNS.



(Ord. 2008-133. Passed 12-16-08.)

1133.03 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS:

(a) Any illuminated sign or lighting device shall employ only light emitting a beam of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights such as search lights and beacons. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beam and illumination from there to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(b) No sign shall employ any parts or elements which revolve, rotate, whirl, spin, and are blinking, flashing or fluttering or have a changing light intensity, brightness or color, or otherwise make use of motion to attract attention. When property adjoins a residential property, exposed bulbs and neon shall not be used on the exterior surface of any sign or canopy on the sides of the building viewed from residential properties. Awnings shall not have back-lighting; canopy signs shall not be illuminated; beacon lights shall not be used; and no internal sign illumination shall be allowed on the sides of the building viewed from residential properties. Subsections (a) and (b) of this section shall not apply to any sign performing a public service function indicating time, temperature or public service announcements.

(c) All wirings, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of all applicable electrical codes and building codes. All power to illuminated signs must be underground from the power source wherever possible.

(d) No projecting sign shall be erected or maintained from the front or face of a building for a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee. The projecting sign must be at least eight (8) feet above ground level.

(e) No sign shall be placed above the roof line of any building, or beyond the ends of the wall surfaces upon which it is situated.

(f) No sign or part thereof shall contain or consist of posters, pennants, flags (except as defined in Section 1149.01(20) - "Flag"), ribbons, streamers, spinners, whirligigs, and balloons of all types or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising.

(g) No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.

(h) No sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs and directional signs.

(i) All signs shall be placed on a lot in such a way so as to not obstruct the line of sight of the operator of a motor vehicle either from the right or left with respect to an adjacent private or public road, or create a hazard to pedestrian traffic.

(j) No sign shall be placed upon any utility pole, street sign, traffic control device, or tree located within the public right-of-way or a general landscape easement, other than as established for gateway signs.

(k) The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and nonstructural members not part of the display area shall not be included in the computation of surface area.

(l) All signs shall be limited to not more than two (2) faces. All area limitations shall apply per face unless otherwise set forth in this Code.

(m) No portable or temporary sign shall be placed on the front or face of a building or on any premises except as provided for in Section 1133.06 of this Zoning Ordinance.

(n) All signs shall be located on the same lot or parcel of land as the business or use to which such sign pertains, unless as otherwise specifically provided for in this section. However, entrance and exit signs may be located off-site provided said signs are located on drives providing direct access to the lot and parking area of the business to which they pertain.

(o) No vehicle, or trailer, self-propelled or otherwise, shall be parked or used upon any premises so as to be visible from a public right-of-way not used in the ordinary course of business, but for the principal purpose of being or displaying a sign to advertise an enterprise, business or activity. Identification signs which are affixed to a vehicle regularly operated pursuant to the day-to-day business or activity of an enterprise may be permitted.

(p) Controlled access highways shall not be considered frontage for the purpose of locating signs.

(q) For the purpose of this Zoning Ordinance, "sign" does not include those erected and maintained pursuant to and in discharge of any governmental function, activity or event, or required by any law, ordinance or governmental regulation.
(Ord. 2008-133. Passed 12-16-08.)

1133.04 RESIDENTIAL DISTRICT SIGNS.

(a) Identification signs.

- (1) Non-illuminated signs. One (1) non-illuminated sign is permitted, not exceeding three (3) square feet in area, indicating the name of the occupant or name designated by occupant, or a permitted occupation or profession or when the use of the sign is in direct relation to the use of the premises. Such sign shall be located in the front yard and no part shall extend into the public road right-of-way.
- (2) Illuminated identification signs. One (1) identification sign which may be illuminated, for multi-family building(s). Such sign is to be located in the front yard, not exceeding one (1) square foot per face, per living unit; but not to exceed a total of twenty-five (25) square feet per face. The sign may not be closer than ten (10) feet from the road right-of-way sideline.
- (3) Identification sign or bulletin board. One (1) identification sign or bulletin board, which may be illuminated, for each public or religious institution located not less than ten (10) feet from the road right-of-way line and not less than twenty-five (25) feet from any adjoining lot line and not to exceed forty (40) square feet in area. Permitted exceptions to this regulation are public and private schools which may have permitted signs to a maximum of seventy-five (75) square feet in area provided they are set back from the road right-of-way sideline a distance equal to one-half (2) the number of the total square footage of the sign.

(b) Gateway Signs. Two (2) signs at any entrance to a subdivision shall be permitted providing the area of each sign does not exceed twenty-five (25) square feet in total area and the sign is located not less than one (1) foot from the right-of-way sideline or five (5) feet from an adjoining lot line and does not exceed four (4) feet in height from the established grade level, and shall be placed on said properties in such a way as to not obstruct the line of sight either to the right or to the left with respect to an adjacent private or public road while being in a motor vehicle. (Ord. 2008-133. Passed 12-16-08.)

1133.05 COMMERCIAL, MANUFACTURING AND MARINA DISTRICTS.

(a) All signs permitted in residential districts as provided for in subsection 1133.03.

(b) Permanent Signs. Permanent signs, which may be illuminated, limited to advertising the proprietor or company, or the brand name and the goods sold or services rendered, shall only be permitted on the lot or parcel of land upon which the business is situated, if conforming to the following regulations:

(1) Wall signs:

A. Each business shall be permitted one (1) flat or wall on-premises sign on the front wall only. (Front wall being the wall facing the most nearly parallel to the road right-of-way sideline; or, in the event there is no front wall, then one (1) wall facing a parking area will be considered the front wall.) Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of building width, or part of a building occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

B. When more than one (1) business enterprise occupies the same retail space then the total sign area for the combined business enterprises occupying that same retail space may be equal to two (2) square feet of sign area per lineal foot of building width occupied by the businesses but shall not exceed one hundred sixty (160) square feet.

This sign area may be divided between the businesses in any combination, but in no case shall any of the businesses have a sign face square footage less than thirty-two (32) square feet.

C. When a business is located in a building on a corner lot, or in a separate portion of a multi-tenant building closest to the corner, the business may elect to have an additional wall sign on the face of the building abutting the side street (or wall not considered the front wall) in lieu of the free standing sign. Such sign on the wall facing the side street (or wall not considered the front wall) shall not exceed sixty-four (64) square feet of sign area. If more than one (1) business occupies the same corner retail space, then the sign area may be increased to ninety-six (96) square feet. This sign area may be divided between the businesses in any combination but in no case shall any of the businesses have a sign face square footage less than thirty-two (32) square feet.

(2) Identification signs. One (1) identification wall sign not exceeding two (2) square feet in area for each door or entryway to any building.

(3) Awnings. Business signs painted on the valance of an awning, bearing only the name of each business in question, not exceeding a total of eight (8) square feet in area.

(c) Free-standing Signs.

- (1) Suburban or regional shopping centers of twenty (20) acres or more are designated as a type of urban plaza. Each such urban plaza may be identified by no more than one (1) single free-standing sign (pole sign) per major right-of-way. Each such sign shall have a total of no more than one hundred fifty (150) square feet per face and shall be limited to thirty-five (35) feet in height and set back from a road right-of-way sideline not less than one hundred twenty-five percent (125%) of sign height and not closer than fifty (50) feet to any adjoining lot line.
- (2) One (1) free-standing on-premises sign (pole sign) may be erected to serve a business development of less than twenty (20) acres, regardless of the number of businesses conducted within. The sign shall not be over thirty (30) feet in height, have a maximum sign area of forty (40) square feet per face and be located not closer than fifteen (15) feet to any road right-of-way sideline and not closer than thirty (30) feet to any adjoining lot line.
- (3) A monument type sign shall be permitted in lieu of a free-standing sign providing the sign is an on-premises sign and does not exceed forty (40) square feet per sign face; is at no point closer to the road right-of-way sideline or an adjoining lot line than fifteen (15) feet; does not exceed eight (8) feet in height from established grade level; and does not interfere with traffic visibility.
(Ord. 2008-133. Passed 12-16-08.)

1133.06 ENTRANCE AND EXIT SIGNS.

All parking lots may have entrance and exit signs, but all parking lots for one hundred twenty (120) cars or over with access roads of over twenty (20) feet in width shall have appropriate signs designating "entrance" or "in" and "exit" or "out" drives. Such signs shall be limited to the words "entrance, in, exit, out" and may also have arrows or other appropriate directional indicators and shall be limited to not less than two (2) nor more than five (5) square feet in area per face. Said signs shall be limited to eight (8) feet in height above grade and no sign shall occur between three (3) and six (6) feet above grade to maintain a clear and unobstructed vehicular and pedestrian view. Such signs shall be placed not closer than two (2) nor more than ten (10) feet from the edge of the road right-of-way sideline or access roadway without regard to sideline requirements.
(Ord. 2008-133. Passed 12-16-08.)

1133.07 TEMPORARY SIGN.

The following regulations for temporary signs are in addition to any regulations set forth in the Fairport Harbor Codified Ordinances.

- (a) Project Real Estate/ Construction Sign. A project real estate/construction sign for a development project or subdivision shall be permitted in compliance with the following regulations:
 - (1) There shall be no more than one project real estate/construction sign per residential subdivision, planned unit residential development, multi-family dwelling or lot proposed for a nonresidential development, except that lots with frontage on more than one street shall be permitted one sign per frontage when the frontage equals or exceeds 300 feet.
 - (2) No project real estate/construction sign shall be located closer than 10 feet from any right-of-way.

- (3) A project real estate/construction sign shall be erected and maintained on a lot only during the period of time that the vacant lot is for sale, rent or lease or the building project is under construction.
- (4) A project real estate/construction sign shall be removed within seven (7) days of the erection of a permanent identification sign.

(b) Temporary Signs in Residential Districts. Temporary signs are permitted in Residential Districts subject to the following provisions:

(1) Temporary signs:

- A. Each residential lot or unit shall be permitted to erect one temporary sign on the property, no closer than ten (10) feet from any right-of-way or side lot line.
- B. Garage sale. One temporary sign promoting a garage sale shall be permitted per lot or unit and only with the permission of the property owner or one authorized to give such permission. A garage sale sign shall be posted on private property for a period not to exceed seventy two (72) hours.
- C. Roadside stand sign. One temporary ground sign in conjunction with a roadside stand shall be permitted for the purpose of advertising products grown or produced on the lot or unit. Such sign shall be removed at the conclusion of seasonal sales.
- D. Directional signs. One (1) off-property directional sign per unit or lot shall be permitted in conjunction with any of the residential uses outlined herein with the permission of the off-site property owner or authorized representative.

- (2) Special event signs for institutional use. One temporary ground sign or one banner attached to the front of a building is permitted on a lot or unit with the permission of the property owner or authorized representative for the purposes of announcing a community event, program or festival. A temporary ground sign shall not be located less than ten (10) feet from the right-of-way. Such signs shall be removed within two (2) days of the completion of the event or project.

(c) Temporary Signs in Commercial, Industrial and Research Districts. Temporary signs shall be permitted subject to the following provisions:

- (1) Special event signs. One temporary special event sign, either a ground sign or a banner attached to the front of a building, shall be permitted for the purpose of advertising grand openings, special sales or events being held or hosted by a business. Such signs shall be removed within two (2) days of the completion of the event.
- (2) Directional signs. One (1) off-property directional sign per unit or lot shall be permitted in conjunction with any of the commercial, industrial or research uses outlined herein with the permission of the off-site property owner or authorized representative.
- (3) Other temporary signs. In addition to the above, each business shall be permitted to erect one additional temporary sign on the business property, no closer than ten (10) feet from any road right-of-way sideline or side lot line.

- (4) All temporary ground signs shall be located no closer than ten (10) feet from the road right-of-way sideline.

(d) Temporary Special Event Sign Permit. A Zoning Permit shall not be required to erect a temporary special event sign, but a temporary special event sign permit shall be required. An applicant for a temporary special sign permit shall file an application, provided by the Village, setting forth the name, address and telephone number of the person responsible for such sign. The application shall also set forth the location and dates of display. A deposit of twenty-five dollars (\$25.00) shall be placed with Fairport Harbor which shall be forfeited if the sign is not removed within the forty-eight (48) hour time limit specified above. Such signs not removed within the forty-eight (48) hour time limit specified shall be removed by the Village Zoning Inspector. (Ord. 2008-133. Passed 12-16-08.)

1133.08 PARK AND RECREATIONAL SIGNS.

One (1) sign not exceeding twenty-five (25) square feet in area and located a minimum of ten (10) feet from a road right-of-way sideline or any adjoining lot line identifying only the use or activity thereof, which would be of interest to the general public. (Ord. 2008-133. Passed 12-16-08.)

1133.09 POLITICAL SIGNS AND POLITICAL STATEMENT SIGNS.

A political sign shall be any sign advocating any type of political action or concerning any candidate, issue, levy or any other matter to be voted upon in the next primary, general or special election. A political statement sign shall be any sign advocating a position or making a declaration regarding any public issue or public official.

Political signs and political statement signs may be erected on any lot with the permission of the owner or person authorized to give such consent, and shall not be considered temporary signs for purposes of this section. (Ord. 2008-133. Passed 12-16-08.)

1133.10 ORGANIZATION SIGNS.

Upon application to the Zoning Inspector and approval by the Village Council, a Zoning Permit may be issued for a single sign at the entrance to the Village of Fairport Harbor along any state highway or county road, to carry the identification, date and place of meeting, if desired, of all civic organizations regularly meeting within the Village who request placement thereon. The placing and erection of the sign shall be subject to the approval of the Zoning Inspector. (Ord. 2008-133. Passed 12-16-08.)

1133.11 CONFORMANCE.

The erection, hanging, maintenance, use or suspension of any outdoor sign by any person, firm, corporation, agent(s) or employees thereof shall be unlawful except as provided in this Zoning Ordinance. (Ord. 2008-133. Passed 12-16-08.)

1133.12 ZONING PERMIT.

Exclusive of political signs and unless specifically exempted elsewhere in this Code, each person, firm, corporation, agent(s) or employees thereof before erecting any outdoor sign or the commencement of any work in connection therewith, shall first obtain a Zoning Permit from the Zoning Inspector. Each applicant for such permit shall file an application on forms to be supplied by such Zoning Inspector. Such application shall be accompanied by detailed drawings and such other descriptive matter as shall clearly state where the sign shall be erected, hung or suspended. (Ord. 2008-133. Passed 12-16-09.)

1133.13 ZONING PERMIT FEE.

For each original permit for the erection or construction of a new sign, the applicant shall pay to the Zoning Inspector a fee in accordance with a fee schedule adopted and made a part of this Code by the Village Council. (Ord. 2008-133. Passed 12-16-08.)

1133.14 NON-CONFORMING SIGNS.

(a) A non-conforming sign is defined as a sign existing prior to the passage of this Zoning Ordinance which does not conform to one (1) or more of the requirements of said Ordinance. Normal maintenance by way of painting, cleaning and minor repairs is required for the life of the non-conforming sign.

(b) Any sign which is non-conforming shall be maintained and repaired but not expanded. If any such sign is discontinued or changed, any future use thereof must be in conformity with the provisions of this Code. No fee will be charged for a non-conforming sign. (Ord. 2008-133. Passed 12-16-08.)

1133.15 INSPECTION OF THE INSTALLATION.

Each sign erected, hung or suspended pursuant to a permit issued by the Zoning Inspector shall be inspected by such Inspector to determine whether said sign is constructed, erected, hung or suspended in accordance with the application and permit and the provisions thereof. (Ord. 2008-133. Passed 12-16-08.)

1133.16 MAINTENANCE.

All signs shall be maintained in accordance with the following:

- (a) The property owner shall maintain the sign in a condition fit for the intended use and any local Building Code regulations.
- (b) The property owner of any on-site or off-site sign shall be liable to maintain the sign in compliance with the Village Zoning Ordinances and all applicable laws and regulations.
- (c) Every sign is to be kept in a safe and secure condition, and in a neat and orderly condition at all times, and to prevent rust, corrosion, rotting, or other deterioration in the physical appearance of such sign.
(Ord. 2008-133. Passed 12-16-08.)

1133.17 PERIODIC INSPECTION.

If the Zoning Inspector finds any sign to be in an unsafe or dangerous condition so as to constitute a hazard to the safety of persons or property, the Zoning Inspector shall notify the Lake County Building Inspector of such unsafe and dangerous condition. If said Zoning Inspector finds that said sign is not erected and maintained in accordance with the provisions of the application for permit under which the same was erected, the Inspector shall order said sign removed. A written notice of the findings and order of the Zoning Inspector shall be furnished to the owner or agent(s) in charge of said sign thereof. If the order of the Zoning Inspector for the removal of any sign is not complied with by the owner, occupant or their agent(s) within fifteen (15) days, the Zoning Inspector is hereby authorized to cause said sign to be removed and any expenses incurred therefor shall be charged to the owner of said sign. The authority of the Zoning Inspector with respect to the inspection of signs shall apply to all signs whether the same were erected after the enactment of this section or prior thereto.
(Ord. 2008-133. Passed 12-16-08.)

1133.18 GOVERNMENTAL SIGNS EXCLUDED.

For the purpose of the Zoning Ordinance, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation. (Ord. 2008-133. Passed 12-16-08.)

1133.99 PENALTY.

Any person, firm, corporation, their agent(s) or employee(s) thereof violating any of the provisions of Chapter 1133 or who fail or refuse to obey a lawful order of the Zoning Inspector issued pursuant to said Chapter 1133 shall be guilty of a minor misdemeanor and shall be subject to a fine up to one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed to have been committed each day during which a violation continues. (Ord. 2008-133. Passed 12-16-08.)

CHAPTER 1134
Wireless Communication Facilities

1134.01	Definitions	1134.05	Type of construction.
1134.02	Permitted locations.	1134.06	Site development.
1134.03	Procedure: application for construction of new facilities or expansion of existing facilities.	1134.07	Co-location.
1134.04	Procedure: application for co-location on existing facilities.	1134.08	General.

1134.01 DEFINITIONS.

- (a) "Antenna" means the specific device the surface of which is used to capture an incoming and/or to transmit an outgoing radio frequency signal. Includes the following types:
- (1) "Omni-directional (or "whip") antenna"- receives and transmits signals in a 360 degree pattern, and which is up to fifteen feet in height and up to four inches in diameter.
 - (2) "Directional (or "panel") antenna" - receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
 - (3) "Parabolic (or "dish") antenna" - a bowl-shaped device that receives and transmits signals in a specific directional pattern.
 - (4) "Ancillary antenna" - an antenna that is less than twelve inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.
 - (5) Other - all other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.
- (b) "Co-location" means the use of a single support structure and/or site by more than one wireless communications provider.

(c) "Equipment enclosure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals.

(d) "Personal wireless service" means a broad range of spectrum-based services including commercial mobile services such as personal communications services (PCS), cellular radio mobile services and paging services.

(e) "Substantial expansion" means an increase in the size of an existing facility by twenty-five percent (25%) or more, of the height or width of tower and/or equipment enclosure or a twenty-five percent (25%) or more increase in the footprint of the existing site's ancillary structures (i.e., fencing, etc.)

(f) "Support structure" means the structure to which antenna and other necessary associated hardware is mounted. Support structures include, but are not limited to, the following:

- (1) "Lattice tower" means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
- (2) "Monopole" means a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (3) "Existing non-residential structure" means existing structures as specified in further sections to which antennas may be attached which conform to the requirements of this chapter.

(g) "Telecommunications" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

(h) "Wireless communications facility" means an unstaffed facility for the transmission and reception of radio or microwave signals used for communications. It includes the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
(Ord. 98-37. Passed 6-2-98.)

1134.02 PERMITTED LOCATIONS.

New wireless communications facilities may be located only on non-residentially used properties in the following areas: municipal/government, schools, and/or public parks. Additionally, wireless communication facilities may be located inside/attached to existing electric high tension towers.

These facilities shall be subject to the Regulations set forth in this chapter and the regulations of the particular zoning district in which the facility is proposed to be located, but only to the extent such regulations do not conflict with the regulations set forth in this chapter.

Wireless communication providers are expected to co-locate facilities. In the event a new structure is necessary, providers are expected to site the facilities in locations which are substantially sheltered from view. Facilities requiring construction of a support structure should be located on a site that is effectively isolated from view by structures or terrain features, or the structure should be made to appear as an architectural element such as a flag pole or light fixture. The location of the facility shall comply with all natural resource protection standards, including those for floodplain wetlands, and steep slopes.
(Ord. 98-37. Passed 6-2-98.)

1134.03 PROCEDURE: APPLICATION FOR CONSTRUCTION OF NEW FACILITIES OR EXPANSION OF EXISTING FACILITIES.

(a) Applications are to be filed first with the Village Zoning Office for its review, after which they shall be forwarded to the Planning and Zoning Commission for its review of the proposed wireless communication antenna and/or tower site(s). This review shall be conducted at a regularly scheduled meeting of the Planning and Zoning Commission after the applicant's submission of a site plan showing the location, type of structure and height being proposed, and surrounding land uses. The applicant shall provide:

- (1) A diagram or map showing the appearance of the proposed facility.
- (2) Photosimulations of the proposed facility from effected residential properties and rights of way.
- (3) A map showing the locations and service areas of other wireless communication facilities operated by the applicant in abutting communities and those that are proposed by the applicant which are close enough to impact service within the Village.
- (4) A site/landscaping plan showing the specific placement of the facility on the site; showing the location of existing structures, trees, and other significant site features; and indicating type, locations and size of plant materials used to screen facility components, and the proposed color(s) for the facility.
- (5) A signed statement indicating:
 - A. The applicant agrees to allow for the potential co-location of two additional wireless communication facility equipment by other providers on the applicant's structure or within the same site location; and will respond to written requests for co-location within thirty days and provide a copy to the Village.
 - B. That the applicant agrees to remove the facility within six months after that site's use is discontinued.
- (6) A lease agreement with the landholder that:

Allows the landholder to enter into leases with other providers; and provides that if the provider fails to remove the facility within six months after its discontinued use, a bond will be provided by the applicant to compensate the landholder for the cost of removal of the facility.
- (7) The application shall also include the applicant's proposed number of towers, if more than one, and the additional tower locations in the Village and each contiguous community.
- (8) The applicant shall also place on deposit the applicable fees as required and obtain a certification from a registered engineer that the proposal is in compliance with all federal, state, and local regulations.
- (9) As part of the permit application, the applicant shall provide the Village with a list of competitors and their addresses so the Village may notify the competitors of the application to encourage co-location.
- (10) The applicant for construction of a new facility shall provide evidence acceptable to the Village that there is no technically suitable space for the applicant's facilities reasonably available on an existing tower within the geographic area to be served. If another existing tower is technically suitable, the applicant must demonstrate that it has made written request to co-locate on the existing tower and that the request was rejected by the owner of the tower.

(b) Approval for construction of new telecommunication facilities or expansion of existing facilities by the Planning and Zoning Commission shall become effective only following review and public hearing by Village Council. A copy of the approval of the Planning and Zoning Commission shall be filed with the Fiscal Officer by the Clerk of the Planning and Zoning Commission. If, within the thirty day period next succeeding such filing, Council, by a majority vote, disapproves the Commission's action in granting the permit, the permit shall be void and shall not be issued. Otherwise, it, together with any additional conditions imposed by Council, becomes and is in full force and effect on the day next succeeding the thirty day period. However, should Council approve the action of the Commission within the thirty day period, the permit becomes in full force and effect from the date of the approval. Any decision to deny a permit to place, construct, or modify a wireless communication antenna and/or tower shall be in writing and supported by substantial evidence contained in a written record of the proceedings of Council. A time limit of one year shall be included in the permit for commencement of construction.

(c) Fees for the construction of new facilities or substantial expansion of existing facilities shall be as follows:

- (1) New wireless communication tower and facility and expansion of existing facilities: \$2,000.00
- (2) New wireless communication antenna: \$ 500.00
(Ord. 98-37. Passed 6-2-98.)

1134.04 PROCEDURE: APPLICATION FOR CO-LOCATION ON EXISTING FACILITIES.

(a) Applicants for co-location on existing facilities are to appear before the Planning and Zoning Commission after submission of a plan detailing the co-location. The applicant shall provide:

- (1) A map showing the locations and service areas of other wireless communication facilities operated by the applicant in abutting communities and those that are proposed by the applicant which are close enough to impact service within the Village.
- (2) A lease agreement with the landholder that provides for removal of the additional equipment within ninety days after its discontinued use.
- (3) The applicant shall place on deposit the applicable fees as required and obtain a certification from a registered engineer that the proposal is in compliance with all federal, state and local regulations.

(b) The requirement for review and public hearing by Village Council may be waived upon notification of Council by the Planning and Zoning Commission that the co-location or existing facilities does not require the construction of a new tower or associated facilities, and the applicant's proposal will have no significant impact on the existing appearance of the facility.

(c) Fees for the co-location on existing facilities, or minimal expansion of existing facilities shall be as follows:

- (1) Co-location of wireless communication facility on existing structure: \$500.00
(Ord. 98-37. Passed 6-2-98.)

1134.05 TYPE OF CONSTRUCTION.

Wireless communication monopole tower constructed up to, but not including, 200 feet in height above the finished grade, unless a lesser height is technically feasible to service the geographical service area of the applicant and potential co-locators.

All applicants shall be required to construct or locate on a base tower structure and structure foundation that is designed to be buildable up to, but not including, 200 feet above the finished grade. Such structure shall be designed to have sufficient structural capacity for the Village to allow for at least three providers to be located on the structure when constructed to the maximum allowable height. The wireless communication facility shall also be designed to show that the applicant has enough space on its site plan for an equipment building large enough to accommodate at least three users. If an equipment building is initially constructed to accommodate only one user, space shall be reserved on site for equipment building expansions to accommodate at least three users. The maximum size of above-ground equipment buildings is 300 square feet for one provider and no more than 750 square feet in total.

Towers and antennas shall be designed in accordance with the Ohio Basic Building Code for winds and design loads.
(Ord. 98-37. Passed 6-2-98.)

1134.06 SITE DEVELOPMENT.

(a) Free-standing telecommunications facilities (i.e., those not located on or in existing electric high tension towers) shall conform to the following site development standards:

- (1) Support structures shall be set back from all residential property lines a distance of no less than the height of the tower and shall comply with all required setbacks of the zoning district in which it is located. The Planning and Zoning Commission may permit the tower to be located closer to a residential property line if the visual impact is therefore reduced, but in no case shall be located less than 100 feet from a residential property line.
- (2) Support structures shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as to use existing site features to screen as much of the total facility as possible from view, and use existing site features as a background so that the facility blends into the background.
- (3) Support structures, panel and parabolic antennas, and any associated hardware shall be painted a nonreflective color or color scheme appropriate and inconspicuous to the background against which the facility would be viewed from a majority of points within its viewshed. The final colors and color scheme must meet the approval of the Planning and Zoning Commission and blend with surrounding environmental characteristics.

(b) Equipment enclosures shall be placed underground, or partially underground, unless site conditions do not permit such construction.

The maximum size of equipment buildings is 300 square feet for one provider and no more than 750 square feet in total. If there are multiple users, the equipment must be sheltered in a single building, unless the applicant can show a technical necessity for a separate building; in which case multiple buildings must appear to be a single building.

(c) Fencing shall be constructed for both aesthetic and public safety reasons. Fencing shall be at least six feet in height, but no more than eight feet. Barbed wire at the top of the fence may be permitted upon approval of the Village Planning Commission. The type of fence must meet the approval of the Planning and Zoning Commission.

(d) Existing vegetation shall be preserved to the maximum extent possible. A buffer area of not less than ten feet in depth shall be placed between the facility and the public right-of-way, and any adjacent residential uses. This buffer shall be landscaped with hardy evergreen shrubbery or trees in a tight configuration at least six feet in height, so as to screen the facility. The landscaping shall be maintained and promptly restored when necessary by the owner of the tower.

(Ord. 98-37. Passed 6-2-98.)

1134.07 CO-LOCATION.

A permittee shall cooperate with other providers in co-locating additional antennas on support structures. A permittee shall exercise good faith in co-locating with other providers and sharing the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use. Such good faith shall include sharing technical information to evaluate the feasibility of co-location. All applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposal.

(Ord. 98-37. Passed 6-2-98.)

1134.08 GENERAL.

(a) "No Trespassing" signs shall be posted around the facility with a telephone number of a contact in case of emergency.

(b) The owner or operator of the facility shall agree to remove a non-functioning facility within six months of ceasing its use. The owner of the antenna and/or tower shall annually file a declaration with the Village as to the continuing operation of every facility installed by the owner and shall consent to an inspection of the facility upon request of the Village Engineer.

(c) The owner or operator shall be required as a condition of issuance of a permit to post a cash or surety bond acceptable to the Village Solicitor of not less than one hundred dollars (\$100.00) per vertical foot from natural grade of the wireless communication tower which bond shall insure that an abandoned, obsolete or destroyed wireless communication antenna and/or tower shall be removed within six months of cessation of use and abandonment. Any co-locator shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the co-locator occupies the tower.

(d) Outdoor storage of any supplies, vehicles, or equipment related to the use of the facility is prohibited, except during initial construction or to supply emergency power in the event of a power outage.

(e) Except as required by law, an antenna or a tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by FAA regulations, white strobe lights shall not be permitted at night unless no other alternative is permitted by the FAA. Lighting for security purposes shall be permitted only with prior approval of the Planning and Zoning Commission.

- (f) No advertising shall be permitted on the facility.
- (g) There shall be a separation of at least one-half mile between new wireless communication towers. The Planning and Zoning Commission may waive this requirement with the approval of the Village Council for the purposes of clustering of towers within electric high-tension towers right-of-way.
- (h) Vehicular access to the equipment and facility shall be integrated with existing parking and drives to the extent feasible, taking into consideration existing traffic flow and safety.
- (i) If an access road is developed exclusively for the facility, a locking gate shall be installed to prevent unauthorized use of the access road.
- (j) The wireless telecommunications facility shall be fully automated and unstaffed except for periodic and necessary maintenance (except in the event of an emergency or during construction).
- (k) Construction activity shall comply with Section 511.03(b) of the Codified Ordinances to minimize the impact of construction noise on nearby residents.
- (l) The owner/operator shall provide the Village with information identifying procedures and contacts in the event of an emergency.
(Ord. 98-37. Passed 6-2-98.)

CHAPTER 1137
Administration and Enforcement

1137.01	Zoning Inspector; Assistant Zoning Inspector; zoning permit; issuance and fee.	1137.03	Effective date.
1137.02	Interpretation as minimum requirements.	1137.04	Non-resident owners of real estate.
		1137.05	Occupancy certificate.
		1137.99	Enforcement and Penalty.

CROSS REFERENCES

Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506
 Violation of zoning ordinances - see Ohio R.C. 713.13
 Board of Zoning Appeals - see P. & Z. Ch. 1141
 Amendments - see P. & Z. Ch. 1145

1137.01 ZONING INSPECTOR; ASSISTANT ZONING INSPECTOR; ZONING PERMIT; ISSUANCE AND FEE.

(a) The positions of Village Zoning Inspector and Assistant Zoning Inspector are hereby created. The Zoning Inspector and Assistant Zoning Inspector shall be appointed by the Mayor, with the approval of Council and shall receive compensation as Council shall provide. The duties are set forth and as adopted in Chapters 1111 through 1149 and Chapters 1305 through 1317 of the Codified Ordinances of Fairport Harbor, and all ordinances hereto or hereafter enacted by Council related to such subject matters and to perform such duties as are required under the Zoning Code of Fairport Harbor. The Zoning Inspector shall have under its supervision such clerks, administrative personnel and Assistant Zoning Inspectors as may be assigned to the Zoning Inspector by the Mayor and Council, who may be given such titles and duties to perform by the ordinances which the Zoning Inspector is obligated to administer. Records shall be kept of all applications for Zoning Permits and action taken thereon.

(b) Zoning Permit; Issuance and Fee.

- (1) A Zoning Permit shall be required for any of the following:
 - A. Construction or addition of any building including accessory buildings.
 - B. Demolition of any structure over 400 square feet.
 - C. Change of the use of land to a use of a different classification.
 - D. Any change of a non-conforming use to a different use, conforming or non-conforming, or the expansion or extension of a non-conforming use.
 - E. Construction of, or addition to, a deck.
 - F. Placement of temporary structures.
 - G. For changing the use of any premises.
 - H. As otherwise required in this Zoning Code.
- (2) No construction, alteration, occupancy, demolition of building, use or change of use, as specified in this section, shall take place until a Zoning Permit therefor shall have been issued by the Zoning Inspector.

- (3) Written application for a Zoning Permit for the construction of a new building or structure, for the alteration of an existing building or structure, demolition of an existing building or structure or for changing the use of any premises, shall be made prior to the application for a building permit. Said Zoning Permit shall be issued within thirty (30) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Code. The written application shall include fee, sketch drawing, and all other items required by this Code.
- (4) Written application for a Zoning Permit for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector prior to the initiation of any work or action on said request. Said Zoning Permit shall be issued within thirty (30) days and the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Code.
- (5) The Zoning Inspector shall issue a placard to be posted in a conspicuous place on the property in question attesting that the use, alteration, or construction is in conformance with the provisions of this Code.
- (6) An applicant for a Zoning Permit shall file an Application for Zoning Permit, provided by the Village, setting forth the dimensions and type of construction of any proposed building, structure or sign, and the nature of the proposed use of the building, structure, sign or land. The Application shall be accompanied by and have as a part thereof a diagram showing the proposed location of said building, structure or sign and the location of adjacent buildings, structures, and roads, indicating setback distances and yards.
- (7) The Zoning Inspector may refuse to issue a Zoning Permit in the event that the applicant fails to supply information reasonably required of him. A Zoning Permit shall be revocable, if among other things, the actual use, construction or alteration does not conform to the terms of the Application and the Permit granted thereon.
- (8) Any zoning permit issued to an applicant as herein provided shall become null and void if the holder of such zoning permit shall not have commenced construction and/or reconstruction on or before one year from the date of the issuance of such zoning permit. In the event a holder of a zoning permit shall have commenced construction or reconstruction within one year of the date of issuance of the permit, the permit shall become void and no further construction or reconstruction shall be permitted in the event the construction and/or reconstruction provided for in the permit shall not have been substantially concluded on or before two years from the date of issuance.
- (9) Each application for a Zoning Permit shall be accompanied by a fee in accordance with a fee schedule adopted by the Village and made a part of this Code. Construction trash receptacles and toilets and temporary trash receptacles and toilets are exempt from the fee.
- (10) The Zoning Inspector shall forthwith deposit all fees received with the Village Clerk, who shall credit such fees to the credit of the General Revenue Fund of the Village. One-half of the fees shall be refunded if the Zoning Permit applied for shall be refused.

- (11) Each application for a change of classification of land use shall be accompanied by a fee in accordance with a fee schedule adopted by the Village.
- (12) Construction trash receptacles and portable toilets are considered temporary structures and require a zoning permit. They are limited to be on site for four months, but may be renewed two times. Also see Section 1129.12.
- (13) Temporary Trash Receptacles and Portable Toilets are considered temporary structures and require a zoning permit. They are limited to be on site for two weeks and may not be renewed. Also see Section 1129.12.

(c) Zoning Fees.

- (1) There is hereby established a non-refundable application fee in sum of ten dollars (\$10.00), such application fee to be paid at the time of securing the application from the Zoning Inspector. In the event a Zoning Permit is issued, the application fee, in the sum of ten dollars (\$10.00) shall be applied to the cost of the zoning permit as set forth below.
- (2) The following is the schedule of fees to be paid for the issuance of Zoning Permits and no Zoning Permits shall be issued by the Zoning Inspector unless and until the following fees are paid:
 - A. In residential districts, there shall be a one hundred dollar (\$100.00) fee per Zoning Permit for each unit of living space. In a residential district, each unit shall consist of living space provided for a single family. In residential districts, the fee for a Zoning Permit for construction of porches, decks, and similar structures shall be at the rate of nine cents (\$0.09) per square foot with a minimum fee of twenty-five dollars (\$25.00).
 - B. In commercial and industrial districts, the fee shall be nine cents (\$0.09) per square foot of usable space provided in the plan with minimum of fifty dollars (\$50.00) for each application. The aforesaid fees shall not apply to internal changes in presently occupied single family and two family dwellings.
 - C. In the event an engineering review is required under Section 1125.06 prior to the issuance of a Zoning Permit by the Zoning Inspector, the Zoning Inspector shall collect an engineering review fee from the applicant for the Zoning Permit in an amount sufficient to cover the cost of the engineering review of the site plan. The amount of such fee shall be calculated as follows:
 1. Residential Unit: \$100.00 per unit.
 2. Industrial/Commercial Unit: \$0.10 per square foot.These fees will be collected if an engineering review is required under Section 1125.06 and deposited before permit is considered.

(d) In the event a site plan review is required under Section 1125.08 prior to the issuance of a Zoning Permit by the Zoning Inspector, the Zoning Inspector shall collect a site plan fee from the applicant for the Zoning Permit in an amount sufficient to cover the cost of the site plan review. The amount of such fee shall be calculated as follows:

- (1) Residential Unit: \$100.00 per unit.
- (2) Industrial/Commercial Unit: \$400 per building.

These fees will be collected if a site plan review is required under Section 1125.08 and deposited before permit is considered. If review exceeds the funds submitted, the applicant will be required to provide an additional site plan fee not to exceed the original site plan fee.

(e) In the event an architectural review is required under Section 1125.09 prior to the issuance of a Zoning Permit by the Zoning Inspector, the Zoning Inspector shall collect an architectural review fee from the applicant for the Zoning Permit in an amount sufficient to cover the cost of the architectural review of the site plan. The amount of such fee shall be calculated as following:

- (1) Residential Unit: \$100.00 per unit.
- (2) Industrial/Commercial Unit: \$0.10 per square foot.

These fees will be collected if an architectural review is required under Section 1125.09 and deposited before permit is considered. (Ord. 2008-133. Passed 12-16-08.)

1137.02 INTERPRETATION AS MINIMUM REQUIREMENTS.

In any interpretation and application, the provisions of the Zoning Ordinance shall be held to be the minimum requirements adopted. (Ord. 2380. Passed 1-18-55.)

1137.03 EFFECTIVE DATE.

The Zoning Ordinance shall become effective on and after its passage and at the earliest period allowed by law. (Ord. 2380. Passed 1-18-55.)

1137.04 NON-RESIDENT OWNERS OF REAL ESTATE.

(a) Any person (including individuals, corporations, partnerships, proprietorships or any entity capable of owning real estate) owning any interest in real estate (legal, equitable or otherwise), located in the Village and residing outside of the County of Lake, Ohio, shall designate a natural person resident of the County of Lake, Ohio, agent for such non-resident owner for the purpose of receiving any and all notices (formal and informal) of any violations of laws (local, state or federal) with relation to the construction, maintenance and operation of the real estate or business located thereon.

(b) The owner shall designate a natural person of sound mind over the age of eighteen years as agent as above required and provide the agent's full name, address and telephone number, in writing, to the Zoning Inspector of the Village. It shall be the further obligation of the owner to notify the Zoning Inspector in writing of any change in the name, address or telephone number of the agent designated.

(c) The Zoning Inspector is authorized and directed to secure compliance with the within requirements at any time a non-resident applicant seeks a permit for any purpose for property use in the Village and to seek out non-resident owners of real estate for compliance with the requirements herein.

(d) Failure of a non-resident owner to comply with the designation of resident agent requirements herein within thirty days of receipt of notice from the Zoning Inspector to comply shall constitute a violation of the requirements of this section and shall constitute a misdemeanor punishable under Section 1137.99(b). (Ord. 1988-77. Passed 10-3-88.)

1137.05 OCCUPANCY CERTIFICATE

(a) In any district it shall be unlawful to use or permit the use of any building or premises, or both or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until an Occupancy Certificate shall have been issued therefor by the Zoning Inspector.

(b) An Occupancy Certificate shall be issued by the Zoning Inspector as hereinafter provided for after personal inspection and determination that the use of the structure and/or land conforms to the approved plans and use filed with the Zoning Inspector and upon which a Zoning Permit was issued. In addition thereto the Zoning Inspector shall obtain certification from the proper authorities that all inspections as to building requirements, sewer and utility connections, and safety requirements have been completed as required by the applicable codes.

(c) Occupancy Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Zoning Ordinance and punishable as provided in Section 1137.99 of this Ordinance.

(d) Occupancy Certificates for marinas, commercial or industrial, shall be reviewed annually. The Zoning Inspector shall inspect for compliance with the code and adherence to the originally approved use and arrangement set forth in the approved plans, applications or amendments thereto and no other use. The Zoning Inspector shall obtain certification from the proper authorities that all inspections as to building requirements, sewer and utility connections, and safety requirements have been completed as required by the applicable codes.

(e) Failure to obtain an Occupancy Certificate shall be a violation of this Zoning Ordinance and is punishable under Section 1137.99 of the Codified Ordinances. (Ord. 2008-133. Passed 12-16-08.)

1137.99 ENFORCEMENT AND PENALTY.

(a) No person shall construct, reconstruct, enlarge, change, maintain or use any building or use any land in violation of any regulation or any provision of the Zoning Ordinance, or any amendment thereto.

(b) Any person, firm or corporation violating the Zoning Ordinance, or any regulation, provision or amendment thereto, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

(c) In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of law or of the Zoning Ordinance, or any amendment thereto, Council, the Solicitor, Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. (Ord. 2380. Passed 1-18-55.)

CHAPTER 1138
Conditional Use Permits

1138.01	Conditional Use Permits required.	1138.05	Action by Council.
1138.02	Application and procedures.	1138.06	Reapplication.
1138.03	Notice and hearing.	1138.99	Enforcement and penalty.
1138.04	Action by the Planning Commission.		

1138.01 CONDITIONAL USE PERMITS REQUIRED.

(a) As set forth in Chapter 1121 and Chapter 155, Conditional Use Permits, shall be required as follows:

All Residential Districts (R, MF, MFHD)

- *home occupations (in excess of 25% of living space)
- *churches and houses of worship
- *renting of rooms to other than immediate family members
- *family homes for mentally retarded/developmentally disable children or adults
- *group homes of similar nature
- *private schools
- *academies
- *child day care facilities

R Residential District

- *Bed and Breakfast operations
- *Assisted Living facilities

MF Multi Family District

- *Assisted Living facilities

MFHD Multi Family High Density

- *Assisted Living facilities

All Business Districts (C-1, C-2, C-3)

- *seasonal outdoor or open-air operation of entertainment, food service, cafe style operations, outdoor sales
- *vehicles - sales service and leasing
- *drive thru beverage services
- *drive in and drive thru restaurants and food and beverage services
- *retail activities from tents, non-permanent or other similar temporary .
- *Assisted Living facilities

MFHD Multi Family High Density

*Assisted Living facilities

All Business Districts (C-1, C-2, C-3)

*seasonal outdoor or open-air operation of entertainment, food service, cafe style operations, outdoor sales

*vehicles - sales service and leasing

*drive thru beverage services

*drive in and drive thru restaurants and food and beverage services

*retail activities from tents, non-permanent or other similar temporary structures

*exterior storage of vehicles, watercraft, trailers and associated appurtenances

*roadside stands

C-1 Neighborhood Business District

C-2 Community Business District

C-3 Community Business District

I Industrial District

*exterior storage of vehicles, watercraft, trailers and associated appurtenances

*exterior storage of construction and process materials

*retail activities incidental to permitted Industrial uses

MI Marine Industrial District

*retail activities incidental to permitted Marine Industrial uses

MR Marine Recreation District

(b) In addition to those uses specified in Section 1138.01(a) conditional use permits shall also be required for the following when located in any district:

- (1) Airports, heliports, helistops
- (2) Sand and gravel operations or the removal from or deposit on land of soil or other substances in excess of 2,000 cubic yards per acre in volume or 25,000 cubic yards total. (ref. Chapter 1126 Site and Grading Plans)
- (3) Electric substations
- (4) Telephone exchanges
- (5) Water towers
- (6) Pumping stations
- (7) Installations for commercial transmission of radio or television or the placement of wireless communication towers (ref. Chapter 1134 Wireless Communication Facilities)
- (8) Gas regulation stations
- (9) Oil, gas and water wells
- (10) Power lines in excess of 13,200 KV
- (11) Temporary events
- (12) Railroad tracks and facilities
- (13) Wastewater treatment facilities. (Ord. 1998-125. Passed 1-5-99.)

1138.02 APPLICATION AND PROCEDURES.

(a) Any person, firm or corporation owning or leasing land who desires a conditional use permit, shall file application with the Zoning Inspector a written application on such form as developed by the Zoning Inspector. If the applicant is not the owner of the land, the owner shall sign and be made party to the application. The applicant shall submit, with the application, information sufficient to the Planning Commission describing the proposed use. Said information shall be submitted in six copies, and shall include as a minimum, but not solely limited to:

- (1) A preliminary site plan
- (2) A traffic analysis, including on-site parking analysis
- (3) A drainage analysis
- (4) Evidence of financial capability
- (5) A construction schedule
- (6) Such other information as the Planning Commission, Village Engineer or Zoning Inspector may deem necessary
(Ord. 1998-125. Passed 1-5-99; Ord. 99-46. Passed 5-4-99.)

(b) The applicant shall remit with his or her completed application, a nonrefundable fee of two hundred dollars (\$200.00); if an engineering review of the application is required, an additional fee of one hundred dollars (\$100.00) shall be submitted. These fees will be sufficient to provide for the engineering review by the Village Engineer, as required, and notices and publications required for one public hearing. If additional public hearings and notices are required for consideration by Council, the applicant shall remit an additional nonrefundable fee of seventy-five dollars (\$75.00) prior to publishing of notice of said public hearing. The applicant shall also remit with his or her application the additional fee of two dollars (\$2.00) for each person or household in excess of ten that must be notified pursuant to Section 1138.03(b).

The applicant shall bear the cost of preparation of all legislation, maps and legal requirements for the consideration of such conditional use requests.
(Ord. 2007-069. Passed 8-14-07.)

1138.03 NOTICE AND HEARING.

(a) The Zoning Inspector shall examine the application and all documents and data connected therewith and shall submit the application to the Planning Commission within a reasonable time for consideration at a regularly schedule meeting. Upon notice from the Planning Commission, the Fiscal Officer shall schedule a Public Hearing and give notice thereof by publication in a newspaper of general circulation in the municipal corporation once a week for two consecutive weeks on the same day of the week, and no hearing thereon shall be held less than five nor more than ten days following the last publication. Said notice shall give the time place and purpose of said hearing.

(b) The Fiscal Officer shall also send written notice of the public hearing to the owners of property contiguous to and directly across the street from the subject property at least ten days prior to the date of the public hearing. Notice shall be sent by first class mail to the address shown on the current tax list shall constitute compliance with this section.

(c) At least five days preceding the Planning Commission's public hearing, the applicant shall erect on the subject property a sign or signs furnished by the Zoning Inspector including the nature of the request and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten feet of whatever property line abuts a public street and shall be placed as to be clearly visible from the roadway. If no public street abuts thereon, then the sign shall be erected in the same manner as above on at least two property lines as directed by the Zoning Inspector.

(Ord. 1998-125. Passed 1-5-99; Ord. 99-46. Passed 5-4-99.)

1138.04 ACTION BY THE PLANNING COMMISSION.

(a) The Planning Commission shall conduct a public hearing and shall act upon the request within a reasonable time thereafter. In reviewing a request the Planning Commission shall consider whether the proposed use:

- (1) Will be in harmony with or adversely affect the use of neighboring properties
- (2) Will adversely affect the health or safety of persons residing or working in the neighborhood.
- (3) Will change the character of the neighborhood
- (4) Will be detrimental to the public welfare or injurious to property
- (5) Is in accordance with the purpose and intent of this chapter and the general comprehensive planning of the village
- (6) Complies to any adopted policies, regulations, ordinances relating to such uses.

(b) If after review the Planning Commission finds that in its opinion a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it deem necessary to protect the public welfare, preserve the purpose and intent of this chapter, and protect the character of neighboring properties. Such conditions may include, but shall not be limited to the regulation of:

- (1) Set backs.
- (2) Screening and buffers.
- (3) Noise and noise abatement structures.
- (4) Hours of operation.
- (5) Access and traffic.
- (6) Glare.
- (7) Vibration.
- (8) Odors.
- (9) Dust.
- (10) Smoke.
- (11) Fumes.
- (12) Vapors.
- (13) Hazardous and noxious materials.
- (14) On-site parking and storage areas.

(Ord. 1998-125. Passed 1-5-99.)

1138.05 ACTION BY COUNCIL.

(a) Upon approval of a request by the Planning Commission, the Chairman shall notify in writing, the Fiscal Officer and the Village Council. Within fifteen days after receipt of said written notification by the Chairman, any two or more members of the Village Council may, in writing, request that the Fiscal Officer set a public hearing to review the decision of the Planning Commission, and in such event, the decision of Council shall be final. Notice of said hearing by Council shall be given as provided previously.

(b) If two or more members of Council fail to request a hearing within said fifteen days, the decision of the Planning Commission shall be final. In such event, or if Council affirms the decision of the Planning Commission, the Zoning Inspector shall prepare and issue a conditional use permit which shall clearly state any and all conditions attached thereto. (Ord. 1998-125. Passed 1-5-99; Ord. 99-46. Passed 5-4-99.)

1138.06 REAPPLICATION.

No reapplication for a conditional use permit which has been denied by the Planning Commission shall be submitted by the applicant, his successors or assigns in the same or modified form until the expiration of one year from the date of denial, except on grounds of newly discovered evidence or proof of substantially changed conditions which the applicant could not have reasonably anticipated prior to the denial of the application, as determined by the Planning Commission. (Ord. 1998-125. Passed 1-5-99.)

1138.99 ENFORCEMENT AND PENALTY.

(a) No person shall construct, reconstruct, enlarge, change, maintain or use any building or use any land in violation of any regulation or any provision of this chapter or the Zoning Ordinance, or any amendment thereto.

(b) Any person, firm or corporation violating this section of the Zoning Ordinances, or any regulation, provision or amendment thereto, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues shall be deemed a separate offense.

(c) In case any building is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of law or of the Zoning Ordinance, or any amendment thereto, Council, the Solicitor, Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

(Ord. 1998-125. Passed 1-5-99; Ord. 99-46. Passed 5-4-99.)

CHAPTER 1141
Board of Zoning Appeals

1141.01	Creation; composition and term.	1141.04	Appeals to Board; notice, hearing and decision.
1141.02	Powers of the Board.	1141.05	Filing fees.
1141.03	Board rules, minutes, meetings and records.		

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10
Appeals from zoning decisions - see Ohio R.C. 713.11, Ch. 2506
Amendments - see P. & Z. Ch. 1145

1141.01 CREATION; COMPOSITION AND TERM.

(a) There is hereby created a Board of Zoning Appeals consisting of five residents of the Village, four of whom shall be appointed by Council, and the fifth who shall be appointed by the Mayor, and said members of the Board of Zoning Appeals shall serve without compensation.

(b) Said members, as provided in subsection (a), shall elect a member who shall be designated as Chairperson of said Board for a term of one year.

(c) The term of each member, as provided in subsection (a), shall be two years.

(d) A vacancy in the position that was filled as the appointee of the Mayor, as provided in paragraph (a), shall be filled by appointment of the Mayor for the unexpired term; except, however, if said vacancy shall exist for a period in excess of thirty (30) days prior to written notice of an appointment for the filling of said vacancy by the Mayor being received by Council then, in that event, Council shall fill said vacancy for the unexpired term.

(e) Vacancies in those positions that were filled as the appointees of Council, as provided in subsection (a), shall be filled by Council, for their respective, unexpired terms.

(f) The Fiscal Officer shall be the Clerk of the Board.
(Ord. 51-2004. Passed 6-8-04.)

1141.02 POWERS OF THE BOARD.

The Board of Zoning Appeals shall have the following powers:

- (a) To hear and decide appeals wherein it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of the zoning laws or of the Zoning Ordinance, or any amendments thereto.
- (b) To authorize, upon appeal and in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, wherein owing to special conditions a literal enforcement of the provisions of the Zoning Ordinance, or any amendments thereto, will create unnecessary hardship to a particular property or result in a practical difficulty, and so that the spirit of the Zoning Ordinance will be observed and substantial justice done.
- (c) In exercising the above powers mentioned, the Board, in conformity with the provisions of law and the Zoning Ordinance, and any amendments thereto, by a favorable vote of at least a majority of the members of the Board, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, decision, requirement or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. (Ord. 2000-20. Passed 2-15-00.)

1141.03 BOARD RULES, MINUTES, MEETINGS AND RECORDS.

(a) The Board of Zoning Appeals shall organize and adopt rules in accordance with the provisions of the Zoning Ordinance.

(b) Meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson, and at such other times as the Board shall determine. The Chairperson or, in the chair's absence, the Acting Chairperson may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public.

(c) The Board shall keep minutes of its meetings and proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which will be filed in the office of Council and shall be a public record. (Ord. 2000-20. Passed 2-15-00.)

1141.04 APPEALS TO BOARD; NOTICE, HEARING AND DECISION.

(a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a Notice of Appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(b) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Notice of the time and place of hearings shall be mailed, by first class mail, at least ten (10) days prior to the hearing, to the property owners within one hundred (100) feet of the property for which the variance has been requested. The notice shall be sent to the property owner that is listed on the current tax roll, list, or duplicate of the County and to the address of the property if the address is a tax service. The notice of the hearing shall also be published in a paper of general circulation in the Village at least seven (7) days prior to the hearing but no more than fourteen (14) days prior to the hearing. The Zoning Inspector shall issue a placard

to the applicant that contains the following information: (1) that the owner has applied for a zoning variance; (2) the nature of the variance and (3) the date and time for the BZA hearing on the variance. The applicant shall post the placard in a conspicuous place on the property that is designated by the Zoning Inspector. The placard shall be posted on the property for at least seven (7) consecutive days before the hearing on the variance. Each application or notice of appeal shall be accompanied by a fee as set forth in Chapter 1141.

(c) At the hearing before the Board, the party who filed the appeal may appear in person or through legal counsel. The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not for a vote on any case that is before the BZA.

(d) Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing unless the Board so decides.

(e) Appeals from the decision of the Board of Zoning Appeals shall be in accordance with the laws of the State.
(Ord. 2007-102. Passed 12-16-07.)

1141.05 FILING FEES.

Any appeal filed with the Board of Zoning Appeals shall be accompanied by a filing fee of one hundred dollars (\$100.00) for any appeal where it is alleged that there was an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of the zoning laws or of the Zoning Ordinance pursuant to Section 1141.02(a); and a filing fee of two hundred dollars (\$200.00) for any variance request to the Board of Zoning Appeals pursuant to powers granted to the Board of Zoning Appeals in Section 1141.02(b). (Ord. 2007-069. Passed 8-14-07.)

CHAPTER 1145
Amendments

1145.01	Initiation of amendments; submission to Planning Commission.	1145.03	Paying for notice; maps and copies; preparation of legislation; submission to Fiscal Officer; fee for amendment.
1145.02	Amendments: public hearing; notice; plans and maps on file.	1145.04	Reintroduction of defeated amendment.

CROSS REFERENCES

Council may amend districting or zoning - see Ohio R.C. 713.10

Council to hold public hearings - see Ohio R.C. 713.12

Nonconforming uses, retroactive measures - see Ohio R.C. 713.15

1145.01 INITIATION OF AMENDMENTS; SUBMISSION TO PLANNING COMMISSION.

(a) Amendments to the Zoning Ordinance may be initiated by the Planning Commission, Council or upon petition of any interested party.

(b) In accordance with the provisions of Ohio R.C. 713.10, Council may amend or change the number, shape, area or regulations of or within any district, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the Planning Commission for approval, disapproval or suggestions and the Commission is allowed a reasonable time, not less than thirty days, for consideration and report.
(Ord. 63-65. Passed 12-23-63.)

1145.02 AMENDMENTS: PUBLIC HEARING; NOTICE; PLANS AND MAPS ON FILE.

Before any zoning ordinance or amendment thereto may be passed, Council shall hold a public hearing thereon, and shall give at least thirty days' notice of the time and place thereof in a newspaper of general circulation in the Village. If the ordinance intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Fiscal Officer by first class mail at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax

list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such ordinance. During such thirty days, the text or copy of the text of such ordinance, together with the maps or plans or copies thereof forming a part of or referred to in such ordinance, and the maps, plans and reports submitted by the Planning Commission shall be on file for public examination in the Fiscal Officer's office. No such ordinance which violates, differs from or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than three-fourths of the membership of Council. (Ord. 63-65. Passed 12-23-63.)

1145.03 PAYING FOR NOTICE; MAPS AND COPIES; PREPARATION OF LEGISLATION; SUBMISSION TO FISCAL OFFICER; FEE FOR AMENDMENT.

When a zoning amendment is requested by an interested party, the party making the request shall pay the cost of the legal advertisements necessary to give notice of a public hearing on such proposed change. Where a map is necessary in order to make a change in the zoning of property, the interested party requesting such change shall furnish the map and a copy thereof to the Fiscal Officer. The map shall contain such information as may be required by Council and on filing shall become the property of the Village. The Village Solicitor shall prepare the proposed legislation which shall on motion of Council be referred to the Planning Commission along with the necessary required maps. After the Planning Commission has made its final decision, the report, along with the legislation and map, shall be returned to the Fiscal Officer for action by the Council. In addition to the above, the party making a request for a zoning amendment shall also pay a fee of three hundred dollars (\$300.00) to the Village as an application fee for the zoning amendment.
(Ord. 2007-069. Passed 8-14-07.)

1145.04 REINTRODUCTION OF DEFEATED AMENDMENT.

Any zoning change legislation requested by any interested party, and which, upon a final determination of Council, fails because of the lack of necessary affirmative votes of Council members, shall not again be introduced into Council within a period of twelve months after such final determination, unless Council first determines that a change of circumstances, the preservation of public peace, health, safety, property or general public welfare, or the protection of the interest of the Village or its people, necessitates the reintroduction in Council of such proposed legislation at an earlier date.
(Ord. 63-65. Passed 12-23-63.)

CHAPTER 1149
Definitions

1149.01 Definitions of terms and phrases.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001
General Code definitions - see ADM. 101.02

1149.01 DEFINITIONS OF TERMS AND PHRASES.

As used in the Zoning Ordinance and in interpreting the terms thereof as it relates to zoning restrictions of the Village, the following listed definitions of terms shall be applicable:

- (1) "Access drive" means a private roadway used to permit access to and use of an otherwise inaccessible parcel, after crossing another parcel by means of an easement. Access drives do not constitute legal frontage.
- (2) "Accessory building or structure" means a building or structure, customarily incidental to and subordinate to the main building on the same lot.
- (3) "Addition" is any construction which increases the size of a building such as a porch, deck, attached garage, attached carport, a new room or wing.
- (4) "Agriculture" means the use of the land for farming, dairying, pasturage, horticulture, floriculture, viticulture, silviculture, and animal or poultry husbandry. Also normal accessory uses, excluding stock yard operations and slaughter houses.
- (5) "Automotive repair or body shop" means a structure or building designed for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting, cleaning and parts storage, not to include irreparable vehicles, scrapping or dismantling of vehicles.
- (6) "Basement" means a story all or partly below ground, but having at least one-half of its height below average grade of the adjoining ground.
- (7) "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
- (8) "Conditional use" means a use permitted within a district other than the customarily permitted use, requiring a special permit, and approval of the Board of Zoning Appeals.
- (9) "Construction portable toilet" is used to store human waste for workers on a construction site. The portable toilet may only be in place for four months.

- (10) "Construction trash receptacle" is used to store waste from construction site prior to being removed and disposed. The trash receptacle may only be in place for four months.
- (11) "Conveyance" means deed, quit-claim deed, or any other legal document designed to transfer title of a parcel from one person, corporation or legal entity, to another.
- (12) "Corner lot" means a lot located at the intersection of two or more streets, or a lot located on a distinct curve in a road which has at least 45° of curvature.
- (13) "Directional sign" means a device intended to instruct persons entering or leaving a premises, for traffic flow or to aid in locating a particular building or service.
- (14) "District" means any portion of the Village for which zoning regulations govern the use of buildings and premises, height and size thereof. Regulations within a district are uniform throughout that district.
- (15) "Duplex/two-family" means a building designed or intended for use as habitation by two separate family groups living independently of one another.
- (16) "Dwelling" means any building or structure, excepting mobile homes as defined by Ohio R.C. 4501.01, wholly or partly used or intended to be used for human habitation.
- (17) "Easement" means written authorization by a property owner for the use by another person of a designated part of his property for a specified purpose.
- (18) "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain more than five persons.
- (19) "Fence" means steel, chain, mesh, wood or vegetative divider between properties being greater than thirty-two inches in height.
- (20) "Flag" is a piece of cloth, paper or plastic, having distinctive size, color, shape and design used as a symbol or standard for an established governmental, religious, charitable or non-profit organization.
- (21) "Floor area, residential" means the sum of the gross horizontal area of the several floors of a building normally used for family occupancy, excluding basements, utility rooms, garages, terraces, breezeways and porches.
- (22) "Flood plain" means that land, including floodway and floodway fringe, subject to inundation by a 100 year flood.
- (23) "Hundred year flood" means a flood of such intensity and depth that there is a one percent (1%) chance of occurrence in any given year.
- (24) "Frontage" means the width of contiguous land between property lines abutting upon a dedicated and accepted road to a specified depth. On a corner lot, the frontage is measured along the road that the primary building faces.
- (25) "Garage, private" means a detached accessory building, or portion of the principal building for temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises.
- (26) "Garage, public" means a principal or accessory building other than a private garage, used for temporary storage of motor vehicles.
- (27) "Garden type apartment" means a low rise, walk-up multi-family housing surrounded by open space.
- (28) "Home occupation" means an occupation conducted in a dwelling unit, provided that:

- A. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
 - B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
 - D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in the Zoning Ordinance and shall not be located in a required front yard;
 - E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (29) "Hotel or motel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory.
- (30) "Institution" means a building housing an organization having a social, educational or religious purpose.
- (31) "Junk" means dismantled or wrecked automobiles or parts thereof, or inoperable vehicles, old or scrap copper, brass, rope, rags, batteries, paper, rubber, iron or steel and other scrap.
- (32) "Kennel" means any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment.
- (33) "Loading space, off-street" means space located for bulk pickups and deliveries, scaled to vehicles expected to use. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right of way.
- (34) "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use. Such lot shall have sufficient frontage on a dedicated and accepted public highway or approved private street to meet minimum frontage requirements.
- (35) "Lot area" means the horizontal area of a lot computed exclusive of any portion of road rights of way abutting thereto.
- (36) "Lot of record" means a lot which is part of a subdivision filed with the County Recorder, or a parcel described by metes and bounds, the description of which has been so recorded.

- (37) "Mobile home" means any non self-propelled vehicle so designed, constructed, or added to by means of accessories, to permit use and occupancy for human habitation when connected to utilities, whether resting on wheels, blocks, jacks or temporary foundation.
- (38) "Multifamily dwelling/apartment" means a building designed or intended for habitation by three or more separate family groups living independently of one another.
- (39) "Nonconforming use" means a building, structure or use of the land existing prior to current zoning which does not conform to current zoning. Also any use not permitted by zoning for which a variance has been granted by the Board of Zoning Appeals.
- (40) "Open space" means an area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, and other recreational facilities. Streets, parking areas, structures for habitation, and the like shall not be included.
- (41) "Parking space, off-street" means an off-street parking space which shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.
- (42) "Person" includes a firm, trust, association, organization, partnership, company or corporation, as well as any individual.
- (43) "Rear lot" means a lot or parcel to the rear of an existing lot which meets all other zoning requirements except frontage.
- (44) "Rear yard" means a yard extending from side line to opposite side line across the rear of the lot, and from the rear lot line to the rear of the principal building, and/or accessory building where specified.
- (45) "Recreational use" means land or building used for leisure activities such as passive or active sports and entertainment.
- (46) "Restaurant (counter service)" is a retail service establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed.
- (47) "Restaurant (table service)" is a retail service establishment wherein the entire business activity, or substantially all of the business activity, consists of the sale of food and service to patrons seated at tables for consumption within the building.
- (48) "Right of way" means a strip of land dedicated for use as a public way, generally including curbs, sidewalks, lawn strips, drainage and utility easements and street lighting.
- (49) "Roadside stand" means a temporary structure designed or used for display or sale of agricultural or related items produced on the premises.
- (50) "Septic system" means an on-site sewage disposal system which uses an aerobic bacteriologic process or equally satisfactory process for treatment and elimination of sewage and safe disposal of effluent.
- (51) "Setback" means a line established by the Zoning Ordinance parallel with and measured from the right of way defining the limits of a front yard within which no above ground structures may be located.

- (52) "Sewers, sanitary" means an approved sewage disposal system which provides a collection network and a centralized treatment facility.
- (53) "Sewers, storm" means a system of culverts and pipes designed to remove storm water from the land, and channel it to natural or man-made drainage courses.
- (54) "Side yard" means a yard extending from the closest point of the principal building to the nearest side lot line on either side of the building.
- (55) "Sign" means any device designated to inform or attract the attention of persons not on the premises on which the device is located.
- (56) "Single-family dwelling" means a building designed or intended for habitation by one family group.
- (57) "Street, road or thoroughfare" means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
- A. "Alley" means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
 - B. "Arterial street" means a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
 - C. "Collector street" means a thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 - D. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 - E. "Dead-end street" or temporary cul-de-sac means a street temporarily having only one outlet for vehicular traffic and a temporary vehicular turnaround intended to be extended or continued in the future.
 - F. "Local street" means a street primarily for providing access to residential or other abutting property.
 - G. "Marginal access street" means a local collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called frontage street).
- (58) "Structure" means an arrangement of materials so constructed for support, enclosure, shelter, storage or visual appeal; a building, shed, sign, fountain, tower, post, mounting, fence or the like.
- (59) "Swimming pool" means a pool, pond, lake or open tank containing at least one and one-half feet of water at any point and maintained by the owner or manager.
- A. Private. Exclusively used by the residents and guests of a single household, a multi-family development, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
 - B. Community. Operated with a charge for admission; a primary use.
- (60) "Temporary portable toilet" is used to store human waste. The portable toilet may only be in place for two weeks.
- (61) "Temporary Structures" are temporary or construction trash receptacles, temporary or construction toilets.
- (62) "Temporary trash receptacle" is used to store waste prior to being removed and disposed of. The trash receptacle may only be in place for four weeks.
- (63) "Use" means the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

- (64) "Variance" means a modification of the strict terms of the relevant regulations where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- (65) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm, or injured animals, and those which are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.
- (66) "Yard" means a required open area unoccupied and unobstructed by any structure or portion thereof. Accessories, ornaments and furniture may be permitted subject to height and obstruction of visibility limitations.
- (67) "Zoning Inspector" means an appointed representative of the Village empowered to issue zoning permits, inspect for compliance, and record applications and actions taken thereon.
- (68) "Zoning permit" means a document issued by Zoning Inspector authorizing the use of lots and structures in accordance with the Zoning Ordinance.
(Ord. 2008-133. Passed 12-16-08.)

