ORDINANCE NO. 16-19

AN ORDINANCE ENACTING PART ELEVEN – PLANNING AND ZONING CODE OF THE PAINESVILLE CODE OF 1998, RELATING TO THE PLANNING AND ZONING CODE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Part Eleven in its entirety of the Painesville Code of 1998 is hereby enacted as fully rewritten in Exhibit A, attached hereto, and made a permanent part of this record.

SECTION II. That all references in the Painesville Code of 1998 that refer to the sections in PART ELEVEN – PLANNING AND ZONING CODE that were in effect prior to the enactment of this Ordinance shall be updated to correspond to the new Section designations that are listed in Exhibit A that is attached hereto.

SECTION III. That this Ordinance shall be in full force and effect on the earliest period allowed by law.

PASSED: September 16, 2019

EFFECTIVE: October 16, 2019

PAUL W. HACH, II
President of Council

ATTEST:

VALERIE VARGO
Clerk of Council

Chapter 1105
General Provisions
1105.01 TITLE.
1105.02 PURPOSE AND INTENT.
1105.03 AUTHORITY AND JURISDICTION.
1105.04 INTERPRETATION AND CONFLICTS.
1105.05 FEES.
1105.06 VIOLATIONS.
1105.07 PENALTIES.
1105.08 REMEDIES.
1105.09 RIGHT OF APPEAL.
1105.10 SEVERABILITY.
Chapter 1107
Definitions
1107.01 GENERAL.
1107.02 DEFINITIONS.
Chapter 1109
Administration
1109.01 GENERAL.
1109.02 CITY COUNCIL.
1109.03 PLANNING COMMISSION.
1109.04 DESIGN REVIEW BOARD (DRB).
1109.05 BOARD OF ZONING OF APPEALS (BZA).
1109.06 ADMINISTRATOR.
Chapter 1111
Development Review Procedures
1111.01 PURPOSE .
1111.02 PUBLIC NOTIFICATIONS AND HEARINGS.
1111.03 GENERAL APPLICATION REQUIREMENTS.
1111.04 MINOR SUBDIVISION; LOT SPLITS.
1111.05 SUBDIVISIONS.
1111.06 SITE PLANS.
1111.07 CERTIFICATE OF COMPLIANCE.
1111.08 CONDITIONAL USE PERMITS.
1111.09 CLUSTER AND PLANNED UNIT DEVELOPMENT.
1111.10 CERTIFICATES OF APPROPRIATENESS.
1111.11 REZONING AND AMENDMENT.
1111.12 APPEALS AND VARIANCES.
CHAPTER 1113
Zoning District Regulations
1113.01 PURPOSE.
1113.02 ESTABLISHMENT OF ZONING DISTRICTS.
1113.03 CLASSIFICATION OF MAPS.
1113.04 DISTRICT BOUNDARIES.
1113.05 COMPLIANCE.
1113.06 DISTRICT REGULATIONS FOR MAIN USES.
CHAPTER 1115
Use Specific Standards For Main Uses
1115.01 GENERAL.
1115.02 AGE RESTRICTED HOUSING.
1115.03 CLUSTER DEVELOPMENT.
1115.04 MULTI-FAMILY DWELLINGS.
1115.05 SPECIAL PROVISIONS FOR CONDOMINIUM DEVELOPMENTS.
1115.06 APPEARANCE STANDARDS FOR SINGLE FAMILY DWELLINGS.
1115.07 BED AND BREAKFAST ESTABLISHMENTS.
1115.08 BREWPUB, MICROBREWERY OR MICROWINERY.
1115.09 CLINICS AND MEDICAL OFFICES.
1115.10 DRIVE-THROUGH FACILITIES.
1115.11 INN.
1115.12 KENNELS AND ANIMAL BOARDING.

1115.13 OFFICE USES IN THE B-3 AND DD ZONING DISTRICTS.
1115.14 PARKING LOTS IN THE B-3 AND DD DISTRICTS.
1115.15 PARKING LOTS IN THE R-2 DISTRICTS.
1115.16 COMMERCIAL/ORGANIZATIONAL RECREATION USES.
1115.17 TATTOO AND BODY PIERCING BUSINESS REGULATIONS.
1115.18 VETERINARIAN CLINIC (NO BOARDING).
1115.19 INDUSTRIAL PERFORMANCE STANDARDS IN THE M-1 AND M-2 ZONING DISTRICTS.
1115.20 SELF-STORAGE FACILITIES.
1115.21 COMMUNITY GARDENS.
1115.22 PUBLIC USE.
1115.23 DORMITORIES.

CHAPTER 1117
Site Development Standards For Main Uses

1117.01 HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS.
1117.02 FRONT YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.
1117.03 SIDE YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.
1117.04 REAR YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.
1117.05 ATTACHED GARAGES.
1117.06 HEIGHT RESTRICTIONS AND EXCEPTIONS.
1117.07 ROOF GUTTERS AND DOWNSPOUTS.
1117.08 SUPPLEMENTAL REGULATIONS FOR COMMERCIAL AND INDUSTRIAL USES.
1117.08 SPECIAL PROVISIONS FOR DOWNTOWN DEVELOPMENT DISTRICT.

CHAPTER 1119
Accessory And Temporary Uses

1119.01 ACCESSORY USES AND STRUCTURES.
1119.02 PERMITTED ACCESSORY USES AND STRUCTURES.
1119.03 ACCESSORY DWELLING UNITS.
1119.04 DETACHED STRUCTURES.
1119.05 FENCES.
1119.06 HOME OCCUPATION.
1119.07 OUTDOOR DINING.
1119.08 OUTDOOR SALES.
1119.09 OUTDOOR STORAGE AND BULK SALES.
1119.10 OUTDOOR VENDING MACHINES.
1119.11 DONATION BOXES.
1119.12 PORCH, PATIO AND DECK STRUCTURES.
1119.13 INCIDENTAL RETAIL SALES.
1119.14 PRIVATE SWIMMING POOLS.
1119.15 UTILITY STRUCTURES.
1119.16 MAILBOX PLACEMENT.
1119.17 TEMPORARY USES.

CHAPTER 1121
Nonconforming Lots, Structures And Uses

1121.01 APPLICABILITY.
1121.02 PURPOSE.
1121.03 NONCONFORMING LOTS.
1121.04 NONCONFORMING STRUCTURES.
1121.05 NONCONFORMING USES.
1121.06 NONCONFORMING SITE CONDITIONS.
1121.07 CERTIFICATES OF COMPLIANCE FOR NONCONFORMITIES.

CHAPTER 1123
Planned Unit Development Overlay District

1123.01 PURPOSE .
1123.02 LOCATION AND STANDARDS.
1123.03 PERMITTED USES.
1123.04 DENSITY FOR RESIDENTIAL AREAS.
1123.05 OPEN SPACE.

1123.06 PUD DESIGN STANDARDS AND GUIDELINES.
1123.07 ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES.
1123.08 BUILDING SPACE REQUIREMENTS.
1123.09 STREETS AND SIDEWALKS.
1123.10 PARKING.
1123.11 UTILITIES.

CHAPTER 1125
Parking And Loading

1125.01 PURPOSE.
1125.02 APPLICABILITY.
1125.03 GENERAL REQUIREMENTS.
1125.04 SPACES REQUIRED.
1125.05 RULES FOR COMPUTATION.
1125.06 UNLISTED USES.
1125.07 BICYCLE PARKING.
1125.08 SHARED AND OFF-SITE PARKING.
1125.09 VEHICLE STACKING SPACE REQUIREMENTS.
1125.10 SETBACKS.
1125.11 LANDSCAPING, SCREENING AND BUFFERING.
1125.12 LIGHTING.
1125.13 OFF-STREET LOADING REQUIREMENTS.
1125.14 ACCESS FOR EMERGENCY VEHICLES AND APPARATUS.
1125.15 ADDITIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS.
1125.16 DEFERRED CONSTRUCTION OF REQUIRED SPACES (LANDBANKING).

CHAPTER 1127
Signs

1127.01 PURPOSE.
1127.02 DEFINITIONS.
1127.03 APPLICABILITY.
1127.04 PERMIT REQUIRED.
1127.05 PERMIT NOT REQUIRED.
1127.06 PROHIBITED SIGNS AND SIGN CHARACTERISTICS.
1127.07 MEASUREMENT STANDARDS.
1127.08 GENERAL PROVISIONS.
1127.09 NONCONFORMING SIGNS.
1127.10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.(S-1, R-1, R1-60, R-2 and B-1)
1127.11 SIGNS PERMITTED IN NON- RESIDENTIAL DISTRICTS.(B-1, B-2, B-3, DD, M-1, M-2)
1127.12 COMPREHENSIVE SIGN PLANS.

CHAPTER 1129
Historic Downtown Design Review District

1129.01 PURPOSE.
1129.02 ESTABLISHMENT OF DISTRICT.
1129.03 DESIGN CRITERIA FOR SITE DEVELOPMENT.
1129.04 DESIGN CRITERIA FOR NEW CONSTRUCTION.
1129.05 DESIGN CRITERIA FOR EXISTING BUILDINGS.
1129.06 DESIGN CRITERIA FOR THE CIVIC CENTER SUB AREA.
1129.07 DESIGN CRITERIA FOR THE TRANSIT CENTER SUB AREA.
1129.08 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE EXCEPTIONS.

CHAPTER 1131
Richmond Street Design Review District

1131.01 PURPOSE .
1131.02 ESTABLISHMENT OF DISTRICT.
1131.03 DESIGN CRITERIA.
1131.04 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE EXCEPTIONS.

CHAPTER 1133
Historic Preservation District

1133.01 PURPOSE .
1133.02 ESTABLISHMENT OF DISTRICT.

1133.03 CERTIFICATE OF APPROPRIATENESS REQUIRED.
1133.04 REVIEW PROCESS FOR ISSUANCE OF A CERTIFICATE OF PPROPRIATENESS.
1133.05 REVIEW CRITERIA.
1133.06 DEMOLITION AND MOVING OF STRUCTURES.
1133.07 PROTECTIVE MAINTENANCE REQUIRED EMERGENCY CONDITIONS.

CHAPTER 1135
Subdivision Design Standards

1135.01 PURPOSE.
1135.02 CONFORMITY REQUIRED.
1135.03 SUITABILITY OF LAND.
1135.04 STREET AND CIRCULATION SYSTEM DESIGN.
1135.05 STREET DESIGN STANDARDS: LOCAL STREETS.
1135.06 STREET DESIGN STANDARDS: COLLECTOR.
1135.07 MODIFICATION OF DESIGN STANDARDS.
1135.08 HORIZONTAL ALIGNMENT.
1135.09 VERTICAL ALIGNMENT.
1135.10 INTERSECTION DESIGN STANDARDS.
1135.11 SPECIAL STREET TYPES.
1135.12 STANDARDS FOR NONRESIDENTIAL SUBDIVISIONS.
1135.13 SIDEWALKS.
1135.14 BLOCKS.
1135.15 LOTS.
1135.16 EASEMENTS.
1135.17 FLOOD AREAS AND STORM DRAIN DITCHES.
1135.18 FOOTER DRAINS.
1135.19 STORM WATER FLOW LIMITATION.
1135.20 HYDROGEOLOGIC STUDY.
1135.21 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES.
1135.22 LANDSCAPE BUFFERS.

CHAPTER 1137
Improvements

1137.01 REQUIREMENTS PRIOR TO CONSTRUCTION OF PUBLIC IMPROVEMENTS.
1137.02 AUTHORITY OF CITY ADMINISTRATION.
1137.03 IMPROVEMENT PLANS.
1137.04 SUBMISSION OF PLANS.
1137.05 CHARGES FOR ENGINEERING DEPARTMENT SERVICES.
1137.06 GRADING PLAN.
1137.07 DRAINAGE MAP.
1137.08 ESTIMATE OF COST OF THE IMPROVEMENTS.
1137.09 PLAN REVIEW BY CITY ENGINEER.
1137.10 GUARANTEE FOR INSTALLATION OF IMPROVEMENTS.
1137.11 UNINSTALLED IMPROVEMENTS.
1137.12 MAINTENANCE BOND.
1137.13 CONSTRUCTION PROCEDURE AND MATERIALS.
1137.14 MONUMENTS, MARKERS AND PINS.
1137.15 STREET IMPROVEMENTS.
1137.16 STREET WIDTH.
1137.17 STREET SUBGRADE.
1137.18 STREET BASE COURSE.
1137.19 PAVEMENT CONSTRUCTION.
1137.20 SIDEWALKS AND DRIVEWAYS.
1137.21 STREET NAME SIGNS; STREET NAMING.
1137.22 STREET AND WALKWAY LIGHTING.
1137.23 TOPSOIL AND SEEDING.
1137.24 STREET TREES.
1137.25 GRADING.
1137.26 STORM SEWERS.
1137.27 SANITARY SEWERS.
1137.28 WATER SUPPLY.
1137.29 OTHER UTILITIES.

1137.30 LOCATION OF UTILITIES.
1137.31 OVERSIZE AND OFF-SITE IMPROVEMENTS.
1137.32 EXTENSIONS TO BOUNDARIES.
1137.33 OFF-SITE EXTENSIONS.

CHAPTER 1139
Riparian Setbacks

1139.01 PURPOSE.
1139.02 APPLICABILITY.
1139.03 DEFINITIONS.
1139.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES.
1139.05 RIPARIAN SETBACKS.
1139.06 WETLAND SETBACKS.
1139.07 APPLICATIONS AND SITE PLANS.
1139.08 PERMITTED USES WITHIN RIPARIAN AND WETLAND SETBACKS.
1139.09 PROHIBITED USES WITHIN RIPARIAN AND WETLAND SETBACKS.
1139.10 NOTICE AND INSPECTION.
1139.11 VARIANCES.
1139.12 PENALTY.

CHAPTER 1141
Hillside Areas

1141.01 PURPOSE.
1141.02 GENERAL.
1141.03 DETERMINATION OF AVERAGE SLOPE.
1141.04 MINIMUM LOT REQUIREMENTS FOR SINGLE FAMILY HOMES.
1141.05 GRADING PLAN AND CONTROLS.
1141.06 CUTS AND FILLS.
1141.07 COMPACTION OF FILL.
1141.08 RETAINING WALLS.
1141.09 MINIMUM HILLSIDE REQUIREMENTS.
1141.10 STREET ALIGNMENT.
1141.11 DRIVEWAYS.
1141.12 SIDEWALKS.
1141.13 UNDEVELOPED LAND.
1141.14 VEGETATION AND REVEGETATION.
1141.15 LANDSCAPING.
1141.16 HOLD HARMLESS PROVISIONS.

CHAPTER 1143
Erosion and Sediment Control

1143.01 PURPOSE.
1143.02 DEFINITIONS.
1143.03 DISCLAIMER OF LIABILITY.
1143.04 CONFLICTS, SEVERABILITY, NUISANCES AND RESPONSIBILITY.
1143.05 DEVELOPMENT OF STORM WATER POLLUTION PREVENTION PLANS.
1143.06 APPLICATION PROCEDURES.
1143.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.
1143.08 STORM WATER POLLUTION PREVENTION PLAN.
1143.09 PERFORMANCE STANDARDS.
1143.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.
1143.11 FEES.
1143.12 BOND.
1143.13 ENFORCEMENT.
1143.14 VIOLATIONS.
1143.15 APPEALS.
1143.99 PENALTY.

Chapter 1105
General Provisions

1105.01 TITLE.

Titles One to Seven of Part Eleven - Planning and Zoning Code shall be known and may be cited and referred to as the "Unified Development Code of the City of Painesville" or "Unified Development Code " or "UDC" or "this Code".

1105.02 PURPOSE AND INTENT.

The purpose and intent of this ordinance is:

(a) To implement the goals and policies of the Comprehensive Plan;

(b) To provide procedures and standards for the subdivision, development and use of land;

(c) To promote and protect the public safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land and building and the erection, restoration and condition of buildings and additions thereto, and the use thereof for agricultural, residential, business, industrial, institutional and public purposes;

(d) To regulate the area and dimensions of land, yards and open spaces so as to secure adequate light, pure air, and safety from fire and other dangers;

(e) To conserve and enhance the taxable value of land and buildings throughout the City of Painesville;

(f) To lessen or avoid congestion on the public streets and provide for the proper arrangement of streets in relation to existing or proposed streets;

(g) To regulate and restrict the bulk, height, design, percent of lot occupancy, appearance, and the location of buildings, structures and land activities;

(h) To protect the character and values of the agricultural, residential, business, industrial, institutional and public areas and to assure their orderly and beneficial development;

(i) To provide for the most advantageous use of public utilities, such as water, power production and transmission, sewerage collection and disposal and storm drainage; and,

(j) To provide for the orderly growth and development of lands and for the orderly and advantageous redevelopment of lands, and for said purposes, to divide the city into various districts.

1105.03 AUTHORITY AND JURISDICTION.

(a) The authority for the preparation, adoption and implementation of this UDC is derived from the charter of the City of Painesville and the Ohio Revised Code (ORC) chapters 711 and 713 as they pertain to the adoption of uniform rules and regulations governing zoning and subdivision of land.

(b) This UDC shall apply to all land and land development within the incorporated area of the City of Painesville, Ohio.

1105.04 INTERPRETATION AND CONFLICTS.

(a) In interpreting and applying the provisions of this UDC, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

(b) It is not intended by this Code to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any provisions of this Code or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Code.

(c) It is not intended by this Code to interfere with or abrogate or annul any easement, covenant, or other agreements between parties; provided, however, that where this Code is more restrictive than such easement, covenant or agreement, the provisions of this Code shall control.

(d) The provisions hereof are cumulative and are additional limitations on all other laws and ordinances heretofore passed governing any subject matter of this Code.

(e) Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

(f) Notwithstanding any rule, decision or regulation to the contrary, where ambiguity exists this Code shall be interpreted in favor of the least restrictive use of property.

(g) Where any section or subsection of this UDC has a statement of purpose and intent, the purpose and intent shall be considered in the interpretation of that section or subsection.

1105.05 FEES.

Council shall by ordinance establish a schedule of fees for reviews, approvals and other procedures pertaining to the administration and enforcement of this UDC after considering the recommendations of the Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be available at City Hall, and may be altered or amended only by Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

1105.06 VIOLATIONS.

Violation of the provisions of this UDC or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Code, shall constitute a misdemeanor. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or assists in, or maintains such violation may each be found guilty of a separate offense and incur the penalties provided herein. Further, the City may take such other lawful action as is necessary to prevent or remedy any violation.

1105.07 PENALTIES.

(a) General. Unless otherwise noted herein, violators of any provision of this Code, or any amendment thereof, shall be guilty of a misdemeanor in the fourth degree, punishable by a $250 fine, 30 days in jail, or both. Each day the violation continues shall constitute a separate offense.

(b) Subdivision Improvements. Whoever violates any provision of this Code pertaining to the construction of improvements within a subdivision shall be guilty of a misdemeanor in the first degree, punishable by a $1,000 fine, 180 days in jail, or both. Each day the violation continues shall constitute a separate offense.

1105.08 REMEDIES.

(a) Notice of Violation. Whenever the Administrator makes a determination that there has been a violation of this Code, notice of the violation and order to comply shall be made to the responsible party. The notice and order shall:

1. Be in writing on an appropriate form as the Administrator shall determine;
2. Include a list of violations, refer to the Code sections violated and order remedial action which will effect compliance with the Code;
3. Specify a reasonable time within which to comply; and
4. Be served on the responsible person personally, or by certified mail and regular mail to the person's residence, regular place of business or last known address. If the certified and regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address, or the building affected.

(b) Opportunity to Resolve. If any person receiving a notice of violation under this section responds to such notice with a written statement of intent or desire to resolve the violation, the Administrator shall respond to such statement and shall, in writing, give such person a reasonable time to resolve the violation if no immediate danger to the public is present. The time to resolve shall be at least 10 days and no more than 60 days as determined by the Administrator who shall consider:

1. The extent to which the person has benefited by the violation;
2. The degree of harm to the public health, safety, welfare and aesthetics as a result of the violation;
3. The recidivism of the person, including previous notices and orders to comply and previous enforcement action;
4. Good faith efforts of the person to remedy the violation; and
5. The duration of the violation after a notice and order to comply was served pursuant to this section.

1105.09 RIGHT OF APPEAL.

Any order issued by the Administrator to comply with this Code may be appealed to the Board of Zoning Appeals by any persons adversely affected by such order in a manner prescribed by Section 1111.12 of this Code.

1105.10 SEVERABILITY.

If any section, subsection, paragraph, sentence or phrase of this Code is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Chapter 1107
Definitions

1107.01 GENERAL.

For the purpose of this Code, certain terms or words used herein shall be interpreted as follows:

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

(b) The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.

(c) The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

(d) The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.

(e) Any reference to days shall mean, unless expressly provided otherwise, calendar days.

(f) Any reference to a chapter or section shall mean a chapter or section of this UDC, unless otherwise specified.

1107.02 DEFINITIONS.

The following words and phrases when used in this UDC shall have the following meanings respectively ascribed to them unless otherwise stated in this Code:

(1) Administrator - The City of Painesville Community Development Director or the authorized representative thereof.

(2) Adult family home - A dwelling unit, licensed by the Ohio Department of Health, which is shared by three to five unrelated adults , exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit, provided that authorized supervisory personnel are present on the premises. Adult family homes are permitted in any residentially zoned district subject to the same regulations as may be applied to any dwelling unit in the same zoning district. An adult family home shall not include nursing homes, assisted living facilities, adult group homes or homes for persons who are addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

(3) Adult group home - A dwelling unit, licensed by the Ohio Department of Health, which is shared by six to sixteen unrelated individuals, exclusive of staff, who require assistance and/or supervision and who reside together in a family-type environment as a single housekeeping unit, provided that authorized supervisory personnel are present on the premises. Adult family homes are permitted in any district zoned for multifamily dwelling units subject to the same regulations as may be applied to any multifamily dwelling unit in the same zoning district. An adult group home shall not include nursing homes, assisted living facilities, adult family homes, or homes for persons who are addicted to alcohol or narcotic drugs or are criminal offenders serving on work release or probationary programs.

(4) Age Restricted Housing – A residential development that qualifies for an exemption as "housing for older persons" under the Federal Fair Housing Amendments Act of 1988, and any amendment thereto. Such development may provide a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system

(5) Age Restricted Housing, Assisted Living Facility - A long term residential care facility for persons in need of supervision or assistance with activities of daily living but who do not require the level of skilled medical and nursing care provided in a skilled nursing care facility. The facility-provides a residential living environment with congregate meals, housekeeping and other supportive services.

(6) Age Restricted Housing, Skilled Nursing Care Facility - An establishment licensed for the care of the aged or infirm that may provide facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative or preventive in nature, but does not contain equipment for surgical care or the treatment of disease or injury. Such facility shall not include assisted living facilities, adult family homes, or adult group homes.

(7) Agriculture - The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory structures and uses for performing these operations including the residence of the owner or operator.

(8) Aisle: - That portion of the off-street parking and loading area that provides access to parking, stacking or loading spaces, exclusive of driveways and parking and loading spaces.

(9) Alteration - Any change in the external architectural features of any structure or building that is visible from a public way or from adjoining property, but not including ordinary repairs and maintenance.

(10) Animal Grooming - An activity where the principal business is hygiene for companion animals, including washing, brushing, shearing and nail trimming.

(11) Applicant - Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity who applies for a permit or other approval as regulated by this UDC.

(12) Automotive Service Station and Fuel Sales- A premises where gasoline and other petroleum products are sold and/or light maintenance and minor repairs are conducted but not including engine overhauls, body work and painting. This facility may also include accessory facilities for other retail sales.

(13) Automotive Repair - An establishment for general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

(14) Automotive/Vehicle Wash - A facility used for cleaning motor vehicles by self-service, attendant or machine.

(15) Awning/Canopy - Any structure made of cloth or metal with a metal frame attached to a building which is designed to protect an area from the elements of weather.

(16) Bar or Tavern - An establishment where any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors are offered for sale by the drink for on-site consumption and where food may be available for consumption on the premises as an accessory use.

(17) Basement - A portion of a building located partly below the ground and having less than 50% of its height below the average finished grade of the adjoining ground.

(18) Bed and Breakfast - An establishment operated as a home occupation where overnight guest rooms and limited meal service are provided for compensation.

(19) Block – A unit of land bounded by streets or by a combination of streets and public lands, railroad right of way, waterways, or any other barrier to the continuity of development or corporate boundary.

(20) Board or BZA- the Board of Zoning Appeals of the City of Painesville.

(21) Brewpub, Microbrewery or Microwinery: An establishment which produces alcoholic beverages, including beers, ales, meads, hard ciders, or wines, and which also contains facilities for the on-site consumption of food and beverages as an accessory use.

(22) Buffer -An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied by any building or structure, for the purposes of separating, screening, and softening the effects of the land use.

(23) Build-to line: An alignment established at a certain distance from and parallel to the curb line along which the building shall be built.

(24) Building - Any structure having a roof, supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

(25) Building, accessory - A building or structure customarily incidental and subordinate to and located on the same lot as the main use or building.

(26) Building, Height - The vertical distance from the average finished grade along the front elevation to the highest point of the coping on a flat or shed roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for gable, hip or gambrel roofs.

(27) Building, line - See setback line.

(28) Building, Main - A building in which is conducted the principal use of the lot on which it is situated.

(29) Building and Lumber Yard - Buildings or premises used for the storage and sale of lumber and building materials such as brick, tile, cement, insulation, and roofing materials are sold at retail.

(30) Carport - A roofed structure that is attached to the main building, not more than 75 percent enclosed by walls and intended to provide shelter to one or more motor vehicles

(31) Cellar - A portion of a building located partly or wholly underground, and having 50% or more of its height below the average finished grade of the adjoining ground. Cellar space shall not be used as a habitable room or dwelling unit.

(32) Cemetery - Land used or intended to be used for the burial of human remains and dedicated to cemetery purpose, including columbariums, mausoleums, crematories and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

(33) Certificate of Appropriateness - A permit issued by the Design Review Board and/or Administrator approving and/or concurring in any application for a permit for construction, erection, alteration, removal, moving or demolition of any building, other structure or other physical elements in the Design Review District and declaring the determination that such project complies with the provisions of this Code.

(34) Certificate of Compliance - The document issued by the Administrator authorizing buildings, structures or uses consistent with the terms of this UDC and for the purpose of carrying out and enforcing its provisions.

(35) City – The City of Painesville, Ohio.

(36) City Engineer - The City Engineer of the City of Painesville.

(37) Clinic. An establishment where patient care is administered to humans on an out-patient basis by one or more licensed physicians and/or dentists and their professional associates. a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

(38) Club, Fraternal or Service – An establishment operated for social, literary, political, educational or recreational purposes primarily for the exclusive use of members and their guests, but not operated for profit. Food and alcoholic beverage service may be permitted as activities that are secondary and incidental to the promotion of some other common objective of the organization, and further provided that the sale or service of alcoholic beverages is in compliance with all applicable laws.

(39) Cluster Area. - That part of a cluster development designed and intended for the construction of single-family attached or detached dwelling units in a unified and harmonious arrangement as reflected on a plan indicating all dwelling units within a specific portion of the development area.

(40) Cluster Development - A form of development that concentrates buildings on a portion of a site to allow the remaining land to remain as open space.

(41) College/University - An educational institution, certified by the State of Ohio, that offers academic instruction and confers degrees with undergraduate or graduate standing and may include related instructional and recreational uses with or without living quarters, food service, and other incidental facilities for students, teachers and employees.

(42) Common Wall – A wall or portion of a wall that divides contiguous buildings and such wall or portion of a wall contains no openings and extends from its footing below grade to the height of the exterior surface of the roof.

(43) Community Center: A building used for recreational, social, educational or cultural activities, open to the public and designated to accommodate and service significant segments of the community.

(44) Community Garden: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation.

(45) Compatible: The characteristics of different uses or designs which allow them to be located near or adjacent to one another in harmony and in keeping with the intent of the district in which such use or design is located. Elements affecting compatibility include, height, scale, mass and bulk of structures, pedestrian or vehicular circulation, access and parking impacts, landscaping, lighting, noise, odor, and architectural elements.

(46) Comprehensive Plan - Any plan, or any portion thereof, adopted by Council, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.

(47) Conditional use - A use that may be permitted in a district after review and approval by the Planning Commission.

(48) Condominium - A structure or group of structures containing multiple units in which single units are held under individual ownership whereas common areas, facilities and open space are held jointly and equally.

(49) Contractor Shop – An establishment where business associated in the construction trades is conducted and may include showrooms and material storage area that are completely enclosed within the main building.

(50) Contractor Storage Yard - An area of open storage for materials used for construction and for construction equipment, which is not typically licensed for travel on a public highway. The materials and equipment are typically employed in the course of the contractor's business or may be available for sale or rent.

(51) Council or City Council - The City Council of the City of Painesville.

(52) Covenant - A written promise or pledge.

(53) Cultural Institution - Public or private facilities used for display, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, cultural centers, and interpretative sites.

(54) Culvert - A transverse drain that channels under a bridge, embankment, street or driveway.

(55) Day care facility, children – An establishment other than a dwelling in which care, protection and supervision are provided for children on a regular basis and in accordance with applicable state laws pertaining to licensing and regulation. Incidental facilities for the preparation and consumption of meals, rest and recreation may also be provided.

(56) Day care facility, adult - An establishment which provides supervision, meals, assistance, protection, medical or personal care for adults for a time period of less than 24 hours per day and in accordance with applicable state laws pertaining to licensing and regulation.

(57) Density - A unit of measurement; the number of dwelling units per acre of land.

(58) Density, bonus - The authorization of additional density in a development in exchange for the applicant's provision of other publicly desirable amenities.

(59) Density, gross - The ratio of dwelling units per land area utilizing the full acreage of a parcel.

(60) Density, net - The ratio of dwelling units per land area that excludes areas such as public rights of way, common open space and other areas as may be required by this Code.

(61) Design Review District - An area where supplemental requirements are applied to properties in addition to the zoning regulations, the boundaries of which are shown on the Official Zoning Map.

(62) DRB – The Design Review Board of the City of Painesville.

(63) Development Agreement. An agreement between an applicant and the City which is based on an approved development plan and clearly establishes the applicant's responsibilities regarding project phasing, the provision of public and private facilities, improvements and any other mutually agreed to terms and requirements.

(64) Development Area. - A legally established lot or parcel of land occupied or capable of being occupied by a building or group of buildings including accessory structures or uses together with such yards open spaces or setback areas as required by this code.

(65) Development Plan: A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangement, public access, street pattern, and other similar features.

(66) District - A portion of the city for which zoning regulations govern the use of buildings and premises.

(67) District, Commercial - Those zoning districts designated as Business/Residential district, General Business district, Central Business district, and Downtown Development district.

(68) District, Industrial - Those zoning districts designated as Light Industrial district and Industrial district.

(69) District, Residential - Those zoning districts designated as Special district, Single Family Residential district and Multi-family Residential district.

(70) Donation Box - An unattended receptacle of any type, construction or material designed for the collection and storage of articles donated to a recognized charitable, educational or similar organization.

(71) Dormitories and student housing - A permanent building serving as residential quarters for students of a college, university, religious order or boarding school but not including hotels, boarding houses, or bed and breakfast. Kitchen facilities are not provided in each room/unit but there may be a group kitchen or dining facility to serve all residents.

(72) Drive-through facility commercial use - An establishment where a portion of the main building that includes a building opening such as a window, door or mechanical device through which occupants of a motor vehicle receive or obtain a product or service.

(73) Dwelling unit - A permanent building or portion of a building, with cooking and sanitary facilities, designed or used for residential occupancy by a single housekeeping unit, but not including hotels, inns, boarding houses, bed and breakfast, or dormitories.

(74) Dwelling unit, accessory - A dwelling unit subordinate to and located within a nonresidential main building.

(75) Dwelling unit, duplex - A building consisting of two dwelling units.

(76) Dwelling unit, multi-family - A building consisting of three or more dwelling units.

(77) Dwelling unit, single family - A building consisting of one dwelling unit.

(78) Dwelling unit, single family attached - Individually owned dwelling units which are attached to one another by common walls but not a common floor/ceiling. Such units shall have individual heating and plumbing systems and direct access from the exterior and not from a hallway or other common area.

(79) Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

(80) Exterior architectural feature - The architectural style and general arrangement of the exterior of a structure, including the type and texture of building materials, all windows, doors, lights, signs and other fixtures appurtenant thereto.

(81) Family - One of the following:

A. One to four persons occupying a dwelling unit; or

B. Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family;

1. It shall be presumptive evidence that five or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
2. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria shall be present:

a. The group is one which, in theory, size, appearance, structure and function resembles a traditional family unit;
b. The occupants shall share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family;
c. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
d. The group is permanent and stable. Evidence of such permanency and stability may include:
    i. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
    ii. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes:
    iii. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
    iv. There is common ownership of furniture and appliances among the members of the household;
    v. The group is not transient or temporary in nature;
    vi. The group shares common entrances and exits; and
    vii. There is only one set of utility connections to the dwelling unit.
e. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

(82) Fence - A structure constructed of approved materials intended to screen, delineate or enclose a yard or part of a yard, but not including hedges, shrubs, trees, or other natural growth.

(83) Financial institution - An establishment, usually a corporation, chartered by a state or federal government, whose principal business is to provide for the everyday financial transactions of businesses and individuals, which includes most or all of the following: receives demand deposits and timed deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; certifies depositor's checks; and issues drafts and cashier's checks.

(84) Fitness Center or Health Club – An establishment which provides specialized facilities, equipment and instruction in exercise and wellness to benefit physical fitness.

(85) Flood Plain - The land, including the flood fringe and floodway, subject to inundation by water from any source.

(86) Floor area - The sum of the areas of several floors of a building measured from outside wall to outside wall. In residential structures it shall not include unenclosed porches, decks, garages or carports.

(87) Frontage - The portion of the property which abuts one side of a street.

(88) Funeral Homes - A building or part thereof used for preparation of the deceased for burial and for the customary rituals associated with burial or cremation where all operations are conducted within a completely enclosed building.

(89) Garage, Parking - A structure which may have multiple levels above, below, at grade or a combination thereof constructed for the purpose of parking motor vehicles for the general public, clients or employees whether or not charges are made for the parking of motor vehicles therein.

(90) Garage, private - An accessory building or portion of a main building accessory to a dwelling unit that is used by the occupants of the premises for the parking and

temporary storage of motor vehicles and other personal property associated with a residential use.

(91) Golf Course - A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards that may include buildings for maintenance, restaurants, and other associated amenities.

(92) Grade, building - The first floor elevation which shall not be less than one-fourth of an inch per foot rise for each foot from the reference grade to the first floor of the building.

(93) Grade, natural - The elevation of the undisturbed ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling or excavating.

(94) Grade, finished - The final elevation of the ground surface of the ground adjoining a building after final grading and normal settlement.

(95) Grade, reference - The center line street elevation opposite the midpoint of the building site frontage.

(96) Hedge - A barrier of natural vegetation usually consisting of closely planted evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

(97) Historic building – A building that is historically or architecturally significant.

(98) Historic Preservation District - A geographic area designated by the City with buildings, properties or sites that are historically or architecturally significant or contribute to the overall historic character of their designated area.

(99) Home Occupation - A business, profession, occupation, or trade that is conducted within a dwelling unit and is accessory to the residential use of the lot.

(100) Hospital - An institution providing health services primarily for human in-patient health maintenance, medical or surgical care and including related facilities such as laboratories, out- patient services, dispensaries, and social support services.

(101) Hotel - A building containing five (5) or more guest rooms offering transient lodging accommodation for compensation to the general public and may provide additional services such as restaurants, meeting rooms or central services.

(102) Improvements - Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping erosion and sediment control and other related matters normally associated with the development of raw land into building sites.

(103) Improvement Plans – Engineering drawings prepared by a certified third party engineer in compliance with this Code for the construction of public infrastructure such as streets, water and sewer systems, drainage facilities, landscaping installations and associated appurtenances.

(104) Inn - an architecturally and/or historically significant structure, containing between five and 20 guest rooms for hire with associated services and amenities, for lodging by prearrangement.

(105) Industrial Sales and Service - an establishment which provides sales and service primarily to other commercial or industrial enterprises, or which services and repairs equipment used in industrial operations.

(106) Kennel and animal boarding facilities - A lot or premises on which four or more domesticated animals of the same type, more than four months of age are housed, groomed, bred, boarded, trained, or sold.

(107) Laboratory or research facility - A facility conducted entirely within a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except incidentally to the principal use of the laboratory.

(108) Landscaping - The improvement of a lot, parcel, tract of land, or portion thereof, with living grass, shrubs, trees and flowers. Landscaping may also include pedestrian walks, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

(109) Loading space, Off-street - Space designed for bulk pick-up and deliveries, scaled to delivery vehicles and expected to be available even when off-street parking spaces are filled and does not include required off-street parking spaces.

(110) Lot - A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. The lot shall have frontage on an improved street, and may consist of:

A. A single lot of record;
B. A portion of a lot of record, or
C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

(111) Lot area - The total horizontal area within the lot lines of a lot exclusive of right- of-way of any public or private street.

(112) Lot, corner - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

(113) Lot coverage - That area of a lot which is covered by the footprint of a building, structure or pavement including access drives, parking lots and sidewalks. Percentage of lot coverage shall be determined by dividing the total square footage of coverage by the gross lot area.

(114) Lot depth - the mean horizontal distance between the front and the rear lot lines.

(115) Lot, frontage - The portion of the lot abutting the street.

(116) Lot, interior - A lot other than a corner lot with only one frontage on a street.

(117) Lot of record - A lot which is duly recorded among the land records of the Lake County Recorder's Office.

(118) Lot, Through - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

(119) Lot width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line. The width between side lot lines at their foremost points, where they intersect with the street line, shall not be less than eighty percent (80%) of the required lot width.

(120) Manufacturing or Chemical Processing - Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, or resins.

(121) Manufacturing, extractive - Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resources.

(122) Manufacturing, heavy - Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character, may require a large site, open storage and service areas, and having the potential to produce noise, dust, glare, odors or vibration beyond its lot line.

(123) Monuments - Permanent concrete or iron markers used to establish definitively all lines of the plat of a subdivision including all lot corners, boundary line corners and points of change in street alignment.

(124) Multipurpose path - A pathway, which may be paved or unpaved, and is physically separated from motor vehicle traffic by an open space or barrier and is either within a public right of way or within an independent easement.

(125) Multi-Tenant Building - A main building with multiple tenant spaces and/or multiple use types where each are considered a main use.

(126) Non-conforming lot, structure or use - A lot, structure or use legally existing prior to the adoption or amendment of this Code that does not conform to the current regulations of the district in which it is currently located.

(127) Nonconforming Site Condition. Any lot, building or structure lawfully existing on the effective date of this Code or any amendment thereto, which, on such effective date, does not conform to the lot area, width or yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

(128) Office, general, professional, or medical - An establishment providing executive, management, medical, administrative or professional services, but not including retail sales except those that are clearly subordinate to the office use.

(129) "Open space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation and the like shall not be included.

(130) Open space, common - Land within or related to a development, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate for the use.

(131) Ordinary repairs and maintenance - Any replacement of any part of a structure where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such structure or any part thereof and to restore damage to such structure or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

(132) Outdoor Dining - Areas on sidewalks, patios, or other unenclosed areas, excluding parking lots, that are accessory to a restaurant use and designated for outdoor seating where patrons may be served food and beverage for on-site dining.

(133) Outdoor Sales - The placement of products or materials for sale outside of a retail establishment.

(134) Outdoor Vending Machines - Small machines that are capable of accepting money in

return for the automatic dispensing of goods.

(135) Parking Lot or Area- An area designed and designated for the temporary storage of motor vehicles that consists of off-street parking spaces and any driveways or access drives specifically related to the parking spaces.

(136) Parking space, off-street". A surfaced and permanently maintained area exclusive of access drives and aisles that is adequate for parking an automobile that is located totally outside of any street or alley right of way.

(137) Performance bond or surety bond - An agreement by an applicant with the City for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the applicant's agreement.

(138) Perpetual Maintenance Plan - A document filed with the County Recorder which sets forth the responsibility for maintenance of all such areas denoted on a final site plan or subdivision plat and describes the method of financing for such maintenance program.

(139) Personal services - Establishments that provide services of a personal convenience nature. Personal service establishments shall include but not be limited to, travel agencies, dry cleaning and laundry drop-off and pick-up stations, self-service laundries, tailors, hair stylists, health, fitness and other self improvement facilities, photography studios, handicraft or hobby instruction, driving schools, photocopying services, postal substations, package delivery drop-off and pick-up stations, or shoe repair.

(140) Porch, Patio or Deck - A structure attached or directly adjacent to a main building, any part of which does not exceed the first floor elevation of the main building, and that may or may not have railings, ramps or stairs, but does not contain walls or a roof.

(141) Place of worship - A special purpose building for the primary use of conducting on a regular basis organized religious services by a religious congregation. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

(142) Planned Unit Development (PUD) - A land development project planned as a comprehensive single entity departing from the strict application of the UDC. It permits a creative approach to the development of compatible, high quality residential, commercial, institutional, public and industrial uses. A PUD provides flexibility in building sites; variety of land use and design; optimum land planning; usable open space and recreational areas; preservation of natural topographic and geological features; provision of underground utilities; efficient circulation systems; and an environment which is fully compatible with the surrounding areas. The PUD permits a combination and coordination of architectural styles, building forms and relationships.

(143) Planning Commission or Commission - The City Planning Commission of the City of Painesville.

(144) Plat - The map, drawing or chart on which the applicant's plan of subdivision is presented to the Planning Commission for review, and subsequently to Council for approval; finally, to the County Recorder for recording.

(145) Portable storage container - Any portable enclosed unit of durable construction or material, not greater than eight feet wide by eight feet high by sixteen feet long, designed for temporary storage, which can be transported by vehicle and left on-site for a designated maximum period of time.

(146) Preapplication Conference - A nonbinding meeting intended to familiarize the applicant with the City's code requirements and to familiarize the applicant with the

Comprehensive Plan and other planning documents as applicable. The conference is also intended to provide the applicant with an opportunity to discuss their project and obtain informal comments and direction from the City staff members which may help to expedite the formal review process.

(147) Premises – An area of land occupied by structures or uses which are integral to the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with such activity.

(148) Professional engineer - Any person registered to practice professional engineering by the State Board of Registration as specified in Ohio R.C. 4733.14 and retained by an applicant to prepare plans and specifications.

(149) Public use - Any facility, use or structure owned and/or operated by a Local, County, State or Federal government or any agencies thereof.

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

(151) Radio and Television Studios - Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

(152) Recreational facilities - Public or private facilities that are designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

(153) Recreational facilities, commercial/organizational - A facility operated either for profit by the owner, lessee, or licensee; or operated by a not-for-profit organization established for such purpose. Such facilities shall include, but not be limited to: fitness centers, gyms, schools for the martial arts, gymnastic schools, indoor team sports training facilities, golf practice facilities and other such similar facilities.

(154) Recreational facilities, noncommercial - A recreational facility that is operated by a government entity for which a fee may or may not be charged.

(155) Recreational vehicle - A vehicle or portable structure designed and constructed to be used for travel, recreational or vacation uses, including but not limited to the following:

A. Travel trailer - a vehicular portable structure built on a chassis as a non- self-propelled vehicle including tent-type fold-out trailer and designed to be used as a temporary dwelling;

B. Pick-up camper - a structure designed primarily to be mounted on a pick- up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling;

C. Motorized home - portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. Watercraft - includes boats, floats, rafts, wet bike, jet ski, and the normal equipment to transport same.

E. Recreational trailers - any form of device, equipment or machinery on wheels, or a single wheel that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting materials or equipment used for recreation.

(156) Regulation – Any rule adopted under the authority of the City of Painesville to carry out the purpose and intent of this UDC.

(157) Restaurant - An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through drive-thru facility for consumption off the premises.

(158) Residential – Land areas or buildings which are arranged, designed used or intended to be occupied by dwelling units and uses associated with dwelling units.

(159) Retail Sales - Establishments engaged in selling merchandise to the general public for personal or household use and not for resale.

(160) Retail Sales, transitional - Retail establishments with no more than 2,000 square feet of gross ground floor area which cater to and can be located in close proximity to residential uses without creating undue vehicular congestion, excessive noise or other objectionable influences

(161) Right of way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features, required by the topography or treatment, such as grade separation, landscaped areas, viaducts and bridges.

(162) Roadside stand - A temporary structure designed or used for the display or sale of agricultural products grown on the site.

(163) School, compulsory - An educational institution whose primary use is to conduct regular academic instruction and/or special substitute educational programs which are certified by the State Board of Education as meeting the minimum educational requirements of the Ohio Revised Code for compulsory-age children attending the school. As a secondary use, such institutions may conduct optional community programs and activities involving persons of any age, such as but not limited to child day care, pre-kindergarten, evening classes, summer programs, recreational and cultural programs, and special events.

(164) Screen – A wall, fence, earthen berm, densely planted vegetation or a combination of these elements which meets the requirements of this Code for shielding or obscuring one abutting or nearby property from another.

(165) Setback - The minimum horizontal distance by which any building or structure will be separated from a lot line.

(166) Setback line – A line established by this Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground except as may be provided in such codes. See "yard".

(167) Self-storage facility. A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

(168) Sidewalk or walkway - That portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

(169) Sight triangle – A triangle formed by lines drawn between points on the front and side rights-of-way lines fifteen feet or a greater distance as required by the City Engineer from their point of intersection that is intended to be clear of landscape materials, vehicles, fences, signs, parking, or any other view-obstructing structures with the exception of required traffic control devices, and utility poles.

(170) Story - That portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

(171) Street, or road - The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

A. Alley- A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
B. Arterial street - A highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
C. Collector street - 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 the residential subdivisions.
D. Cul-de-sac - 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 - A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
F. Local street - A street primarily for providing access to residential, commercial or other abutting property.
G. Loop street - A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the 180-degree system of turns are not more than 1,000 feet from the arterial or collector street, nor normally more than 600 feet from each other.
H. Marginal access street - A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Also called "frontage street".

(172) Structure - Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Among other things, the term includes buildings, mobile homes, walls, fences, signs, backstops for tennis courts, swimming pools, tanks and towers.

(173) Subdivision:

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, which such sale or exchange does not create additional building sites, shall be exempted; or
B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easement for the extension and maintenance of public sewer, water, storm drainage or other public facilities. See "minor subdivision".

(174) Subdivision, Minor - A division of a parcel of land that does not require a plat to be approved by a planning authority according to Ohio R.C. 711.131. Also known as "lot split".

(175) Surveyor - Any person registered to practice surveying under the statutes of the State of Ohio.

(176) Terrain classification - Terrain within the entire area of the preliminary plat is classified as level, rolling, hilly or hillside for street design purposes. The classifications are as follows:

A. Level - Land which has a cross slope range of four percent (4%) or less;
B. Rolling -Land which has a cross slope range of more than four percent (4%) but not more than eight percent (8%);
C. Hilly - Land which has a cross slope range of more than eight percent (8%) but not more than fifteen percent (15%);
D. Hillside - Land which has a cross slope range of more than fifteen percent (15%).

(177) Theater - Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and limited food service for patrons.

(178) Trailer - A vehicular portable structure built on a chassis as a non-self propelled vehicle.

(179) Truck terminal - A premises where merchandise, property or freight transported by motor freight vehicles or trucks of common carriers, is received, stored, transferred, loaded, unloaded, delivered or dispatched, and includes any accessory parking space, fueling station, service or repair shop, cargo storage or other incidental operations.

(180) Unified Development Code (UDC): The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code as the City of Painesville Unified Development Code.

(181) Use, accessory - A subordinate use which is customarily incidental to that of the main use and located on the same lot or within the same structure as the main use.

(182) Use, conditional - Those uses that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same district.

(183) Use, main - The principal purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

(184) Use, similar – A use not otherwise described in this Code but found to be substantially similar to a permitted use or a conditionally permitted use, with regard to such characteristics as trip generation, type of traffic, parking and circulation, utility demands, physical space needs, hours of operation and clientele.

(185) Use, temporary - A use established for a specified period of time with the intent to discontinue such use upon the expiration of such time period.

(186) Utility structure - Any above ground structure, facility, or equipment, including but not limited to, pedestals, poles, boxes, cabinets, meters, storage facilities, or utility stations, that are associated with a utility providing services to its customers. Such services shall include, but are not limited to: electricity, natural gas, telecommunications, cable, video and internet service, and water. Utility structures shall not include fire hydrants, traffic control devices, or other City equipment.

(187) Variance - A modification of the strict terms of the standards of this UDC consistent with the variance conditions contained herein.

(188) Veterinary clinic – An establishment used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for

the treatment, observation and/or recuperation. Where permitted, it may also include boarding that is incidental to the primary activity.

(189) Vicinity map A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Lake County in order to better locate and orient the area in question.

(190) Warehouse and Distribution Center- A facility used primarily for the mass storage and distribution of goods, cargo and materials as well as transportation, logistics, maintenance and fleet parking.

(191) Watershed - The drainage basin into which the subdivision drains or that land whose drainage is affected by the subdivision

(192) Wholesale - The sale of commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments for resale, use in the fabrication of a product, or use by a business service.

(193) Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. Yard, front – A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
B. Yard, rear - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
C. Yard, side - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

(194) Zoning map - The official map, adopted by ordinance, that delineates the extent of each district or zone established in the UDC.

Chapter 1109
Administration

1109.01 GENERAL.

The Unified Development Code shall be administered by the Planning Commission, City Manager, Administrator, City Engineer and other officers of the City as designated by these Regulations or by other lawful means except where specific authority is given to another entity as set forth herein.

1109.02 CITY COUNCIL.

For the purposes of administering the UDC, City Council shall have the following powers and duties:

(a) Take action related to the amendment of this Code.
(b) Take action related to amendment to the Official Zoning Map and approval of Planned Unit Developments.
(c) Take action related to approval of Preliminary Plats for major subdivisions and planned developments.
(d) Take action related to acceptance of public improvements as part of major subdivisions.
(e) Make member appointments and removals to the Planning Commission, and the Board of Zoning Appeals.
(f) At their option, take action on Conditional Use Permits.

1109.03 PLANNING COMMISSION.

Powers and Duties. For the purposes of administering the UDC, the Planning Commission shall receive no compensation and shall have the following powers and duties:

(a) Hold public hearings, review and make recommendations related to the amendment of this UDC.
(b) Hold public hearings, review and make recommendations related to amendment to the Official Zoning Map and approval of Planned Unit Developments.
(c) Hold public hearings, review and take action related to application for Conditional Use permits.
(d) Review and take action on average slope determination and deviations related to development activity in Hillside Areas.
(e) Review and make recommendations related to of Preliminary Plats and take action on Final Plats for major subdivisions and planned developments.
(f) Review and make recommendations related to of Preliminary and Final Cluster Development Plans.
(g) Take action related to Temporary Structures and Uses.
(h) Take action related to Certificates of Compliance for uses that are subject to Industrial Performance Standards.
(i) Serve as the Design Review Board of the City.
(j) Make Similar Use Determinations.

1109.04 DESIGN REVIEW BOARD (DRB).

Powers and Duties. For the purposes of administering the UDC, the Design Review Board shall have the following powers and duties:

(a) Take action related to the architectural style of proposed Cluster developments.
(b) Take action relative to the demolition or moving of historic buildings and structures within designated Historic Preservation Districts.
(c) Take final action on appeals of decisions by the Administrator with regard to Design Districts.
(d) Interpret design criteria for each Design Review District.
(e) Call special meetings at the discretion of the Chairperson.

1109.05 BOARD OF ZONING OF APPEALS (BZA).

(a) Powers and Duties. For the purposes of administering the UDC, the Board of Zoning Appeals shall have the following powers and duties:
    (1) Hold public hearings, review and take action related to appeals from actions taken by the Administrator or other administrative officials in interpreting this Code.
    (2) Hold public hearings, review and take action related to applications for variances from the provisions of this Code.

(3) Interpret the Unified Development Code when an application is filed to determine the meaning and intent of any wording or provision of the Code or interpretation of the Official Zoning Map.
(4) Serve as the Building Code Board of Appeals.

(b) Appointment.
(1) The Board shall consist of five members who shall be residents of the City appointed by City Council.
(2) The terms of all members shall be of such a length and so arranged that the term of one member will expire each year. Each member shall serve until a successor is appointed and qualified.
(3) Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause, by Council, or, upon written charges having been filed with Council and charges having been served upon the member so charged at least ten days prior to the hearing, either personally or by certified mail, or by leaving same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
(4) Vacancies shall be filled by Council and shall be for the unexpired term.
(5) Each member shall serve without compensation.

(c) Organization and Procedure.
(1) The Board shall organize and adopt rules for its own government not inconsistent with law or with any other ordinance of the City.
(2) Meetings of the Board shall be held monthly, and at the call of the Chairman, and at such other times as the Board may determine.
(3) The Chairman or in his absence, the acting chairman, may administer oaths and the Board may compel the attendance of witnesses.
(4) The Board may call upon the City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.
(5) All meetings of the Board shall be open to the public. The Board shall keep minutes of its examinations and other official actions, all of which shall be filed in the Community Development Department immediately upon approval and shall be public record.

(d) Quorum and Voting.
(1) Three members of the Board shall constitute a quorum. The Board shall act by resolution: and the concurring vote of three members of the Board shall be necessary to reverse any order or determination of the Administrator.
(2) The concurring vote of three members of the Board shall be necessary to decide in favor of an application in any matter of which the Board has original jurisdiction under this Code or to grant any variance from the requirements stipulated in this Code.

1109.06 ADMINISTRATOR.

For the purposes of administering the UDC, the Administrator shall have the following powers and duties:

(a) Interpret the meaning and application of the UDC.
(b) Review and process applications and permits as set forth by this Code.
(c) Enforce the provisions of this Unified Development Code. It shall also be the duty for all officers and employees of the City, and especially of all members of the Police Department, to assist the Administrator by reporting to the Administrator upon new construction, reconstruction or land uses or upon seeming violations.
(d) Take action regarding Certificates of Appropriateness for properties located within designated Design Review Districts.
(e) Take action regarding Certificates of Appropriateness for alteration of properties located within designated Historic Preservation Districts.
(f) Take action regarding Minor Subdivisions (lot splits).
(g) Review and make recommendations related to matters that come before reviewing bodies in administering the provisions of this Code.
(h) Coordinate meetings as required for the administration of this Code.
(i) Maintain a record of all administrative and legislative proceedings under this Code.

Chapter 1111
Development Review Procedures

1111.01 PURPOSE.

The purpose of this Chapter is to set forth the procedures for public notice, review and approval of all applications regulated by this Code. General requirements, which are applicable to all or most types of development applications, are set forth in Section 1111.03. Subsequent sections set forth additional provisions that are unique to a particular application.

1111.02 PUBLIC NOTIFICATIONS AND HEARINGS.

(a) Notifications. Where required by the Ohio Revised Code or this Code, public hearings shall be scheduled and notice provided of such public hearing in accordance with the following:

(1) Written notice, whether by publication or mail shall:

A. Indicate the date, time and place of the hearing.

B. Specify the address or location of the subject property.

C. Describe the scope and purpose of the application.

D. Identify the City department where the public may view the application and related documents.

E. Include a statement that the public may appear, speak, and present written comments regarding the application.

F. Include a statement indicating the method for submission of written comments prior to the hearing.

(2) Published notice shall be made in a newspaper of general circulation in the City of Painesville.

(3) Mailed notice shall be sent by first class mail to the address of the property owner listed on the current tax roll, list or duplicate of the County and the address of the property if the County address is a tax service.

(4) Minor defects in any published or mailed notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects shall be considered those which do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the hearing regarding the adequacy of notice, the decision- making body shall make a finding as to whether there was substantial compliance with the notice requirements of this code prior to final action on the request. When the records of the City document the publication or mailing of required notices, it shall be presumed that notice of a public hearing was given as required by this section.

(b) Hearings. Hearings shall be conducted in the following manner

Hearings shall be public. However, the reviewing body may go into executive session for discussion but not for vote on any case before it.

Upon the day of a hearing, the reviewing body 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.

(c) The following table summarizes the hearing and notification requirements by the type of application:

Type of Application	Reviewing Body	Published Notice	Mailed Notice
Subdivision Preliminary Plat	Planning Commission; on its own initiative or upon petition	10	None
Conditional Use Permit	Planning Commission; required City Council, optional	10 days	10 days; to owners within 400 feet of any part of property
PUD Development Plan	Planning Commission; required City Council; required	PC: 10 days CC: 30 days	PC: None CC: None
Rezoning	Planning Commission; required City Council; required	PC: 10 days CC: 30 days	PC: 10 days; to owners within 400 feet of any part of property CC: None

Type of Application	Reviewing Body	Published Notice	Mailed Notice
Appeal	Board of Zoning Appeals	10 days	10 days; to owners within 100 feet of subject property
Text Amendment	City Council	30 days	None
Appeal of a Certificate of Appropriateness	Design Review Board; required	None	10 days to owners immediately /next adjacent or across street from subject property other than applicant
Demolition	Design Review Board; required under special circumstances	30 days	None

1111.03 GENERAL APPLICATION REQUIREMENTS.

The requirements of this section shall apply to all applications and procedures subject to development review under this Code.

(a) Authority to File Applications. Unless otherwise specified in this Code, development review applications may be initiated by any person, firm or corporation owning or leasing land that is subject of the application. If the applicant is not the owner of the land, the owner shall sign and be made a party to the application.

(b) Application forms. Applications required under this Code shall be submitted on the forms made available by the Administrator. Applications shall be signed by the applicant and submitted along with seven paper copies and one electronic copy, unless otherwise required by the Administrator.

(c) Site Plans and drawings. Site Plans shall be prepared by persons professionally qualified to prepare such plans and include the following:

(1) Site Plans shall be clearly and accurately drawn to scale not smaller than one inch equals twenty feet except for larger sites when, at the discretion of the Administrator, a smaller scale will better reflect the appropriate site characteristics, but in no case shall the scale be smaller than one inch equals fifty feet. Site Plans shall show all dimensions that are essential to evidence conformance with the requirements of the City Codified Ordinances as well as the standards prescribed herein.

(2) Location by lot number, subdivision, section, range and township or other surveys.

(3) Names, addresses and phone numbers of the owner, developer and registered professional engineer, registered architect or registered surveyor and appropriate registration numbers and seals.

(4) Date of Survey.

(5) Scale of the plan; north arrow.

(6) Boundaries of the lot and its dimensions.

(7) Names of the adjacent owners.

(8) Locations, widths and names of existing streets, railroad rights-of-way, easements, parks, permanent buildings and corporation and township lines.

(9) Location of natural features including existing watercourses, wetlands and flood areas within and adjacent to the subject property for a minimum distance of 200 feet.

(10) Flood plain limits when a property or development is located in a flood hazard area as delineated by the Flood Insurance Rate Map for the City of Painesville.

(11) Zoning classification of the property and adjoining properties and a description of the proposed zoning changes, if any.

(12) Grading plan to include existing elevations and proposed final elevations (all elevations USGS Datum).

(13) Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the subject property.

(14) Location and widths of proposed easements.

(15) The location and dimensions of any proposed lots to be platted.

(16) Location and approximate dimensions, including height, of main and accessory buildings with the existing and intended use of each building or structure or part thereof.

(17) Building setback lines with dimensions.

(18) Buildings and uses to be demolished or eliminated, if any.

(19) Statistical data on all relevant characteristics of the plans, including, as minimum, the type and number of dwelling units, parking areas, open space, the type of business or industry, and the total gross and net acreage involved.

(20) Vehicular traffic and pedestrian circulation features within and without the site.

(21) The location and dimensions of all off-street parking areas, including the location, dimensions and approximate grade of proposed off-street parking and loading areas, alleys, pedestrian walks, streets and the points of vehicular ingress and egress to the development.

(22) The location, dimensions and proposed uses of all on-site recreation areas.

(23) Locational maps indicating the relationship of the sites to the surrounding land areas.

(24) Locations, sizes, and screening where applicable, of all required municipal utilities and improvements. Utilities and improvements required shall be sized and constructed in accordance with Chapter1137, the City of Painesville Construction and Material Specifications and the City of Painesville Standards. Further, all commercial and industrial establishments, mercantile, educational and institutional occupancy, places of assembly, hotel, multi-family dwellings shall show on their plans placement of hydrants and main sizes shall be in accordance with Chapter 939 of the Codified Ordinances of the City of Painesville. Utility connections shall be located so as to have minimum impact on the appearance, design or architectural styles of the site.

(25) Location of existing and proposed fire lanes as established by the Fire Chief.

(26) Provisions for refuse disposal and/or removal including the method of screening. Refuse areas shall be screened so as not to be visible from off the site.

(27) Landscape details including the location, height, number and type of plant material to be installed on the site as well as the location, type and maintenance provisions for any and all required buffers.

(28) Location, type and height of proposed outdoor lighting.

(29) Anticipated development phasing and scheduling

(30) Proposed and existing signs, shown in accordance with the application requirements of Chapter 1129.

(31) The Administrator may waive any of the above requirements that are determined to be inapplicable in specific instances.

(d) Complete Application Determination.

(1) Upon determination that a complete submittal has been made, the Administrator shall declare the application to be officially filed and shall process the application in accordance with the procedures and timelines set forth in this Code.

(2) If an application is determined to be incomplete, the Administrator shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Administrator determines that the application is complete.

(3) If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Administrator, the incomplete application shall be deemed withdrawn and all fees forfeited. A new application and fee shall be required for reconsideration.

(4) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(e) Simultaneous Processing of Applications. Whenever two or more forms of review and approval are required under this code, the Administrator shall determine the order and timing of review. The Administrator may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

(f) Fees.

(1) Any application for development review under this Code shall be accompanied by such fee as shall be specified in Section 1105.05.

(2) No application shall be processed or determined to be complete until the established fee has been paid.

1111.04 MINOR SUBDIVISION; LOT SPLITS.

Approval without a plat of a minor subdivision may be granted by the Administrator if a proposed division of a parcel of land, consolidation of a lot, or transfer of a portion of a lot to an adjacent lot meets the requirements of this section.

(a) Applicability.

(1) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;

(2) No more than five lots are involved after the original parcel has been completely subdivided;

(3) The proposed subdivision is not contrary to applicable subdivision or zoning regulations;

(b) Application.

(1) The applicant shall submit an application in accordance with the General Application Requirements set forth in Section 1111.03.

(2) If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both affected property owners shall authorize the application. Deeds or other instruments of conveyance shall be submitted for both lots.

(3) Upon determination that the application is complete, the Administrator may transmit copies of the application for review by applicable agencies or departments including, but not limited to, the City Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements. Such agencies or departments may supply comments, recommendations, and approvals as applicable, to the Administrator.

(c) Action by the Administrator.

(1) The Administrator shall make a final decision to either approve, approve with conditions, or deny the application within ten (10) working days after submission.

(2) Upon approval and presentation of a conveyance for such parcel, the Administrator shall stamp "Approved by the City of Painesville, Lake County, City Planning Commission; no plat required. Expires 180 days after the above date", and the authorized representative of the Planning Commission shall sign and date the conveyance.

(d) Appeals. Appeals may be filed in accordance with Section 1111.12.

1111.05 SUBDIVISIONS.

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a Minor Subdivision in Section 1111.04 shall be subject to the requirements of this section.

(a) Preliminary Plat.

(1) Preapplication Meeting Required. The applicant shall meet with the Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the requirements of this Code and the criteria and standards contained therein; and to familiarize the applicant with the Comprehensive Plan, and any other plans of the City that impact the development.

(2) Preapplication Sketch. The applicant shall submit to the Planning Commission a sketch plan legibly drawn at a suitable scale and containing the following information:

A. The proposed subdivision in relation to existing community facilities, thoroughfares and other transportation modes, shopping centers, manufacturing establishments, residential developments and existing natural and man-made features such as soil types, vegetation, contours and utilities in the neighboring area.

B. The layout and acreage of streets, lots and any nonresidential sites such as commercial, manufacturing, school or recreational uses within the proposed subdivision.

C. The location of utilities in the proposed subdivision, if available, or the locations of the nearest sources for water and public facilities for the disposal of sewage and storm water.

D. The scale and title of the subdivision, a north arrow and the date.

E. Name, address and phone number of owners and developer.

(3) Preliminary Plat Form and Contents. The preliminary plat shall be drawn at a scale not less than 100 feet to the inch and shall be on one or more sheets eighteen by thirty inches in size. In addition to the information required by the General Application Requirements set forth in Section 1111.03, the preliminary plat shall contain the following information:

A. Proposed name of the subdivision, which shall not duplicate or closely approximate the name of any other subdivision in the 44077 zip code;
B. Boundaries of the subdivision and its acreage;
C. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land and the location of their boundary lines;
D. Existing contours at an interval of not greater than two feet if the slope of the ground is fifteen percent (15%) or less; and not greater than five feet where the slope is more than fifteen percent (15%);
E. Location, names and widths of proposed streets and easements;
F. Location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system;
G. Layout, numbers and approximate dimensions of each lot. When a lot is located on a curved street or when side lot lines are not at ninety degree angles, the width at the building setback shall be shown;
H. Parcels of land in acres to be reserved for public use, or used as a buffer, or to be reserved by covenant for residents of the subdivision; and
I. A vicinity map at a scale of not less than 2,000 feet to the inch shall be shown on, or accompany, the preliminary plat. This map shall show all existing subdivisions, roads and tract lines and the nearest existing thoroughfares. It shall also show the most advantageous connections between the roads in the proposed subdivision and those of the neighboring areas.
J. Description of proposed covenants and restrictions.

(4) Application. Upon determination that the application is complete and payment of the required fee is made, the Administrator shall transmit copies of the application for review by applicable agencies or departments including, but not limited to, the City Engineer, the Health Department and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements. Such agencies or departments may supply comments, recommendations, and approvals as applicable, to the Administrator for transmittal to the Planning Commission. The preliminary plat shall be considered filed on the day it is stamped received by the Planning Commission secretary and shall be so dated.

(5) Notice to the Director of the Ohio Department of Transportation. Before any plat is approved affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation (Director) and on any plat affecting land within a radius of 500 feet from the point of intersection of the centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail to the Director. The Commission shall not approve the plat for 120 days from the date the notice is received by the Director. If the Director notifies the Commission that he shall proceed to acquire the land needed, then the Commission shall refuse to approve the plat. If the Director notifies the Commission that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director and the property owner, the Commission shall, if the plat is in conformance with all provisions of this Code, approve the plat.

(6) Approval of Preliminary Plat.

A. The Planning Commission on its own initiative or upon petition by a resident or neighboring property owner may, prior to acting on a preliminary plat of a subdivision, hold a public hearing in accordance with the procedures set forth in Section 1111.02.
B. Upon review of the preliminary plat and receipt of reports from applicable officials and agencies, the Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved.
C. If the plat is disapproved, the reasons for such disapproval shall be stated in writing.

D. The Planning Commission shall act on the preliminary plat within sixty days after filing unless such time is extended by agreement with the applicant.
E. When a preliminary plat has been approved by the Planning Commission it shall then go to Council for approval. If it is approved, one copy shall be signed and returned to the applicant for compliance with final approval requirements.
F. Approval of the preliminary plat does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement drawings.
G. The approval of the preliminary plat shall be effective for a maximum period of twelve months and shall guarantee that the terms under which the approval was granted will not be affected by changes to this Code.

(b) Final Plat.

(1) Conformance with Preliminary Plat Required. The applicant, having received approval of the preliminary plat of the proposed subdivision, shall submit a final plat and related improvement drawings of the subdivision. The final plat shall have incorporated all changes in the preliminary plat required by the City. Otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time.

(2) Final Plat Form and Contents. The final plat shall be submitted in a digital format acceptable to the City and on reproducible mylar at a scale not less than 100 feet to the inch, and shall be on one or more sheets eighteen by thirty inches in size. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. In addition to the information required by the General Application Requirements set forth in Section 1111.03, the final plat shall contain the following information:
A. Name of the subdivision.
B. Plat boundaries, based on accurate traverse, with angular and lineal dimensions. All dimensions, both linear and angular shall be determined by an accurate control survey in the field which must balance and close within the limit of one in 10,000.
C. Bearings and distances to nearest established street lines or other recognized permanent monuments.
D. Radii, internal angles, points of curvature, tangent bearings, lengths or arcs and lengths and bearings of chords of all applicable streets within the plat area.
E. All lot numbers and lines with accurate dimensions in feet and hundredths. When lots are located on a curve, the lot width at the building setback line shall be shown.
F. Accurate location and description of all monuments.
G. Accurate outlines of areas to be dedicated or reserved for public use, or used as a buffer, or any area to be reserved for the common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
H. Certification by a registered surveyor to the effect that the plat represents a survey made by him and that the monuments shown thereon exist as located and that all dimensional details are correct.
I. Notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas.
J. Typical sections and complete profiles of streets and other related improvements to be constructed in the proposed subdivisions.
K. The location of and a description of all monuments and pins as specified in Section 1137.11.
L. Grading plan showing existing and proposed grades at the corner of each lot.

(3) Supplementary Information. Unless Council has accepted a petition in the form described in Section 1137.10 from the applicant for the construction of such improvements, certification shall be required showing that:
A. Either all required improvements have been installed and approved by the proper officials or agencies, or that bonds or other approved sureties have been furnished assuring installation of the required improvements; and
B. The maintenance bond required by Section 1137.11 has been posted.

(4) Regulations Governing Improvements. The final plat drawings shall be prepared by a registered surveyor, and specifications of improvements shall be a set of construction and utility plans prepared by a registered professional engineer in accordance with the following:

A. Plans shall include typical sections, plans and profile views, construction details and estimates and quantities. All typical sections and major engineering details to be used on any particular street shall be approved in advance by the City Engineer before completion of the plans.

B. Prior to granting approval of the final plat, unless the applicant has submitted, and Council has accepted, a petition described in Section 1137.10 the applicant shall have installed all essential improvements with the sole exception of those improvements that may be damaged in the course of construction, as determined by the City Manager. The latter improvements shall be covered by a surety or certified check for the amount of the City Engineer's estimate of the construction cost of such improvements.

C. A maintenance bond having a term of three years and relating to any improvements completed by the applicant shall be posted before the final plat is approved. The bond term shall commence upon one hundred percent (100%) completion of all improvements.

D. The City Manager may, where conditions warrant it, require a restoration bond. Said bond shall be to insure the repair of any damage done to existing curbs, gutters, sidewalks, driveways, street pavement, landscaping or other items within the right-of-way adjacent to or used as a haul road for a subdivision. The amount of said bond shall be as determined by the City Engineer's estimate of potential damage. Restoration bonds shall be released when all damaged facilities, if any, have been restored to the satisfaction of the City Engineer. The applicant shall be responsible for documenting the condition of existing infrastructure conditions prior to the installation of improvements.

(5) Filing. The final plat shall be filed with the Planning Commission not later than twelve months after the date of approval of the preliminary plat; otherwise it will be considered void unless an extension is requested by the applicant and granted in writing by the Planning Commission.

(6) Approval of Final Plat.

A. The Planning Commission shall approve or disapprove the final plat within ninety days after it has been filed. Failure of the Commission to act upon the final plat within such time shall be deemed as Planning Commission approval of the plat.

B. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of the record shall be forwarded to the applicant.

C. The Commission shall not disapprove the final plat if the applicant has met the requirements of this Code and has proceeded in accordance with the approved preliminary plat.

D. If disapproved the applicant shall make the necessary corrections and resubmit the final plat within thirty days to the Commission for its approval.

E. If a plat is refused by the Commission, the applicant may file a petition within ten days after such refusal in the Court of Common Pleas of Lake County to reconsider the action of the Commission.

F. When a subdivision is constructed in phases, final plat approval may be granted for each phase. The combination of phased plats shall conform to the Preliminary Plat except where changes have been approved by the Planning Commission.

(7) Transmittal of Copies. When the final plat has been approved by the Planning Commission, the approved plat shall be returned to the applicant, for filing with the County Recorder after all necessary certifications are received.

(8) Required Statements. No plat of any subdivision shall be recorded by the County Recorder until all required signatures and statements have been placed on the final plat. The text of such required statements shall be approved as to form by the Law Director and provided to the applicant by the Community Development Department.

(9) Recording of Plat. No plat of any subdivision shall be recorded by the County Recorder or have any validity until the plat has received final approval in the manner prescribed in this Code.

(10) Revision of Plat After Approval. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission and endorsed in writing on the plat, unless the plat is first resubmitted to the Commission

(11) Sale of Land Within Subdivisions. No owner or agent of the owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of or by the

use of a plat of the subdivision before the plat has been approved and recorded in the manner prescribed in this Code. The description of the lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

1111.06 SITE PLANS.

The site plan review procedure shall ensure development complies with the standards of this Code. Certificates of Compliance for any building, structure, expansions, or use of land subject to this section shall not be issued without an approved site plan.

(a) Applicability. A Site Plan prepared in accordance with Section 1111.03 shall accompany an application for a Certificate of Compliance for the following:

(1) Construction or alteration of any building, including accessory structures.
(2) Change in use of an existing building or accessory building to a different classification.
(3) Occupancy or use of vacant land.
(4) Change in the use of land to a different classification.
(5) Any change in the use of a nonconforming use.
(6) Extractive manufacturing including sand, gravel and top soil removal and deposit.
(7) Signs.
(8) Temporary uses and structures.
(9) Oil, gas or brine wells.
(10) Utility uses including installations for commercial transmissions of radio, television or communication systems.

(b) Application Contents. In addition to the General Application Requirements set forth in Section 1111.03 the site plan shall contain the following information:

(1) Site plans shall clearly indicate the location and dimensions of all rear yard or patio areas including graphic description of the means by which the privacy of the individual yard or patio area shall be assured.
(2) Site Plan submissions shall include architectural drawings illustrating the architectural motif of the planned buildings, variations in the building setbacks and landscape details. Proposed first floor elevation (basement, if included in construction) shall be indicated (USGS Datum).
(3) Where it is the intention of the applicant to provide for separate ownership of individual units or other use units, such as condominium or town house projects, submission of the statement of such intent, including a copy of the legal provisions under which the ownership will occur, shall be included with the Site Plan application. Said documents shall be reviewed by the Administrator and approved as to form by the Law Director as part of the approval of the certificate of compliance.
(4) The landscape details shall include the location, height, number and type of plant material to be installed on the site. It shall also include the location, type and maintenance provisions for any and all required buffers.

(c) Exceptions.

(1) The Administrator may waive the requirements of this Section for single family and duplex developments, upon a determination that such detail is not required and such construction is outside of the floodway. In case of such waivers, a black line drawing or blue print drawn to scale may be submitted showing:

A. The actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
B. The exact location, size, first floor elevation, and height of any building or structure to be erected or altered.
C. In the case of a proposed new building or structure, as would substantially alter its appearance, drawing or sketches showing the front, sides and rear elevations of the proposed buildings or structure or of the structure as this will appear after the work for which a permit is sought.
D. The existing and intended use of each building, structure or part thereof.
E. When no buildings are involved, the location of the present use and proposed use to be made of the lot.
F. Such other information with regard to the lot and neighboring lot as may be necessary to determine and provide for the enforcement of this Code.
G. All dimensions and elevations shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey with elevations on USGS

Datum. The lot and location of the building thereon shall be staked out on the ground before construction is started.

(2) A Site Plan shall not be approved for any location which is on an unimproved street or where utilities are not available unless such street improvement and utility construction is an integral part of the proposed construction for which the Certificate of Compliance is being requested. The City Engineer may waive or modify the improvement requirements for single-family or duplex units on lots on unimproved streets with impervious surfaces whenever it is demonstrated that utility services are adequate and adjacent properties will not be adversely affected.

(d) Review and Approval.

(1) All site plans shall be reviewed by the Administrator

(2) The Administrator may distribute the application to other staff members and other city departments to solicit comment on the proposed site plan application.

(3) The City Engineer as the local Flood Plain Administrator shall review all site plans for compliance with Chapter 1353 Flood Damage Prevention of the Codified Ordinance of the City of Painesville.

(4) Within 30 days after the site plan review application is determined to be complete, the Administrator shall approve or deny the application.

(e) Construction. All required improvements shown on the site plans as approved shall be constructed. All construction shall be in accordance with the City of Painesville Construction and Material Specifications and the City of Painesville Construction Standards.

1111.07 CERTIFICATE OF COMPLIANCE.

Land shall not be occupied or used and a building which has been erected or altered shall not be occupied or used until a Certificate of Compliance has been issued to indicate conformity with the provisions of this Code, Building codes, Fire codes and such other chapters as may be applicable.

(a) Applicability. A Certificate of Compliance shall be required for any of the following:

(1) Construction or alteration of any building, including accessory structures.

(2) Change in use of an existing building or accessory building to a different classification.

(3) Occupancy and use of vacant land.

(4) Change in the use of land to a different classification.

(5) Any change in the use of a nonconforming use.

(6) Occupancy or establishment of a use in any existing nonresidential building or structure.

(7) Extractive manufacturing including sand, gravel and top soil removal and deposit.

(8) Signs.

(9) Temporary uses and structures with no new construction.

(10) Oil, gas or brine wells.

(11) Utility uses including installations for commercial transmissions of radio, television or communication systems.

(b) Suitability of Land. If the Administrator finds that the land proposed to be used is unsuitable for the use proposed, due to flooding, bad drainage, topography, inadequate water supply, inadequate sanitary sewer, unimproved streets and other such conditions which may endanger health, life or property; or if from investigation conducted by the appropriate City officials concerned, it is determined that, in the best interest of the public, the land should not be used for the proposed use, the Administrator shall not issue either the Building Permit or the Certificate of Compliance.

(c) Flood Plain Restriction. Specifically within Zones A, A1-99, AO and E of the flood plain maps of the City of Painesville, no permit shall be issued until approval of the Local Flood Plain Administrator has been granted. Flood Plain requirements of the Codified Ordinances shall take precedence over all conflicting ordinances and other sections of the Codified Ordinances.

(d) Application and Approval. Application for a Certificate of Compliance shall be made within one year of the date the site plan was approved or the site plan approval shall expire. One extension of 6 months may be granted by the Administrator if the applicant can show good cause for a delay.

(1) Written application for a Certificate of Compliance for the construction of a new building or for the alteration of an existing building shall be made concurrent with the application for a building permit.

(2) Written application for a Certificate of Compliance for the use of vacant land, or for a change in the use of land or a building, shall be made to the Administrator.

(3) Written application for a Certificate of Compliance for the occupancy or establishment of a use in a nonresidential existing building or structure shall be made prior to the occupying of the building or structure.

(4) If the request is not in compliance with the provisions of this Code the applicant shall be notified. If the application is in compliance with the provisions of this Code the Certificate of Compliance shall be issued.

(5) One copy of such plan shall be returned to the owner when such plans have been approved, together with such Certificate of Compliance as may be granted.

1111.08 CONDITIONAL USE PERMITS.

Conditional use permits shall be required for certain types of uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or special nature relative to size, design, location and mode of operation that each use be considered individually. Such use shall not be permitted by right. This Code provides for more detailed evaluation of each use conditionally permitted in a specific district to ensure compliance with the procedures and requirements of this section.

(a) Application. In addition to the information required by the General Application Requirements set forth in Section 1111.03, the application shall be accompanied by sufficient information so that the Planning Commission can have no doubt as to the proposed use, and can determine the effect upon the surrounding properties, and can evaluate the effect of the proposed use upon traffic, fire hazards, public utilities and the public health, safety and welfare of the City of Painesville. Such information may include but shall not be limited to:

(1) a preliminary site plan.
(2) a traffic analysis.
(3) a drainage analysis.
(4) evidence of financial capability.
(5) a construction schedule.
(6) such other information as the Commission may deem necessary.

(b) Notice and Hearing. The Planning Commission shall hold a public hearing on each application for a conditional use permit in accordance with Section 1111.02.

(c) Standards For Evaluating Applications.

(1) The Planning Commission shall act upon a request within a reasonable time thereafter. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find that the applicant has provided adequate evidence showing that such use at the proposed location:

A. Is in fact a conditional use as allowed in the applicable zoning district.
B. will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area.
C. will not adversely affect the use and enjoyment of the adjacent property.
D. will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood.
E. will be served adequately by public facilities and services including but not limited to highways, roads, police and fire protection, drainage facilities, water, sewer or schools.
F. will not have vehicular approaches that create an interference with traffic on surrounding public thoroughfares.
G. will not result in the destruction, loss or damage of a natural or scenic feature of importance or a designated historic building.
H. will be in accordance with the general or specific objectives, and the purpose and intent of this Code and the Comprehensive Plan.

(2) The Commission may request additional information as it deems necessary to review a request and may continue the hearing to allow for further review.

(d) Action by the Planning Commission.

(1) If the Commission finds that a request does not meet the above criteria, the request shall be denied. Such denial shall be in writing and shall state the reasons for denial. A copy of the findings shall be provided to the applicant. Appeals of the final decision of the Planning Commission shall be made to the Lake County Court of Common Pleas in accordance with the laws of the State.

(2) In granting any conditional use permit, the Planning Commission may impose such conditions as it may deem necessary to protect the public welfare, preserve the purpose and intent of this section, and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to the regulation of:

A. setbacks
B. screening and buffers
C. noise
D. hours of operation
E. access and traffic
F. glare
G. vibration
H. odors
I. dust
J. smoke
K. hazardous materials
L. refuse matter or water-carried waste

(e) Council Notification. The Administrator shall immediately provide written notification to the Clerk of Council of the City of Painesville when a conditional use permit has been granted by the Planning Commission. Within fifteen days (15) after the Clerk's receipt of such notification, a majority of the members of Council may, in writing, request that the Clerk set a public hearing to review the decision of the Commission. Council may affirm, amend or deny the permit and in such event, the decision of the Council shall be final. Notice of such hearing by Council shall be given as provided in Section 1111.02. If no hearing is requested, the decision of the Commission shall be final. In such event, or if Council affirms the decision of the Commission, the Administrator shall prepare and issue a conditional use permit which shall clearly state any and all required conditions.

(f) Continuation. Conditional use permits approved by the Commission shall be granted for a specified use. If a Conditional use approved by the Commission is sold leased or transferred the successor or assigns shall be bound by the same requirements as the original applicant. If a successor or assign alters the use the Commission shall review the imposed conditions and may reaffirm, modify or delete said conditions.

(g) Limitation. A Conditional use permit shall become null and void if the applicant does not commence operation of the approved use within six months of the date of issuance, if the applicant does not apply for zoning and/or building permits or if the use shall cease for a period of one year after it had been established. The applicant may request of the Planning Commission an extension of the term of the permit if the use has ceased or has not been established within the previously specified time period.

(h) Revocation. The Planning Commission may revoke a conditional use permit upon a finding that the use is in violation of the provisions of this Code and/or the terms and conditions upon which approval of the conditional use was based.

1111.09 CLUSTER AND PLANNED UNIT DEVELOPMENT.

The following review procedure shall apply to applications filed for Cluster Development and Planned Unit Development:

(a) In addition to the review requirements of Section 1111.08, Cluster Development shall follow the application and review process set forth in Section 1111.05 for review and approval of Preliminary and Final Plats. The Administrator may waive any of the requirements of Section 1111.05 that are not applicable to the specific application.

(b) Planned Unit Developments shall follow the application and review process set forth in Section 1111.05.

1111.10 CERTIFICATES OF APPROPRIATENESS.

(a) Applicability. In any Design Review District or Historic Preservation District, the construction, erection, alteration, removal, moving or demolition of any structure or building in any Design Review District or such action that will affect the exterior architectural features of such structure or building, shall require a Certificate of Appropriateness. Conditions under which a Certificate of Appropriateness shall not be required are set forth in Section 1131.03.

(b) Informal Review. Applicants are encouraged but not required to request informal reviews project with the Administrator or Design Review Board, as applicable, of projects

prior to submitting applications for building permits or for certificates of appropriateness. The purpose of such informal reviews is to enable the applicant to discuss the standards, to promote coordination with other projects under consideration, to encourage a design process which will result in a design product meeting District standards, and to pursue other objectives in keeping with the intent of this chapter. The results of such informal reviews shall not be binding upon the City or the property owner.

(c) Application. In addition to the General Application Requirements set forth in Section 1111.03, applications for a Certificate of Appropriateness shall contain sufficient information to enable the Administrator to determine compliance with the requirements of this Ordinance and may include:

(1) Reports, drawings or samples of materials to clearly represent the design of the building, structure or feature as it is intended to be built.

(2) Accurate description of dimensions, locations, colors, materials and other characteristics of the design.

(3) Representation of any existing exterior architectural feature proposed to be altered or removed.

(d) Review and Approval by the Administrator.

(1) The Administrator shall review all applications affecting properties located in any Design Review District and applications for alteration of properties located in the Historic Preservation District. Complete applications together with the related plans and specifications shall be reviewed as follows

A. within ten working days of receipt thereof for properties within any Design Review District.

B. within sixty (60) days of receipt thereof for properties within any Historic Preservation District.

(2) The Administrator shall approve the application and issue the Certificate of Appropriateness upon finding that it is in conformance with all the standards set forth in this Code.

(3) If the Administrator finds that the application is not in conformance with this Code, the applicant shall be notified in writing that a Certificate of Appropriateness cannot be issued.

(4) The applicant may alter his plans for resubmission or may appeal the Administrator's decision to the Design Review Board within ten days of the decision of the Administrator. Appeals shall be heard at the Board's next regular meeting which occurs ten or more days after the Administrator's decision.

(5) The Administrator shall transmit complete applications for new construction and/or demolition within the Historic Preservation District to the Design Review Board for review and action.

(e) Review and Approval by the Design Review Board.

(1) The Design Review Board shall review all appeals from the Administrator and all applications for new construction and/or demolition within the Design Review and Historic Preservation Districts.

A. Appeals. The Design Review Board shall conduct a public hearing and take final action on each application for appeal of a certificate of appropriateness. The Design Review Board shall use the criteria set forth in Chapters1129, 1131, and 1133 to review any appeals. Appeals shall be accompanied by all supporting documentation including a statement from the Administrator indicating the reasons for denial of the certificate of appropriateness.

B. New construction in Historic Preservation District. The Design Review Board shall use the criteria as set forth in Chapter 1129 as the basis of their review.

C. Demolition. The demolition of all or part of a designated historic structure or of an existing building within a designated Historic Preservation District shall require the approval of the Design Review Board in accordance with Chapter 1133.

(f) Standards for Review. All applications for Certificates of Appropriateness shall demonstrate compliance with the standards and criteria set forth in Chapter 1133 of this Code.

1111.11 REZONING AND AMENDMENT.

This section shall apply to amendments to the text of this Code, amendments to the Zoning Map and the zoning classification of property.

(a) Initiation.

(1) For a change in zoning classification of a specific property, any person who has authority to file an application for such property may initiate an amendment by filing an application with the Administrator.

(2) City Council may, by ordinance, after receipt of recommendation from the Planning Commission amend the zoning text, map or classification of properties

(3) The Planning Commission may initiate a zoning text or map amendment by recommending such actions to City Council.

(b) Application for Rezoning. In addition to the General Application Requirements set forth in Section 1111.03, applications for any change of district boundaries or classification of property as shown on the Zoning Map shall be accompanied by the names and addresses of the owners of all properties within four hundred (400) feet of any part of the subject property.

(c) Action of the Commission.

(1) The Administrator, upon making a determination that the application is complete, shall forward the application to the Planning Commission for review at the next available meeting in accordance with the deadlines for submittal established in the annual Planning Commission meeting schedule.

(2) The Commission shall make a recommendation to City Council within a reasonable time of receiving a completed application. In making its recommendation, the Planning Commission may approve, approve with modifications, or deny the application.

(3) The recommendation of the Planning Commission shall then be certified to Council. The applicant may withdraw an application prior to it being certified to Council, provided the Administrator is notified in writing not less than thirty (30) days after the decisions of the Commission.

(d) Action of the Council.

(1) The recommendation of the Commission along with the application shall be forwarded to City Council for their review.

(2) The Council shall consider the Commission's recommendation and vote on the amendment after holding a public hearing as required in Section 1111.02.

(3) Any ordinance which denies or modifies the recommendation of the Commission shall require approval by not less than three-fourths of the membership of Council. Any ordinance which is in accordance with the recommendation of the Commission shall require concurrence of at least a majority of the members of Council.

(4) An application that includes a development plan shall require a development agreement with the City where the applicant agrees to develop and use the property only in accordance with the development plan as approved by Council. The terms of the development agreement shall be established prior to the public hearing. If the property is then rezoned, it shall be developed only in accordance with the development agreement. No building permit or certificate of compliance shall be issued in connection with the use of the property rezoned if there is any default in the performance of the provision of such development agreement. Any change or variance to a development agreement requires the authorization of City Council.

(d) The following review criteria shall guide recommendations and decisions on rezoning applications. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

(1) The proposed rezoning is consistent with the comprehensive plan, other adopted city plans, and the stated purposes of this code.

(2) The proposed rezoning is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

(3) The proposed rezoning will promote the public health, safety, and general welfare.

(4) The proposed rezoning is consistent with the stated purpose of the proposed zoning district.

(5) The proposed rezoning will result efficient, logical and orderly development.

(6) The proposed rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.

(7) The proposed rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject parcel.

(e) Fees and Deposits.

At the time that an application for a change of zoning district is filed with the Administrator, there shall be paid such fee as shall be specified in Section 1105.05.

1111.12 APPEALS AND VARIANCES.

The purpose of a variance is to provide limited relief from the requirements of this code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this code may impose of property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. An appeal to the Board of Zoning Appeals (Board) may be made taken by any person aggrieved or by an administrative decision made in the enforcement of this Code and in accordance with the provisions of this section as follows:

(a) Application for Appeal.

(1) An appeal shall be initiated by filing an application in conformance with the General Application Requirements set forth in Section 1111.03 within 20 days of the date of the administrative order, decision, determination, or interpretation. Such application shall be submitted to the Administrator.

(2) The Administrator shall transmit to the Board the application and all the papers constituting the records upon which the action was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator makes a written finding that such a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from which the appeal is taken and on due cause shown.

(b) Board Review and Action.

(1) The Board of Zoning Appeals shall hold a public hearing in accordance with the procedures set forth in Section 1111.02.

(2) The Board may go into executive session for discussion but all votes shall be taken in public.

(3) The Board may adjourn a 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.

(4) The Board shall decide all applications and appeals within thirty (30) days of the final hearing.

(5) A certified copy of the Board's decision shall be transmitted to the applicant or appellant and the Administrator. Such decision shall be binding upon the Administrator and observed by him and shall incorporate the terms and conditions of same in the permit to the applicant or appellant.

(6) A decision of the Board shall not become final until the expiration of five (5) days from the date of such decision, unless the Board finds the immediate taking of effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(7) No application for a variance, which has been denied wholly or in part by the Board, shall be resubmitted within 1 year of such denial, except with the concurring vote of not less than four-fifths of the members of the Board. A substantial modification of a request for a variance may be submitted as a new application, however, without regard to the 1-year limitation. Before ruling on the new application, the Board shall first make a determination that the modification is substantial.

(8) In making its decision, the Board may approve, approve with modifications or supplementary conditions, or deny the application.

(9) In approving a variance, the Board may impose conditions on their approval as it may deem necessary to further the purposes of this Code. The Board shall require such evidence and guarantee or bond as it may deem to be necessary to ensure compliance with this Code.

(10) Approval of a variance shall become null and void if an application associated with the approval is not submitted within six months of the final hearing. At the time of approval of the variance, the Board may authorize a six month extension for projects of a size and scope that require additional time for preparation of detailed plans prior to construction.

(c) Variances. The Board shall have the power to authorize upon appeal in specific cases, filed as previously indicated, such variances, excluding use variances, from the provisions or requirements of this Code as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Code would cause undue and unnecessary hardship or a practical difficulty depending on the type of variance sought by the Applicant.

A. Findings for a variance. When considering a request for a variance the Board shall be subject to the powers and limitations of this Code further subject to the required findings, as applicable, set forth herein. No single factor may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

A. Lot area and setback variance. No variance to the provisions or requirements of the Zoning Code, pertaining to the lot area or setback shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner, seeking an area or setback variance, has proved practical difficulty include:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the property;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of government services such as water, sewer, electric. garbage, fire, police or other vital services ;
5. Whether the property owner purchased the property with the knowledge of the zoning restriction;
6. Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;
8. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City of Painesville.

B. Other Variances. The Board may authorize a variance, other than a lot area, setback or use variance, in specific cases, from the strict application of the Zoning Code; provided that it has considered the factors enumerated in subparagraph (a)(1) through (8) above and further provided that all the conditions enumerated in (1) through (5) below have been met:

1. That the variance requested arises from such a condition or circumstance which is unique to the property involved, and which is not ordinarily found in the same zoning district; and is not created by an action or actions of the property owner or the applicant;
2. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;
3. That the strict application of the requirements of this Code will constitute unnecessary hardship upon the property owner or the applicant;
4. That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

5. That the granting of the variance desired will not be opposed to the general spirit and intent of the UDC.

(d) Appeal of Board Decisions. Appeals of the final decision of the Board shall be made to the Lake County Court of Common Pleas in accordance with the laws of the State.

CHAPTER 1113
Zoning District Regulations

1113.01 PURPOSE.

The purpose of this chapter is to classify land into zoning districts in order to:

(a) Achieve the general purposes as set forth in this Code;

(b) Promote the orderly future development of the City in accordance with the Comprehensive Plan;

(c) Establish relationships between and among land uses that will ensure compatibility and maintain quality of life; and

(d) Protect and promote suitable environments for agricultural, residential, commercial, industrial, institutional and public uses.

1113.02 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the provisions of this Code, the City of Painesville is divided into the following zoning districts for the following purposes:

Zoning Districts	
NAME	**PURPOSE**
S-1 SPECIAL	To preserve environmentally sensitive areas, to maintain open space and to encourage the preservation of undeveloped areas.
R-1 SINGLE FAMILY RESIDENTIAL	To provide areas for single family development. Certain other uses shall be permitted that are compatible and supportive to the single family character.
R1-60 SINGLE FAMILY RESIDENTIAL	To provide areas for single family development. Certain other uses shall be permitted that are compatible and supportive to the single family character.
R-2 MULTI-FAMILY RESIDENTIAL	To provide areas for greater density residential development. Such districts are intended to be located in proximity to transportation facilities and convenience goods.
B-1 BUSINESS/RESIDENTIAL	To provide a transition from residential to the commercial areas and to prohibit those automobile related businesses and uses, including drive- through commercial uses that tend to make pedestrian circulation difficult or unsafe. Although the district may allow residential uses, it is not intended to offer a residential environment protected from the effects of usual and customary business activity. The permitted and conditional uses are those which will have a minimal impact on the adjacent residential property but will provide support activities to those adjacent areas.
B-2 GENERAL BUSINESS	To provide areas for a wide variety of commercial, service and business uses that are adequately served by transportation and utilities and serve the needs of the City and the region
B-3 CENTRAL BUSINESS	To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural residential and recreational activities in a walkable, mixed use setting that forms a focal point of the community.
DD DOWNTOWN DEVELOPMENT	To provide a location for a greater intensity of development which permits a variety of commercial, business, cultural residential and recreational activities in a walkable, mixed use setting in accordance with the Downtown Master Plan and in the manner of historic downtowns.

M-1 LIGHT INDUSTRIAL	To provide locations for industrial uses which can be operated in a clean and quiet manner subject to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities.
M-2 INDUSTRIAL	To provide locations for a broad range of industrial uses, which, because of outdoor operations or because of their size, noise, dirt, dust, vibration, odor, or traffic require special performance standards in addition to those generally applicable in the M-1 district.
Land may also be classified into the following special districts:	
FP FLOOD PLAIN	FLOOD PLAIN DISTRICT To establish certain districts along water courses that may periodically be inundated by flood waters. Uses are restricted in these areas so as to preserve life, protect property, minimize disruption of commerce and government services and prevent or minimize damage. It is the intent of this district to regulate development in the areas designated as the 100 year flood plain as designated by the Floodway maps.
DR DESIGN REVIEW HISTORIC DOWNTOWN RICHMOND STREET HISTORIC PRESERVATION: Mentor Avenue Bank Street Railroad Street	DESIGN REVIEW DISTRICT To establish certain districts where the stabilization of the designated area is necessary to protect property values, stimulate economic activity and preserve and maintain the character of the area. It is the intent of this district to protect the historic character and architectural details of structures within the district, minimize the demolition of historic structures, and encourage new buildings and development that will be harmonious with the existing historic architecture.
PUD PLANNED UNIT DEVELOPMENT	PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT To promote a creative and flexible approach to land development projects undertaken as a single entity that require flexibility in the strict application of city regulations to protect natural resources, allow for efficient infrastructure and utility design, create unique open spaces and achieve a better quality project than would be possible without such flexibility.

1113.03 CLASSIFICATION OF MAPS.

The boundaries of the zoning districts are shown upon the map dated January 4, 1993, as may be amended from time to time, which is made part of this Code and designated as the District Map. The setback requirements of the various Districts are shown upon the map which is made a part of this Code and designated as the Setback Map. This District Map and the Setback Map, together with all the notations, references, amendments and other information shown thereon are a part of this Code and have the same force and effect as if such maps and all the notations, references and other information shown there were all fully set forth or described therein, the original of which District and Setback Maps are properly attested and are on file with the Department of Community Development.

1113.04 DISTRICT BOUNDARIES.

With respect to determining the boundaries of the zoning districts shown on the District Map, the following rules shall apply:

(a) The District boundary lines on such map are intended to follow either streets or alleys or lot lines; and where the Districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the

boundary of the district, unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property the District boundary lines shall be determined by the use of the scale appearing on the District Map or by dimensions.

(b) Where the boundary of a District follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad.

(c) Whenever any area is annexed to the City the land shall be classified as the zoning district of the surrounding property located within the corporate limits until otherwise changed by ordinance, following the procedures set forth in this Code.

(d) Whenever any street, alley or other public way is vacated by official action of Council, the zoning District adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

(e) All areas within the corporate limits of the City which are under water and shown as included within a District shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

(f) Where features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by this section, the Zoning Administrator shall interpret the district boundaries. The interpretation of the Zoning Administrator shall be appealable to the Board of Zoning Appeals.

1113.05 COMPLIANCE .

(a) No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations herein specified for the district in which it is located.

(b) No yard or lot existing at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code, shall meet at least the minimum requirements established by this Code except as provided herein.

1113.06 DISTRICT REGULATIONS FOR MAIN USES.

The schedule of district regulations lists the main uses allowed within all zoning districts. The following provisions apply to the interpretation of the schedule:

(a) Uses.

(1) A "P" in a cell indicates that a use type is allowed by-right in the respective zoning district. Permitted uses are subject to all other general standards of this Code as well as any specific standards that are noted in the last column of the schedule.

(2) A "C" in a cell indicates that a use may be permitted if approved by the Planning Commission through the Conditional Use review process as set forth in Section 1111.08. Conditional uses are subject to all other general standards of this Code as well as any specific standards that are noted in the last column of the schedule.

(3) A blank cell indicates that a use is prohibited in the respective zoning district.

(b) Use Determination. The Administrator shall make the determination if a proposed use is a Permitted Use, Conditional Use, or Temporary Use under the provisions of this section.

(c) Similar Use Determination.

(1) The Planning Commission may determine that a proposed use is substantially similar to a permitted or conditional use as established in Section 1113.06(d) based on the proposed use activities, character of the use, or similarity to other uses contemplated by this Code. If the Planning Commission finds that the proposed use is a Similar Use, the application to establish such use shall be processed in the same manner as the comparable permitted use. If the Planning Commission finds that a proposed use is not a Similar Use, the application shall not be processed.

(2) The applicant may request that the Planning Commission initiate a text amendment to address the proposed use and establish applicable guidelines and standards or the applicant may appeal the determination of the Planning Commission to Council. Council may affirm the finding of the Planning Commission or make its own finding that a proposed use is a Similar Use. In such event, the decision of Council shall be final.

1113.06(d)											
Main Use Category	**S-1**	**R-1**	**R1-60**	**R-2**	**B-1**	**B-2**	**B-3**	**DD**	**M-1**	**M-2**	**Use Standards**
Residential Uses											
Adult Family Home	P	P	P	P	C						
Adult Group Home			P	C	C						
Age Restricted Housing				C	C						1115.02
Assisted Living Facility				C	C						1115.02
Cluster Development	C	C		C							1115.03 1115.05
Dormitories/Student Housing		C		C				C			
Dwelling, duplex,				P	C			C			1115.05
Dwelling, multi-family				P	C			C			1115.04 1115.05
Dwelling, single family	P	P	P	P	C			C			1115.05 1115.06
Dwelling, single family attached								C			
Skilled Nursing Care Facility				C	C		P				1115.02
Commercial Uses											
Animal Grooming						P					
Automotive Service Station and Fuel Sales						P					
Automotive Repair						P					
Automotive/Vehicle Wash						C					
Bar or Tavern						P	P	C			
Bed and Breakfast		C		C	C						1115.07
Brewpub, microbrewery or microwinery					C	P	P	P			1115.08
Clinic/Medical Office						P	P				1115.09
Contractor Shops, no storage yard						P					
Day Care Facility, Children				C	C	P		P			
Day Care Facility, Adult					C	C					
Financial Institution					P	P	P	P			
Financial Institution, with drive through facility					C	P	C	C			1115.10
Funeral Home	C				C						
Hotel						P	P				
Inn				C							1115.11
Kennels and Animal Boarding									P	P	1115.12
Offices, more than 3,000 sq. ft.					C	P	P		P	P	1115.09 1115.13
Offices, not more than 3,000 sq. ft.					P	P	P		P	P	1115.09 1115.13
Parking Area/Lot				C			C	C			1115.14 1115.15
Personal Services Establishment					P	P	P	P			

Main Use Category	S-1	R-1	R1-60	R-2	B-1	B-2	B-3	DD	M-1	M-2	Standards
Personal Services Establishment with drive through					C	P					1115.10
Recreation Facility, commercial/organizational						P			C	C	1115.16
Restaurant					C	P	P	P			
Restaurant, with drive through facility						P					1115.10
Retail Sales						P	P	P			
Retail Sales, transitional					C	P	P	P			
Similar use, commercial					C	C	C	C			1113.06(c)
Tattoo Parlor or Body-piercing studio					C	C	C	C			1115.17
Theater							P				
Veterinary Clinic, with boarding									C	C	
Veterinary Clinic, no boarding						P					1115.18
Wholesale Businesses											
Industrial uses											
Building and Lumber Yards											1115.19
Manufacturing or Chemical Processing									P	P	1115.19
Contractor Shops, with Storage yard									P	P	1115.19
Manufacturing, Extractive										C	1115.19
Manufacturing , Heavy										C	1115.19
Industrial Sales/Service Establishments									P	P	1115.16
Laboratory or Research Facilities									P	P	1115.19
Light manufacturing and Assembly uses									P	P	1115.19
Self-Storage Facilities									C	C	1115.19 1115.20
Similar use, industrial									P	P	1113.06(c)
Truck Terminal									P	P	1115.19
Warehouse and Distribution Centers									P	P	1115.19
Public, Quasi-Public and Institutional uses											
Cemeteries	P										
College/University	P	P									
Community Center											
Community Garden	P	P	P	P	P	P	P	P	P	P	1115.21
Cultural Institutions		C			P	P					
Club, Fraternal, Service		C			P	P					
Golf Course	C			C							
Hospital	P			C	P	P					
Parking Garage							C	C			
Parking Area/Lot							C	C			
Places of Worship	P	P		P	P						
Public use	C	C	C	C	C	C	C	C	C	C	1115.22
Radio and Television Studios						P					
Recreational Facilities, noncommercial	C	C	C	P		P			C		
Schools, Compulsory	P	P	P	P							

(e)	SPECIAL DISTRICTS
(1) FP FLOOD PLAIN DISTRICT	
Purpose	To establish certain districts along water courses that as a result of a severe storm may be inundated by flood waters. To restrict the uses in these areas so as to preserve life and protect property and prevent or minimize damage. It is the intent of this district to regulate development in the areas designated as the 100 year flood plain as designated by the Floodway maps.
Designation	The floodplain district shall be those areas designated as the 100 year flood way on the flood plain maps developed by the Army Corp of Engineers.
Permitted Uses	All uses permitted in the district in which the property is located provided that the use meets the flood hazard requirement of the Ordinances of the City. There shall not be permitted any filling or change of grade to affect the floodway, diversion of water, or change in velocity.
(2) DR DESIGN REVIEW DISTRICT	
Purpose	To establish certain districts where the stabilization of the designated area is necessary to protect property values, stimulate economic activity and preserve and maintain the character of the area. It is the intent of this district to establish standards to maintain the historic character and attractiveness of the district and to promote compatible development of vacant land.
Designation	A. Historic Downtown Design Review District. There shall hereby be established a Historic Downtown Design Review District as a Special District. The Historic Downtown Design Review District shall include all lots and buildings including public properties and rights of way included in an area delineated on the District Map. B. Richmond Street Design Review District. There shall hereby be established a Richmond Street Design Review District, which includes all lots and buildings including public properties in an area delineated on the District Map. C. Historic Preservation Districts. There shall hereby be established Historic Preservation Districts, which includes all lots and buildings including public properties and rights of way included in an area delineated on the District Map.
Permitted Uses	All permitted uses in the district in which the property is located provided that the use meets the design review requirements of this section and as set forth in Chapters 1129, 1131, and 1133.
(3) PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT	
Purpose	To promote a creative and flexible approach to land development projects undertaken as a single entity that require flexibility in the strict application of city regulations to achieve a better quality project than would be possible without such flexibility.
Designation	Planned Unit Developments shall be those areas so designated by an approved Development Plan and delineated as such on the District Map
Permitted Uses	All permitted uses in the district in which the property is located provided that the use meets the planned unit development requirements of this section and as set forth in Chapter 1123.

CHAPTER 1115
Use Specific Standards For Main Uses

1115.01 GENERAL.

In addition to the general standards and requirements of this Code, the requirements of this Chapter are applicable to specific uses and shall be satisfied in order to obtain approval.

(a) Where the Schedule of Main Uses, as set forth in Section 1113.06(d), lists a proposed use as permitted, the Administrator shall determine if the requirements herein are met.

(b) Where the Schedule of Main Uses, as set forth in Section 1113.06(d), lists a proposed use as conditional, the Planning Commission shall determine if the requirements herein are met and include these requirements as additional criteria for a Conditional Use Permit as set forth in Section 1111.08.

1115.02 AGE RESTRICTED HOUSING.

Any residential developments for elderly persons shall comply with the following specific standards and conditions:

(a) The minimum lot area per bed shall be 1,250 square feet.

(b) All applicable provisions of the Fire Code shall be met and certification of such compliance by the appropriate officer shall accompany the application.

(c) Evidence that the facility meets the certification, licensing or approval requirements of the appropriate state agency shall accompany the application and shall be submitted to the Building and Zoning Inspectors annually thereafter. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use permit.

(d) In considering whether to grant the conditional use permit, the Planning Commission shall take into consideration the proximity and location of other such homes within the neighborhood so as not to change the character of the area, create undue congestion in the public ways or otherwise adversely affect a given area with such use. In no case shall a group home be located within a radius of 2,000 feet to any other group home or family home in any zoning district.

(e) Residents shall be sixty-two years of age or older, evidence of which shall accompany the application.

1115.03 CLUSTER DEVELOPMENT.

(a) Cluster Developments shall comply with the following specific standards and conditions upon a finding by the Planning Commission that such Cluster Development will:
   (1) Preserve or protect natural features or environmental conditions of a land area proposed to be developed;
   (2) Meet the open space or recreational needs of the future residents of a land area proposed to be developed;
   (3) Assure an arrangement or placement of improvements and/or dwelling units on the land area proposed to be developed which will be functional and serviceable in all respects; and,
   (4) Will not have significant impact on the use of the land area proposed to be developed or the adjacent property when considered as a whole for the purposes and to the extent permitted under this Code and the Comprehensive Plan.

(b) Permitted Uses.
   (1) Single family dwelling, detached
   (2) Single-family dwellings, attached, that contain no more than four (4) dwelling units in a single building.
   (3) Accessory uses and structures as permitted in the S-1, R-1, and R-2 Districts.
   (4) Common open space.

(c) Minimum Development Area. The minimum development area for Cluster Development shall be four (4) contiguous acres.

(d) Maximum Density. The residential density of the entire development area shall not exceed the maximum density of two units per acre in the S-1 District and four units per acre in the R-1 and R-2 District.

(e) Minimum Square Footage. A minimum floor area of 1700 square feet per dwelling unit

shall be required. The minimum floor area shall be net livable area exclusive of storage rooms, unfinished basements, garages, porches or other common areas.

(f) Maximum Height. A maximum height of any dwelling unit shall be thirty-five feet.

(g) Required Open Space. In any Cluster Development the total public or common open space area shall be not less than thirty percent (30%) of the gross acreage of the entire development area.

(h) Architectural Style and Review. The architectural style shall not be restricted. The applicant shall have the latitude and freedom and is encouraged to provide variety in the arrangement of the bulk and shape of buildings, open space and landscape features. The dwellings may be arranged in various groups, courts, sequences or clusters with open spaces organized and related to the dwellings so as to provide privacy and to form a unified composition of buildings and space. The Planning Commission shall evaluate the appearance of a project based on the quality of the design and its compatibility with its surroundings.

(i) Lot and Yard Requirements. Lot and yard requirements for any detached single family portion of the development shall be as set forth for single family units in the R-2 Zoning District in Chapter 1117. Lot and yard requirements for single family, attached dwelling units shall be as set forth in the approved Development Plan provided, however, that the following minimums shall be maintained:

(1) Front yard. The front setback for each dwelling unit area shall be not less than thirty feet from the nearest edge of street pavement.

(2) Building separation. The minimum separation between buildings shall be:

A. Side to side, twenty feet.

B. Side to rear, thirty feet.

C. Rear to rear, forty feet.

(3) Cluster area building spacing. Dwelling units shall be set back not less than twenty-five feet from any common open space boundary line, and fifty feet from the side and rear property lines of the cluster area. The Planning Commission may modify this requirement to account for any specific site topography and if it finds that the intent of this section will be adequately met.

(j) Access and Vehicular Circulation. The Cluster Development shall be served by a dedicated street. However, each dwelling unit need not so abut, provided that:

(1) Each dwelling unit is accessible, by means of a private drive, to service and emergency vehicles in a manner acceptable to the City Engineer and Fire Chief.

(2) Construction methods, standards and materials for private drives meet accepted engineering practice and are approved by the City Engineer.

(3) The location, design and construction of all utilities on private or common land is approved by the City Engineer and the appropriate utility division.

(4) The preservation and maintenance of all private drives and utilities on private land is assured by firm commitment of the abutting owners through documents recorded in the office of the County Recorder and approved as to form by the Law Director.

(k) Parking. Except as otherwise required herein, Parking shall be required in accordance with the requirements set forth in Chapter 1125. Not less than one guest parking space shall be provided for every three dwelling units. Such parking shall be reasonable dispersed throughout the development and may be either on streets within the Cluster Development or in off-street parking areas. The Planning Commission may waive or modify this requirement if it finds that the intent of this section will be adequately met.

(l) Garages. A minimum of two enclosed parking spaces shall be provided for each unit.

(m) Ownership and Perpetual Maintenance. Proposed ownerships of all recreation, park, common areas and open space areas shall be identified and a perpetual maintenance plan for such areas submitted to the City for review and approval.

1115.04 MULTI-FAMILY DWELLINGS.

Multi-family dwellings shall be situated in developments in the R-2 and B-1 Districts and shall comply with the following specific standards and conditions:

(a) The minimum lot area for a multi-family development shall be one acre.

(b) In areas where multi-family development abuts single family zoning districts, a buffer shall be maintained between the districts in compliance with Section 1117.08(a)(2). The buffer

shall be landscaped in accordance with an approved landscape plan and/or screened through the use of fencing or walls and shall be maintained as open space.

(c) In any multi-family development the maximum permitted lot coverage shall be 55% of the total development area.

(d) In all multi-family developments, there shall be a minimum of 10 % of the lot area exclusive of buildings, paved areas or streets which shall be designated as common open space. Only areas with a minimum dimension of 20 feet in all directions shall qualify for computation as common open space.

(e) The following minimum design standards shall apply to multi-family developments:

(1) Each private street shall have a minimum right-of-way width of forty (40) feet for street pavement, utilities and other right-of-way requirements.

(2) All access whether by private street or drive shall have a minimum paved width of 22 feet.

(3) Multi-family developments may consist of more than one main building per lot; however, the following minimum separations between buildings shall apply:

15 feet side to side
40 feet rear to rear
30 feet side to rear

(4) Front setbacks shall be measured from the edge of pavement or back of curb for private streets. A minimum 25 foot front setback shall apply.

(5) The minimum building setback from any property line shall be 20 feet. This requirement shall apply to the main building and all accessory buildings or structures.

(f) Parking garages, lots and spaces shall be subject to the requirements of Chapter 1125.

(g) All portions of a lot not used for permitted structures, parking areas, driveways or walkways shall be properly landscaped with grass or other suitable vegetative ground cover. Foundation plantings shall be maintained along those portions of the development that are visible from the public right of way. All landscaping shall be maintained in good condition.

1115.05 SPECIAL PROVISIONS FOR CONDOMINIUM DEVELOPMENTS.

Any condominium development shall comply with the following specific standards and conditions:

(a) Developments that result in condominium form of ownership or individual ownership of lots, shall submit the necessary covenants, restrictions and agreements to the City for review and approval. Such documents upon approval by the City shall be filed with the Office of the County Recorder.

(b) Separate lots shall not be required for single family or duplex units within condominium projects provided however that the total square footage of lot area required for each type of dwelling unit shall be provided within the boundary of the development.

(c) The required setbacks for multi-family developments of section 1115.04 shall apply regardless of the type of dwelling unit.

1115.06 APPEARANCE STANDARDS FOR SINGLE FAMILY DWELLINGS.

All single family dwellings and buildings that are accessory to a dwelling unit in all districts shall comply with the following specific standards and conditions:

(a) The minimum width of all dwelling units shall be at least twenty (20) feet.

(b) All dwelling units shall have a minimum roof overhang of at least ten (10) inches on the roof edge that would hold the gutters.

(c) All dwelling units shall be double pitched and have a pitch of at least five (5) in twelve (12).

(d) All dwelling units shall have roof material that is generally used in residential construction including: approved, clay, slate, asphalt composite shingles, and fiberglass composite shingles. The materials are applicable to all main and accessory buildings, including garages and carports.

(e) Exterior siding of all dwelling units shall not have a high-gloss finish (such as polished metal but not semi-gloss paint) and shall be residential in appearance including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed or

corrugated metal or plastic panels. The materials are applicable to all main and accessory buildings, including garages and carports.

(f) The dwelling unit shall be situated on a permanent foundation that complies with the Building Code.

(g) The dwelling unit shall be oriented on the lot so that its long axis is parallel with the street right-of-way. The Administrator may vary this requirement for lots of unusual size, configuration or topography.

(h) Porches on front elevations shall be compatible with the dwelling in terms of materials, color, scale and detailing such as roofs, railings, and trim.

(i) All portions of a lot not used for permitted structures, parking areas, driveways or walkways shall be properly landscaped with grass or other suitable vegetative ground cover. Foundation plantings shall be maintained along those portions of the dwelling unit that are visible from the public right of way. All landscaping shall be maintained in good condition.

1115.07 BED AND BREAKFAST ESTABLISHMENTS.

Any bed and breakfast establishment shall comply with the following specific standards and conditions:

(a) That the proposed Bed and Breakfast is located along the following designated streets:
  (1) Mentor Avenue - Western corporation line to Liberty Street.
  (2) Wood Street - Washington to Mentor Avenue.
  (3) Washington Street - Mentor Avenue to Liberty Street.
  (4) Erie Street - Watson Street to eastern Corporation Line.
  (5) Bank Street - S. State Street to Walnut Street.

(b) Height and area requirements. Shall meet minimum dimensional requirements of Chapter 1115 for the R-1 Zoning district.
  (1) An additional 700 square feet of land area shall be required for each guest room over two.
  (2) Guest rooms shall have a minimum area of eighty square feet per room for single occupancy, 100 square feet per room for double occupancy, plus forty square feet for each additional room occupant. There shall be one bathroom per two guest rooms.

(c) Certificate of Compliance. Shall be renewed on an annual basis.

(d) Alteration/addition. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements.

(e) The Bed and Breakfast shall contain no more than five guest rooms.

(f) The residence in which the Bed and Breakfast is located shall be architecturally or historically significant as determined by the Planning Commission.

(g) The Bed and Breakfast shall be owner occupied.

(h) Guest shall not stay longer than three (3) weeks at any one stay.

(i) Meals shall be provided for guests only.

(j) The facility shall be in compliance with all appropriate health, safety and fire regulations.

1115.08 BREWPUB, MICROBREWERY OR MICROWINERY.

Any brewpub, microbrewery or microwinery shall comply with the following specific standards and conditions:

(a) Each brewpub, microbrewery or microwinery shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.

(b) All alcoholic beverage production shall be within completely enclosed within the main building.

(c) Each establishment shall include on site food service as an accessory use

(d) Such establishments may have retail outlets for the sale of alcoholic beverages bottled and sealed for off-site consumption.

(e) Such establishments shall not generate truck traffic materially different in truck size or frequency from that truck traffic generated by the surrounding commercial uses.

1115.09 CLINICS AND MEDICAL OFFICES.

Any clinic or medical office shall comply with the following specific standards and conditions:

(a) Such uses may include accessory services such as laboratories, pharmacies and accessory retail uses for the use of patients visiting medical practitioners in the office or clinic.

(b) All such accessory services shall be located wholly within the building and shall not include a separate entrance.

(c) The hours during which these services are provided shall be the same as those during which medical practitioners are receiving patients.

1115.10 DRIVE-THROUGH FACILITIES.

Any drive-through facility shall comply with the following specific standards and conditions:

(a) Audible loudspeakers, or other sound amplification systems shall be located so as not to be audible beyond the property line.

(b) Drive-through facilities shall only be permitted to the side or rear of the principal structure and shall not cross, interfere with, or impede any public right-of-way.

(c) A fence or screen 6 feet in height shall be constructed along any lot line abutting a residential lot.

(d) Drive-through facilities shall provide vehicle stacking spaces as established in Section 1125.09.

1115.11 INN.

Any inn shall comply with the following specific standards and conditions:

(a) Locations. That the proposed inn is located along the following designated streets:

1. Mentor Avenue - Western corporation line to Liberty Street.
2. Washington Street - Mentor Avenue to Liberty Street.
3. Erie Street - Watson Street to eastern corporation line.
4. Liberty Street - Washington Street to Walnut Street.
5. The Commission may also approve an inn within other areas of the City provided the residence in which the inn is located is architecturally or historically significant as determined by the Planning Commission.

(b) Height and area requirements. Shall meet the minimum standards of Chapter 1115 for the R-2 Zoning District, except that:

1. The minimum lot area for the establishment of an inn shall be three-quarters of an acre (or 32,670 square feet).
2. An additional 1,000 square feet of land area shall be required for each guest room over five.

(c) Alteration/addition. In the event any exterior changes are made, such changes shall match or be compatible with the existing structure and in compliance with zoning requirements.

(d) Guest rooms. The inn shall contain no more than 20 guest rooms. Guest rooms shall be contained within the principal structure. No rented room shall have an exterior entrance.

(e) Room size. Guest rooms shall have a minimum of 100 square feet per room for single occupancy, 200 square feet per room for double occupancy, plus 40 square feet for each additional room occupant.

(f) Length of stay. Guests may not stay longer than 21 consecutive days at any one stay.

(g) Character. The scale and appearance of the inn shall remain primarily residential in character. The structure in which the inn is located shall be architecturally or historically significant.

(h) Facilities. Shall consist of no more than two residential dwellings on a maximum of two parcels. Adjacent parcels shall be adjoining contiguous parcels that are not separated by a public right-of-way. The main dwelling shall serve as the inn and the dwelling unit accessory to a principal use on the adjacent property may house the owner/proprietor, caretaker, security guard, custodian or a similar position generally requiring residence on the site. The secondary dwelling shall not contain guest rooms.

(i) Bathrooms. There shall be one bathroom per two guest rooms. As used in this subsection. "bathroom" shall include a sink, lavatory and tub or shower.

(j) Guest register. A guest register listing the name, address, and phone number of all paying guests shall be maintained and available for inspection. A "guest" shall be defined as a person or persons who pay for and have signed the register for an overnight stay at the inn or one that is a participant in a special event or business meeting offered by the inn.

(k) Dining/meals. Shall only be provided for guests, their invitees and attendees of special events or business meetings. The inn shall not operate as a food service establishment.

(l) Alcoholic beverages. Sale and consumption of alcoholic beverages to guests and their invitees upon approval of appropriate liquor license by the State of Ohio.

(m) Cooking. No cooking facilities of any type are allowed in any rented room, nor is there to be direct access to any cooking facility from any rented room.

(n) Commercial use. Up to 25% of the gross area of the first floor of an inn may be in non-living accessory uses, including newsstands, gift shops, lounge, and similar incidental uses provided any incidental service is approved by the Commission and conducted primarily as a service to guests. There shall be no entrance to such place of business except from inside the building.

(o) Special events. Shall only be scheduled for weekends (Friday evenings, Saturdays and Sundays, and limited to 50 persons or the designated room occupancy at any one time. Events on Sunday shall end no later than 6:00 p.m., with clean-up completed by no later than 6:30 p.m. Exceptions to the hours of operation may be granted upon review and approval by the Planning Commission.

(1) Outside events. Shall be limited to no more than 50 persons including guests of the inn and end by no later than 10:00 p.m. with clean-up completed by no later than 10:30 p.m. and should be set up as far away as possible from adjacent properties.

(2) Inside events. Shall be limited to the designated room occupancy, and end by no later than 11:00 p.m. with clean-up completed by 11:30 p.m.

(p) Business meetings. Shall only be held between the hours of 8:00 a.m. and 9:00 p.m. Mondays through Fridays. Business meetings shall be limited to a maximum of 20 attendees and shall be further limited by the occupancy load/capacity of the room.

(q) Outdoor storage. There shall be no outdoor storage of materials or equipment.

(r) Accessory building. Any building that is accessory to the principal use shall not have guest rooms or be used to host events.

(s) Security. The owner shall provide a security plan that is acceptable to the City.

(t) Inspections. The facility shall be in compliance with all appropriate health, safety and fire regulations.

(u) Annual review. An annual review shall be conducted by the Planning Commission after each year of operation of the inn to determine appropriateness and compliance with the approved conditions.

1115.12 KENNELS AND ANIMAL BOARDING.

Any kennel or any animal boarding activities shall comply with the following specific standards and conditions:

(a) Care and boarding of animals shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals.

(b) All activities shall be conducted within a fully enclosed structure. Outdoor runs may be permitted where the area of the outdoor run is set back a minimum of 200 feet from any residential property line.

(c) Structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions that could result in unpleasant odor or vermin nuisance.

(d) Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

(e) A solid wood or masonry fence with a minimum height of 6 feet shall be constructed along the lot line adjacent to a residential use.

1115.13 OFFICE USES IN THE B-3 AND DD ZONING DISTRICTS.

Any office uses in the B-3 and DD Zoning Districts shall comply with the following specific standards and conditions:

be regulated by the following special provisions:

(a) In the B-3 and DD Zoning Districts, office uses shall not occupy a ground floor space with frontage on a public street. However, access to offices within the building shall be permitted. The entire DD District as well as properties in the B-3 District with frontage on the following streets shall be effected:

N. State St. from Latimore to Main St.
S. State St. from Main St. to E. Washington St.
Main St. from St. Clair St. to Hillside
South St. Clair from Main St. to E. Washington St.

(b) The Planning Commission may waive this requirement for properties in the B-3 District if sufficient documentation is presented that the proposed office use will not inhibit the continual development of the retail cluster area as defined by the Economic Development Strategy.

1115.14 PARKING LOTS IN THE B-3 AND DD DISTRICTS.

Any parking lot in a B-3 or DD district shall comply with the following specific standards and conditions:

(a) The proposed parking lot location shall not hinder the implementation of the objectives and strategies of the Economic Development Strategy or Comprehensive Plan of the City.
(b) Use and availability of parking lot to multiple people or entities shall be encouraged.
(c) Proximity of the parking lot to other lots shall be reviewed to minimize impact on the streetscape.

1115.15 PARKING LOTS IN THE R-2 DISTRICTS.

The establishment and operation of off-street parking lots in such parts of any R-2 District it abuts, either directly or across a street from a commercial or industrial district, shall comply with the following specific standards and conditions:

(a) The parking lot shall be accessory to and for the use in connection with one or more business or industrial establishments located in and adjoining commercial or industrial district.
(b) Such parking lot shall provide parking spaces for at least twenty-five (25) automobiles, shall have an area of not less than 10,000 square feet, and shall abut at least fifty (50) feet, either directly or across a street in a commercial or industrial district.
(c) Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent residential lot line.
(d) The parking lot shall be subject to all the requirements of Section 1125.13 Off Street Loading Requirements, and any additional conditions or requirements, in respect to development, maintenance and operation which the Commission deems necessary or desirable for the protection of adjacent property or the public interest.
(e) The location and design of entrances, exits, surfacing, marking and lighting shall be subject to the approval of the City Departments having jurisdiction.
(f) Such parking lot shall be used solely for the parking of passenger cars.
(g) No commercial repair work or service of any kind shall be conducted on such parking lot.
(h) No fee shall be charged for parking in such parking lot.
~~(i)~~ The parking lot may operate from 7:00 a.m. to 7:00 p.m., and shall be closed at all other times; provided, however, that the Planning Commission may approve additional hours of operation upon finding that the applicant has made provision for adequate security or has entered into a lease agreement for use of the lot as accessory to a permitted use.

1115.16 COMMERCIAL/ORGANIZATIONAL RECREATION USES.

Any commercial or organizational recreation use in the M-1 and M-2 Districts shall comply with the following specific standards and conditions:

(a) At any given time, no more than three separate premises within the combined M-1 and M-2 Districts may be authorized for commercial/organizational recreation uses.
(b) Off-street parking. The commercial/organizational recreation use shall require a minimum of five parking spaces per 1,000 feet of gross floor area of the facility. No parking shall occur in the roadway in the M-1 and M-2 districts.
Handicap parking spaces shall be provided as required under Section 1125.05(g) of this Code.

(b) Building inspections. The facility used for a commercial/organizational recreation use shall be compliant with all appropriate building, health, safety and fire codes applicable to the use of commercial/organizational recreation uses. Occupancy permits specific to the use of commercial/organizational recreation uses shall be obtained prior to the establishment of such use.

(c) The conditional use permit shall be valid for a period of one year from the date of issuance. The conditional use permit may be renewed on an annual basis following verification by the Planning Commission that the use is in compliance with the conditional use permit.

(d) All operations shall take place within the main building and may include customary accessory uses.

(e) Building modifications shall be completed in such a manner as not to preclude the reuse of the building for industrial or business uses as permitted in M-1 and M-2 Districts.

1115.17 TATTOO AND BODY PIERCING BUSINESS REGULATIONS.

Any tattoo or body piercing business shall comply with the following specific standards and conditions:

(a) Terms Defined.

(1) "Body piercing" means the piercing of any part of the body by someone other than a physician licensed under Ohio R.C. Chapter 4731, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

(2) Body piercing establishment" means any place, whether temporary or permanent, stationary or mobile, wherever situated, where body piercing is performed, including any area under the control of the operator.

(3) Business" means an entity that provides tattoo, body piercing or tattoo and body piercing services for compensation.

(4) Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or needle through the ear.

(5) Premises" means the physical location of a body piercing establishment or tattoo establishment.

(6) Tattoo" means any method utilizing needles or other instruments by someone other than a physician licensed under Ohio R.C. Chapter 4731, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin.

(7) Tattoo establishment" means any place, whether temporary or permanent, stationary or mobile, wherever situated, where tattooing is performed, including any area under the control of the operator.

(b) Such business shall comply with all of the requirements and regulations provided for such business in the Ohio Revised Code or the Ohio Administrative Code, as now enacted or amended hereafter, as well as all other applicable provisions of this UDC.

(c) There shall be a minimum spacing of 1,000 feet in every direction between tattoo and/or body piercing businesses and all other similar or permitted businesses.

(d) There shall be a minimum spacing of 1,000 feet in every direction between a tattoo and/or body piercing business and the following land uses:

(1) A place of worship;

(2) A public or private elementary or secondary school;

(3) A boundary of a Residential District;

(4) A public park adjacent to a Residential District; and

(5) A lot line of a lot devoted to a residential use.

1115.18 VETERINARIAN CLINIC (NO BOARDING).

Any veterinarian offices that do not have overnight boarding shall comply with the following specific standards and conditions:

(a) The care of animals in veterinarian offices shall be limited to small animals and may not include cattle, horses, swine, or other similarly sized animals

(b) All activities, shall be conducted within a fully enclosed structure.

(c) Outdoor runs shall be prohibited.

(d) Boarding of animals shall be prohibited with the exception that a veterinarian office may have provisions for limited overnight stays necessary for the care of sick or injured animals.

(e) Rooms intended for the care of animals shall be insulated, or otherwise soundproofed and vented so that animal noises will not be audible at any point on the perimeter of the property.

1115.19 INDUSTRIAL PERFORMANCE STANDARDS IN THE M-1 AND M-2 ZONING DISTRICTS.

Any Use in the M-1 and M-2 Zoning Districts shall comply with the following specific standards and conditions:

(a) Compliance and Enforcement.

(1) The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating same, and/or at any point where the existence of such elements may be more apparent, provided however, that measurements necessary for enforcement of performance standards set forth in this section shall be taken at the boundary of the industrial district and at any point within the adjacent residential district

(2) In certain instances where the determination of compliance with the performance standards, in the opinion of the Administrator, is not possible without additional expertise and analysis, such determination shall be made by the Planning Commission before a Certificate of Compliance is issued. The applicant shall make application to the Planning Commission for determination that the proposed machinery, processes or products are in compliance with the Performance Standards Regulations. The Commission shall review the application in conformance with Section 1111.09.

(b) Performance Standards Regulation.

(1) Fire and explosive hazards. All activities involving, storage of flammable and explosive materials shall be provided at any point with adequate safety devices against fire and explosion as required by the Building Code, Fire Prevention Code and such other regulations as the City of Painesville shall adopt. Processes and materials that have a potential for explosion shall not be permitted in close proximity to residential areas.

(2) Radioactivity. No activities shall be permitted which emit dangerous radioactivity or which shall store, transfer or use radioactive material in a manner hazardous to human health.

(3) Electrical disturbances. No establishment shall produce electrical or electronic disturbances perceptible beyond the property line of the establishment.

(4) Noise shall be muffled or otherwise controlled, as not to become objectionable due to intermittence, beat frequency, impulsive character, periodic character or shrillness. All uses shall conform to the requirements of Chapter 539 Noise Control of the Painesville Code of Ordinances.

(5) Vibration. No vibration shall be permitted which is discernible without instruments at the property line of the establishment creating the vibration or beyond any boundary of the district in which the establishment is located.

(6) Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution. No establishment shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution except as permitted and approved by the Ohio EPA Division of Air Pollution Control.

(7) Odors. No emission shall be permitted of odorous gasses or other odorous materials in such quantities as to be offensive at the property line of the establishment emitting the odor.

(8) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property line of the establishment shall be permitted.

(9) Liquid and solid waste. No discharge of liquid or solid waste matter including junk, debris or miscellaneous rubbish or refuse into any public or private sewage system, lake, stream, ditch or other body of water; floodway, swale, dry retention pond or other intermittent facility for water storage or management; or onto or into the

ground shall be permitted except as approved by the City Division of Water Pollution Control and/or the Lake County Health Department.

(10) Heat. No establishment shall produce heated or cooled air, water or other matter in such quantity or in such manner as to adversely alter the natural temperature of the air, water, or other matter beyond the property line of the establishment.

(11) Miscellaneous hazards. Miscellaneous hazards not specifically addressed by the performance standards established herein shall be made known to the Administrator by any establishment proposing to locate in an industrial district. Regulations for such hazards shall be as determined by the Planning Commission.

1115.20 SELF-STORAGE FACILITIES.

Any self-storage facility shall comply with the following specific standards and conditions:

(a) All storage buildings shall be set back a minimum of 50 feet from any adjacent residential lot line and 20 feet from all other lot lines.

(b) The storage area shall be completely enclosed by walls, fences or buildings, or a combination thereof.

(c) Storage spaces shall be used only for the storage of personal property.

(d) No outdoor storage shall be permitted.

(e) No explosive, flammable or hazardous materials or chemicals shall be permitted except as authorized by the Ohio Fire Code.

(f) No sale, repair, fabrication or servicing of goods, motor vehicles, appliances, equipment, or materials or similar activities shall be permitted.

(g) Self-storage facilities shall not be used for living purposes or commercial business activity.

(h) Owners of leased self-service storage facilities shall include provisions in all leases to advising the lessees of the regulations set forth in this section and shall further contain a provision authorizing inspection of the storage units by the Fire Department up to three times per calendar year.

1115.21 COMMUNITY GARDENS.

Any community garden shall comply with the following specific standards and conditions:

(a) Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of a group and may include common areas maintained and used by group members.

(b) Use of community gardens is prohibited between the hours of 10:00 p.m. to 7:00 a.m.; provided, however, that the operation of machinery or use of any sound producing or sound amplifying instruments shall be prohibited between the hours of 9:00 p.m. to 8:00 a.m.

(c) Maintenance of site.

(1) The property owner of the site on which a community garden is located is responsible for all maintenance requirements and compliance with the City of Painesville Property Maintenance Code Section 917.

(2) The site shall be designed and maintained to prevent any chemical, pesticide, fertilizer, or other garden waste from draining onto adjacent property.

(3) Cultivated areas shall be prevented from encroaching onto adjacent properties.

(d) The property owner of the site on which a community garden is located is responsible for securing and maintaining container service with the City of Painesville refuse provider for weekly refuse removal.

(e) The maximum height of a perimeter fence or wall or any combination thereof located along any front lot line, corner side lot line or corner rear lot line shall not exceed three (3) feet in residential districts and six (6) feet in all other districts and shall not exceed opacity of 50 percent. Along any rear lot line and any interior side lot line behind the front setback line, a fence may be 100 percent opaque and may be six (6) feet or less in height. Electrical, barbed and razor wire fences are prohibited.

(f) Tools and supplies shall be removed from the property daily.

(g) Signs are limited to one (1) non-illuminated freestanding sign four square feet or less in total area and a height of four six feet or less.

(h) On-site sales of community garden products are prohibited.

(i) Use of commercial or industrial farm equipment is prohibited.
(j) Permanent structures are prohibited. Temporary structures shall require a Temporary Use permit issued in accordance with Section 1119.17.

1115.22 PUBLIC USE.

Any public use shall comply with the following specific standards and conditions:

(a) The proposed public use shall have adequate parking available for employees and customers.
(b) In Residential Districts the facility shall be located to minimize the impact on adjacent properties.
(c) In all districts, the proximity of the public use to other public uses shall be reviewed, so as not to have a detrimental impact on the neighborhood.

1115.23 DORMITORIES.

(a) Dormitories in the R-1 and R-2 Zoning Districts shall comply with the multifamily development requirements of Section 1115.04; provided however, as part of the Conditional Use review process the Planning Commission may reduce the floor area per unit.
(b) Dormitories in the DD District shall be developed in accordance with Section 1117.09.

CHAPTER 1117
Site Development Standards For Main Uses

1117.01 HEIGHT, LOT AREA AND MINIMUM FLOOR AREA REQUIREMENTS.

(a) In each zoning district the following minimum requirements shall apply unless otherwise modified in this Code. Minimum floor areas and setbacks shall apply to the main structure.

~~*Minimum District*~~		*Minimum Lot Area and Width*	*Side Yard*	*Rear Yard*	*Maximum Height*	*Floor Area*
S-1		20,000 sq. ft.	15' each side	40 ft.	35 ft.	1400 sq. ft.
		100 ft.				
R-1	Single Family	10,000 sq. ft.	10' each side*	35 ft.*	35 ft.	1600 sq. ft.
		75 ft.				
R1-60	Single Family	7,500 sq. ft.	10 ft. each side	25 ft.	35 ft.	Same as R-1
R-2	Single Family	7,500 sq. ft.	10 ft.	25 ft.	35 ft.	same as R-1
		60 ft.				
	Duplex	5,000 sq. ft./unit				900 sq. ft./unit
		80 ft.				
	Multi-Family	3,300 sq. ft./unit**	**	**	35 ft.	1 Bdrm 850 sq. ft.
						2 Bdrm 1,000 sq. ft.
						3 Bdrm 1,100 sq. ft.
B-1	Commercial	None	None***	10 ft. ***	35 ft.	N/A
	Multi-Family	Same as R-2**	Same as R-2			Same as R-2
B-2		None	None	Same as B-1	45 ft.	N/A
B-3		None	None	None	75 ft.	N/A
DD****	Commercial	None	None	None	75 ft.	
	Single-Family	4,400 sq. ft.	In accordance with approved Development Plan and 1117.09			
		40 ft.				
	Single-Family, attached	2400 sq. ft.	In accordance with approved Development Plan and 1117.09			
	Multi-Family	2200 sq. ft.	In accordance with approved Development Plan and 1117.09			
M-1		Sufficient for development 100 ft.	10 ft. each side ***	10 ft. ***	75 ft.	N/A
M-2		1 acre 150 ft.	Same as M-1	Same as M-1	Same as M-1	N/A

* See supplemental residential regulations for additional requirements.

** See supplemental multi-family regulations for additional requirements.

*** See supplemental commercial/industrial regulations for additional requirements.

**** See supplemental downtown development district regulations - special provisions.

(b) In any "S" or "R" District, only one main building shall be permitted on a single lot with the exception of multi-family dwellings in the R-2 District where multiple main buildings may be located on a single lot.

(c) Unless specifically addressed in Chapter 1115, any nonresidential main building in any "S" or "R" District shall conform to the dimensional requirements for the "S-1" District as set forth in Section 1117.01(a) and the screening requirements of Section 1117.08(a)(2).

1117.02 FRONT YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.

(a) Setbacks shall be as indicated on the Setback maps and shall be filed in the Department of Community Development.

(b) When forty percent (40%) or more of the frontage on one side of the street between two intersecting streets in a residential district is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established, provided however, that a front yard depth shall not be required to exceed fifty percent (50%) of the required front yard depth of the district.

(c) Lots having double frontage shall be required to meet the front yard setback from both streets.

(d) An attached, unenclosed and porch 40 square feet or less in floor area may project into the required front yard for a distance of not more than ten (10) feet.

(e) The ordinary projection of sills, belt courses, cornices, chimneys, and ornamental features may extend not more than eighteen inches into the required front yard.

1117.03 SIDE YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.

(a) A carport shall be located not less than ten (10) feet from any side lot line.

(b) Buildings erected prior to the effective date of this Code at a setback less than the minimum side setback required by this Code may be enlarged or expanded at that setback, provided it is not less than five (5) feet.

(c) On corner lots the side yard setback adjacent to the side street shall not be less than the required front yard setback of the side street or 15 feet whichever is less provided that a sight triangle is maintained.

(d) The ordinary projection of sills, belt courses, cornices, chimneys, and ornamental features may extend not more than eighteen inches into the required side yard.

1117.04 REAR YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.

(a) Where a lot abuts an alley, one-half the alley width may be considered as part of the required rear yard.

(b) The ordinary projections of sills, belt courses, cornices, chimneys, and ornamental features may extend not more than eighteen inches into the required rear yard.

(c) Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers may project not more than five feet into the required rear yard.

1117.05 ATTACHED GARAGES.

Garages that are attached to a dwelling unit shall be considered part of the main building and subject to the following:

(a) Attached garages shall be subject to the appearance standards of Section 1115.06 and be architecturally compatible with the main building to which they are attached.

(b) Attached garages shall not exceed 768 square feet in floor area.

(c) Attached garages shall not exceed the height of the main building.

1117.06 HEIGHT RESTRICTIONS AND EXCEPTIONS.

The height regulations prescribed herein shall not apply to televisions and radio towers, church spires, belfries, monuments, tanks, water and fire towers, cooling towers, stage towers or scenery lofts, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors and flag poles, provided that:

(a) No such structure shall constitute a hazard to the safe landing and take-off of military, public, commercial and private aircraft at an established airport.

(b) No such structure is constructed for the purpose of providing additional floor area to the main building

(c) For each three (3) feet by which the height of such structure exceeds the maximum height otherwise permitted in the district, the applicable side and rear yards shall be increased an additional foot.

1117.07 ROOF GUTTERS AND DOWNSPOUTS.

(a) Roof gutters and downspouts shall not be connected to the sanitary sewer system.

(b) Roof gutters and downspouts shall not be connected to the storm sewer system except as approved by the City Engineer.

(c) Any building or structure including single-family residences with lawn or landscaped area shall have a splash block, minimum thirty-six inches by twelve inches placed immediately below the downspout outlet. Such downspout outlets shall be angled to direct flow away from the structure and shall be no closer to the finished lawn than six inches.

(d) Downspouts presently connected to either the sanitary or storm sewer shall be disconnected and provided with a splash block within thirty days after receipt of notice from the City Engineer to do so.

(e) The City Engineer may approve the use of a rain barrel system in lieu of splashblock below a downspout. Such system shall consist of the holding tank, downspout connector/diverter, a sealed lid or mosquito screen, a hose bib and an overflow connected to an approved location. Rain barrels shall not be located nearer to any street than the nearest wall of the main building and shall maintain a setback of at least three (3) feet from side and rear property lines.

1117.08 SUPPLEMENTAL REGULATIONS FOR MULTIFAMILY, COMMERCIAL AND INDUSTRIAL DISTRICTS.

(a) Buffering of Residential Property. All commercial and industrial uses located adjacent to residentially zoned property shall buffer and screen the commercial and/or industrial operation from the adjacent residential district line.

(1) Commercial/Industrial uses adjacent to residential areas shall be designed to:

A. Shift loading docks and overhead doors to the opposite side of the residential building.

B. Locate parking facilities adjacent to residential property.

C. Locate trash bins, dumpsters and storage areas away from residential property.

D. Locate office portions of a facility nearest to residential property.

(b) Screening when used to buffer adjacent residential property from multifamily, commercial or industrial uses shall consist of landscaping or mounding or both.

A. The landscaping shall be at least seventy-five (75%) percent evergreen material which shall provide a minimum four (4) foot opaque appearance. The evergreen material may be supplemented by deciduous plants and trees.

B. If mounding is used it shall be a minimum of four (4) feet in height and graded at a slope that can be maintained. All mounds shall be planted to prevent erosion.

C. If fencing is used it shall consist of a solid fence or wall not less than four (4) feet in height adjacent to parking areas and a minimum of six feet in height adjacent to all other operations. Fencing within the front setback shall be in conformance with Section 1119.05

D. Screening and buffering shall be included on the site plan for review and approval by the Administrator. No certificate of occupancy shall be issued until the screening is installed.

E. Screening and buffering shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of screening. Fencing shall be maintained in good repair at all times.

(b) Building Setbacks Adjacent To Residential Property.

(1) Commercial: Commercial buildings adjacent to residentially zoned property shall be setback a minimum of 25 feet from the residentially zoned property. The area in the setback shall be buffered in accordance with the requirements of subsection (a) herein.

(2) Industrial: In all industrial districts, industrial buildings located adjacent to residentially zoned property shall be setback a minimum of 35 feet from the adjacent residential property line. The area in the setback shall be buffered in accordance with the requirements of subsection (a) herein.

(3) Required setbacks shall not be used for storage or other operations associated with the commercial or industrial operation.

1117.09 SPECIAL PROVISIONS FOR DOWNTOWN DEVELOPMENT DISTRICT.

(a) Developments that occur in a Downtown Development (DD) District shall be permitted on contiguous parcels of not less than two acres and no more than eight acres.

(b) Residential and/or Commercial Developments within the Downtown Development District that include individual ownership of lots are required to file deed covenants and restrictions with the Lake County Recorder's Office. The deed covenants and restrictions shall ensure that the project is constructed as a unified development project. The applicant shall submit the necessary covenants, restrictions and agreements to the City for review and approval so that the City Planning Commission can make the determination that the project is developed as a unified development project. Such documents upon approval by the City Planning Commission shall be filed with the County Recorder's Office before the start of any construction.

(c) In addition to the Conditional Use requirements set forth in Section 1111.08, residential development in the DD district shall comply with the following:

(1) Such development shall be governed by a Development Plan as approved by the Planning Commission. The requirements of this section may be modified by the Planning Commission provided that the overall density required in Section 1117.01(a) are maintained and the Planning Commission further determines that the proposed development complies with the spirit and intent of this Code.

(2) In areas where single family, attached, dormitories or multi-family dwelling units abut single family zoning districts, a buffer shall be maintained between the districts. The buffer shall be landscaped in accordance with an approved landscape plan and/or screened through the use of fencing or walls and shall be maintained as open space. Such approved landscape plan shall be made a part of the approved Development Plan.

(3) In all developments of ten (10) or more dwelling units, there shall be a minimum of 10% of the lot area designated as usable open space. Such open space may be for the enjoyment of residents or it may be available to the general public. Additionally, structures for active or passive recreation, plazas, outdoor dining and public art may be located in such open space as approved in the Development Plan.

(4) The following minimum design standards shall apply:

A. Front Yard Setbacks:
Single family, detached: 10 feet, minimum; 20 feet, maximum.
Single family, attached, multifamily and dormitories: no minimum; 10 feet, maximum.

B. Side Yard Setbacks: 5 feet, minimum, from interior lot line; 10 feet, minimum, abutting a street.

C. Rear Yard Setbacks: 25 feet, minimum.

D. Building Separation: 10 feet at any point between buildings on the same lot.

(5) Residential Uses may be developed or established on a lot, site or within the same building as permitted nonresidential uses.

(6) All residential development shall connect the front entrance of the main building to the sidewalk with a walkway surfaced with concrete, brick stone or approved equivalent.

(7) Single family attached dwellings shall have a porch that extends along at least 50% of the front elevation.

(8) Garages shall be located in rear yards and shall be accessed by alleys or private drives located at the rear of the property.

(d) Parking. Parking shall be required in accordance with the requirements set forth in Chapter 1125. The number of parking spaces required in Chapter 1125 may be met with off-site parking within 400 feet of the site if the applicant can demonstrate that such parking provides adequate parking for the site. All buffering and screening requirements in Chapter 1125. shall apply unless waived by the Planning Commission. The City Manager may approve any such parking arrangements. Should a submitted parking plan be denied by the City Manager, the applicant may appeal such denial to the Planning Commission within 30 days.

(e) All buildings in this district are subject to the requirements contained in the Historic Downtown Design Review District Standards, Chapter 1129.

CHAPTER 1119
Accessory And Temporary Uses

1119.01 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures shall be incidental and subordinate to the main use. Accessory uses and structures shall only be permitted provided they do not alter the character or intent of the zoning district and comply with the following:

(a) General Provisions.

(1) The accessory structure or use is customarily found in connection with a main building, structure or use that is permitted or conditionally permitted in the district in which the proposed accessory use is located.

(2) Accessory structures shall only be constructed and accessory uses shall only be established concurrent with or after the construction of the main structure on the same lot.

(3) In no case shall the height of the accessory structure exceed the maximum height of the main building.

(4) Unless otherwise permitted by this Code, accessory uses and structures located within a front yard shall meet the front yard setback requirements of the main building.

(5) An accessory structure that is attached to the main building shall be considered an integral part of the main building and shall comply with the requirements of the applicable zoning district. Any accessory structure shall be considered as an integral part of the main building if it is connected to the main building either by common walls or by a breezeway or roof.

(6) Accessory uses and structures shall be subject to any applicable building code and fire code regulations and shall require a Certificate of Compliance and payment of the required fee prior to construction or otherwise commencing the use.

(b) Exemptions.

(1) Small accessory structures such as doghouses, benches, and landscape features shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 12 square feet.

(2) Gardens and the raising of crops for the personal use of the residents, tenants, or property owners, may be grown in any yard except the front yard, without a permit.

(c) Prohibited Accessory Structures. Quonset huts, steel arch buildings, inflatable garages, and portable garages, temporary garages, portable carports, temporary carports, portable containers, converted storage or shipping containers, are prohibited accessory structures in residential and commercial districts.

(d) On lots where any single family or duplex dwelling unit is located, no more than 60% of the rear yard may be occupied by accessory structures, including decks and pavement for driveways, patios or pools; provided, however that such structures meet all other requirements of this Code.

1119.02 PERMITTED ACCESSORY USES AND STRUCTURES.

(a) The following table presents the permitted accessory uses and structures with reference to applicable regulations for specific uses. All uses are subject to the General Provisions of Section 1119.01. A blank cell indicates that a use is prohibited in the respective zoning district.

Uses P = Permitted	S-1 R-1 R1-60 R-2	B-1 B-2	B-3 DD	M-1 M-2	Permit/Certificate of Compliance Required	Standards
Accessory Dwelling Unit		P	P		Yes	1119.03
Detached structures 12 sq. ft. or less	P	P		P	No	
Detached structures including garages carports and sheds	P	P		P	Yes	1119.04
Fences	P	P	P	P	Yes	1119.05

Uses P = Permitted	S-1 R-1 R1-60 R-2	B-1 B-2	B-3 DD	M-1 M-2	Permit/Certificate of Compliance Required	Standards
Gardening, personal	P	P	P	P	No	
Home Occupation	P	P	P		Yes	1119.06
Outdoor Dining		P	P		Yes	1119.07
Outdoor Sales		P	P		Yes	1119.08
Outdoor Storage/Bulk Sales				P	Yes	1119.09
Outdoor Vending Machines		P	P	P	Yes	1119.10
Donation Boxes		P		P	Yes	1119.11
Porch, Patio and Deck Structures	P	P	P		Yes	1119.12
Incidental Retail Sales				P	No	1119.13
Swimming Pool, private	P				Yes	1119.14
Utility Structures					Yes	1119.15
Offices				P		

(b) Standards for an accessory use not specifically listed in Section 1119.02(a) shall be the same as an accessory use listed in Section 1119.01(a) upon a finding by the Administrator that the unlisted use meets the General Provisions of Section 1119.01 and that the unlisted use and the listed use are similar based upon the nature, size and intensity of the unlisted use when compared to the listed use.

1119.03 ACCESSORY DWELLING UNITS.

The following standards shall apply to accessory dwelling units:

(a) The accessory dwelling unit shall be accessory to the main permitted nonresidential use on the property.

(b) Each accessory dwelling unit shall meet the minimum parking requirements of Chapter 1125 in addition to the minimum number of spaces required for the main permitted use.

(c) The accessory dwelling units shall occupy the same building as the main use.

(d) The accessory dwelling units may exceed the commercial use in total floor area provided the residential use does not occupy the ground floor of the building.

(e) The minimum floor area requirements per accessory dwelling unit shall be as required for multi-family units in the R-2 District.

1119.04 DETACHED STRUCTURES.

Any accessory buildings or structures greater than 12 square feet -shall comply with the following specific standards and conditions:

(a) Accessory buildings or structures shall be limited to two (2) structures per lot in residential and commercial districts. Accessory buildings or structures shall include detached garages, carports and sheds.

(b) On a lot in a residential or commercial district one accessory structure shall not exceed 768 square feet and the other structure shall not exceed 300 square feet.

(c) On a lot where any single family or duplex dwelling unit is located, accessory buildings or structures shall be located five (5) feet from any side yard and three (3) feet from any rear yard.

(d) On lots where any commercial or industrial use is located, accessory buildings or structures shall be located five (5) feet from any side or rear yard; provided however, that any setback requirements of this Code are also met.

(e) The maximum height shall be:

(1) Sixteen (16) feet or the height of the main structure, whichever is less in residential districts.

(2) The height of the main structure in commercial and industrial districts

(f) Private swimming pools shall not be subject to the requirements of this section, but shall be in conformance with Section 1119.14.

(g) Accessory buildings and structures shall have roof material that complies with the appearance standards of Section 1115.06 and be architecturally compatible with the main building on the same lot.

(h) Exterior siding of all accessory buildings and structures shall comply with the appearance standards of Section 1115.06 and be architecturally compatible with the main building on the same lot.

(i) Any detached garage or carport shall be served by a hard surface driveway and parking pad that consists of an approved impervious material and shall have a minimum width of ten (10) feet.

1119.05 FENCES.

The installation of any fences shall comply with the following specific standards and conditions:

(a) General Requirements

(1) Fencing shall be maintained in good condition without advertising thereon. Fences to be approved shall be basketweave, picket, board of batten, baffle, stockade, vinyl, split rail, estate rail or solid wood fences, chain link, woven picket fence, and masonry fencing.

A. No permit is required for routine maintenance of existing fencing where no modifications are proposed.

B. Maintenance includes replacement of less than 50% of existing materials; provided that the location and height of such replacement materials shall be incompliance with code requirements.

(2) The supporting rails and posts of any fence shall face the interior of the lot and the finished side of the fence shall face outward from the lot or yard being fenced. The Administrator may waive this requirement if the applicant submits documentation that an adjacent property owner is in agreement with any such waiver. Double sided fences shall only be permitted when the same style is used on both sides of the fence.

(3) On corner lots, fencing less than three feet in height may be located within a sight triangle provided that such fencing does not obstruct the vision of motorists or pedestrian traffic on or near public roads.

(4) Fences shall follow the natural contour of the land on which it is located.

(5) Fence height excludes ornamental and decorative post knobs no taller than 6 inches and minor variations (± 4 inches) in installation to account for specific site topography.

(6) Fences, shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage.

(7) Small portions of fencing used for decorative or landscaping purposes shall be exempt from the requirements of this section provided that such fencing does not exceed twenty feet in length or four feet in height, and is set back at least five feet from any property line.

(8) Where any requirement for fencing as part of a required buffer, screen, or swimming pool enclosure conflicts with the provisions of this section, the requirements for such buffer, screen or swimming pool enclosure shall govern.

(9) The property owner shall be responsible for the accurate determination of any property line relative to the location of a proposed fence. The issuance of a fence permit does not indicate city review or approval of the property line location.

(b) District Requirements.

(1) Residential.

A. Fences in any side or rear yard shall not exceed six and one-half feet in height; except in the R-2 District such fence shall not exceed eight feet in height, provided that the fence is at least 50 feet from any R-1 District.

B. Fences within the front setback line of record or existing main building line whichever is less shall not exceed three feet in height. On corner lots all sides adjacent to the right of way shall be treated as a front setback line.

C. Fences constructed in whole or in part of barbed wire, razor wire, guard rail, or electrified in any manner are prohibited.

(2) Nonresidential.

A. Fences in any side or rear yard shall not exceed eight feet in height in the M-1 and M-2 District and six feet in height in all other nonresidential districts.
B. Fences within 20 feet of a right-of-way or public street shall not exceed three feet in height.

1119.06 HOME OCCUPATION.

Any Home Occupation shall be permitted in any dwelling unit and shall comply with the following specific standards and conditions:

(a) No person other than those legally residing on the premises shall be engaged in such occupation.

(b) The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

(c) No more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the home occupation.

(d) 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.

(e) Home occupations shall be conducted entirely within the dwelling unit No home occupation shall be conducted in any accessory building or structure.

(f) No goods or commodities, other than those prepared, produced or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(g) No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhoods and, any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Code and shall not be located in a required front yard.

(h) 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 the voltage off the premises.

1119.07 OUTDOOR DINING.

Any outdoor dining area located on private property shall comply with the following specific standards and conditions:

(a) Outdoor dining areas shall be incidental and subordinate to a permitted restaurant as a main use.

(b) The site design and enclosure of the outdoor dining area, including materials and landscaping, is subject to the approval of the Administrator.

(c) Outdoor dining areas shall be located on the premises or adjacent to the main building in such a manner that no customers or employees are required to cross driveways or parking areas to go between the outdoor dining area and the main building.

(d) Outdoor dining areas cafe shall be located five feet from driveways and alleys, and ten feet from intersections.

(e) Outdoor dining areas may extend in front of adjacent businesses with the written consent of both the property owner and the business owner.

(f) Tables, chairs and furnishings shall be arranged so as not to interfere with pedestrian movement on sidewalks, ingress into or egress from buildings, or otherwise interfere with the proper and safe movement of people or vehicles

(g) Tables, chairs, and other materials associated with the outdoor dining area shall be kept free of litter and other debris at all times

(h) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.

(i) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a main building within the applicable zoning district.

(j) Music and sound amplification systems shall not be used in outdoor dining areas later than 10:00 p.m.

(k) The outdoor area shall not exceed either the square foot area or seating capacity of the indoor area.

(l) All ingress and egress to the outdoor dining area shall be through the existing indoor dining area, except for emergency egress.

(m) Restaurants which intend to serve alcoholic beverages at an outdoor dining area shall hold a valid Ohio Liquor Control Commission liquor license.

1119.08 OUTDOOR SALES.

Outdoor sales that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

(a) Merchandise shall not be placed within the street right-of-way, within an interior drive, or in a sight triangle.

(b) Outdoor sales areas may be permitted along a sidewalk or walkway adjacent to the building provided that there is no interference pedestrian movement on any sidewalk or walkway. A minimum of 5 feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

(c) Outdoor sales areas may be permitted in the side or rear yard.

(d) Areas designated for outdoor sales shall be set back a minimum of 25 feet from any adjacent residential lot line.

(e) The placement of merchandise shall not reduce of the number of parking spaces required for the main use.

(f) Merchandise shall be limited to those goods and products that can be reasonably carried by one person into the main building for completion of the transaction. Larger or bulk items shall be considered outdoor storage and bulk sales for the purposed of this Code.

1119.09 OUTDOOR STORAGE AND BULK SALES.

Outdoor storage and bulk sales that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

(a) Areas of a lot devoted to outdoor storage and bulk sales shall be located in an interior side yard or rear yard only and shall comply with the building setbacks set forth in the applicable zoning district.

(b) Outdoor storage and bulk sales in a parking lot shall be prohibited.

(c) Areas of a lot devoted to outdoor storage and bulk sales shall not interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.

(d) Where permitted in commercial districts, the area of the lot devoted to outdoor storage and bulk sale of goods and merchandise shall not exceed 20% of the ground floor area of the main building.

(e) Areas of a lot devoted to outdoor storage and bulk sales shall be paved with asphalt or concrete and free of dust.

(f) Areas of a lot designated for outdoor storage and bulk sales shall be set back a minimum of 50 feet from any adjacent residential zoning district

(g) Areas of a lot devoted to outdoor storage and bulk sales shall be located or screened so as not to be visible from any residential district.

(h) The outdoor storage of dismantled or inoperable vehicles which are not in the process of being repaired or made operational shall not be permitted unless they are in conjunction with a permitted use and only when they are completely screened from view. In no case shall a junkyard be permitted.

1119.10 OUTDOOR VENDING MACHINES.

Outdoor vending machines that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

(a) No outdoor vending machine shall be placed within the street right-of-way, within an interior drive, or in any location that obstructs the sight lines of vehicular traffic.

(b) Outdoor vending machines shall not be placed within a required parking space.

(c) The outdoor vending machine shall be maintained in good operating order and appearance.

(d) Outdoor vending machines shall only be placed along the façade of the main building and be protected from weather related exposure and damage.

(e) No more than two outdoor vending machines are permitted on any single lot.

(f) Signage shall be limited to a maximum of 6 square feet on each vending machine and shall not count toward the permitted sign area allowed in Chapter 1127.

1119.11 DONATION BOXES.

Donation boxes that are accessory to a permitted main use on the same lot shall comply with the following specific standards and conditions:

(a) Donation boxes shall be owned and maintained by entities that have tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, are registered to do business in Ohio as a non-profit organization and possess a certificate of corporate good standing from the Ohio Secretary of State

(b) Donation boxes shall not be placed within the street right-of-way, within an interior drive, or in any location that obstructs the sight lines of vehicular traffic.

(c) Donation boxes shall not be placed within a required parking space;

(d) Donation boxes shall only be permitted in the side or rear yard.

(e) Each donation bin shall cover no more than 25 square feet and shall not exceed six feet in height.

(f) Not more than one donation bin shall be permitted on any single lot that is one acre or less in area. One additional donation bin may be permitted on a lot for each additional acre of lot area

(g) Donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visual rust, and shall be free of graffiti. All boxes shall be free of debris and shall be serviced regularly so as to prevent overflow of donations or the accumulation of junk, debris or other material. No donations or other material outside the containers shall be permitted at any time.

(h) Donation boxes shall contain the contact information in two- inch type, visible from the front of the box that includes the name, address, e-mail, and phone number of the operator. Additional signage shall be not exceed to a maximum of 6 square feet on each donation box shall not count toward the sign area allowed for the main use in Chapter 1127.

1119.12 PORCH, PATIO AND DECK STRUCTURES.

Any porch, patio or deck structure shall comply with the following specific standards and conditions:

(a) Porch, patio, and deck structures that are uncovered and unenclosed are permitted in any yard. Such structures may extend up to 10 feet into the minimum front yard requirement and may be located in any side or rear yard provided they are set back a minimum of 5 feet from all lot lines.

(b) Porch, patio, and deck structures located in rear yards may incorporate cooking areas or fireplaces.

(c) Porch, patio, and deck structures that are enclosed or have a roof shall meet the setback requirements for main buildings in the applicable zoning district.

1119.13 INCIDENTAL RETAIL SALES.

Incidental retail sales shall comply with the following specific standards and conditions:

(a) The incidental retail sale of items is permitted in nonresidential districts when located completely within the main building where the main use is other than retail.

(b) The total floor area of retail sales shall not exceed 15% of the total gross first floor area of the main building.

(c) Such use shall not include a separate entrance.

(d) The hours during which incidental retail sales are provided shall be the same as that of the main use.

1119.14 PRIVATE SWIMMING POOLS.

A private swimming pool shall comply with the following specific standards and conditions:

(a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

(b) The pool and/or any structure accessory thereto shall be located a minimum of 10 feet from a property line in a single family district.

(c) The pool and/or structures accessory thereto shall be located a minimum of 20 feet from a property line in a multi-family district, except for those single-family lots permitted and constructed under the R-2, Multi-Family District regulations, in which case pools and/or accessory structures shall be located a minimum of ten feet from a property line.

(d) The pool shall be fenced or walled as to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be a minimum of 48 inches in height.

(e) Private swimming pools are structures that are permitted in addition to those regulated in Section 1119.04. Aboveground pools shall not exceed 512 square feet in size. In-ground pools shall not exceed 800 square feet in size.

1119.15 UTILITY STRUCTURES.

Utility structures located outside the public right of way shall comply with the following specific standards and conditions:

(a) Classification of utility structures. Utility structures shall be classified by size as follows:

(1) Small utility structures shall be less than 36 inches in height above grade, less than 36 inches in width, and less than 36 inches in depth.

(2) Large utility structures shall be equal to or greater than 36 inches in height above grade, equal to or greater than 36 inches in width, and equal to or greater than 36 inches in depth. If all three dimensions do not fall within the same size classification, then the utility structure will be classified based on the dimension that falls within the largest classification.

(b) Certificate of Compliance.

(1) In addition to the general application requirements of Section 1111.03 an application for a Utility Structure shall include the written consent of the property owner of the proposed location of the proposed utility structure or copy of a recorded easement that permits placement of the utility structure and a statement by the owner of the utility structure that the utility structure is permitted within said easement.

(2) A Certificate of Compliance issued by the Administrator shall be required for the following utility structures:

A. New small utility structures located in the front yard.

B. New large utility structures regardless of location.

C. Replacement of large utility structures in the front yard.

(3) No Certificate of Compliance is required for the following utility structures:

A. New small utility structures in the side or rear yard.

B. Replacement of small utility structures regardless of location, provided that all unused utility structures are promptly removed.

C. Replacement of large utility structures in the side or rear yard, provided that all unused utility structures are promptly removed.

D. A utility structure that is physically attached to a building, such as a meter or service box or to the wiring, cable, pipe, or conduit that provides utility service from a service main to the individual property, or to gas meter regulators.

E. The installation of new or the replacement of small and large utility structures on property owned by the City. This does not exempt the utility company from the responsibility of its installation and maintenance in a safe condition or from conforming with applicable provisions of this section governing materials, construction and erection.

(4) A utility company, providing essential services, has temporary approval to install a utility structure that requires a permit, without a permit, if such installation is required to adequately respond to an emergency with respect to those essential services. Provided however, within seven days after such installation, the utility company shall notify the Administrator of the emergency action taken and the utility company shall, within said seven days, apply for a permit. The utility company shall remove a utility structure placed during an emergency without a permit within 90 days of its installation if a permit is not granted for the utility structure.

(c) Location and screening.

(1) Location.

A. No new or replaced utility structures under this chapter shall be located:
   i. Within the area of a sight triangle;
   ii. Within ten feet of any hydrant; or
   iii. In any location that will adversely impact the line of sight for any driveways.
B. No new large utility structure shall be placed in a front yard.
C. Where possible, utility structures should be located in a platted utility easement. All utility structures shall be coordinated to the extent possible with existing utility structures, reducing the total number of utility structures within a given 100-foot area, providing the most effective screening, and minimizing the impact on existing trees.

(2) Screening.

A. The utility company shall minimize the visual impact of the utility structure, including size, color, and screening. All labeling on any single utility structure shall cover a combined area no larger than one-half square foot in area. The vistas of the property owner and adjacent property owners shall be considered with a goal of obtaining 50% opacity as viewed from neighboring property lines. Fifty percent opacity should be obtained upon installation. However, the Administrator may permit planting to be postponed due to seasonal conditions. Screening is to be achieved by the use of: (i) existing or new vegetation; (ii) existing or new fencing; (iii) existing structures. Final approvals of the screening shall be approved in writing by the Administrator.
B. Electric meters that are to be placed in conjunction with a utility structure installation shall be placed in a manner that minimizes its visibility from the closest public right-of-way. In no case shall electric meters be attached to the top surface of a utility structure.
C. If the utility structure installation requires the installation of a pad affixed to the ground, the pad shall be constructed of concrete.

(d) Removal of unlawful structures.

Any prohibited utility structure shall be removed by the owner within ten days of receipt of notification from the Administrator. If such utility structures are not so removed, the Administrator shall cause the utility structure to be removed at the owner's expense.

1119.16 MAILBOX PLACEMENT.

The placement of mailboxes shall comply with the following specific standards and conditions

(a) The installation of cluster-type mailboxes in the public right of way is prohibited.
(b) Cluster-type mailboxes shall be installed on private property for the use of occupants of multifamily developments and subdivisions where there are more than five (5) dwelling units.
(c) Wood or iron break-away mailboxes are permitted in the public right of way provided that there is a distance of 12 inches to 18 inches from the face of the mailbox to the vertical plane of the back of curb or edge of pavement if no curb is present.
(d) Brick mailbox structures are permitted provided that the closest edge of such structure is no more than five feet to the edge of pavement, the structure does not interfere with roadside ditch drainage and a paved pull-off is provided for postal employee access. If the pull-off is along a curbed street, the curb shall follow the edge of the paved pull-off area.
(e) When City maintenance of the right-of-way is undertaken and any mailbox is damaged or removed, the restoration of such mailbox shall be the responsibility of the owner.
(f) All mailboxes shall be installed to the proper height as required by the United States Postal Service.

1119.17 TEMPORARY USES.

Any temporary use shall comply with the following specific standards and conditions:

(a) The Planning Commission may approve the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations described by this Code for the district in which it is located; provided that such use shall be strictly of a temporary nature and does not involve the erection of a structure. A Certificate of Compliance shall be granted in the form of a temporary and revocable permit for not

more than one (1) year from the date of issuance, subject to conditions as will safeguard the public health, safety, convenience and general welfare.

(b) If the proposed site for a temporary use is not under the legal control of the applicant, a written statement from the property owner giving permission for such use shall be required before Planning Commission approval is granted.

CHAPTER 1121
Nonconforming Lots, Structures and Uses

1121.01 APPLICABILITY.

This chapter establishes uniform provisions for the regulation of legal nonconforming lots, structures and uses that lawfully existed at the time this Code or any subsequent amendment became effective, but that do not now conform to its terms and requirements or that of subsequent amendments. The burden of establishing that a nonconformity lawfully exists shall be on the owner of the land on which the purported nonconformity is located.

1121.02 PURPOSE .

It is the general policy of the City of Painesville to permit nonconformities to continue to exist and to be put to productive use However, it is also the general policy of the City to bring as many aspects of such nonconformities into conformance with this Code as is reasonably practicable, all subject to the limitations of this Chapter. Therefore the purpose of these regulations is to:

(a) Discourage the long-term continuance of nonconformities that have resulted, or can be expected to result, in conflicts with surrounding conforming land uses;

(b) Recognize that the investments made in developed property can be substantial and that provisions for continuation of certain nonconforming uses may be desirable;

(c) Allow buildings that have a long useful life to continue their occupancy for nonconforming uses which is more desirable than requiring them to be vacant if they cannot be converted to conforming uses;

(d) Provide for the improvement of nonconforming structures and properties to reduce the blighting influence that can occur if abandoned structures cannot be reused for their designed purposes; and,

(e) Prohibit continuance, improvement, expansion or replacement of nonconforming structures that are in violation of Chapter 1349, Property Maintenance Code of Painesville or considered a vacant building as defined by Chapter 1375, Vacant Property and Building Registration.

1121.03 NONCONFORMING LOTS.

In any district any lot of record that was lawfully created under both Ohio law and the Ordinances of the City as of the effective date of this Code, irrespective of the width and area, may be developed for any use permitted in the district in which the lot is located. No such lot or parcel or portion thereof shall be used or sold in a manner diminishing compliance with lot width and area requirements established by this Code, nor shall any division be made which creates a lot width or area below the requirements stated in this Code.

No lot regardless of its width shall be deemed to be less than forty feet in width for the purpose of determining setback requirements and provided further:

(a) The sum of the side yard widths on any such lot shall not be less than thirty percent (30%) of the width of the lot, but in no case shall any side yard be less than 5 feet; provided, however, that on a corner lot, the width of the side yard adjacent to the side street shall not be less than eight feet (8) or twenty percent of the frontage, whichever is greater.

(b) The depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, but in no case shall it be less than twenty feet (20).

1121.04 NONCONFORMING STRUCTURES.

Where a lawful nonconforming structure fails to meet size, height, yards, setbacks, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:

(a) A nonconforming structure shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located if any of the following exists:

1. Such structure is physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition.

2. Such structure has uncorrected violations of Chapter 1349, Property Maintenance Code of Painesville
3. Such structure is considered a vacant building as defined by Chapter 1375, Vacant Property and Building Registration.

(b) A nonconforming structure not subject to (a) above may be expanded provided that the building footprint or height after the expansion does not exceed 110% of the existing footprint or height. Any such structure may be altered to decrease its nonconformity;

(c) Nonresidential structures which are nonconforming and not subject to (a) above that are destroyed by any means to an extent of more than fifty percent of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this Code;

(d) Nonconforming residential structures not subject to (a) above that are destroyed by any means to any extent may be reestablished provided that reconstruction is consistent with building setback, requirements for Nonconforming Lots established in Section 1121.03 or the setbacks of the building footprint prior to destruction whichever is greater. Such reconstruction shall commence within six (6) months following the destruction and be completed within two (2) years following the destruction. The Administrator may authorize one extension not to exceed six (6) months for good cause shown.

(e) Nothing in this Code shall prevent the reconstructing, repairing or rebuilding of a nonconforming building, structure or part thereof rendered necessary by wear and tear, deterioration or depreciation, provided that the work does not create greater nonconformities beyond that which is permitted in this Chapter nor prevent compliance with the provisions of the Building Code relative to the maintenance of buildings or structures.

1121.05 NONCONFORMING USES.

Where a lawful nonconforming use fails to meet the use requirements of the district in which it is located, the use may be continued so long as it remains otherwise lawful, provided:

(a) Any single family dwelling existing in a residential district at the time such district became a nonresidential district shall have the same right that it had before the zone change until it ceases to be used as a single family dwelling including the right to be sold or transferred.

(b) No such nonconforming use shall be enlarged or increased, nor extended to further encroach upon existing setbacks or occupy adjoining or separate parcels of land.

(c) Additional structures that do not conform to the requirements of this Code shall not be erected on parcels containing a nonconforming use;

(d) A nonconforming use may be extended throughout parts of a building which were manifestly arranged or designed for such use, provided, however, that no nonconforming use shall be extended to displace a conforming use;

(e) When any nonconforming use is superseded by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed;

(f) If any nonconforming use, other than a single family dwelling, ceases for any reason for a period of more than twelve months, any subsequent use shall conform to the regulations specified by this Code for the district in which such land is located;

(g) Removal of destruction of the structure occupied by such nonconforming use shall eliminate the nonconforming status. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent of the replacement cost.

(h) No nonconforming use shall be changed to another nonconforming use unless the Planning Commission, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change, the Planning Commission may impose appropriate conditions to

lessen or minimize the impact of the nonconforming use. Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

1121.06 NONCONFORMING SITE CONDITIONS.

If any nonconforming site condition exists on a property that is the subject of an application under this Code, then any such site condition shall be brought into compliance with district regulations, unless the Planning Commission determines that such conformance cannot be reasonably achieved due to factors that include, but are not limited to, the existing lot configuration and patterns of surrounding development; inability of the applicant to acquire additional property; location of the existing structures on the site in question; the location of parking and access on the site in question, and the location of utilities both on and off-site. In such case, the Planning Commission shall approve a site plan that reduces any existing nonconforming site condition to the maximum extent practicable.

1121.07 CERTIFICATES OF COMPLIANCE FOR NONCONFORMITIES.

(a) The Administrator is hereby authorized to issue certificates of compliance upon submission of evidence to the Community Development Department which establishes a legal nonconforming use.

(b) The property owner shall submit sufficient evidence to verify that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

(c) This certificate shall specify the reason why the use, building, structure or lot is nonconforming, and for nonconforming uses shall also include a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming.

(d) No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Administrator, who shall maintain as a public record a file of all such certificates.

CHAPTER 1123
Planned Unit Development Overlay District

1123.01 PURPOSE.

(a) The purpose of the Planned Unit Development (PUD) Overlay District is to

(1) Permits a creative approach to the development of compatible, high quality residential, commercial, institutional, public and industrial uses.

(2) Provide flexibility in building sites; variety of land use and design; optimum land planning; usable open space and recreational areas; preservation of natural topographic and geological features; provision of underground utilities where feasible; efficient circulation systems; and an environment which is fully compatible with the surrounding areas.

(3) Permit a combination and coordination of architectural styles, building forms and relationships.

(4) Encourage developers to be innovative in design, efficient in land utilization and to take full advantage of existing natural features in order to create a better quality project than is actually possible under conventional zoning provisions.

(b) All PUD project proposals will be considered on the merits of the particular proposal in the context of the City's Comprehensive Plan, the neighborhood in which the PUD is to be located, the adequacy of public facilities and ease of extending service and the compatibility of the project proposal and immediate surroundings.

1123.02 LOCATION AND STANDARDS.

(a) Subject to the provisions set forth herein, a PUD may be permitted on contiguous parcels of not less than:

(1) 10 acres for exclusively residential developments;

(2) 30 acres for residential use with convenience or neighborhood commercial uses;

(3) 50 acres or developments which include a mixture of residential commercial and/or industrial or any combination of these nonresidential uses.

(b) A PUD may be approved in all districts. In S-1 Special and R-1 Single Family districts, only residential uses may be approved. The establishment of a PUD shall be regarded as a zoning district change subject to the procedures set forth in Section 1111.11 for rezoning and amendment.

1123.03 PERMITTED USES.

(a) All uses within a designated PUD Overlay District are governed by the provisions of this Code and the approval plan of the project involved. PUDs may contain any use identified by the developer and approved by both the Planning Commission and the Council along with conditions appropriate to such uses, if any.

(1) Residential uses. A variety of dwelling unit types shall be permitted including single-family detached, single family attached, duplex, multifamily or any combination thereof.

(2) Non-residential uses. Those uses deemed compatible with the project proposal and surrounding neighborhood uses are permitted upon approval of the Planning Commission and Council.

(b) Mixed Use PUD. Where a mix of residential uses and non-residential uses is proposed, the following criteria will apply to review the permitted uses.

(1) All residential development areas included in the PUD are to be planned and integrated with the non-residential uses to minimize conflicts and encourage compatibility.

(2) There shall be a market analysis study furnished to the Planning Commission to establish specific economic need for all land uses. The market analysis should demonstrate the justification for the type of development and the amount of land required for each use.

(3) The PUD shall be located and designed so that the proposed uses will be adequately served by the street system, existing and proposed. Private and public roads within the PUD shall include a pedestrian focus with sidewalks, tree lawns, bike paths and transit.

(4) Parking and service areas, entrances, exits, signs, lighting, noise or other potentially adverse influences shall be so designed as to protect and minimize unfavorable impact on the residential development area within the PUD.

(c) Accessory Uses.

(1) Permitted residential accessory uses shall include those accessory uses that are

permitted for residential uses in the R-1 District and comply with all applicable sections of this Code.

(2) Permitted non-residential accessory uses shall include those accessory uses that are permitted for non-residential uses in the B-1 District and comply with all applicable sections of this Code.

1123.04 DENSITY FOR RESIDENTIAL AREAS.

(a) The residential density of a PUD Overlay District shall be based on the specific density prescribed by the underlying zoning district. In calculating residential density, the total number or square feet (sq. ft.) in the development shall exclude:
   (1) Any area within the 100 year flood plain; or
   (2) Any area devoted to commercial or industrial uses.
   (3) For land area with slopes in excess of twenty-five percent grade, prior to grading, the density exclusion shall be calculated at fifty percent (50%).

(b) If a PUD is in more than one zoning district, the number of allowable dwelling units shall be separately calculated for each portion of the PUD that is in a separate district, and shall then be combined to determine the number of dwelling units allowed in the entire PUD, subject to the exclusions in 1123.04 (a).

(c) Density may be increased above the maximum amount allowable within each category. However, the density in the PUD may not exceed, by more than ten percent, the density which is permitted in the zoning districts in which the PUD is located. Additional density increases may be authorized by the Planning Commission for the following items:
   (1) Restoration and/or adaptive re-use of historically and/or architecturally valuable existing buildings, add one unit per acre.
   (2) Dedication of a public school site of an adequate size as determined by the Board of Education, add up to two units per acre.
   (3) Retention of natural areas, woodlots, streams, valleys and ravines, add up to two units per acre.
   (4) Grid patterned commercial and residential layout based upon traditional urban planning patterns, add up to two units per acre.

1123.05 OPEN SPACE.

(a) Twenty-five percent of the gross acreage in the project shall be retained as open space to improve the visual attractiveness of the development, preserve natural features and vistas and supply functional recreational areas. Not included as open space are:
   (1) Public or private streets or rights-of-way, including sidewalks.
   (2) Open parking areas and driveways for dwellings.
   (3) Land covered by buildings and non-residential structures not designated for recreational use.
   (4) Designated outdoor storage areas.

(b) The open space may be of three basic types:
   (1) Private open space. Private yards which are owned and maintained by individual owners and reserved exclusively for their use.
   (2) Common open space. Areas of land or water or a combination of land and water, together with improvements within the PUD. Common open space may include accessory structures and improvements necessary or desirable for religious, educational, non-commercial, recreational or cultural uses, with approval of the Planning Commission.
   (3) Public open space. Lands within the PUD deeded to the City or other public entity for a public use shall remain a part of the PUD for purposes of computing density.

(c) Undeveloped open space may exist within any of the three above categories. Land is undeveloped when a site's natural features are retained in their undisturbed, unimproved natural state, thus encouraging the preservation of unique natural assets such as unusual rock outcroppings, groves of trees, ravines, ponds and stream beds.

(d) Once open space areas are identified, these areas may not later be used for other purposes.

(e) Ownership and Perpetual Maintenance. Proposed ownerships of all recreation, park, common areas and open space areas shall be identified and a perpetual maintenance plan for such areas submitted to the City for review and approval.

1123.06 PUD DESIGN STANDARDS AND GUIDELINES.

The PUD Design Standards and Guidelines describe and illustrate building patterns emphasizing their relationship to the street for defining space. They address the importance of creating visual focal points along the streetscape and the treatment of public spaces. The PUD Design Standards and Guidelines which may be revised and updated periodically, shall be kept on file with the Community Development Department and will be made available to the applicant.

1123.07 ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES.

(a) The scale, design and detailing of structures are essential to creating a visually and architecturally appealing environment that is sustainable. The Architectural Standards and Guidelines define and articulate design principles that relate to the scale, positioning, detailing of facades, roofs, windows, and appurtenances to buildings. The Architectural Design Standards and Guidelines which may be revised and updated periodically shall be kept on file with the Community Development Department and will be made available to the applicant.

(b) Dwelling units shall comply with the Residential Appearance Standards set forth in Section 1115.06.

1123.08 BUILDING SPACE REQUIREMENTS.

(a) The minimum setback of buildings from the perimeter of the total tract shall be determined by the development plan based on the classification of the adjacent Zoning District.

(b) Building separation shall be maintained in accordance with the requirements of the Fire Code, State or local Building Code and other safety codes of the City and in accordance with good design principles as defined in Sections 1123.06 and 1123.07. All setbacks and building separations shall be defined by the development plan and shall be maintained as permanent landscaped open space, free of buildings, structures, driveways, streets or off-street parking.

(c) Fences, earth berms, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and privacy of its occupants, screening of objectionable views or uses and reduction of noise, but shall not obstruct the vision of motorists and pedestrians on or near public or private roads.

1123.09 STREETS AND SIDEWALKS.

(a) The proposed PUD shall not create traffic congestion nor overload existing roadway facilities.

(b) Points of ingress or egress shall be designed to discourage traffic on minor streets in the PUD. The internal traffic system shall provide for safe and efficient flow, being sensitive to such items of convenience, safety, access to living units and non-residential facilities, separation of vehicular and pedestrian traffic and general attractiveness.

(c) There shall be no direct access from single-family residential lots to a major thoroughfare and direct access from single-family residential lots to collector streets shall be minimized.

(d) There shall be access for emergency vehicles to all buildings.

(e) Sidewalks shall be provided on each side of every street. The Planning Commission may modify this requirement where a multipurpose path or other acceptable alternatives are proposed.

(f) Multipurpose paths for pedestrian and bicycle circulation are encouraged. Where possible these paths should be segregated from vehicular traffic, especially at intersections.

(g) Streets within a PUD may be dedicated to public use or may be retained under private ownership on the condition that they are built to the same standards applied to streets acceptable for public dedication outlined in Chapter 1135. Standards of design and construction of private roadways may be modified, if deemed appropriate, by the Planning Commission.

(h) Any future dedication of private streets to public streets, shall require any action necessary to have the streets fully conform to the design requirements for public streets at the time of dedication and acceptance, with the exception of those standards which may have been waived for the PUD by the Planning Commission and accepted by City Council upon dedication.

1123.10 PARKING.

(a) Each dwelling unit shall have two off-street parking spaces of not less than 9 feet in width and 20 feet in length located within 300 feet of the building. Not less than one guest parking space shall be provided for every three dwelling units. Such parking shall be reasonable dispersed throughout the development and may be either on streets within the development or in off-street parking areas. The Planning Commission may waive or modify this requirement if it finds that the intent of this section will be adequately met.

(b) Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. All parking spaces and service drives shall be improved with bituminous asphalt or concrete or equivalent surfacing and so graded and drained as to control the release of all surface water accumulation within the area.

(c) Where necessary to control drainage and/or automobile circulation, curbs or a combination of curbs and gutters is required for parking lots. Screening of parking or service areas is required through the use of trees, shrubs, hedges, grade changes, fencing and or other visual and acoustical barriers between parking or service areas and housing units. The minimum landscape buffer width is 10 feet. Non-residential parking areas shall be screened from adjacent structures, roads and traffic arteries in the same manner.

(d) No more than fifteen parking spaces shall be located in a continuous row without being interrupted by landscaping, except as may otherwise be approved by the Planning Commission. The landscape area shall include trees, shrubs and other plant materials approved by the Planning Commission. Group garages and/or carports shall not be built in continuous unbroken lengths of more than 160 feet, but shall be divided by planting areas, changes of elevation, walks and/or pavement changes. Wherever possible, parking areas for all uses shall be located behind or beside buildings, well screened from adjacent dwellings. Any single parking areas shall not contain more than eighty parking spaces. Parking for non-residential areas shall provide adequate and safe loading areas, storage, lighting, grading and drainage, as approved by the Planning Commission.

1123.11 UTILITIES.

PUDs shall provide underground utilities and appropriate easements for drainage, gas, sewer and water, communications, electric, telephone and street lighting systems unless otherwise approved by the Planning Commission. All utility-structures shall comply with Section 1119.15.

CHAPTER 1125
PARKING AND LOADING

1125.01 PURPOSE.

The purpose of this Chapter is to regulate the amount and location of vehicle parking and maneuvering areas in order to achieve among others the following purposes:

(a) To prevent and alleviate congestion on streets;

(b) To promote the safety and convenience of employees, guests, shoppers and residents and nonresidents by locating parking areas to lessen congestion;

(c) To promote the general convenience, welfare and prosperity of institutional, residential, retail business, recreational, commercial, manufacturing and industrial developments, which depend upon off-street parking and off-street loading facilities;

(d) To encourage the reduction of impervious surfaces through effective design and the use of shared parking where practical; and,

(e) To implement those provisions of the 2010 *Downtown Painesville Transportation and Streetscape Plan* that apply to off-street parking, stacking and loading activities.

1125.02 APPLICABILITY.

There shall be required in all districts, the minimum number of off-street parking facilities as follows:

(a) Time of Review. Compliance with this section shall be reviewed as part of a Site Plan review, Certificate of Compliance review, and/or Conditional Use permit, as applicable.

(b) New Development.

1. The requirements of this section shall apply to all new development where there is the construction of a new main building or structure, establishment of a new land use, an increase in capacity or an enlargement of an existing structure.
2. The number of existing parking, loading, or stacking spaces may not be reduced below the minimum requirements established within this section.

(c) Expansions and Enlargements.

1. In the case of expansions, enlargements and increases in capacity, additional parking, loading, and stacking spaces are required to serve only the enlarged or expanded area or the increase in capacity.
2. If any expansion, enlargement or increase in capacity results in the need for an increase in off-street parking spaces of less than ten percent (10%) of the parking facilities previously provided or of less than five (5) spaces, whichever number is greater, no additional parking facilities shall be required.

(d) Nonconforming Parking, Loading, Stacking. Where a site is legally nonconforming due to a lack of compliance with the parking, loading, or stacking space requirements of this chapter, use of the site is not required to comply with the required number of spaces provided that the number of parking spaces shall not be further reduced after the effective date of this Code.

(e) Exemptions. The Planning Commission may exempt uses in the B-3 and DD Districts from all or part of the requirements of this Chapter provided that such exemption is based on the following:

1. The strict application of the parking requirements would require more parking than is actually necessary for the proposed use, which could use land inefficiently and create an undesirable appearance of excessive parking areas.
2. The exemption will not encourage unauthorized parking on private property.
3. The exemption will enhance the business and pedestrian environment by minimizing curb cuts, driveways, and paved areas that are disruptive to the character of downtown.
4. The proposed use is situated in an area easily accessible by pedestrians.
5. The proposed use will manage its employee parking so as to leave the most convenient spaces for customers of the B-3 and DD District uses.

1125.03 GENERAL REQUIREMENTS.

(a) Single Family and Duplex Residential.

1. Driveways and parking pads reasonably necessary to serve a single family or duplex use are permitted in accordance with the following:
   (a) At the point of intersection, driveways shall be at approximately a 90 degree angle to the right of way or alley.
   (b) Driveways shall have a minimum width of eight (8) feet and a maximum width of twenty feet at the intersection with the public right of way or alley.
   (c) Driveways may be widened or extended to accommodate a parking pad; however one edge shall be tapered at a deflection of 30 to 45 degrees to meet the specified driveway width at the public right of way or alley and at its widest point, the parking pad shall not exceed twelve feet in width.
2. Each dwelling unit shall have a minimum of two (2) enclosed parking spaces with such space not less than 12 feet by 22 feet in area and having a parking pad that consists of an approved impervious material. The Planning Commission may waive or modify this requirement if it finds that the intent of this section will be adequately met.
3. Vehicles shall not be parked on lawns or other unpaved areas or where they extend over any portion of a lot line or public sidewalk.

(b) Commercial, Industrial, and Multi-Family Uses.

1. Each off street parking space shall be a minimum of 200 square feet in area and have a minimum width of 10 feet
2. Aisle width providing access to parking stalls, storage or loading and unloading areas shall meet the following minimum requirements:

Angle of Parking (degrees)	Aisle Width (ft.)
90	20
60	20
45	18

3. Access drives from public rights-of-way or alleys providing access to parking or loading areas shall not be less than 20 feet nor greater than 40 feet in width measured at the right-of-way line.
4. Access drives shall be located such that they are the maximum distance possible from the street intersection, consistent with the internal circulation plan.
5. To ensure adequate visibility, a sight triangle shall be maintained where an access drive intersects with a street.
6. Access to commercial or industrially zoned property shall not be located in any residential zoning district.
7. Parking lots shall be designed to prevent access at any point other than at designated access drives.
8. Parking areas shall provide suitable maneuvering area so that vehicles enter from, and exit to, a public street in a forward direction only.
9. Access drives shall either be directly opposite other driveways or street intersections or shall be offset by such distances as approved by the City Engineer.
10. Access drives shall intersect a cross-street at, or nearly at, a right, 90 degree angle. In no case shall any intersection have an angle less than 75 degrees.
11. Off-street parking, loading or stacking areas shall be paved with an asphaltic concrete or Portland cement concrete so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, shall be maintained in good condition at all times, and shall be so arranged and marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles in accordance with the *Ohio Manual of Uniform Traffic Control Devices (OMUTCD)*.
12. When a parking area extends to a lot line, sidewalk, planter strip or building, a wheel stop device consisting of blocks, a permanent curb, expanded sidewalk or other suitable restraint shall be installed. The minimum height of a wheel stop device shall be five (5) inches and the minimum distance from a wheel stop device to a property line or protected area shall be two (2) feet six (6) inches.
13. The applicant shall submit Improvement Drawings prepared in accordance with

Chapter 1137 to the City Engineer for review and approval.

1125.04 MINIMUM NUMBER OF SPACES REQUIRED.

(a) Off Street Parking Schedule. Off street parking shall be provided according to the following schedule:

USE	MINIMUM NUMBER OF SPACES
Residential Uses	
Bed and Breakfast	1 per room plus 2 for resident family
Multi family dwelling	2 per unit
Single family and duplex dwelling	2 per unit
Commercial Uses	
Day Care Facility	1 per 4 students
Hotel , Inn	1 per room, plus 5 spaces for employees.
Kennel	1 per employee plus 2 spaces
Office, General	3 per 1,000 sq. ft.
Medical office, Clinic, Veterinarian Clinic	4 per 1,000 sq. ft.
Commercial Recreation	3 per 1,000 sq. ft.
Multi-tenant Building	3 per 1,000 sq. ft., regardless of proposed use
Funeral home	1 per 50 sq. ft. of viewing room or parlor plus one per business vehicle kept on site
Restaurant, bar or tavern	1 per 100 sq. ft.
Retail, Financial Institution, Person Service Establishments	3 per 1,000 sq. ft.
Automotive Service Station, Fuel Sales	3 per 1,000 sq. ft of indoor floor area
Industrial Uses	
Contractor shops	3 per 1,000 sq. ft. of display area plus 1 per 500 sq. ft. of shop
Manufacturing	2 per 1,000 sq. ft
Self-Storage Facilities	1 per 20 storage units
Warehousing	1 per 1,000 sq. ft.
Public, Quasi-Public and Institutional Uses	
Place of worship	1 per 5 seating capacity in main auditorium
Community Center, Cultural Institution	1 per 5 persons based on design capacity of building
School, compulsory, K-8	1 per classroom plus 10 spaces
School, compulsory, 9-12	1 per 5 persons based on design capacity of building(s)
Hospital	1 per 3 beds, plus 4 per 1,000 sq. ft. for associated laboratories and pharmacies
Club, theater or place of assembly	1 per 5 seating capacity of main assembly area
Noncommercial recreation, indoor	3 per 1,000 sq. ft.
College	1 per 5 persons based on design capacity of building(s)

1125.05 RULES FOR COMPUTATION.

(a) Parking spaces shall be based on gross floor area.

(b) Where the computation of the number of spaces required results in a fraction, the fraction of a space shall be construed to be a whole space.

(c) On-street parking spaces shall not be counted toward off-street parking space requirements.

(d) For the purpose of computing requirements based on employees, students, residents, or occupants, calculations shall be based on the typical, or average, number of persons working on a single shift, the typical, or average, enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of spaces.

(e) In hospitals, bassinets shall not be counted as beds.

(f) In the case of benches, pews and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining parking requirements.

(g) Handicap spaces shall be provided as required by the Ohio Basic Building Code requirement. Handicap spaces shall count toward the total number of required spaces and shall include all necessary markings, striping, and signage.

(h) Where a building or a development of multiple buildings is occupied by different uses, the parking areas shall include a number of spaces that equals the combined total of parking spaces required for each individual use.

1125.06 UNLISTED USES

(a) Parking space requirements not specifically listed in the Off-Street Parking Schedule shall be the same as a similar use as determined by the Administrator and based upon the use, size and intensity of the proposed use when compared to the similar use.

(b) If the Administrator determines that there is no listed use similar to the proposed use, the Administrator may refer to the estimates of parking demand based on recommendations of the American Planning Association (APA), the Urban Land Institute (ULI) and/or the Institute of Traffic Engineers (ITE).

1125.07 BICYCLE PARKING.

(a) Developments are encouraged to include on site bicycle spaces, bicycle racks, or other bicycle parking and locking accommodations.

(b) Any bicycle parking accommodations provided on a site shall be located in an area adjacent to the building and separate from vehicular or pedestrian circulation so as to prevent traffic conflicts and safety hazards between vehicles, people, and bicyclists.

1125.08 SHARED AND OFF-SITE PARKING.

(a) General Requirements.

All required parking spaces required by this Code shall be located on the same lot with the main building or use served, except as allowed by the following:

1. Where an increase in the number of spaces is required by a change of use or enlargement of use and such spaces cannot be accommodated on the lot
2. Where such spaces are provided collectively or used jointly by two or more buildings or establishments
3. Where such spaces are authorized by the Planning Commission as a conditional use, subject to the provisions of Sections 1115.14 and 1115.15, for the establishment and operation of off-street parking areas in such parts of any R-2 district which abuts, either directly or across a street from a commercial or industrial district.

(b) Agreements.

1. Parking agreements shall be approved by the Law Director, and shall provide for the rights of the respective parties to use the parking areas in a manner adequate to accommodate multiple users or to share parking spaces on specifics days or at specific times of the day as applicable.
2. Parking agreements shall include provisions and evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
3. Approved parking agreements shall be filed and recorded in a manner as to

encumber all properties involved in the shared parking agreement.

4. The applicant shall be required to provide proof that the parking agreement has been recorded with the Lake County Recorder's Office prior to the issuance of a Certificate of Compliance.
5. Any alteration or amendment to a parking agreement shall be approved by the City of Painesville.

(c) Shared Parking

1. Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
2. The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
   A. The shared parking spaces will be located no more than 300 feet from an institutional building served and no more than 500 feet from any other nonresidential building served and shall be measured along the shortest legal walking route.
   B. A sufficient number of spaces is provided to meet the highest demand of the participating uses.
   C. Evidence has been submitted to the Administrator, documenting the nature of uses and the hours when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

1125.09 VEHICLE STACKING SPACE REQUIREMENTS

(a) General Standards.

1. Any use having a drive-through service shall provide drive-in stacking area on-site to minimize off-site traffic congestion.
2. Each stacking space shall each be the size of a regular parking space.
3. The area required for any stacking space(s) is exclusive of any required parking space, loading space, driveway, aisle or required yard and is dependent on the total number of service doors or windows as shown in section (b) herein.
4. Sites with stacking shall include an exclusive by-pass lane with a minimum width of ten (10) feet or include an aisle, driveway or other circulation area in the parking lot designed to allow vehicles to by-pass the stacking line. A service door or window may project up to one (1) foot into the stacking area.
5. Stacking spaces shall be separated from other internal driveways by surface markings. Raised medians may be required where deemed necessary by the City Engineer for the purpose of traffic movement and safety.

(b) Stacking Space Requirements.

Use	**Minimum Stacking Spaces (per lane)**	**Measured From:**
Financial Institution or Automated Teller Machine (ATM)	3	Service Door or Window
Restaurant	6	Service Door or Window closest to the Drive-Through Order Box
Automotive Vehicle Wash	6	Outside of Washing Bay
Other	As determined by the Administrator	

1125.10 SETBACKS.

(a) Single Family Residential.

1. In single family residentially zoned districts, properties that are developed with a single family use may locate turn outs and additional parking within the front setback provided not more than forty percent (40%) of the setback shall be paved
2. No new driveway shall be located closer than three (3) feet to an interior side lot line or closer than twenty feet from the right of way line of the nearest intersecting street. Routine maintenance and repair of existing driveways shall be exempt from this

requirement, provided, however, that no portion of the driveway is enlarged to cover an area greater than the existing driveway.

3. Drainage of stormwater shall be maintained on site at all times.

(b) Commercial, Industrial, Multi-Family.

1. In any commercial district all parking shall be located a minimum of ten (10) feet from any street or alley right-of-way. No parking within 50 feet of residential district shall be located nearer to the right-of-way than the required residential district setback.
2. In any industrial district no parking area shall be located between the right-of-way and the required building setback as established by this Code.
3. Parking for all multi-family units shall be considered an accessory structure or use and shall be regulated by the requirements for accessory structures set forth in this Code; provided, however, that garages to serve multifamily unit developments may be attached.
4. Setbacks from Residential. No parking area for any commercial or industrial development shall be located closer than 10 feet to a property line abutting a residentially zoned property. The setback shall be screened in accordance with section1125.11. If a wall or fence is used it shall be located a minimum of three (3) feet from the residentially zoned property.

1125.11 LANDSCAPING, SCREENING AND BUFFERING.

(a) All required setbacks in commercial and industrial districts shall be landscaped in accordance with a plan approved by the Administrator. The 2010 *Downtown Painesville Transportation and Streetscape Plan* shall serve as a guide for development of such plans and shall encourage:

1. Creation of a well defined edge between parking lots and sidewalks that enhances the aesthetics of the street by incorporating decorative fencing, trees and base plantings.
2. Incorporation of seating areas, public art and other streetscape amenities to enhance and encourage pedestrian circulation.
3. Use of planters, trellises, or public art to minimize the appearance of blank walls that abut parking areas.

(b) Off street parking which abuts a residential district shall be screened at a minimum by, fencing, earth berm, landscaped strip or a combination thereof.

1. Any wall, solid fencing, earth berm shall be a minimum height of 4 feet and a maximum of 6 feet. The area between the wall or fence and the residential property shall be maintained in grass, evergreen shrubs or trees.
2. Landscaped buffers shall be opaque as a result of a combination of evergreen shrubs and trees. Evergreen trees shall not be less than 4 feet in height when planted and may be supplemented with compact evergreen plants to provide an opaque screen.
3. The Administrator may waive or modify the above requirements for screening and buffering plans in the B-3 and DD Districts which fulfill the recommendations of the 2010 *Downtown Painesville Transportation and Streetscape Plan.*

(c) Screening and buffering plans shall be submitted with the site plan for review and approval by the Administrator.

(d) All landscaping, screening and buffering shall be maintained in good condition. All walls or fencing shall be repaired as needed and plant material shall be maintained in good growing condition and whenever necessary replaced with new material to ensure continued compliance with this section.

1125.12 LIGHTING.

(a) Any lot intended to be used during non-daylight hours shall be illuminated.

(b) Any lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining property and the public right-of-way.

(c) In the B-3 and DD Districts, parking lot illumination shall be coordinated with appropriate building illumination to highlight architecture and enhance the streetscape as recommended in the 2010 *Downtown Painesville Transportation and Streetscape Plan.*

1125.13 OFF-STREET LOADING REQUIREMENTS.

(a) In any commercial or industrial district, buildings or part thereof with a gross floor area of 10,000 sq. ft. or more, shall provide and maintain on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 sq. ft. or major fraction thereof of gross floor area in excess of 20,000 sq.ft.

(b) Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

(c) Off –street loading spaces shall not be located in any required front yard but may occupy all or any part of any required side or rear yard.

(d) No such space shall be located closer than fifty (50) feet to any residentially zoned property, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six feet in height that matches or complements the color of the main building.

(e) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.

(f) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

(g) Loading areas shall have lighting capable of providing adequate illumination for security and safety.

(h) Loading spaces shall be striped, and appropriately identified.

1125.14 ACCESS FOR EMERGENCY VEHICLES AND APPARATUS.

To facilitate rapid and effective emergency service the following regulations shall apply:

(a) Fire lanes shall be installed for all uses as required by the Ohio Fire Code.

(b) In addition to the requirements of the Ohio Fire Code, a fire lane may also be required if the Fire Chief determines that the distance of a structure from the nearest hydrant, the configuration of structures on a site, or other special characteristics of the site otherwise inhibit rapid, effective emergency access.

(c) A fire lane shall provide clear, unobstructed access for vehicles and apparatus at all times.

(d) Signage shall be installed that prohibits the stopping, standing, or parking of motor vehicles.

(e) Fire lanes shall be a minimum clear width of 20 feet (curb to curb) and the design and construction of fire lanes shall comply with the Ohio Fire Code.

(f) An alley may contribute all or part of a required fire lane if it meets all other requirements of this section.

1125.15 ADDITIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS.

(a) Trailer and Recreational Vehicles.

1. One trailer or recreational vehicle may be parked in a residential district on a front driveway that is permanently hard-surfaced for a period of time not to exceed 48 consecutive hours within any seven-day period. The Planning Commission may authorize an exception for trailers used as on-site field offices or temporary businesses offices during construction projects.
2. Refuse, yard waste, scrap metal, unlicensed, dismantled and inoperable vehicles, scrap cars, or scrap wood may not be stored in or on recreational vehicles. Recreational vehicles may not be used for hauling for hire, electrical storage, chemical storage, roofing storage, construction storage, landscape business, or any other type of commercial/business type use.
3. Recreational vehicles and equipment shall conform to the following:
   A. Recreational vehicles or equipment parked or stored shall not have fixed connections for electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping;
   B. When not stored in a completely enclosed structure, no more than two (2) recreational vehicles shall be parked or stored on the premises. Recreational vehicles shall be parked behind the front of the building no closer than three (3) feet from the side and rear property lines. On corner lots, each side of a building

facing a street is considered a front. The use of tarpaulins and/or a location within an open-sided carport does not qualify as being within a structure.

C. All recreational vehicles and recreational trailers when required by law shall be kept in good repair and have current legal license tags and/or plates. Trailers and recreational vehicles without current license plates shall not be parked or stored in a residential district other than in a completely enclosed building.

4. In any district, the wheels or any similar devices of any trailer or recreational vehicle shall not be removed except for repairs, nor shall such trailer or recreational vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of such trailer or recreational vehicle.
5. No recreational vehicle shall be parked, stored or allowed to remain on a lot or parcel of land that is not improved with a main building.

(b) Parking Lots. In all residential districts parking lots for permitted or conditional uses shall conform to the requirements for accessory uses set forth in this Code.

(c) Unlicensed, Dismantled and Inoperable Vehicles. Unlicensed, dismantled, or inoperative vehicles shall not be parked or stored on residential property unless in a completely enclosed building.

(d) Oversized Vehicles. No person shall park or store a bus, semitrailer, pole trailer, tri-axle vehicle, tandem vehicle, backhoe, dump truck, tow truck or commercial tractor, within the residential districts of the City, either on public or private property, including public street or highway, except to make deliveries, pickups or for the loading or unloading of persons, unless such vehicle, is parked or stored in a completely enclosed structure.

(e) Portable Storage Containers

(1) Portable storage containers shall be located on an improved surface outside of any right-of-way and shall not obstruct or hinder vehicular or pedestrian traffic. Such units shall be a minimum of three feet from any property line and ten feet from any right-of-way.

(2) Not more than one unit per zoning lot is permitted. Stacking of portable storage containers on top of each other is prohibited.

(3) Portable storage containers shall be free from visible forms of deterioration such as rust or peeling paint.

(4) Portable storage containers are permitted as a temporary use for a period not to exceed ten consecutive days up to a maximum of 30 days in any one 12-month period. When necessary to facilitate cleanup and/or restoration activities resulting from a major catastrophe (e.g. fire, flood, water leak, sewage back-up, or other event where there is significant property damage) the Administrator may extend the time period to a maximum of 90 days within anyone 12-month period.

(5) Portable storage containers may be used in conjunction with construction or alteration when a building permit has been issued provided the following conditions are met:

(A) Such container may be located on-site for duration of construction but not to exceed three months for new construction, remodeling, renovation, or expansion work. The Administrator may extend this time for a reasonable period.

(B) For construction of a new dwelling unit, the container may be located in an unpaved driveway provided all other placement requirements are met.

(C) Such container shall be removed from premises after construction is complete prior to issuance of a certificate of occupancy.

1125.16 DEFERRED CONSTRUCTION OF REQUIRED SPACES (LANDBANKING).

In the M-1 Light Industrial and M-2 Heavy Manufacturing districts, a proposed parking plan may denote the location and layout of a portion of the required parking area for deferred construction or land banking. A site plan may be approved with a lesser number of parking spaces, provided that:

(a) The Administrator makes a finding that a reduced number of parking spaces is sufficient to meet current needs.

(b) The total number of spaces initially provided shall not be less than 60% of the spaces required under Section 1125.04.

(c) 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 1125.04, and such spaces shall be indicated on the site plan, also indicating drainage and landscaping in full compliance with this section.

(d) The Administrator, upon evaluation of the project's parking needs, may direct at any time that some or all of the deferred (landbanked) parking spaces shall be constructed.

(e) The applicant, having been notified by the Administrator, in writing, of the need to construct either a portion of, or all of, the deferred (landbanked) parking spaces, shall submit, within 30 days of the date of the Administrator's letter, a site plan and construction plans for approval by the Administrator and the City Engineer. The portion of the parking spaces to be constructed shall be agreed to in writing by the applicant and Administrator.

(f) The deferred (landbanked) parking spaces shall be constructed according to the approved site plan only after approval of the construction plans by the City Engineer.

(g) Any person, firm, entity or corporation, including but not limited to, the owner of the property, his or her agents and assigns, occupant, property manager, and any contractor or subcontractor who violates or fails to comply with any provisions of this section or fails to construct the deferred (landbanked) parking spaces within the time period specified by the Administrator, is guilty of a misdemeanor of the fourth degree and shall be fined no more than two hundred fifty dollars ($250.00) or imprisoned for no more than 30 days, or both, for each offense. A separate offense shall be deemed committed for each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 1127
Signs

1127.01 PURPOSE.

The purpose of this Chapter is to provide standards for the type, design, size, illumination, movement, materials, condition and location of signs in order to achieve, among others, the following:

(a) To protect and maintain property values;
(b) To provide for reasonable and appropriate means of communication;
(c) To maintain and enhance the aesthetic environment of the City;
(d) To eliminate any conflict that would be hazardous between traffic control signs and devices and signs not related to the function of traffic control;
(e) To ensure a safe and orderly pedestrian and vehicular environment;
(f) To reduce visual clutter and prevent blight characterized by oversized, overcrowded, abandoned, obsolete, and/or dilapidated signs;
(g) To minimize the risk of damage and injuries from signs that are structurally unsafe;
(h) To promote economic development; and,
(i) To achieve an appropriate balance between signs as a means of communication and reducing the harms caused by such signs.

1127.02 DEFINITIONS.

As used in this chapter, unless the context otherwise indicates:

(a) "Awning" means a projection from a building wall intended primarily for shelter or ornamentation and which can be retracted, folded or collapsed against the face of the supporting building.
(b) "Billboard" means a permanent sign on which the sign copy is not directly associated with a permitted main use of the land on which such sign is located or any permanent sign situated on a lot where no permitted main use exists.
(c) "Building unit" means a space occupying a portion of the ground floor of a building, containing an exclusive entrance from the building exterior and separated from all other ground floor spaces by a party wall or walls. For the purposes of this Chapter regulations referring to a building shall apply to a building unit if such building is divided into units.
(d) "Canopy" means any structure, other than an awning, intended primarily for shelter or ornamentation with a metal frame attached to a building and carried by a frame supported by the ground, foundation or the building to which it is attached.
(e) "Changeable copy" means that portion of a permanent sign on which copy is not permanently affixed to the sign allowing the copy to be periodically changed manually,
(f) "Copy" means the letters, words, symbols or artwork displayed on a sign.
(g) "Electronic message center (EMC)" means a freestanding sign containing a computerized, programmable electronic visual communications device capable of storing and displaying multiple messages in multiple formats and at varying intervals that are electronically changed by remote or automatic means.
(h) "Erect" means to build, construct, attach, hang, place, suspend or affix and also includes the painting of wall signs.
(i) "Facing and surface" means a surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
(j) "Foot-candle," means a unit of measure of the intensity of light falling on a surface equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
(k) "Freestanding sign" means any sign supported by one or more uprights, posts, columns, or vertical structures or supports affixed in the ground and not attached to any part of a building.
(l) "Illuminated sign" means any sign illuminated by any source as an integral component of the sign, or by external light directed primarily toward the sign.
(m) "Incidental Sign" means any wall sign one (1) square foot or less in area or a freestanding sign three (3) square feet or less in area and four (4) feet or less in height
(n) "Multi-tenant building" means a nonresidential building served by a common entrance that contains multiple uses.

(o) Nonconforming sign means any sign lawfully erected and maintained prior to the initial passage of this chapter which does not conform to one or more of the requirements of this chapter. Temporary signs shall not be considered legal, nonconforming signs.

(p) "Permanent sign" means a sign that is accessory to a permitted main use and permanently affixed or attached to the ground, a building or a structure and which cannot be removed without special handling such as removing or dismantling a foundation, fasteners, adhesives, or similar materials providing support or structural integrity for the sign.

(q) "Portable sign" means any sign made of durable materials and not a temporary sign, which is capable of moving or being moved.

(r) "Projecting sign" means any sign which is attached to a building or other structure and projecting out from a building face or wall, generally at right angles from the building.

(s) "Roof sign" means any sign erected, constructed and maintained wholly upon or over the roof or parapet wall of any building with the principal supports on the roof structure.

(t) "Sign" means any visual communication including but not limited to any writing, pictorial representation, mural illustration, emblem, symbol, design, drawing, banner, flag, placard, pennant, poster or other similar device is used for purpose of advertisement, announcement, declaration, demonstration, identification or expression or which directs attention to a product, place, activity, person, institution or business.

(u) "Sign structure" means any sign face, walls, foundations, poles, brackets and other materials supporting the sign face and any materials or equipment associated with the illumination of the sign.

(v) "Temporary sign" means any sign constructed of wood, metal, cloth, paper, plastic or fabric of any kind that is not intended to be permanently installed in the ground nor permanently affixed to a building or structure and is intended for use for a limited period of time.

(w) "Wall sign" means any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Wall signs shall also include signs on awning or canopy.

(x) "Window sign" means any sign that is attached or affixed to, painted on, or located within two (2) feet inside of a window or door of a building and exposed to public view.

1127.03 APPLICABILITY.

(a) Signs shall be designed, erected, altered, reconstructed, moved or maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other provisions set forth in this Chapter.

(b) Unless otherwise provided, this Chapter shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located regardless of legibility.

(c) The construction, erection, safety and maintenance of all signs shall also comply with the provisions of the Building Code of the City of Painesville.

(d) The following displays shall not be governed by the provisions of these regulations:
   (1) Flags, emblems, notices and insignia of any governmental agency.
   (2) Signs conforming to the Ohio Manual of Uniform Traffic Control Devices and other government signs for traffic control, public safety and other regulatory purposes.

1127.04 PERMIT REQUIRED.

(a) A sign permit shall be required prior to the erection display, relocation, or alteration of any sign except as otherwise provided in this Chapter. However, minor repairs or maintenance not involving structural changes may be undertaken without first obtaining a permit.

(b) Application for sign permits shall be made upon forms provided by the Administrator and shall contain the following information:
   (1) The name, mailing address, e-mail address and telephone number of the applicant;
   (2) The location of the building, structure or lot to which or upon which the sign is to be attached or erected;
   (3) Two scale drawings, blueprints or ink, as well as a digital version in a format acceptable to the City, of the plans and specifications of each sign indicating all

dimensions, materials, colors, type of lettering illumination, method of construction and means of attachment to the building or ground;

(4) The name of the person erecting the sign;

(5) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected;

(6) Photograph of the area of the building upon which a wall sign is to be placed;

(7) Such other information as the Administrator shall require to show full compliance with this and all other ordinances of the City.

(8) Payment of a fee as required by Section 1105.05 of this Code.

(c) When required, approval of the Design Review Board shall be obtained before issuance of a sign permit.

(d) Upon receipt of a completed application, the Administrator shall examine all required plans and specifications as well as the premises upon which the sign is to be placed. If the proposed sign is in compliance with all the requirements of this chapter and all other ordinances of the Municipality, the sign permit shall be issued. If the work authorized under the sign permit has not been completed within one year after date of issuance, the permit shall become null and void.

(e) The Administrator may revoke any sign permit for noncompliance with any provisions of this chapter or misrepresentation of fact on the permit application.

(f) Issuance of a sign permit does not constitute a building permit. When required by the Building Code, a building permit shall be obtained prior to the erection, display, relocation, or alteration of any sign.

1127.05 PERMIT NOT REQUIRED.

No permit is required for the following signs; such signs, however, are still subject to the regulations provided for in this Chapter:

(a) Temporary signs as regulated in Sections 1127.10(f) and 1127.11(g).

(b) Incidental wall signs provided that such sign is not illuminated.

(c) Incidental freestanding signs limited to two per lot and may be illuminated.

(d) Cornerstones, building plaques or other similar architectural elements permanently incorporated into a building and not exceeding two (2) square feet in total area.

(e) Sign copy which is an integral part of the original construction of vending machines, fuel pumps, automatic teller machines or similar devices.

1127.06 PROHIBITED SIGNS AND SIGN CHARACTERISTICS.

In general, any sign that is not expressly authorized by this Chapter is prohibited. Additionally, the following signs are prohibited:

(a) Portable or moveable signs or devices except as a temporary sign.

(b) Billboards.

(c) Signs that revolve, rotate, whirl, spin, flash or otherwise make use of motion to attract attention including but not limited to

(1) Pennants and streamers.

(2) Gas-filled, air activated, or tethered balloons, sky tubes, or sky dancers.

(3) Signs mounted along one edge on a single vertical flexible pole, the physical structure of which may resemble a sail, bow, or teardrop.

(4) Search lights and bare strings of light bulbs.

(d) Roof signs or signs extending above the parapet line.

(e) Any sign that, by reason of its location, illumination, movement, shape or color, may interfere with, obstruct the view of, or be confused with, any authorized traffic control device.

(f) Any sign attached to natural vegetation.

(g) Any sign that shows evidence of inadequate maintenance or deterioration including peeling paint, rust, dirt, fading, damage or discoloration.

(h) No sign shall be erected within the area of any sight triangle unless it is three (3) feet in height or less and does not otherwise obstruct free and clear vision within the sight triangle.

(i) Any permanent sign placed upon or projecting over any public land, street, sidewalk or other public right-of-way, except as expressly permitted in Section 1127.12.

(j) No sign shall be erected, maintained or permitted to remain so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, lighting system or traffic control lights of the City.

1127.07 MEASUREMENT STANDARDS.

(a) The area of any sign shall be measured to include the area of the smallest rectangle enclosing all elements of the sign, including letters, characters, designs, graphics and the space between separate elements that are organized to form a single sign.

(b) For free standing signs with two sides in a back-to-back arrangement, parallel, or within 30 degrees of being parallel, only one side of the sign shall be included in the measurement of the area.

(c) In determining the location of a sign in relation to right of way or lot lines, distances shall be measured from the right of way or lot line to the closest point on the sign structure.

(d) A sign structures shall not be computed as sign area unless it contains sign copy.

(e) The height of a free-standing sign shall be measured as the vertical distance from the uppermost point of the sign to the finished grade immediately below the base of the sign, including all base and/or other mounting material.

(f) For the purposes of this Chapter, the length of the building wall that faces a public street other than a limited access highway or that contains the primary public entrance shall be considered the building frontage and shall be measured along such building wall between the exterior faces of the exterior side walls. In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(g) A building is considered to have two frontages whenever the lot fronts on two or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional wall considered its secondary frontage.

(h) Where there are multiple tenants in a building, allowable sign area for such building shall be computed as if there were a single tenant.

1127.08 GENERAL PROVISIONS.

(a) Maintenance. All signs, shall be maintained in a good state of repair. All signs whose exterior is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced, or removed.
Removal. Whenever any structure or part thereof becomes vacant, the owner or agent shall cause all associated signs and sign structures, which are visible from the exterior, to be removed within thirty days and to restore the exterior appearance of the building to match the existing facade. For freestanding signs, all elements of the sign structure shall be removed and the sign location shall be restored in a manner that is compatible with the premises as determined by the Administrator.

(b) Substitution of noncommercial copy. Any sign that can be displayed under the provisions of this chapter may contain noncommercial copy; provided however that such sign shall be subject to the same permit requirements, restrictions on size and type, and other conditions and specifications that apply to the sign for which they are being substituted.

(c) Illumination. Where illuminated signs are permitted:

1. All illuminated signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent streets and surrounding property.
2. In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.
3. Signs visible from adjoining residential uses shall not be illuminated except with indirect white light.
4. Temporary signs shall not be illuminated.

(d) Sign Supports. Each sign erected, hung or suspended or permitted under the terms of this Chapter shall be securely fastened to a building or other structure upon the premises owned or occupied by the applicant. Such sign shall be supported vertically and horizontally so as to prevent the same from falling from its own weight and all superimposed loads. No sign herein referred to shall be suspended from or supported by a cornice or coping. Signs supported by or extending from any building shall be anchored to the supporting wall or structural members of such building. In no case shall the sign be supported by or suspended from the facing wall only of the structure.

(e) Inspection Required. Each sign or marquee erected shall be examined by the Building Official to determine whether the sign or marquee is constructed, erected, hung or suspended in accordance with the application and permit and the provisions thereof.

(f) Historic/Design Review districts may have stricter regulations associated with approval based on the design standards for the district.

1127.09 NONCONFORMING SIGNS.

Any legal nonconforming sign may be continued in use if maintained in accordance with this Section.

(a) A legal nonconforming sign shall lose its legal nonconforming status upon any of the following occurrences:
1. The nonconforming sign is structurally altered, enlarged, relocated, or replaced.
2. The nonconforming sign is determined by the Administrator to be in a dangerous or defective condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.
3. The nonconforming sign face and/or sign structure is destroyed or damaged in excess of sixty percent (60%) of the combined replacement value of the sign and sign structure

(b) Nothing in this section shall prevent the ordinary repair, maintenance, and non-structural alteration of nonconforming signs. Changing a sign face shall not be considered an alteration if there is no increase in height or sign area.

(c) All non-conforming signs shall be removed or brought into compliance with the regulations of this Chapter before any existing conforming signs may be modified, or any new permanent, sign may be added to any lot, building or use.

1127.10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.(S-1, R-1, R1-60, R-2 and B-1)

In all residential districts, signs shall conform to the following:

(a) Dwelling units.
(1) Dwelling units that are permitted in an Overlay District shall be deemed to be in a residential district regardless of the underlying zoning district.
(2) One permanent sign shall be permitted for each dwelling unit.
A. Each single family or duplex dwelling unit may display either a permanent freestanding or wall sign not more than four square feet in area.
B. Each multi-family dwelling unit may display a permanent wall sign not more than four square feet in area.
(3) Two incidental signs may be posted at each dwelling unit.

(b) Residential Developments. Each residential development shall be permitted one freestanding sign, eight square feet or less in area, located near the entrance to the development.

(c) Building Signs. In multi-family developments, each building shall be permitted one wall, awning, canopy or freestanding sign eight square feet or less in area.

(d) Nonresidential Main Uses. One wall or freestanding sign (16) square feet in area or less may be permitted on the premises of a permitted nonresidential main use located in a residential district. Up to 40% of each sign face may include manual changeable copy.

(e) One temporary freestanding sign may be posted on property during active construction authorized by a building permit. Such signs shall not exceed 12 square feet in area.

(f) Freestanding Signs. Freestanding signs shall be four feet or less in height and shall be set back five feet from any street right of way and ten feet from an interior lot line.

The base of all freestanding signs shall be effectively landscaped with living plant material and maintained in good condition at all times. Exposed foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.

(g) Illumination. Permanent signs that are not incidental signs may be illuminated through an external light source.

(h) Temporary Signs Allowed Without a Permit.

(1) One temporary sign may be posted on property that is actively marketed for sale or lease. Such signs shall not exceed six square feet in area.

(2) Temporary noncommercial signage may be posted on any parcel provided that not more than four (4) such signs 24 square feet or less in total area may be posted at any one time; provided however, that no such temporary signs shall be permitted on lots that display a changeable copy sign.

(3) Temporary signs shall be four feet or less in height and shall be set back ten feet from any street right of way and ten feet from an interior lot line.

1127.11 SIGNS PERMITTED IN NON- RESIDENTIAL DISTRICTS. (B-1, B-2, B-3, DD, M-1, M-2)

(a) Wall Signs.

(1) One permanent wall sign is permitted on the premises not to exceed two square feet of sign area for each lineal foot of primary building frontage and shall not exceed 200 square feet in total area.

(2) For buildings with a secondary building frontage a portion of the permitted sign area for a permanent wall sign may be reallocated to a second sign displayed on the secondary building frontage.

(3) A wall sign shall project no more than nine (9) inches from the surface or wall to which it is attached.

(4) Where permitted, a portion of the allowable sign area for a permanent wall sign may be reallocated to a projecting, awning, canopy, or window sign in compliance with this Chapter.

(b) Freestanding Signs.

(1) In addition to a wall sign, one freestanding sign not exceeding fifty square feet per face and limited to 100 square feet per sign shall be allowed for any one lot with a main building. Up to 40% of each sign face may include manual changeable copy.

(2) Such sign shall not exceed eight feet in height above finished grade.

(3) Buildings located on lots with two or more street frontages shall be permitted to erect two freestanding signs subject to size and location requirements as set forth herein. Such signs shall not be located on the same frontage.

(4) One temporary freestanding sign may be posted on property during active construction authorized by a building permit. Such signs shall not exceed 16 square feet in area.

(5) In lieu of a temporary wall sign, one temporary freestanding sign may be posted on any parcel for thirty (30) days within any ninety (90) day period provided such sign shall not exceed 12 square feet or less in total area provided however, that no such temporary sign shall be permitted on lots that display a changeable copy sign or EMC.

(6) Freestanding signs shall be set back a minimum of five (5) feet from any street right of way or interior lot line; provided, however, that such signs shall be set back a minimum of ten (10) feet from any residential lot line.

(7) The base of all freestanding signs, shall be effectively landscaped with living plant material and maintained in good condition at all times. Exposed foundations shall be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.

(8) The applicant shall determine the allocation of allowed sign area among multiple tenants.

(c) Electronic Message Center (EMC) Signs.

(1) In the B-2 Zoning District, one electronic message center sign may be incorporated into a permitted freestanding sign provided it does not exceed 40% of the allowable sign area for each face.

(2) Any EMC sign shall meet all of the requirements of this sign code.
(3) Temporary Signs or any sign with changeable copy are prohibited on lots that display an EMC sign.
(4) The separation between EMC signs shall be a minimum of 70 feet.
(5) EMC signs shall be located a minimum of 30 feet from any intersection of public streets and located on the property so as to not restrict line of sight visibility for pedestrian traffic and any vehicular traffic for ingress from or egress to a public street.
(6) EMC signs shall hold their message a minimum of 15 seconds per screen.
(7) Each message shall be limited to two lines of text per screen and two screens of text total. Letter and/or character copy shall not exceed a maximum of 18 inches in height.
(8) No flashing light(s) or "spell-on" scrolling, streaming, or crawling display modes shall be allowed on any EMC sign.
(9) Operation of an EMC sign shall be consistent with the hours of operation of the business on which the EMC sign is to be located, except that no EMC sign shall be operational between the hours of 11:00 p.m. and 6:00 a.m.
(10) All EMC signs shall be anti-glare and all EMC signs shall be equipped with an automatic dimmer device.
(11) As measured from the affected property lines on which the EMC sign is located, the maximum light emanation from an EMC sign shall not be greater than .2 foot-candles.
(12) No EMC sign shall utilize colored or neon lights that can be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.
(13) An EMC sign shall not face any residentially zoned property (S-1, R-1, R1-60, R-2), nor shall any EMC sign face any historic district.
(14) All electric equipment used to operate or install an EMC sign shall be UL listed.
(15) All electrical power to any EMC sign shall be supplied via underground carrier inside approved conduit, and shall be installed to the City's electrical requirements,
(16) Any malfunctioning EMC sign shall be turned off, or display a blank screen, until repaired.
(17) All EMC signs shall be kept in good operating condition and maintained with good external appearance.
(18) If any nonconforming, existing EMC sign is damaged so that repair costs amount to 50% or more of the replacement cost of the EMC sign, the EMC sign may be repaired only if it is brought into conformance with this section.

(d) Projecting Signs.
(1) A portion of the allowable sign area for a wall sign may be reallocated to one projecting sign per main building.
(2) Projecting signs shall not exceed 12 square feet per face and are limited to 24 square feet per sign. The maximum dimension shall be four feet.
(3) The lowest point of a projecting sign shall be at least eight feet above a sidewalk or other walkway and at least 15 feet above a driveway.
(4) In no case shall a projecting sign extend closer than two feet to the curb line of any street.

(e) Awning and Canopy Signs.
(1) A portion of the allowable sign area for a wall sign may be reallocated to the surface of an awning or canopy.
(2) The total area of sign copy shall not exceed 25% of the total area of the awning or canopy that is parallel, or within 30 degrees of being parallel of the wall of the main building.

(f) Window Signs.
(1) A portion of the allowable sign area for a wall sign may be reallocated to display no more than two permanent window signs.
(2) The glass area of a door shall be treated as a window for the purposes of this section,
(3) The total area of all permanent window signs shall not exceed 25% of the total area of windows or doors of the ground floor of the primary building frontage.

(g) Temporary Signs Allowed Without a Permit.

(1) One temporary sign may be posted on property that is actively marketed for sale or lease. Such signs shall not exceed 12 square feet in area.

(2) Temporary window signs may be displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the total display or show window area.

(3) Temporary signs shall be six feet or less in height and shall be set back a minimum of five (5) feet from any street right of way or interior lot line; provided, however, that such signs shall be set back a minimum of ten (10) feet from any residential lot line.

1127.12 COMPREHENSIVE SIGN PLANS.

(a) Applicability.

(1) The Planning Commission may approve a Comprehensive Sign Plan as a conditional use to establish sign regulations separate from the provisions of this Chapter for a designated area of the City. Such designated areas shall be contiguous and possess certain unique characteristics, as determined by the Planning Commission, to warrant sign regulations which differ from one or more of the provisions of this Chapter.

(2) Comprehensive Sign Plans may be used for multiple signs for either a single building or a group of related buildings to ensure that all the signage is displayed in a coordinated fashion.

(3) A Comprehensive Sign Plan shall be observed by the persons affected in lieu of compliance with the affected provisions of this chapter. However, those provisions of this chapter which are not affected by such Comprehensive Sign Plan shall continue to apply in the designated area.

(4) Nothing in this section or elsewhere in this chapter shall prevent a Comprehensive Sign Plan from establishing regulations which are more stringent than those set forth in this chapter.

(b) Purpose.

(1) The purpose of a Comprehensive Sign Plan is to allow development projects in a designated area to integrate the design of signs with the design of the structures to form a unified architectural statement.

(2) A Comprehensive Sign Plan is not intended to simply permit larger or more visible signs or additional signs than may be permitted, without any consideration for unique design and display that will achieve, not circumvent the intent of this Chapter.

(c) Application Requirements.

(1) An application for a Comprehensive Sign Plan shall include all information and materials required for Conditional Use Permits set forth in Section 1111.09, as well as the payment of applicable fees as specified in Section 1105.05. The following additional information shall also be submitted

(2) The applicant shall submit a statement indicating the manner in which the property owner will enforce compliance with the approved Comprehensive Sign Plan by both the owner and the tenants on the site.

(3) The applicant shall acknowledge that a copy of the Comprehensive Sign Plan approval will be provided by the property owner or manager to each existing tenant and any new tenants.

(4) The applicant shall acknowledge that the property owner / property manager is responsible for allocating sign area among tenants in a multi-tenant building or development.

(d) Standards.

(1) The Planning Commission may allow signage which otherwise exceeds the number, type, size and placement as otherwise permitted in this Chapter when it determines that such additional signage is warranted due to the size, nature, number of tenants or other features of the site as they may exist.

(2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign plan, to the structures and/or developments they identify, and to surrounding development;

(e) Modifications.

(1) The Administrator may approve the substitution of sign panels provided the panels are the same size as those being replaced and meet the all other requirements of the Comprehensive Sign Plan.

(2) If additional signage is proposed or if any aspect of the original Comprehensive Sign Plan is modified with the exception of sign panels, approval from the Planning Commission is required to modify the Conditional Use Permit.

CHAPTER 1129
Historic Downtown Design Review District

1129.01 PURPOSE.

The purposes of this chapter is to promote the general community health, safety, welfare, convenience and,

(a) To enhance property values, to protect the property rights of all residents, to stabilize the designated areas, to increase the economic and financial benefits to the City and its inhabitants.

(b) To stimulate and protect economic activity in the commercial center by ensuring the continued economic competitiveness and attractiveness of the City's commercial core.

(c) To protect, preserve, enhance and take best advantage of the historic character afforded the commercial core with its significant number of historic structures and features

(d) To encourage the development of vacant and incompatibly developed properties in accordance with the character of the area.

1129.02 ESTABLISHMENT OF DISTRICT.

In order to carry out the provisions of this code and achieve the purposes set forth in this Chapter, the Historic Downtown Design Review District is hereby established and shall be shown on the Zoning Map and designated in Section 1113.06 (e)(2).

1129.03 DESIGN CRITERIA FOR SITE DEVELOPMENT.

All projects in the Historic Downtown Design Review District shall address the following design elements:

(a) Streetscape.

(1) Coordinate streetscape elements of individual developments with adjacent developments. While they need not match, they should coordinate and not clash.

(2) Create appealing and comfortable outdoor spaces and orient buildings to form such areas using the open space as a focal point.

(3) Use trees, walls, topography, and other site features to further define the area and provide human scale.

(4) Provide shade with trees or overhangs from the buildings.

(5) Provide amenities as needed such as:

A. Street furniture, such as benches and picnic tables, lighting, and fountains;

B. Bike racks;

C. Outdoor cafes and seating areas;

D. Electrical service and lighting for public events.

(b) Parking.

(1) Reduce the scale of parking lots by breaking parking lots into modules or multiple smaller lots using techniques such as the natural topography, logically placed landscaped pedestrian paths to destinations, and by linear aisles of plantings. Avoid large expanses of asphalt.

(2) Reduce the amount of parking lots through such methods as providing on-street parking, using off-site parking such as municipal lots, and sharing parking among complementary uses.

(3) Include parking structures in high-density areas to reduce parking impacts.

(4) Site a portion of parking out of public view at the rear and sides of buildings.

(5) Provide clear pedestrian paths and crossings from parking spaces to main entrances and the street.

(c) Landscaping.

(1) Include trees, shrubs, and other landscaping to provide beauty as well as shade and screens for parking, pedestrian gathering places, and for screening utilities, and other service areas.

(2) In pedestrian zones, use street trees to provide shade and enclosure.

(3) When feasible, incorporate mature specimen trees into streetscape.

(4) Landscaping shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of the approved site plan.

(d) Utilities and service areas.

(1) Locate utilities underground or in a manner so that they have the least negative

visual impact from the street and adjoining development.

(2) When multiple sides of a building have entrances or are highly visible, electrical transformers and utilities shall be screened.

(3) All service areas shall be screened from view from a public street or public parking area.

(4) A building mass, portion of a building mass, garden wall, landscaping, or an ornamental fence with landscaping are among the methods that can be used to screen a service area.

(5) Screening does not need to occur at the point of access to a service area.

(e) Exterior lighting.

(1) Provide appropriate exterior lighting for the particular use and area.

(2) In high pedestrian use areas, provide lower, pedestrian level lighting.

(3) Coordinate the lighting plan with the landscaping plan to ensure pedestrian areas are well lit and that any conflict between trees and lighting is avoided.

(4) Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building.

(5) Facades shall be lit from the exterior, and, as a general rule, lights should be concealed through shielding or recesses behind architectural features.

(6) The use of low-pressure sodium, fluorescent, or mercury vapor lighting either attached to buildings or to light the exterior of buildings is highly discouraged.

(7) Mounting brackets and associated hardware should be inconspicuous.

(f) Signs.

(1) Coordinate the colors and styles of signs within each development area.

(2) Keep signs to the minimum number and size necessary for each development area.

(3) Landscape the base of freestanding signs with living plant material.

(4) Use materials and a color palette for signs to complement the materials and color palette of the main building.

(5) Place signs for both automobile traffic and pedestrians in areas that will not obstruct visibility.

1129.04 DESIGN CRITERIA FOR NEW CONSTRUCTION.

These criteria are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve taxable values and promote the public health, safety and welfare.

(a) Style. Architectural style is not restricted; however, generic corporate franchise architecture shall be avoided. While distinct identifying details may be included in the design, the final design should be unique to the City and in context with its surroundings. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

(b) Scale. Buildings shall be in scale with components of historic downtown buildings including the relationship of facade height to width, the relationship of window height to width, compatible roof forms and shapes and the rhythm of walls, doors and windows.

(c) Building setback and arrangement. Building setbacks and arrangement should help define the street, frame corners, encourage pedestrian activity and define both public and private spaces as follows:

(1) Uniform setbacks along the build-to-line for each block shall be established. Like uses should face like uses.

(2) Minimize setbacks at major intersections so that the architecture can define the area.

(3) Use compact building arrangements to reduce the impact of parking and encourage pedestrian activity.

(4) Contiguous building arrangement along the street-face is encouraged to avoid large breaks between buildings. Breaks to allow pedestrian connections are acceptable. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets shall be provided, in order to add architectural interest and variety, and to relieve the effect of a single, long roof.

(5) Around common open space, use buildings to define edges and provide a comfortable scale.

(6) Choose building arrangements that offer an attractive termination of vistas. Focal points, or points of visual termination, shall generally be occupied by more prominent, monumental buildings and structures that employ enhanced height, massing, distinctive architectural treatments, or other distinguishing features.

(7) Monotony of design shall be avoided. Variation of detail, form and siting shall be used to provide visual interest.

(d) Materials.

(1) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

(2) Materials shall signify high quality, stability and permanence.

(3) Large expanses of any one material are not appropriate. Techniques of highlighting foundations, lintels, sills and cornices with contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries should be incorporated.

(4) Building materials shall be restricted to brick, stone, or other decorative masonry units, exclusive of glass or windows. Stucco, exterior insulation and finish systems (EIFS), wood or vinyl for siding, or advanced decorative material type (i.e. hard i-board siding) may be permitted but shall not comprise more than thirty percent of any single facade.

(e) Windows and doors.

(1) Windows shall be vertically proportioned wherever possible. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.

(2) Blank, windowless walls are discouraged. Where the construction of a blank wall is necessitated by local building codes, the walls should be articulated by the provision of blank window openings trimmed with frames, sills, and lintels.

(3) Display windows shall be included to enhance the visual interest of the street. Where display windows occur, they shall be lit from within the building's interior.

(4) Unusual window and door shapes, sizes and configurations should be avoided. Accent windows of a different shape than a building's other windows are acceptable when used sparingly.

(5) Shutters should be sized to fit window openings. The height of the shutter should match the height of the window opening. Each shutter should match half the width of the window opening.

(6) The primary glass used on windows and doors shall be clear glass. Frosted, tinted, mirrored or other similarly treated glass may be used sparingly for decorative purposes. Glass block shall not be used to fill window or door openings.

(f) Exterior detail and relationships.

(1) Front facades shall be organized into two zones: A street level storefront and an upper facade. Separate the store front from the upper facade with sign board or fascia to create a uniform horizontal element in the block face.

(2) Generally, the primary entrance will be at the most prominent elevation of a building. A building may have more than one entrance. Design the needed entrances with a hierarchy to properly address the view of the building from various orientations. Rear facades that are accessible to the public shall be inviting and incorporate appropriate entry features to identify them as secondary public entrances.

(3) Building elements such as canopies, porches, bays or projections should be used to break up the appearance of a long wall.

(4) Fixed or retractable awnings are permitted at ground level, and on upper levels where appropriate, if they complement a building's architectural style, and do not conceal architectural features, or decorative details; canvas or other water-proofed materials may be used. In buildings with multiple storefronts, compatible awnings may be used as a means of unifying the structure.

(g) Roof elements.

(1) Flat roofs should be avoided on one story buildings and are recommended on buildings with a minimum of two stories, provided that all visibly exposed walls have an articulated cornice that project horizontally from the vertical building wall plane.

(2) Other roof types should be appropriate to the architecture of the building.
(3) Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.
(4) The content, texture and color of roofing materials shall be compatible with the building.

(h) Colors.
(1) A coordinated palette of colors shall be used for each building. This palette shall be compatible with existing historic buildings in the vicinity.
(2) Set the color theme by first choosing the color for the material with the most surface area to set the tone for the rest of the colors.
(3) Limit the number of color choices. Generally, there is a wall color, trim color, accent color, and roof color.
(4) Use natural tints of materials such as reds, browns, tans, grays, and greens as primary colors. Use accent colors for building trim, awnings and signs.
(5) Use color variation to break up the mass of a building and provide visual interest.

1129.05 DESIGN CRITERIA FOR EXISTING BUILDINGS.

Existing buildings shall be evaluated with respect to the following items:

(a) Compatible reuse. Every reasonable effort shall be made to provide either a compatible use for a property consistent with the City Comprehensive Plan, which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

(b) Preservation of features. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) Respect for period features. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Respect for changes over time. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Sensitivity for distinctive features. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(f) Repair of deteriorated architectural features. Deteriorated architectural features shall be repaired rather than replaced wherever possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replaced features should match design, color, texture and visual qualities, however, alternate materials may be used. Glass block shall not be used to fill window or door openings.

(g) Proper cleaning methods. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Protection of archeological resources. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.

(i) Compatible contemporary additions. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(j) New additions. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1129.06 DESIGN CRITERIA FOR THE CIVIC CENTER SUB AREA.

(a) The Historic Downtown Design Review District Civic Center sub area is hereby established

and shall be shown on the Zoning Map.

(b) Buildings within the Historic Downtown Design Review District Civic Center sub area shall respect the historic nature of downtown and promote the architectural heritage of the City. In addition to the requirements of this Chapter, new construction and alternations to buildings shall be made in accordance with the following:

A. Large-scale and/or high-rise buildings shall be shall be sensitive to the existing context of smaller-scale buildings.

1. Buildings shall be broken into increments that relate to the human scale by using such devices as fenestration, architectural detailing, variable setbacks and rooflines to define a sequence of bays and provide transitions in height and scale.
2. Blank wall areas at the sidewalk edge shall not extend for more than 25 horizontal feet without articulation such as a window, glass-covered display area, entryway or recessed area.
3. The use of reflective or tinted glass at ground level should be avoided

B. Large buildings that disrupt the street grid and weaken the basic urban block structure are discouraged.

1. Buildings shall be visually linked to the street grid through public spaces and walkways and through mid block connections to ensure adequate pedestrian linkages.
2. Pedestrian linkages shall be fully demarcated with special pavement treatment at every intersection and lighted for safety.

1129.07 DESIGN CRITERIA FOR THE TRANSIT CENTER SUB AREA.

(a) The Historic Downtown Design Review District Transit Center sub area is hereby established and shall be shown on the Zoning Map.

(b) Buildings within the Historic Downtown Design Review District Transit Center sub area shall support increased use of transit, carpool, bicycle and pedestrian access to downtown. In addition to the requirements of this Chapter new construction and alternations to buildings shall be made in accordance with the following:

A. All infrastructure and building construction projects shall consider pedestrian safety, convenience and comfort of circulation.

B. Covered and convenient bicycle parking areas should be provided for projects where feasible.

C. Coordinate the location of building entrances and pedestrian walkways with bus stops and other transportation facilities as appropriate to encourage bus travel.

D. Where appropriate, provide convenient and attractive amenities in the immediate vicinity of bus stops.

E. Pedestrian linkages shall be fully demarcated with special pavement treatment at every intersection and landscaped and lighted for safety.

1129.08 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE EXCEPTIONS.

Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the City upon certification of an unsafe condition constituting an emergency. Similarly, nothing in this chapter shall be construed to govern or restrict routine maintenance activities which do not represent alterations in exterior appearance.

CHAPTER 1131
Richmond Street Design Review District

1131.01 PURPOSE .

The purpose of this chapter is to promote the general community health, safety, welfare, convenience and;

(a) To enhance property values, to protect the property rights of all residents, to stabilize the designated areas, to increase the economic and financial benefits to the City and its inhabitants.

(b) To stimulate and protect economic activity by ensuring the continued economic competitiveness and attractiveness of the City's commercial areas and entry ways.

(c) To encourage high quality development of vacant and incompatibly developed properties in accordance with the character of the area.

1131.02 ESTABLISHMENT OF DISTRICT.

In order to carry out the provisions of this code and achieve the purposes set forth in this Chapter, the Richmond Street Design Review District is hereby established and shall be shown on the Zoning Map and designated in Section 1113.06 (e)(2)

1131.03 DESIGN CRITERIA.

All projects in the Richmond Street Design Review District shall be guided in general by the *Richmond Street Corridor Plan, 2020* and specifically by the following design elements:

(a) Streetscape.
- (1) Coordinate streetscape elements of individual developments with adjacent developments. While they need not match, they should coordinate and not clash.
- (2) Create appealing and comfortable outdoor spaces and orient buildings to form such areas using the open space as a focal point.
- (3) Use trees, walls, topography, and other site features to further define the area and provide human scale.
- (4) Provide shade with trees or overhangs from the buildings.
- (5) Provide amenities as needed such as:
  - A. Street furniture, such as benches and picnic tables, lighting, and fountains;
  - B. Bike racks;
  - C. Outdoor cafes and seating areas.
- (6) Install walkways to connect the sidewalk to building entrances.

(b) Parking.
- (1) Site a portion of parking out of public view at the rear and sides of buildings.
- (2) Provide clear pedestrian paths and crossings from parking spaces to main entrances.

(c) Landscaping. The extensive use of landscaping shall be required to improve the site appearance and maintain a positive image for the Richmond Street Design Review District. The following landscape design elements shall be required:
- (1) The use of street trees shall be required at fifty-foot intervals.
- (2) Trees shall be planted within ten feet of the public right-of-way.
- (3) Trees shall be a minimum of two-inch caliper.
- (4) Each site shall have a minimum of thirty percent of the plant material as an evergreen variety.
- (5) Landscaping shall be installed within the parking lot to break up vast expanses of pavement.
- (6) Landscaping shall be located adjacent to the building foundation whenever possible.
- (7) Landscaping shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of the approved site plan.

(d) Utilities and service areas.
- (1) Locate utilities underground or in a manner so that they have the least negative visual impact from the street and adjoining development.
- (2) All service areas shall be screened from view from a public street or public parking area.
- (3) A building mass, portion of a building mass, garden wall, landscaping, or an ornamental fence with landscaping are among the methods that can be used to screen a service area.

(4) Screening does not need to occur at the point of access to a service area.

(e) Exterior lighting.

(1) Lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

(2) Coordinate the lighting plan with the landscaping plan to ensure areas are well lit and that any conflict between trees and lighting is avoided.

(f) Signs.

(1) Coordinate the colors and styles of signs within each development area.

(2) Keep signs to the minimum number and size necessary for each development area.

(3) Landscape the base of freestanding signs with living plant material.

(4) Use materials and a color palette for signs to complement the materials and color palette of the main building.

(5) Place signs for both automobile traffic and pedestrians in areas that will not obstruct visibility.

(g) Style.

(1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of the design.

(2) A single architectural style for all buildings within a development shall be used. Planned shopping centers shall be encouraged.

(3) All new buildings shall include a finished facade material on all sides of the building visible from the public right-of-way.

(4) Glass block shall not be used to fill window or door openings.

(h) Colors.

(1) A coordinated palette of colors shall be used for each building or development.

(2) Use color variation to break up the mass of a building and provide visual interest.

1131.04 EMERGENCY REMEDIES AND ROUTINE MAINTENANCE EXCEPTIONS.

Nothing in this chapter shall be construed to prevent or delay the reconstruction, alteration or demolition of a structure or feature which has been ordered by the City upon certification of an unsafe condition constituting an emergency. Similarly, nothing in this chapter shall be construed to govern or restrict routine maintenance activities which do not represent alterations in exterior appearance.

CHAPTER 1133
Historic Preservation District

1133.01 PURPOSE.

(a) Purpose.

In order to promote the economic and general welfare of the people of the City of Painesville and of the public generally, and to ensure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the City Council that the qualities relating to the history of the City and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved. Qualities related to the above-stated purpose include:

(1) To encourage the continued existence ~~and~~ preservation ,and rehabilitation of historic areas and buildings;

(2) To ensure the continued construction of buildings in historic styles with a general harmony as to style, form, proportion, texture and material between buildings of historic design and those of more modern design;

(3) To recognize the importance of the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the City and which serve as visible reminders of the historical and cultural heritage of the City, the State and the nation.

(4) To avoid demolition of historic structures.

(5) To ensure compatible additions to historic structures.

(b) Intent.

It is the intent of these guidelines to promote and protect the public health, safety and welfare through:

(1) The preservation and encouragement of varied architectural styles within the City, reflecting the distinct phases of the City's history. In addition, this chapter is intended to maintain and enhance the scale and basic character of the Historic Preservation District through:

A. Ensuring compatibility between new, renovated and old structures.

B. Promoting the improvement and upgrading of properties in a manner which will benefit property in the area.

C. Improving and promoting amenities for the pedestrian.

D. Encouraging the development of vacant and incompatibly developed properties in accordance with the character of the area.

E. Affording the widest possible scope of continuing vitality through private renovation and architectural creativity, within appropriate control and standards.

F. Encouraging the protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide for this and future generations, examples of the physical surroundings in which past generations lived.

(2) Supporting the economic, recreational, cultural and educational development of the City by:

A. Stimulating business by making the City a more attractive location.

B. Protecting and enhancing attractions to residents, tourists and visitors.

C. Maintaining a high character of community development.

D. Protecting real estate from impairment or destruction of value.

E. Preserving, protecting, and improving the value, appearance and use of property.

F. Improving the quality of life by enhancing the visual and aesthetic character, diversity and interest of the City.

G. Promoting the use and preservation of historical locations, architecturally significant structures and other notable objects and sites for the educational enrichment and general welfare of the people of the City and the State.

1133.02 ESTABLISHMENT OF DISTRICT.

There is hereby established a Historic Preservation District, which shall correspond to the legal description and maps referred to as Appendix A, Appendix B, and Appendix C which are on

file in the Community Development Department. The Historic Preservation District boundaries are shown on the Zoning Map and designated in Section 1113.06 (e)(2).

1133.03 CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) Within the boundaries of the Historic Preservation District, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures or portions thereof shall not be demolished until a certificate of appropriateness has been issued.

(b) However, a certificate of appropriateness shall not be required for:

(1) Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure or where no change is made to the appearance of a building or grounds. Ordinary maintenance and repair includes:

A. Repainting a building in the existing color palette;
B. Replacement of window and/or glass (but not style or type of windows);
C. Caulking and weather-stripping;
D. Landscaping;
E. Repairs to walks, patios, fences, and driveways as long as replacement materials are compatible with the original or existing materials in style and appearance;
F. Replacement of small amounts of missing or deteriorated original or existing trim, roof coverings, porch flooring, steps, etc., as long as replacement materials are compatible with the original or existing materials in style and appearance;
G. Replacement of gutters and downspouts as long as the shape matches the original or existing; roof ventilators on rear slopes and chimney caps;
H. Installation of house numbers and mailboxes;
I. Repair of existing street or yard lighting; and
J. Similar maintenance items.

(2) Any construction, alteration, or demolition duly approved prior to the effective date of this Code.

(3) Any construction, alteration, or demolition which only affects the interior of the structure.

(4) Any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe by the Chief Building/Zoning Official or the Fire Chief after notification of the Design Review Board and/or Administrator and consultation with the City staff and where emergency measures have been declared necessary by such departments.

1133.04 REVIEW PROCESS FOR ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS.

(a) In reviewing an application for a certificate of appropriateness, the Design Review Board and/or Administrator shall follow these procedures and criteria:

(1) If the proposed work involves the alteration of an existing structure or site, including demolition of additions, the Design Review Board and/or Administrator shall first determine whether the structure or site is significant based on the following criteria:

A. Its value as reminder of cultural or archeological heritage of the City, State or nation;
B. Its location as a significant City, State or national event;
C. Its identification with person or persons who contribute to development of the City, State or nation;
D. Its value as work of a master builder, designer or architect that influenced the development of the City, State or nation;
E. Its value as recognized for quality of architecture and retaining sufficient elements showing architectural significance;
F. Its characteristic of an architectural style or period; or
G. Its character as contributing element in the District.

(2) If determined to be significant, the Design Review Board and/or Administrator shall state basis for such determination and may approve the application and issue the Certificate of Compliance upon a finding that:

A. The proposed work is consistent with the historic and architectural character of building, structure, appurtenance or site will be properly preserved and complies with standards established by Section 1131.05.
B. The Project will not have a detrimental impact on historical or architectural character of the property or site.

(3) If determined not to be significant, the Design Review Board and/or Administrator shall find the proposed work does not increase the incompatibility of the existing structure in order to approve work.

(4) If the Design Review Board and/or Administrator does not make findings that are in accordance with Sections 1131.07(e)(2) and 1131.07(e)(3), then a certificate of appropriateness shall not be issued unless the Design Review Board and/or Administrator also find that:
A. Approval of the application and issuance of the Certificate of Appropriateness is necessary for the continued viability of the structure and the costs of making the improvements in such a manner to meet the above findings render the building incapable of earning an economic return upon its value at the time or upon future sale of the property.
B. Approval of the application and issuance of the Certificate of Appropriateness is required for the physical functioning of the building or health or safety reasons with no reasonable alternative available.
C. If Design Review Board and/or Administrator find that either of the latter two circumstances exists, every effort shall be made to minimize the adverse impact of the work and to allow for the work to be reversed in the future.

(5) If the proposed work involves either infill or additions to existing structures, the Design Review Board and/or Administrator shall find that the proposed work is consistent with the design criteria established in Section 1131.05 prior to approval of the application and issuance of the Certificate of Appropriateness.

(6) Requests for approval of demolition shall follow the procedures established in Section 1131.13

(7) If the Design Review Board and/or Administrator recommend disapproval of the application and denial of the Certificate of Appropriateness,

(f) In reviewing an application for a certificate of appropriateness, the Design Review Board and/or Administrator shall not consider interior arrangement, detailed design, or features not subject to public view and/or view from surrounding properties.

(g) If the Design Review Board and/or Administrator approve an application, it shall issue a certificate of appropriateness which shall be signed by the Chairman, Vice Chairman, or Administrator attached to the application and transferred to the office of the Chief Building/Zoning Official. All prints approved by the Design Review Board and/or Administrator shall be stamped accordingly. The Chief Building Official shall thereupon process the application in the usual manner.

(h) If the Design Review Board disapprove the application, it shall state its reason for doing so and shall transmit a record of such action and reason to the Chief Building/Zoning Official and to the applicant. No further action shall be taken by the Chief Building/Zoning Official on the application. The applicant may modify the application to make it acceptable to the Design Review Board and/or Administrator and shall have the right to resubmit the application at any time or may appeal the decision to the Lake County Common Pleas Court in accordance with the laws of the State of Ohio.

(i) If the Administrator disapproves an application, he or she shall advise the applicant of any changes which would secure the approval. The applicant may resubmit the information and supporting materials for the Administrator's review or may appeal the decision to the Design Review Board within ten days of the decision of the Administrator.

(j) The Design Review Board and/or Administrator shall act within 60 days of receipt of a complete application. The failure of the Design Review Board and/or Administrator to approve or disapprove such application within such time, unless mutually agreed upon by the applicant and the Design Review Board and/or Administrator, shall be deemed to constitute approval and the staff to the Design Review Board and/or Administrator shall thereupon process the application without regard to the certificate of

appropriateness.

(k) After the Certificate of Appropriateness has been issued, the Chief Building/Zoning Official-shall, periodically inspect the work authorized by the Certificate for compliance. in the field to review the construction, reconstruction, alteration, maintenance or repair. Necessary action shall be taken to assure compliance with the approved application.

1133.05 REVIEW CRITERIA.

Any application for a Certificate of Appropriateness shall be evaluated with respect to the following criteria:

(a) Compatible reuse. Every reasonable effort shall be made to provide either a compatible use for a property consistent with the Comprehensive Plan, which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

(b) Preservation of features. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) Respect for period features. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Respect for changes over time. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Sensitivity for distinctive features. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(f) Repair of deteriorated architectural features. Deteriorated architectural features shall be repaired rather than replaced wherever possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. Replaced features should match design, color, texture and visual qualities, however, alternate materials may be used.

(g) Proper cleaning methods. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Protection of archeological resources. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.

(i) Compatible contemporary additions. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(j) New additions. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1133.06 DEMOLITION AND MOVING OF STRUCTURES.

(a) The demolition of all or part of a designated historic structure or of an existing building within a designated Historic Preservation District shall require submittal of an application and the approval of the Design Review Board, in accordance with the following procedures:

(b) The Design Review Board shall approve the demolition if any one of the following circumstances is found to exist:

(1) Demolition has been ordered by a public official for reasons of public health and safety (in the case of imminent danger, the Chief Building/Zoning Official may authorize such demolition prior to approval by the Design Review Board).

(2) The demolition is requested for an inappropriate addition or a non-contributing

building, and the Design Review Board determines that the demolition will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design or unity; or

(3) The demolition is consistent with plans or policies adopted by the City Council.

(4) In approving the demolition, the Design Review Board shall state the basis for approval, pursuant to one of the above findings.

(c) If none of the circumstances listed in division (b) are found to exist, the Design Review Board shall approve the demolition only if the Design Review Board finds that the structure cannot be reused or cannot earn an economic return upon its value. If an owner requests approval of demolition for this reason, the Design Review Board shall follow these procedures:

(1) The Design Review Board shall hold a public hearing on the request in accordance with the provisions of Chapter 1111. Unless otherwise agreed by the applicant, the hearing shall be held at the next regular meeting of the Design Review Board.

(2) At the hearing, the applicant shall present reasons why the structure cannot be reused or cannot earn an economic return upon its value. The applicant shall also present a description of the anticipated reuse of the property and a site restoration plan that includes excavations filled to existing grades, topsoil of sufficient capacity to cover the filled material and support ground vegetation, and drainage directed in a manner that does not negatively impact surrounding properties. Any other persons may speak at this hearing, and may present evidence to demonstrate reuse potential or opportunities for an economic return upon its value.

(3) Following the hearing, the Design Review Board shall be given a period of time, not to exceed 90 days from the date of the original application, to identify a satisfactory plan for the preservation of the structure. If such a plan is presented, the demolition shall not be approved. In the event the Design Review Board does not identify an economically feasible plan, or otherwise concurs with the showing by the applicant, the demolition shall be approved. If, prior to the expiration of the 90-day period, the Design Review Board identifies a preliminary plan for the preservation of the structure, the Design Review Board shall be given an additional period of time not to exceed 90 days to recommend a final plan.

(4) If the Design Review Board has taken no action to approve or disapprove the request within the 90-day period, or 180-day period if extended, the demolition shall be allowed and permits shall be issued by the Chief Building/Zoning Official.

(5) During the time period that an application for demolition is under review, the applicant shall take measures to stabilize and secure the structure to prevent further deterioration. Upon request of the City, the applicant shall provide information to the Design Review Board regarding the actions that have been taken to explore alternatives to the proposed demolition.

(d) As an alternative to demolition which has been approved pursuant to this section, the Design Review Board may approve the moving of an existing building where:

(1) The new surroundings would be harmonious with the historical and architectural character of the building; and

(2) The relocation would help preserve and protect a building of historical interest.

1133.07 PROTECTIVE MAINTENANCE REQUIRED EMERGENCY CONDITIONS.

All buildings and structures in the Historic Preservation District(s) shall be properly maintained and repaired at the same level required elsewhere in the City. Should an owner deliberately omit essential maintenance and repairs, which would eventually result in the condition of the building becoming so deteriorated that it would be constitutionally unreasonable for the City to refuse to allow the owner to demolish the building, the Design Review Board and/or Administrator shall bring this matter to the attention of the Chief Building/Zoning Official, who shall immediately require of the owner or agent protective maintenance and repair to further the economic, health, safety and general welfare of the City, and nothing in this chapter shall be construed to prevent ordinary maintenance or repairs of any structures.

CHAPTER 1135
Subdivision Design Standards

1135.01 PURPOSE.

The purpose of this Chapter is to control the manner in which streets, lots and other elements of a subdivision are arranged on the land to achieve the following:

(a) To ensure the establishment of convenient and safe streets;
(b) To create usable lots;
(c) To provide space for public utilities and reservation of land for recreational uses;
(d) To promote attractive and functional neighborhoods, and,
(e) To minimize the undesirable features of unplanned or haphazard growth.
(f) To ensure accurate surveying, preparing and recording of plats and subdivision of land.

1135.02 CONFORMITY REQUIRED.

The arrangement, character, width and location of all arterial, collector or other thoroughfares or extensions thereof shall conform with this Code and the City of Painesville Major Thoroughfare Plan. Thoroughfares not contained in such Plan shall conform to the recommendation of the Planning Commission based upon the design standards set forth in this Code. No final plat of land shall be approved unless it conforms with this Code.

1135.03 SUITABILITY OF LAND.

If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to flooding, bad drainage, topography, soil types, inadequate water supply, schools, transportation facilities and other such conditions which may endanger health, life or property; and, if from investigations conducted by the public agencies concerned, it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Commission shall not approve the land for subdivision unless adequate methods are advanced by the applicant for solving the problems that will be created by the development of the land. Specifically, within designated flood-plain areas, residential structures shall have the lowest floor, including basement, elevated to or above the level of the 100-year flood, as determined by the Flood Plain Manager. Nonresidential structures shall be flood proofed to the level of the 100-year flood.

1135.04 STREET AND CIRCULATION SYSTEM DESIGN.

(a) The arrangement, character, extent, width, grade construction and location of all streets shall conform to the Major Thoroughfare Plan, or subsequent amendments thereto, and shall be considered in their relation to existing and planned streets, topographical conditions and public convenience and safety; and in their appropriate relation to the proposed uses of the land to be served by such streets. The Planning Commission shall further be guided by the concept of "Complete Streets" to properly accommodate all users including pedestrians, bicyclists, transit users and motorists. The Planning Commission may disapprove a street plan which does not insure continuity of the existing street system or contain complete street elements.
(b) The street pattern shall discourage through traffic in the interior of a subdivision. Major subdivisions shall be designed to discourage residential driveway access onto major arterial and collector roadways by using access roads. Minimizing driveway access points or curb cuts by using access roads shall be encouraged.
(c) The street arrangement shall provide for the continuation of the existing principal streets in adjoining areas to provide for the orderly subdivision of land.
(d) Where a residential subdivision exceeds 50 dwelling units, a secondary access point shall be required. The secondary access shall be constructed to the same design and improvement standards as the primary access. For phased developments, the construction of the secondary access shall occur no later than at the time of the construction of the infrastructure associated with the phase that results in the cumulative creation of the number of lots that meet the threshold requiring the secondary access. The Planning Commission may require larger subdivisions to have a proportionately greater number of such access points to ensure adequate vehicular circulation and accessibility by emergency and safety forces.

(e) The applicant shall provide within the boundaries of the subdivision plat, the necessary right of way for the widening, continuance or alignment of such streets in conformity with the Major Thoroughfare Plan.

(f) Private roads shall be constructed to the City of Painesville specifications and standards. The cost of maintenance of such private streets, roadways and easements shall be borne equitably by benefiting property owners. Sufficient legal safeguards shall be taken to guarantee the continuing maintenance of such streets, roadways and easements.

1135.05 STREET DESIGN STANDARDS: LOCAL STREETS.

The following table shall be used as a guideline for determining right-of-way and pavement widths. The City Engineer may make adjustments based upon traffic analysis and the criteria for modifications set forth in Section 1135.07. The average daily traffic shall be used to determine street designation.

	TERRAIN CLASSIFICATION		
Design Standard	***LEVEL***	***ROLLING***	***HILLY***
Minimum Right of Way Width (ft)	60	60	60
Minimum Pavement Width (ft)	30	30	30
Minimum Sidewalk Width (ft)	5	5	5
Minimum Stopping Sight Distance (ft)	200	150	110
Maximum Grade %	4	8	15
Maximum Cul-De-Sac Length	500	500	500
Minimum Cul-De-Sac Radius (ROW)	50	50	50
Minimum Cul-De-Sac Radius (pavement)	40	40	40
Minimum Center Line Radius of Streets with an angle of turn of:			
(1) Between 80° and 100° (ft.)	50	50	50
(2) Less than 80° or more than 10° (ft.)	200	200	150

1135.06 STREET DESIGN STANDARDS: COLLECTOR.

Collector streets shall be designed and constructed in accordance with following standards:

	TERRAIN CLASSIFICATION		
Design Standard	***LEVEL***	***ROLLING***	***HILLY***
Right of Way Width (ft)	60	60	60
Pavement Width (ft)	36	36	36
Sidewalk Width (ft), residential districts	5	5	5
Sidewalk Width (ft), non-residential districts	As determined by Planning Commission		
Minimum Stopping Sight Distance (ft)	250	200	150
Maximum Grade %	4	8	12
Maximum Spacing when intersecting with an Arterial (ft)	1320	1320	1320
Minimum Center Line Radius (ft.)	350	230	150

1135.07 MODIFICATION OF DESIGN STANDARDS.

Upon recommendation of the City Engineer, the Planning Commission may modify the Design Standards set forth in Sections 1135.05 and 1135.06 as follows:

(a) Where topography or other physical conditions make a particular Design Standard inappropriate for a specific situation.

(b) Where it is in the best interest of the City to reduce the required right of way width of a local street to 50 feet and require a utility easement ten feet in width along each side of the street right of way.

(c) Where it is in the best interest of the City to reduce the required pavement width of a local street to less than 30 feet; provided however, that no pavement width less than 26 feet shall be approved.

(d) Where it is in the best interest of the City to modify the requirements for sidewalks in favor of a multipurpose path or other acceptable alternative to sidewalks.
(e) Where it is in the best interest of the City to require complete street elements such as:
    (1) Bicycle lanes adjacent to the roadway;
    (2) Pedestrian crossing signals which include audible crossing signals for the visually impaired;
    (3) Improved access to public transit;
    (4) Street amenities such as benches, lighting and landscaping; and,
    (5) Appropriate pedestrian signage and way finding enhancements.

1135.08 HORIZONTAL ALIGNMENT.

When there is an angle of deflection of more than ten degrees between two centerline tangent sections of a street, a curve of adequate radius shall connect them as required by Sections 1135.05 and 1135.06. Between reverse curves, a minimum tangent of 100 feet shall be introduced.

1135.09 VERTICAL ALIGNMENT.

(a) All vertical changes of grade shall be connected by vertical curves of a minimum length as specified in the most current edition of the Ohio Department of Transportation's Location and Design Manual, Volume 1.
(b) Minimum vertical visibility shall conform to the most current edition of the Ohio Department of Transportation's Location and Design Manual, Volume 1.
(c) No street grade shall be less than 0.5 percent (0.5%) and in no case shall a street grade be more than three percent (3%) within 100 feet of an intersection.

1135.10 INTERSECTION DESIGN STANDARDS.

All intersections shall be designed and constructed in accordance with the following:

(a) No more than four road legs will be permitted at any intersection, unless otherwise approved by the Planning Commission upon recommendation of the City Engineer. Four-way intersections of local streets should be avoided and threeway or T-intersections should be encouraged wherever possible
(b) Road intersection shall be at 90 degrees where practical, but in no case less than 75 degrees.
(c) Those roads intersecting each other from opposite sides shall be directly opposite where possible. Street jogs with centerline offsets shall be prohibited unless specifically approved by the Planning Commission upon recommendation of the City Engineer.
(d) The minimum radius of right-of-way lines at intersection corners shall be 50 feet but may be reduced to no less than 25 feet by the Planning Commission upon recommendation of the City Engineer.
(e) Streets shall have a minimum clear sight distance along each approach leg as specified in the most current edition of the Ohio Department of Transportation's Location and Design Manual, Volume 1.
(f) There shall be a minimum separation of 300 feet between intersections but may be reduced to no less than 150 feet by the Planning Commission upon recommendation of the City Engineer.

1135.11 SPECIAL STREET TYPES.

The following requirements shall apply to special street types:

(a) Permanent dead-end streets are prohibited. Temporary dead-end streets shall be permitted only as part of a continuing street plan, and only if a temporary turnaround satisfactory to the Planning Commission in design, is provided, and provisions for maintenance and removal are approved by the City Engineer. Temporary dead-end streets longer than 200 feet are prohibited.
(b) Dedication of new half-streets is prohibited. Where a dedicated or platted half-street exists adjacent to the tract being subdivided, the other half shall be platted.
(c) Where a subdivision adjoins an arterial street, a marginal access street shall be designed, if the subdivision design is such that residential lots would require direct vehicular access onto the arterial highway. Points of access to the arterial street shall be spaced at a minimum of 1,320 feet. A planting strip having a minimum width of twenty feet shall be

provided between the pavement of the arterial street and the pavement of the marginal access street. The minimum width of the marginal access right of way shall be fifty feet.

(d) Alleys shall not be approved in residential subdivisions, except where justified by unusual circumstance for public access or service. Alleys may be required in commercial and industrial districts if other provisions cannot be made for adequate service access. The minimum widths for alleys shall be twenty feet for the right of way and eighteen feet for the pavement width. Right-of-way, drainage and construction requirements shall be as determined by the Planning Commission upon recommendation of the City Engineer.

1135.12 STANDARDS FOR NONRESIDENTIAL SUBDIVISIONS.

In addition to the requirements of this Chapter, nonresidential subdivisions shall be in conformance with the following standards:

(a) The design and layout of proposed streets, parcels, blocks, and lot patterns shall be appropriate to the uses anticipated and shall consider the impact on other uses in the vicinity.

(b) Streets serving nonresidential developments shall be planned to connect with arterial streets so as not to generate traffic on local streets or direct traffic into residential areas.

(c) The intersections of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than 100 feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than 200 feet from each other.

(d) The Planning Commission may require marginal access streets to provide maximum safety and convenience.

(e) Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except for severe physical conditions or if the Planning Commission finds such extension is not in accord with the approved plan of the area.

(f) Alleys, loading and maneuvering areas, walks, and parking areas shall be located so as to minimize conflict of movement between the various types of vehicular and pedestrian circulation.

1135.13 SIDEWALKS.

Sidewalks shall be required on both sides of the street in all subdivisions except when approved by the Planning Commission in accordance with the criteria for modifications set forth in Section 1135.07 and as follows:

(1) Where the predominant lot width in a residential subdivision is greater than 100 feet but less than 150 feet the Planning Commission may permit sidewalks on only one side of the street.

(2) Where the predominant lot width in a residential subdivision is greater than 150 feet, the Planning Commission may permit sidewalks on only one side of the street or waive the sidewalk requirement in its entirety.

(3) The Planning Commission may modify or waive the requirement for sidewalks for industrial subdivisions as applicable to the circumstances.

(a) Sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted by the Planning Commission to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. Any sidewalk outside the right-of-way shall be in an easement approved by the City and as to form by the Law Director.

(b) Where possible and appropriate to the nature of abutting uses, sidewalks shall be aligned to connect with existing sidewalks or locations suitable for future sidewalk development on abutting properties.

(c) The Planning Commission may require signs, pavement markings or special surface materials to be installed in any location where necessary to promote pedestrian safety and minimize conflict with vehicular movement.

1135.14 BLOCKS.

The following regulations shall govern the design and layout of blocks:

(a) The arrangement of blocks shall conform to the street planning criteria set forth herein

and shall be arranged to accommodate lots and building sites of the size and character required for the district as set forth in this Code and to provide for the required community facilities.

(b) Irregularly shaped blocks, those intended for cul-de-sacs or loop streets, and those containing interior parks or playgrounds, may be approved by the Planning Commission if properly designed and located and if maintenance of interior public spaces is covered by agreements approved by the City and as to form by the Law Director.

(c) No block shall be longer than 1,500 feet and the block width shall accommodate two tiers of lots, except where unusual topography or other exceptional physical circumstances exist;

(d) Where blocks are over 900 feet in length, a crosswalk easement not less than ten feet in width at or near the halfway point may be required, if necessary, to provide proper access to schools, recreational areas, shopping centers and other facilities; and

(e) For slope areas where the average topographic slope is fifteen percent (15%) or greater, refer to Chapter 1141.

1135.15 LOTS.

The following regulations shall govern the design and layout of lots:

(a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

(b) All lots shall conform to or exceed the requirements of this Code.

(c) Each lot shall front on a public thoroughfare or a private street.

(d) Each lot shall be served by a private driveway.

(e) Lot lines shall follow municipal boundary lines rather than cross them.

(f) The minimum lot sizes, widths, and setbacks shall be as specified in Chapters 1115 – 1119.

(g) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located and upon recommendation of the City Engineer, the Planning Commission may require larger lot widths and lot areas as deemed necessary to accommodate adequate area for buildings and associated site improvements. For slope areas where the average topographic slope is fifteen percent (15%) or greater, requirements of Chapter 1141 shall apply.

(h) All side lot lines shall be at approximate right angles to street lines and radial to curved street lines, except where the Planning Commission determines that a variation to this rule would provide a better layout.

(i) Lots with double frontage shall be avoided except where the Commission determines that it is essential to provide separation of residential development on arterial streets.

(j) No corner lot shall have a width at the building line of less than seventy-five feet.

(k) No lot shall have an average depth of less than 120 feet except that whenever a lot fronts upon an exterior curved portion of a street, the centerline radius of which is 100 feet or less, then the required minimum lot depth may be reduced to not less than 110 feet.

(l) No lot depth shall exceed three (3) times the lot width.

1135.16 EASEMENTS.

(a) Easements at least fifteen feet in width centered along rear or side lot lines shall be provided where necessary for utilities.

(b) Easements shall also be provided for local drainage purposes along every watercourse, storm sewer, drainage channel or stream within a subdivision, as provided for in Section 1135.18.

(c) Utilities situated in such easements shall be placed underground, according to the standards of the appropriate utility company.

1135.17 FLOOD AREAS AND STORM DRAIN DITCHES.

(a) In order to protect the health, safety and general welfare ~~of the people~~, the Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the applicant agrees to perform such improvements as will render the area safe for the intended use or has submitted, and Council has accepted, a petition described in Section 1137.10 for improvements including such improvements as will render the area safe for

intended use. In lieu of performing, or petitioning for, such improvements, the applicant shall furnish a surety or certified check covering the cost of the required improvements.

(b) Flood control or storm drainage facilities shall be provided as follows:
   (1) Access to flood control or storm drainage ditches and channels shall be by means of easements. Such easements shall be not less than thirty feet in width, exclusive of the width of the ditch or channel, and an easement of this type shall be provided on one side of a flood control or storm drainage ditch, channel or similar type facility;
   (2) Flood control or storm drainage easements containing underground facilities shall have a minimum width of ten feet;
   (3) Whenever a flood control or storm drainage ditch or channel has a depth of five feet or more, or a bank slope of two feet horizontal to one foot vertical or steeper, a five-foot high masonry wall or a five-foot high chain link fence may be required by the Planning Commission.

1135.18 FOOTER DRAINS.

Upon the recommendation of the City Engineer, footer drains shall be connected to a separate footer drain sewer system. Such footer drain sewer shall have an outfall at such location and elevation as will prevent back pressure under the structure floor slab.

1135.19 STORM WATER FLOW LIMITATION.

(a) After development, the rate of storm water flow from any previously undeveloped or partially developed site of two acres or more shall not exceed the predevelopment rate of flow from a five-year storm.

(b) The reduced rate of flow may be obtained by roof detention, detention by landscape configuration or other methods found to be acceptable by the City Engineer.

(c) This section shall apply regardless of whether the flow is by means of closed conduit, open channel or natural waterways.

1135.20 HYDROGEOLOGIC STUDY.

(a) Upon the recommendation of the City Engineer, the City may require an applicant to prepare and submit a hydrogeologic study to indicate the degree of limitation and other soil properties which might adversely affect engineering and construction, especially with regard to the feasibility of constructing a basement and utilities.

(b) If adverse affects are found, a correction plan is required to be prepared by a professional engineer and submitted to the City Engineer for final review and approval.

(c) The City Engineer or designated representative has the authority to request the hydrogeologic study and to add appropriate conditions to the correction plan.

1135.21 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES.

(a) Where a park, playground, school or public access to water frontage which is shown in the Comprehensive Plan is located in whole or in part in any proposed subdivision, the Planning Commission shall require the dedication of such area within the subdivision as a condition of subdivision approval. The applicant shall pay for only that portion of the cost of the public site that benefits the subdivision as determined by the Commission.

(b) For subdivisions not containing public sites as set forth in (a) herein, the applicant shall reserve land for parks, playgrounds and recreation areas as a condition of subdivision approval or payment in lieu thereof for that portion of benefits from public sites accruing to his land as determined by the Commission.

(c) The Planning Commission shall wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large wooded areas, watercourses, beaches, areas of historical significance and similar irreplaceable assets.

1135.22 LANDSCAPE BUFFERS; RESIDENTIAL SUBDIVISIONS AND MULTIFAMILY DEVELOPMENTS.

The provisions of this section are intended to protect and enhance the visual appearance of the City by encouraging the preservation of existing trees and natural features; protect property values by providing a transition between dissimilar land uses; and to lessen adverse effects such as noise, odors and dust.

(a) Applicability of Requirements. These landscape buffer requirements shall apply to all proposed multifamily developments and residential subdivisions other than minor subdivisions that abut:

(1) any existing collector street.

(2) any residential property that is not a part of the proposed subdivision or multifamily development.

(3) any railroad right-of-way and/or limited access highway (State Routes 2 or 44).

(a) Landscape Buffer Materials.

(1) Walls and/or fences. Solid walls of stone or brick shall be permitted. Solid wood or vinyl fences shall also be permitted. Such walls or fencing shall be not less than four feet in height nor greater than eight feet in height.

(2) Earthen mounds. Earthen mounds as physical barriers to block or screen the view, noise, odor and/or dust shall be permitted. Such mounds shall be a minimum of four feet in height and shall not exceed eight feet in height. The earthen mound shall be constructed having a slope of not greater than 3:1 (one foot of rise for each three feet of run); interfere with drainage; cause ponding; or push water onto adjoining properties as per the requirements of Section 1137.25.

(3) Plant materials. Any plantings shall be in conformance with Section 1117.08

(4) Any combination of (1), (2) and (3) above. A combination of any of the above is also permitted.

(b) Height. Utilizing the landscape buffering materials listed in (c) above, no such landscape buffer shall exceed 12 feet in height above finished grade.

(c) Location in Common Area. The buffer area shall be constructed on designated common area of the subdivision outside of any subdivision lots to be created.

(d) Maintenance. All buffering elements shall be maintained in good condition at all times. Maintenance of the buffer area shall be the responsibility of the homeowners' association of the residential subdivision or owner of the multifamily development.

(e) Supplemental Information. Either the installation of the required work shall have been completed or the posting of a bond or other approved sureties shall be approved as per Section 1111.05(b)(4) of this Code to ensure installation of the buffer improvement.

CHAPTER 1137
Improvements

1137.01 REQUIREMENTS PRIOR TO CONSTRUCTION OF PUBLIC IMPROVEMENTS

The applicant shall comply with the following requirements in order to begin construction on the public improvements pursuant to the approved improvement plan.

(a) The following items shall be approved prior to the commencement of construction:
  (1) The improvement plans for the subdivision.
  (2) The construction schedule, showing the starting and completion dates for each phase of the construction work, and a date for the completion of the entire subdivision.
  (3) Any bonds required for the project shall be filed with the City.

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

(c) The applicant, the design engineer, the contractor, the City Engineer, the Administrator, and any other officials as may be required, shall attend a preconstruction meeting prior to the commencement of any project. At this time, the project will be discussed in regard to the procedure, construction methods, plans, materials, inspections, stormwater management, erosion control, and any other improvements as applicable.

(d) For phased development, each phase shall be considered as an independent unit and as such shall comply with the provisions of this Code and all other applicable regulations.

1137.02 AUTHORITY OF CITY ADMINISTRATION.

The City Manager or designee authorized to adopt reasonable and appropriate standards and requirements to augment the basic requirements of these Subdivision Regulations. This is in order to allow for frequent revision, on an administrative action basis, of those standards and requirements that would be most subject to change, as a result of advancing technology, changes in market supply of construction materials and other valid reasons.

1137.03 IMPROVEMENT PLANS.

(a) The improvement plans shall be prepared on twenty-four by thirty-six inch paper and be available in a digital format for electronic transmission. The improvement plans shall consist of the following sections:
  (1) Plan view and profile;
  (2) Cross sections;
  (3) Typical sections of right of way; and
  (4) Details.

(b) Plan View and Profile. The scale to be used in the plan view shall be one inch equals thirty feet and the scale used in the profile shall be one inch equals five feet.

(c) Cross Sections. Cross sections of the right of way every 100 feet and the scale shall be:
Horizontal: one inch equals five feet.
Vertical: one inch equals two feet.

(d) Typical Section. Typical section plan of the right of way shall be drawn showing thickness and width of the cushion course, pavement, drain tile, sidewalk, etc.

(e) Detailed Drawings. Detailed drawings of curb and gutter, integral curb, hinge joint, contraction joint, longitudinal and construction joint, expansion joint, standard concrete driveway, concrete sidewalk, manholes, inlet or catch basin, hydrant detail, waterline off-set detail, thrust blocking, pipe embedment, etc., and electrical plans as required by the City Engineer or Electric Superintendent.

1137.04 SUBMISSION OF PLANS.

Prior to final approval of the subdivision by the Planning Commission, the developer shall deliver to the City one second original of the plat and, unless the improvements are being constructed by the City pursuant to a petition described in Section 1137.10, two sets of prints of the "as built" improvement plans.

1137.05 CHARGES FOR ENGINEERING DEPARTMENT SERVICES.

Charges for City Engineering Department services for the plan review, supervision and

inspection of construction shall be as indicated in Section 1105.05.

1137.06 GRADING PLAN.

The applicant shall submit a grading plan for approval showing all existing and proposed elevations at all corners of lots in the proposed subdivision. The Grading Plan shall show building footprints with their finished grades marked. The maximum depth of building footer shall also be marked.

1137.07 DRAINAGE MAP.

The applicant shall submit a drainage map covering all areas which contribute or may contribute storm water, either in conduits or by overland flow to the site of the proposed subdivision.

1137.08 ESTIMATE OF COST OF THE IMPROVEMENTS.

The applicant shall submit an estimate of cost of the proposed improvements ~~shall be~~ prepared by a professional engineer licensed in the State of Ohio and approved by the City Engineer. The City Engineer may add to the estimate an amount to cover contingencies, including inspection costs, to arrive at the total estimated cost. The approved total of estimated costs shall be the basis for the establishment of the performance bond amount.

1137.09 PLAN REVIEW BY CITY ENGINEER.

Unless the applicant has submitted a petition described in Section 1137.10, prior to the review of the improvement plans by the City Engineer, the developer shall deposit with the City an amount as indicated in Section 1105.05. Any such deposit will be accompanied by an agreement to the effect that the deposit will be increased as needed to cover the City's costs of review.

1137.10 GUARANTEE FOR INSTALLATION OF IMPROVEMENTS.

Prior to the granting of final plat approval by the Planning Commission, either:

(a) All improvements required herein shall have been constructed, or, to the extent contemplated by this Code, financial guarantees for their construction shall have been posted; or

(b) In the case of a plat including only lands inside the City, the applicant shall have petitioned Council for the construction of such improvements and the levying of special assessments to pay costs thereof and Council shall have accepted that petition. If any such petition is accepted by Council, the fact of such acceptance shall be noted on the final plat prior to its recording. Any such petition shall:

(1) Describe in specific terms the kinds of improvements to be constructed and the location and termini of such improvements;

(2) Be signed by the applicant and each owner of each property to be assessed for the improvements and, to the extent known, by the prospective owners of each such property;

(3) Waive the procedural requirements of Ohio R.C. Chapter 727 and all resolutions, ordinances, hearings and notices for the making of such improvements and the levying of special assessments to pay costs thereof;

(4) Set forth what portion, if any, of the cost of the improvements the City will assume;

(5) State whether the improvements are to be installed all at once or, with the approval of the City Engineer and the Planning Commission, whether portions of the improvements may be installed as determined by the Engineer and Commission to be desirable; and

(6) Contain such other provisions as the Law Director may determine to be appropriate for the proper safeguarding of the City's interests.

1137.11 UNINSTALLED IMPROVEMENTS.

As provided in Section 1111.05(b)(4)(D), certain improvements that may be damaged during the course of construction such as sidewalks may be constructed after final approval of the plat by the Planning Commission. Such uninstalled improvements shall be covered by a surety or certified check for the amount of the City Engineer's estimate of the construction cost of such improvements.

1137.12 MAINTENANCE BOND.

Prior to final approval of the plat and improvement plans by the Planning Commission, the developer will be required to post a maintenance bond for all completed improvements with a term of three years. The bond term shall commence upon 100% completion of all improvements. The amount of the bond shall be ten percent (10%) of the cost of the improvements as approved by the City Engineer and approved as to form by the Law Director.

1137.13 CONSTRUCTION PROCEDURE AND MATERIALS.

Improvements designed and constructed shall meet the standards outlined herein.

(a) Construction shall be performed under City supervision and inspection and shall be completed within the time fixed or agreed upon by the City Engineer.

(b) The minimum requirements for materials shall be in accordance with the standards of the current volume of "Construction and Material Specifications" of the Division of Highways of the Ohio Department of Transportation and the requirements of the Ohio Department of Health.

(c) All inspection costs for such improvements shall be the responsibility of the applicant.

1137.14 MONUMENTS, MARKERS AND PINS.

(a) Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitively all lines of the plat, including all lot corners.

(b) Stone or concrete monuments shall be at least six inches in diameter, and shall be provided with an appropriate center point.

(c) Solid iron pins or iron pipe monuments at least one inch in diameter and at least thirty inches long may be used at all other points.

(d) Iron pins shall be set for the right-of-way prior to the installation of the permanent monuments on the center line of the road and before recording of the plat. Any pins set shall be located on the plat.

1137.15 STREET IMPROVEMENTS.

All streets shall be graded to their full width including side slopes, and improved in conformance with the standards given or referred to in this Code. All street construction shall also be in accordance with applicable City specifications.

1137.16 STREET WIDTH.

Minimum street pavement widths shall conform to the standards given in Sections 1135.05 through 1135.07, inclusive.

1137.17 STREET SUBGRADE.

(a) The street subgrade shall be free of sod, vegetative or organic matter, soft clay, and other objectionable materials for a depth of at least two feet below the finished surface. The street subgrade shall be properly rolled, shaped and compacted, and a minimum of two (2) proof rollings will be required prior to paving under the direction and approval of the City Engineer.

(b) All fill underlying a proposed roadway shall be compacted to a density of ninety-eight (98%) percent or greater. Inspection of fill shall be conducted by the City Engineer. The applicant shall have fill material tested by a responsible testing company at the applicant expense. Those results will be reviewed and approved by the City Engineer.

1137.18 STREET BASE COURSE.

The base course shall be an aggregate limestone base (Ohio Department of Transportation (ODOT) Item 304) of a minimum thickness of six (6), or as determined by the City Engineer.

1137.19 PAVEMENT CONSTRUCTION.

A concrete or asphaltic concrete pavement shall be constructed in each street proposed to be dedicated. The pavement material shall be as determined by the City Engineer. In certain

special instances where it is proposed to use an existing dedicated street with an inadequate pavement as a principal access street to the proposed subdivision, the City may require that new pavement and sidewalks be constructed on the principal access streets at no expense to the City. The new pavement shall be built with a six-inch Ohio Department of Transportation (ODOT) Type 2A or Type 6 Portland cement concrete curb on each side of the pavement. The minimum section of the pavement shall be as follows, and shall be constructed in accordance with the Ohio Department of Transportation (ODOT) "Construction and Materials Specifications", as directed by the City Engineer.

PAVEMENT TYPES

(a) Concrete Pavement

(1) A seven (7) inch minimum thickness per ODOT Item 451 and 452, excluding the base course.

(2) Tests will be made by a commercial testing laboratory, at the expense of the contractor, twice each day. Tests will be done for air content and slump. Each test will consist of three cylinders, one to be broken at seven days and the other two cylinders will be broken at twenty-eight days.

(b) Asphaltic Concrete Pavement

Subgrade CBR Value*	Pavement Thickness (inches), excluding base course		
	Item 301	Item 402	Item 404
3	6	2	1-1/2
5	5	1-1/2	1-1/2
7	4-1/2	1-1/2	1-1/2
10 and more	4	1-1/2	1-1/2

*To be determined by laboratory analysis and field verification prior to pavement construction. All testing shall be at the expense of the contractor.

(c) At all street intersections, the pavement shall be joined by a circular curve or turnout of a minimum radius per Table 4 in Section 1135.10, measured to the outside of the pavement. It is recommended that wherever feasible, the radius point of the pavement turnout should be made coincident with that of the right of way.

(d) In order to insure a minimum sight distance of 500 feet and with due allowance for reasonable vertical curves, the maximum gradient shall be eight percent (8%).

(e) In order to have a good drainage, no longitudinal pavement grade shall be less than one-half percent (0.5%).

(f) Changes of gradient of one percent (1%) or more shall be connected by a vertical curve.

(g) A four-inch or six-inch curb underdrain, Ohio Department of Transportation (ODOT) Item 605, of material acceptable to the City Engineer with a suitable granular backfill shall be provided on the outside of each curb to adequately drain the subbase or subgrade.

1137.20 SIDEWALKS AND DRIVEWAYS.

(a) Sidewalks shall be so positioned as determined by the City Engineer.

(b) The minimum thickness shall be four inches. At driveways and other points of vehicular crossings, the thickness shall be six (6) inches in residential districts and eight (8) inches in all other districts. The City Engineer may require suitable steel reinforcing at commercial and industrial drive crossings, or wherever heavy or frequent vehicular loads are contemplated.

(c) The sidewalks shall be extended to the curb at all street intersections and at all proposed pedestrian crosswalks with appropriate curb ramps approved by the City Engineer.

(d) Concrete drive aprons shall be constructed from the sidewalk to the curb before the completion of each residential, commercial or industrial unit and shall meet the same requirements for sidewalk thickness and reinforcement.

(e) Each lot shall be served by a separate driveway. Driveways shall have a maximum grade of ten percent (10%). Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side for residential units and five feet wider than the driveway pavement for multi-family, commercial, and industrial units; plus 18 inches on each side for curb transitions.

1137.21 STREET NAME SIGNS; STREET NAMING.

(a) Street name signs, of a type in use throughout the City, shall be erected by the applicant at all intersections at no cost to the City, unless otherwise provided in a petition described in Section 1137.10 that has been accepted by Council.
(b) Whenever a new street is constructed along the approximate alignment or extension of an existing street, its name shall be the same as that of the existing one.
(c) Whenever a street alignment changes direction more than seventy-five degrees without a return to the original alignment within a distance of 500 feet, then the name of the street shall be changed at the point of curvature.
(d) Whenever a cul-de-sac street serves not more than three lots, the name of the intersecting street shall apply to the cul-de-sac.
(e) Street names shall be sufficiently different in sound and spelling from other street names in the City. To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Engineer prior to such names being assigned or used.

1137.22 STREET AND WALKWAY LIGHTING.

(a) The applicant shall install street lights in accordance with standards and specifications of the City Engineer except as provided in the following paragraph and unless otherwise provided in a petition described in Section 1137.10 that has been accepted by Council.
(b) The wiring for street lighting shall be underground unless otherwise determined by the Superintendent of Electric Power on a case by case basis, taking into consideration ground conditions such as bedrock, underground water conditions and means of electric service, that aerial wiring is more appropriate for the circumstances.
(c) The Superintendent of Electric Power shall supervise the installation of all electric facilities and ~~he~~ shall determine whether the City or the applicant will install such facilities. In cases where the City will install all the electrical facilities other than pursuant to a petition described in Section 1137.10, the applicant shall pay, in advance, the cost of such installation as determined by the Superintendent.

1137.23 TOPSOIL AND SEEDING.

Unless otherwise provided in a petition described in Section 1137.10 that has been accepted by Council, the developer shall:

(a) Place topsoil material in the tree lawn in accordance with Item 653 of the Division of Highways of the Ohio Department of Transportation "Topsoil Furnished and Placed"; and
(b) Seed and mulch the tree lawn area in accordance with Item 660 of the Division of Highways of the Ohio Department of Transportation "Seeding and Mulching."

1137.24 STREET TREES.

Unless otherwise provided in a petition described in Section 1137.10 that has been accepted by Council, the applicant shall include provisions for street trees subject to the following:

(a) Throughout new subdivisions existing trees should be preserved to the fullest reasonable extent, giving special consideration to mature or exceptional specimens.
(b) Street trees shall be required at fifty-foot intervals.
(c) The minimum street tree setbacks shall be determined the City based on the growth characteristics of the proposed tree, the width of the right of way in question, and the required visibility factors for the roadway as determined by the City Engineer.
(d) Trees shall be a minimum of two-inch caliper as measured 4 feet above the approved finished grade and shall be a minimum planted height of 10 to 12 feet.
(e) The applicant shall maintain all trees for a period of one (1) year after any installation and replace any tree which fails to survive or does no exhibit normal growth characteristics of health and vigor within such period. The guarantee period shall begin after the installation has been approved by the City. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growth condition as determined by the City's inspection shall be promptly replaced at the expense of the applicant. Upon replacement, the one year guarantee period shall recommence for those materials having been replaced.

1137.25 GRADING.

Each residential, commercial or industrial lot or parcel shall be so graded as to allow no ponding whatsoever of any surface water.

(a) Wherever feasible, grading shall be accomplished in such fashion that all surface water shall drain into inlets constructed within limits of the right of way.

(b) When necessary, inlets and conduits draining into storm conduits shall be constructed in areas outside the limits of the right of way.

(c) The methods outlined in subsections (a) and (b) hereof are not to be construed as to prohibit any drainage, wherever feasible, into natural or constructed drainage channels.

(d) Special attention shall be given to avoid any ponding or excessive runoff to contiguous property of any surface water, both during and subsequent to the period of construction.

(e) In unpaved areas the minimum allowable gradient of the surface to accomplish overland flow shall be seven-tenths of one percent (.7%).

(f) The maximum allowable length of flow of surface water over unpaved areas before entering an inlet or a channel shall be 300 feet.

1137.26 STORM SEWERS.

An adequate storm drainage system shall be constructed for each proposed subdivision or development. The storm drainage system shall consist of a system of underground conduits, which provide adequate inlets for all surface runoff and a separate storm drainage connection for each individual residential, commercial or industrial unit.

(a) The sizes of storm drainage conduits shall be computed by the rational method. All computations shall be submitted for review and approval. The computations shall be based on a five year frequency rain and that the maximum allowable time of concentration of initial inlet shall be twenty minutes.

(b) All public storm conduits shall be a minimum of twelve inches in diameter and constructed at such a gradient as to maintain a minimum velocity of flow of two feet per second when flowing at fifty percent (50%) of capacity.

(c) All storm sewer conduits constructed within or outside the limits of the right of way, shall be constructed of reinforced concrete pipe meeting the ASTM, Int'l, specification C-76 and all joints shall be sealed with an approved field-applied bituminous pipe joint compound, or Polyvinyl Chloride (PVC) minimum SDR35, or Polyethylene Pipe ASTM D-3350; sizes and materials shall be determined by the City Engineer.

(d) All service connections to public storm conduits shall be six inches in diameter or larger and shall extend from the main conduit to the limits of the right of way or utility easement. Downspouts and footer drains of structures shall not be connected to the curb, or directly to a storm sewer.

(e) Unless otherwise specifically authorized by the City Engineer, the minimum depth of the invert of the storm service connection at the right-of-way line shall be six feet below the established centerline grade of the pavement.

(f) In general, storm manholes shall be precast type and they shall be constructed at all change of alignment and grade of the conduit, and at maximum intervals of 300 feet.

(g) The inlets shall be grate type and the slots shall run parallel to the direction of the flow and be at least twelve inches long and the area of the opening shall be at least fifty percent (50%) of the area of the grate.

(h) All areas which contribute or may contribute storm water, either in conduits or by overland flow, to the proposed storm drainage system shall be considered in the determination of the size of the proposed storm conduits.

(i) Where natural drainage channels intersect any right of way, the applicant shall construct satisfactory bridges and/or culverts, unless the applicant has submitted, and Council has accepted, a petition described in Section 1137.10 for the construction of such improvements. The culverts shall extend across the entire right of way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be eighteen inches, and headwalls are required at each end of the culvert.

1137.27 SANITARY SEWERS.

Each residential, commercial or industrial use shall be serviced by an adequate sanitary sewage collection and disposal system.

(a) All public sanitary sewers shall be eight inches in diameter or larger, constructed at such a gradient as to maintain a minimum velocity of two feet per second or greater when flowing at fifty percent (50%) capacity using Kutter's "n" value of 0.013. All sewers shall be designed and installed so that at maximum rate of flow, the flow shall not exceed seventy percent (70%) of absolute theoretical capacity.

(b) After construction and cleaning, all main sewers including the manholes, laterals and house connections, shall undergo an infiltration or exfiltration test. The controlling water level shall not be less than three feet above the top of the pipe or the ground water table at the upper end of the section being tested. The maximum allowable rate of infiltration or exfiltration shall not exceed 100 gallons/inch diameter/mile of sewer/day.

(c) All service connections to public sanitary sewers shall be six inches in diameter or larger with a minimum slope of one-eighth inch per lineal foot of pipe, and shall extend from the main sewer to the limits of the dedicated right of way or utility easement. The last two bell ends and the stopper for each connection shall be painted yellow for purposes of identification. Service connections shall meet the same material specifications as public sanitary sewers.

(d) All public sanitary sewers fifteen inches in diameter or less, including service connections thereto, constructed within the limits of the right of way shall be constructed of extra strength clay pipe ASTM Int'l. specification C-700 with pipe joints ASTM C-425, or Polyvinyl Chloride (PVC) minimum SDR35 with pipe joints ASTM specifications D3212-73T, as determined by the City Engineer.

(e) All public sanitary sewers eighteen inches in diameter or more, constructed within the limits of the right of way or easements, shall be constructed of reinforced concrete pipe meeting the specifications of the ASTM, Int'l. specification C-76 with joints of a factory fabricated flexible gasket, meeting the specifications for joints for circular concrete sewer, using flexible, watertight, rubber type gaskets, ASTM specification C-443.

(f) Unless otherwise specifically authorized the minimum depth of the invert of the sanitary sewer connection at the right-of-way line shall be six feet below the established centerline grade of pavement.

(g) In general, sanitary manholes shall be constructed at all changes in alignment and grade of the sewer, and at maximum intervals of 350 feet on sewers to twenty-four inches diameter and at maximum intervals of 450 feet on sewers over twenty-four inches diameter.

(h) Prior to construction, the applicant shall submit plans for the construction of sewage collection to the Ohio Environmental Protection Agency for approval.

1137.28 WATER SUPPLY.

(a) The applicant shall construct a system of water mains and connect with the public water system to supply adequate public water service for each parcel of land to be occupied by a residential, commercial or industrial unit.

(b) All water mains for fire protection and local domestic water in public thoroughfares shall be C-909 PVC pressure class 235 or Class 52 cement-lined cast/ductile iron pipe meeting or exceeding Class 52 specifications, as determined by the City Engineer and the Superintendent of the Water Department. Minimum diameter of eight inches shall be required, always with the approval of the City Engineer and the Superintendent of the Water Department.

(c) All water mains and appurtenances shall be constructed in accordance with the rules, standards and specifications of the City and the American Water Works Association.

(d) All drawings shall show placement of hydrants and size of water mains according to the following specifications:

(1) A minimum of two hydrants within 500 feet of any building.

(2) No part of a building should be more than 300 feet from a hydrant.

(3) Hydrants are to be installed according to City standards.

(4) Size of mains:

A. Minimum size line to be eight (8) inches or as determined by the Water Division.

B. Location of hydrants on the site shall be approved by the Fire Department.

(5) Driveway arrangement shall be designed so that fire equipment can reach hydrants by the use of such drives.

1137.29 OTHER UTILITIES.

(a) All public sanitary sewers shall be eight inches in diameter or larger, constructed at such a gradient as to maintain a minimum velocity of two feet per second or greater when flowing at fifty percent (50%) capacity using Kutter's "n" value of 0.013. All sewers shall be designed and installed so that at maximum rate of flow, the flow shall not exceed seventy percent (70%) of absolute theoretical capacity.

(b) After construction and cleaning, all main sewers including the manholes, laterals and house connections, shall undergo an infiltration or exfiltration test. The controlling water level shall not be less than three feet above the top of the pipe or the ground water table at the upper end of the section being tested. The maximum allowable rate of infiltration or exfiltration shall not exceed 100 gallons/inch diameter/mile of sewer/day.

(c) All service connections to public sanitary sewers shall be six inches in diameter or larger with a minimum slope of one-eighth inch per lineal foot of pipe, and shall extend from the main sewer to the limits of the dedicated right of way or utility easement. The last two bell ends and the stopper for each connection shall be painted yellow for purposes of identification. Service connections shall meet the same material specifications as public sanitary sewers.

(d) All public sanitary sewers fifteen inches in diameter or less, including service connections thereto, constructed within the limits of the right of way shall be constructed of extra strength clay pipe ASTM Int'l. specification C-700 with pipe joints ASTM C-425, or Polyvinyl Chloride (PVC) minimum SDR35 with pipe joints ASTM specifications D3212-73T, as determined by the City Engineer.

(e) All public sanitary sewers eighteen inches in diameter or more, constructed within the limits of the right of way or easements, shall be constructed of reinforced concrete pipe meeting the specifications of the ASTM, Int'l. specification C-76 with joints of a factory fabricated flexible gasket, meeting the specifications for joints for circular concrete sewer, using flexible, watertight, rubber type gaskets, ASTM specification C-443.

(f) Unless otherwise specifically authorized the minimum depth of the invert of the sanitary sewer connection at the right-of-way line shall be six feet below the established centerline grade of pavement.

(g) In general, sanitary manholes shall be constructed at all changes in alignment and grade of the sewer, and at maximum intervals of 350 feet on sewers to twenty-four inches diameter and at maximum intervals of 450 feet on sewers over twenty-four inches diameter.

(h) Prior to construction, the applicant shall submit plans for the construction of sewage collection to the Ohio Environmental Protection Agency for approval.

1137.28 WATER SUPPLY.

(a) The applicant shall construct a system of water mains and connect with the public water system to supply adequate public water service for each parcel of land to be occupied by a residential, commercial or industrial unit.

(b) All water mains for fire protection and local domestic water in public thoroughfares shall be C-909 PVC pressure class 235 or Class 52 cement-lined cast/ductile iron pipe meeting or exceeding Class 52 specifications, as determined by the City Engineer and the Superintendent of the Water Department. Minimum diameter of eight inches shall be required, always with the approval of the City Engineer and the Superintendent of the Water Department.

(c) All water mains and appurtenances shall be constructed in accordance with the rules, standards and specifications of the City and the American Water Works Association.

(d) All drawings shall show placement of hydrants and size of water mains according to the following specifications:

(1) A minimum of two hydrants within 500 feet of any building.

(2) No part of a building should be more than 300 feet from a hydrant.

(3) Hydrants are to be installed according to City standards.

(4) Size of mains:

A. Minimum size line to be eight (8) inches or as determined by the Water Division.

B. Location of hydrants on the site shall be approved by the Fire Department.

(5) Driveway arrangement shall be designed so that fire equipment can reach hydrants by the use of such drives.

1137.29 OTHER UTILITIES.

(a) All public utility lines for telecommunications and electric service shall be provided and placed underground in all subdivisions. Gas and cable television service may be required in the same manner where reasonably accessible.
(b) Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
(c) Prior to approval by the City Engineer, improvement plans, for electric lines, telecommunications lines, gas lines, and cable television lines shall be submitted to the applicable utility companies for review and recommendation.
(d) The applicant shall provide the trenching for such service installation and all costs associated with the purchase and installation of decorative street lights as approved by the City Engineer and Electric Superintendent.
(e) The Planning Commission may modify the requirements of this section upon recommendation of the City Engineer and a when such modification is necessary or desirable for the public interest.

1137.30 LOCATION OF UTILITIES.

The City Engineer shall determine the exact location of the proposed utilities in the right of way or easement.

1137.31 OVERSIZE AND OFF-SITE IMPROVEMENTS.

The utilities, pavements and other land improvements required for the proposed subdivision shall be designed of oversize and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the City Engineer.

1137.32 EXTENSIONS TO BOUNDARIES.

The applicant may be required to extend, or submit a petition described in Section 1137.10 for the extension of, the necessary improvements to the boundaries of the proposed subdivision to serve adjoining unsubdivided land as determined by the Planning Commission.

1137.33 OFF-SITE EXTENSIONS.

If streets or utilities are not available at the boundary of a proposed subdivision, and if the Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a Municipal expense until some future time, the applicant may be required, prior to approval of the final plat, to obtain necessary easements or rights of way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

CHAPTER 1139
Riparian Setbacks

1139.01 PURPOSE.

It is hereby determined that the system of headwaters, rivers, streams, wetlands, and other natural watercourses within the City of Painesville contributes to the health, safety and general welfare of its residents. The purpose of these regulations is to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures, uses, and related soil disturbing activities within a riparian setback or wetland setback. It is the further intent of this Chapter to regulate uses and developments within riparian and/or wetland setbacks that would impair the ability of those areas to:

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

(b) Assist in stabilizing the banks of watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.

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

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

(e) Provide watercourse habitats, including many of Ohio's endangered and/or threatened species, with shade and food by maintaining diverse and connected wetland and riparian vegetation.

(f) Benefit the City by minimizing encroachment on wetlands and watercourses minimizing the need for costly engineering solutions or other invasive measures that may be necessary to protect persons, buildings, structures, and uses as well as to reduce the damage to real property and threats to overall public health and safety within the affected watershed.

(g) Benefit the City by contributing to preserving the scenic beauty of the environment in order to maintain the character of the City of Painesville, the quality of life of the residents, and the corresponding property values.

1139.02 APPLICABILITY.

(a) The regulations as set forth herein shall apply to:
  (1) All riparian areas meeting the criteria as set forth herein.
  (2) All zoning districts.
  (3) All buildings, structures, uses, and related soil disturbing activities on lands containing a designated watercourse and/or wetland, except as otherwise provided herein.

(b) No Certificate of Compliance shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse except in conformity with this Chapter.

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

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

1139.03 DEFINITIONS.

In addition to the Definitions set forth in Chapter 1107, for the purpose of this Chapter, the following terms shall mean:

(a) CLASS III PRIMARY HEADWATER HABITAT STREAM: The highest quality primary headwater habitat streams as described in the most current version of the *Ohio EPA Field Evaluation Manual for Ohio's Primary Headwater Habitat Streams.*

(b) DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

(c) DESIGNATED WATERCOURSE: A watercourse within the City that is in conformity with the criteria set forth in these regulations.

(d) DRAINAGE DITCH: A channel for carrying off excess water.

(e) DUMPING: The grading, pushing, piling, throwing, unloading or placing soil or other material.

(f) FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA"): The agency with overall responsibility for administering the National Flood Insurance Program.

(g) FLOOD INSURANCE RATE MAPS ("FIRM"): The official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

(h) LAKE COUNTY SOIL AND WATER CONSERVATION DISTRICT ("Lake SWCD"): An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Conservation District Board or its designated employee(s).

(i) MITIGATED WETLANDS: Those actions taken to avoid, minimize, or deter the need to adversely affect existing Wetlands and similar habitats.

(j) NOXIOUS WEED: Any plant species defined by the Ohio Department of Agriculture as a "noxious weed" and listed as such by the Department. For the purposes of this Chapter, the most recent version of this list at the time of application of this regulation shall prevail.

(k) ONE HUNDRED (100) YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by FEMA.

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

(q) RIPARIAN AREA: Land that is naturally vegetated and adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this Chapter.

(r) RIPARIAN SETBACK: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this Chapter.

(s) RIPARIAN SETBACK MAP: A map identifying designated watercourses and their riparian setbacks including any additions, amendments, or deletions to the map, as created and updated from time to time by the appropriate governmental agencies.

(t) SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

(u) WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

(v) WATERSHED: The region drained by a watercourse.

(w) 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).

- Category 1: Wetlands with minimal wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.
- Category 2: Wetlands with moderate wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.
- Category 3: Wetlands with superior wetland function and/or integrity. Ohio Administrative Code (O.A.C.) Rule 3745-1-53(c) of the Ohio EPA.

(x) WETLAND SETBACK: The real property adjacent to a wetland located in the area defined by the criteria set forth in this regulation.

1139.04 ESTABLISHMENT OF DESIGNATED WATERCOURSES.

(a) Designated watercourses, shall be only those watercourses meeting any one (1) of the following criteria:

(1) Watercourses draining an area equal to or greater than one (1) square mile; or

(2) Watercourses draining an area less than one (1) square mile and having a defined bed, bank, and definite direction of flow, either continuously or intermittently flowing, including through culverts, bridges and other conveyance structures; or, .

(3) Any watercourse newly constructed, altered, restored, or proposed in a development or as part of an overall development plan. Such projects shall show compliance with all applicable local, state, and federal requirements.

(b) Riparian setbacks do not apply to drainage ditches, constructed exclusively for road side drainage and that are generally parallel to road; provided however, that the City Engineer may establish the minimum setback necessary to prevent an obstruction that could compromise the integrity of the ditch slope.

(c) In determining if watercourses meet the criteria in subsection (a) above, the City may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.

(d) Final determination shall be made by the City Manager in accordance with the rules herein.

1139.05 RIPARIAN SETBACKS.

(a) Riparian setbacks shall be required on all land adjacent to designated watercourses. The setback distance, established as follows, will be determined by the size of the watershed that the watercourse drains.

(1) A minimum of one hundred twenty (120) feet on each side of all designated watercourses draining an area equal to or greater than fifty (50) square miles.

(2) A minimum of one hundred (100) feet on each side of all designated watercourses draining an area equal to or greater than twenty (20) square miles and up to fifty (50) square miles.

(3) A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than ten (10) square miles and up to twenty (20) square miles.

(4) A minimum of fifty (50) feet on each side of all designated watercourses draining an area equal to or greater than five (5) square miles and up to ten (10) square miles.

(5) A minimum of forty (40) feet on each side of all designated watercourses draining an area equal to or greater than two and one half (2.5) square miles and up to five (5) square miles.

(6) A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one (1) square mile and up to two and one half (2.5) square miles.

Watershed Size (In Square Miles)	**Setback Distance (Minimum)**
50 or greater	120 Feet
20 up to 50	100 Feet
10 up to 20	75 Feet
5 up to 10	50 Feet
2.5 up to 5	40 Feet
<1 up to 2.5	25 Feet

(b) The City shall provide a Riparian Setback Map to be utilized as a guide or reference document in determining when the riparian setback applies.

(1) Such map shall be made part of this Chapter and shall be on file and available for public inspection at the City of Painesville Community Development Department.

(2) If any discrepancy is found between the Riparian Setback Map and the on-site conditions, the criteria set forth in these regulations shall prevail.

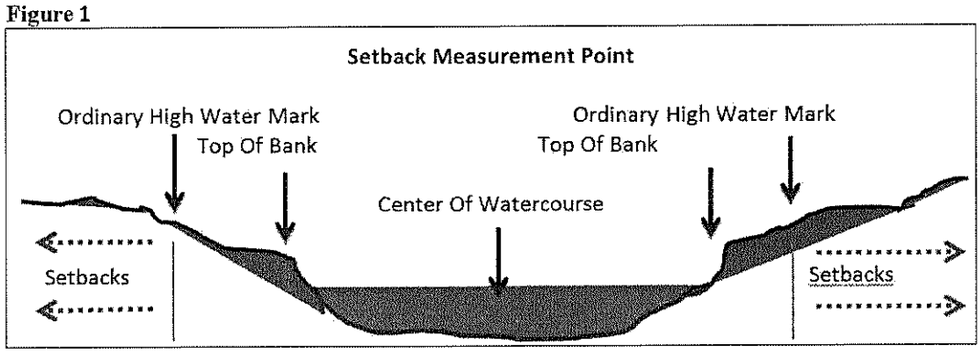
(3) Nothing herein shall prevent the City from amending the Riparian Setback Map from time to time as may be necessary.

(4) In reviewing and interpreting the Riparian Setback Map, the City may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.

(c) The following regulations shall apply to riparian setbacks:

(1) Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse. See **Figure 1** below.

Figure 1



(2) Except as otherwise provided in this Chapter, riparian setbacks shall be preserved in their natural state.

(3) Where the 100-year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) of Lake County, Ohio administered by FEMA.

1139.06 WETLAND SETBACKS.

The following regulations shall apply to wetland setbacks:

(a) Where proposed projects indicate impacts to wetlands, the wetlands shall be delineated using protocols accepted by the U.S. Army Corp of Engineers. Such delineation is a requirement of the U.S. Army Corp of Engineers and the Ohio Environmental Protection Agency.

(b) All Wetlands identified by the State of Ohio and/or the Corps of Engineers shall have the following setbacks as measured from the jurisdictional boundary:

(1) Category 3 Wetland: Fifty (50) feet extending beyond the outermost boundary.

(2) Category 2 Wetland: Thirty (30) feet extending beyond the outermost boundary.

(3) Category 1 Wetland: Ten (10) feet extending beyond the outermost boundary.

Wetland Category	**Setback Distance (Minimum)**
Category 3	Fifty (50) feet
Category 2	Thirty (30) feet
Category 1	Ten (10) feet

(c) The City may consult with any departments, agencies or technical experts to determine wetlands within a riparian setback, or at the City's discretion, wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using delineation protocols accepted by the U.S. Army Corp of Engineers at the time an application is made under this regulation.

(d) Any costs to the City that are associated with the review or obtaining of the necessary wetlands delineation, review, or plan shall be assessed to the Applicant.

(e) Setbacks for wetlands should be on all non-mitigated wetlands. All wetlands shall be shown on wetland delineation regardless if the wetland is going to be mitigated or not. If a wetland is lawfully filled as authorized by the U.S. Army Corps of Engineers, no wetland setback is required.

(f) No approvals or permits shall be issued by the City prior to delineation of wetland setbacks in conformance with this Chapter. Final determination shall be made by the City Manager.

1139.07 APPLICATIONS AND SITE PLANS.

(a) When making an application for a Certificate of Compliance for a building, structure or use regulated by this Chapter that impacts a designated water course or wetlands, the owner or applicant shall be responsible for identifying riparian setbacks, proposed stream crossings and stream bank stabilization as required by these regulations. The owner or applicant shall indicate such setback distance in accordance with this Chapter on all site plans submitted to the City Engineer.

(b) In determining if the site plan meets the criteria of this section, the City may consult with a representative of the Lake SWCD or any other technical expert(s) as necessary.

(c) If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in this Chapter, the riparian setback shall, subject to the discretion of the City Engineer, be clearly identified by the applicant on site with construction fencing as shown on the site plan. Such identification shall be completed prior to the commencement of any soil disturbing activities and shall be maintained on the lot until the completion of such development or soil disturbing activities.

1139.08 PERMITTED USES WITHIN RIPARIAN AND WETLAND SETBACKS.

(a) The following buildings, structures, uses, and related soil disturbing activities may be permitted within a riparian and/or wetland setback without a Certificate of Compliance.

(1) Recreational Activities. Hiking, fishing, hunting, picnicking, picnic tables, trails, walkways, and paths constructed of pervious materials to accommodate pedestrians and non-motorized vehicles.

(2) Removal of Damaged or Diseased Trees. Damaged or diseased trees and other associated debris may be removed in accordance with any and all other Federal, State, or local laws or regulations.

(3) Revegetation and/or Reforestation. Riparian setbacks may be revegetated and/or reforested with native, noninvasive plant species in accordance with any and all other Federal, State, or local laws or regulations.

(4) Maintenance and Repairs. Maintenance and repair on lawfully existing buildings, structures, uses, roads, driveways, bridges, culverts, trails, walkways, paths, and utilities.

(5) Maintenance and Cultivation of Lawns and Landscaping. The maintenance of existing, and the cultivation of new, lawns, landscaping, shrubbery, and trees.

(6) Open Space. Passive open space to preserve the riparian setback area in its natural state.

(b) The following buildings, structures, and uses may be permitted within a riparian and/or wetland setback in accordance with the following regulations and such other applicable regulations contained in this Code.

(1) Signs.

(2) Fences and walls.

(3) Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in riparian setbacks and mitigate any necessary disturbances.

A. Crossings shall only be undertaken upon approval and consultation with the Lake SWCD.

B. Work occurring below the ordinary high water mark of designated watercourses will require submission to the City Engineer of proof of compliance with the applicable conditions of a of U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification). Proof of compliance shall be:

1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

C. Any cost associated with the review of the Crossing Plan shall be assessed to the Applicant.

(4) Stream bank stabilization projects along designated watercourses may be permitted subject to other regulations contained in this Chapter and the regulations enforced by the Lake SWCD.

A. Stream bank stabilization projects shall only be undertaken upon approval and consultation with the Lake SWCD.

B. Work occurring below the ordinary high water mark of designated watercourses will require submission to the City Engineer of proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification). Proof of compliance shall be:

1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

C. Any cost associated with the review of the stream stabilization project shall be assessed to the Applicant.

1139.09 PROHIBITED USES WITHIN RIPARIAN AND WETLAND SETBACKS.

Any building, structure, use, or related soil disturbing activity not permitted under this Chapter shall be prohibited within a riparian or wetland setback. The following buildings, structures, and uses are specifically prohibited; however, prohibited uses are not limited to those examples listed here.

(a) Construction. There shall be no structures of any kind, except as otherwise permitted under this Chapter.

(b) Dredging or Dumping. There shall be no drilling, filling, dredging, or dumping of soil, spoils, liquid, or solid materials, except for non-commercial composting of uncontaminated natural materials, and except as otherwise permitted under this Chapter.

(c) Roads or Driveways. There shall be no roads or driveways permitted in riparian and/or wetland setback area, except as otherwise permitted under this Chapter. There shall be no roads or driveways or roads permitted in wetlands or watercourses without a permit issued by the U.S. Army Corps of Engineers and/or the Ohio EPA.

(d) Motorized Vehicles. There shall be no use of motorized vehicles, except as otherwise permitted under this Chapter.

(e) Disturbance of Natural Vegetation. There shall be no disturbance, including mowing, of the natural vegetation, except for such conservation measures that the landowner deems necessary to control noxious weeds or to remove damaged or diseased trees; for such plantings as are consistent with this Chapter; for such disturbances as are approved under the Section 1139.06 of these regulations; and for the passive enjoyment, access, and maintenance of landscaping or lawns existing at the time of passage of this regulation. Nothing in this regulation shall be construed as requiring a landowner to plant or undertake any other activities in riparian and wetland setbacks.

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

(g) New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian and wetland setbacks shall not be used for the disposal or treatment of sewage except in accordance with Lake County Board of Health regulations in effect at the time of application of this Chapter.

1139.10 NOTICE AND INSPECTION.

(a) The owner shall notify the City Engineer at least ten (10) working days prior to the initiation of any construction, land development or soil disturbing activities on a lot with an approved site plan.

(b) The City Engineer shall be permitted to make an on-site inspection of the delineation of riparian setbacks, prior to the initiation of any construction, land development, or soil disturbing activities, on an affected lot.

(c) The City Engineer, with prior notice and the authorization of the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

1139.11 VARIANCES.

(a) The Board of Zoning Appeals may grant a variance to these regulations as provided in Section 1111.12

(b) In making a determination to grant, grant with conditions, or deny a variance, the BZA may consider the criteria set forth in Section 1111.12(c) and the following:

(1) The natural vegetation of the property as well as the percentage of the parcel that is in the 100-year floodplain.

(2) The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the riparian setback. This determination shall be based on sufficient technical and scientific data.

(3) The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the riparian setback as established in this regulation, placed on the landowner by this Chapter and the availability of alternatives to the proposed structure or use.

(4) Soil-disturbing activities permitted in the riparian setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices necessary to minimize erosion and control sediment.

(5) The presence of significant impervious cover in the riparian setback compromises its benefits to the City.

(6) Variances should not be granted for asphalt or concrete paving in the riparian setback, but may be granted for gravel driveways when a practical difficulty exists.

(7) Whether a property, otherwise buildable under the codified ordinances of the City will be made unbuildable because of these regulations.

(c) In order to maintain the riparian setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variances to other area or setback requirements imposed on a property by this Code provided the Applicant makes the necessary application. These may include, but are not limited to, parking requirements, requirements for the shape, size, or design of buildings, or front, rear, or side yard setbacks.

(d) In granting a variance under these regulations, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of these regulations and to mitigate any necessary impacts in the riparian setbacks permitted by variance. In determining appropriate mitigation, the BZA may consult with the City Engineer or other agencies including Lake SWCD.

1139.12 PENALTY.

(a) In accordance with Section 1105.07, Penalties, the owner or applicant may be subject to penalties for failing to comply with the terms and requirements of this Chapter.

(b) When failure to comply with the terms and requirements of this Chapter results in a damage or destruction to a riparian setback or wetland, the owner or applicant shall be required to restore such riparian setback or wetland through a restoration plan approved by the City in consultation with the Lake SWCD.

CHAPTER 1141
Hillside Areas

1141.01 PURPOSE.

The regulations of this Chapter are established to achieve, among others, the following objectives:

(a) To permit development on hillside areas while conserving and promoting the public health, safety, convenience and general welfare by minimizing disruption to slope stability, water run-off and soil erosion problems incurred in adjustment of the topography to meet development needs;

(b) To preserve and enhance the natural beauty of the landscape by encouraging the maximum retention of natural topographic features such as natural drainage swales, streams, slope ridge lines, rock outcroppings, vistas from and of the hillsides, trees and other natural plant formations and to retain the sense of identity and image that the hillside areas now impart to the City.

(c) To maximize the natural environmental value of hillside areas as well as their scenic beauty and to protect public and private property owners from the potential damage to human life and safety and property damage that could be caused by increased hillside instability.

(d) To assure access to properties that have hillside areas by emergency, police and fire vehicles and personnel to protect persons and property.

1141.02 GENERAL.

(a) "Hillside area" as referred to in this chapter, means one with an average slope of more than fifteen percent (15%). The applicant shall submit sufficient detailed information as to geologic conditions, soil types and underground water level in order that a determination can be made by the City Engineer as to the safety of development of the particular location.

(b) When deemed necessary by the City Engineer, a geotechnical report by a qualified geotechnical engineer that addresses all factors pertinent to site stability, both present and future, will be required by the City, and shall include the following:

(1) Present stability evaluation. An evaluation of the present stability of the site, based on field exploration that may include test borings and lab testing and stability analysis.

(2) Future stability evaluation. An evaluation of the effect of the planned construction on stability of the site.

(3) Recommended strategies. Detailed strategies to ensure that existing or potential instabilities will be mitigated.

(4) Minimum Requirements. The City Engineer shall have the authority to set minimum standards for the Geotechnical Report based on current engineering standards and site conditions.

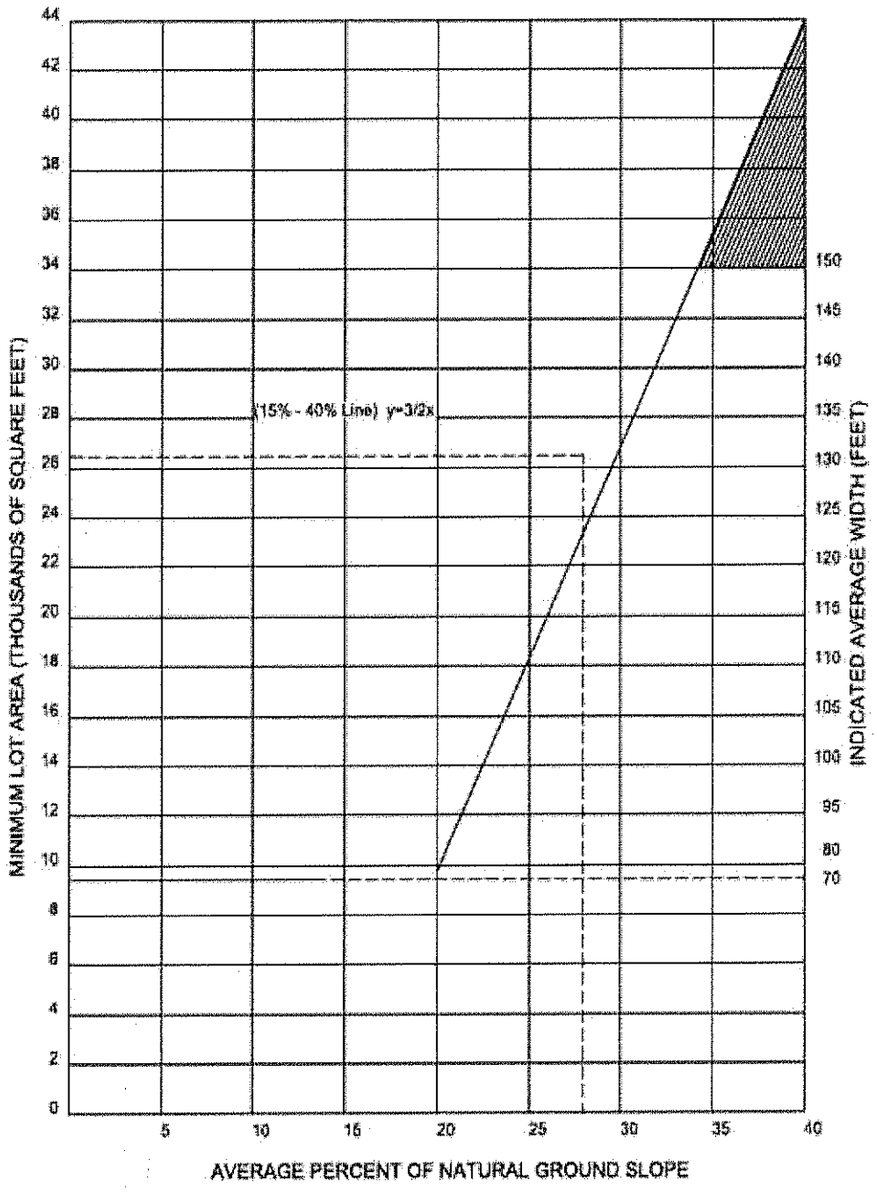
1141.03 DETERMINATION OF AVERAGE SLOPE.

The average slope for any hillside development shall be determined by the Planning Commission during the time of preliminary subdivision design. Determination will be on an area-by-area basis with each lot sized according to the average topographic change falling within each area.

1141.04 MINIMUM LOT REQUIREMENTS FOR SINGLE FAMILY HOMES.

The minimum lot requirements (see chart following) shall be used to determine the minimum lot area for a single-family home. The average percent of slope is determined by the Planning Commission. The lot area in thousands of square feet shall then be determined by charting the average natural ground slope and the minimum lot area. Rounding shall be made to the nearest five-foot frontage interval. Deviations from these requirements may be allowed subject to determination by the Planning Commission where exceptional circumstances warrant.

MINIMUM LOT SIZE REQUIREMENTS
BASED ON SLOPE



EXAMPLE: As indicated above, the minimum lot size for a single-family house on a lot with an average slope of 28 percent is 26,000 square feet. The minimum lot width is 130 feet. The resulting lot depth is 200 feet (26500/130 = 200).

1141.05 GRADING PLAN AND CONTROLS.

The grading plan shall show contour lines at five-foot intervals where average slopes exceed fifteen percent (15%) and at two-foot intervals where slopes are less than fifteen percent (15%). Elevations are to be based on the sea level datum (USGS), if available. The approximate lot layout and the approximate dimensions shall be shown for each lot and each building site. Where pads are utilized or proposed for building sites, engineering data shall show the existing topography and the approximate finished grades, location and size of each building site, and finished grade of streets prior to consideration of the final plat. No permits may be issued and no construction activity initiated until a grading plan is approved.

1141.06 CUTS AND FILLS.

No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one foot for each two and one-half feet of horizontal distance between abutting lots, unless a retaining wall of sufficient height and thickness is provided to retain the graded bank. Major cuts, excavation, grading and filling, where the same materially changes the site and its relationship with surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one foot for

each two and one-half feet of horizontal distance between abutting lots or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls.

1141.07 COMPACTION OF FILL.

All fill shall be compacted to a density of ninety percent (90%) or greater. Inspection of fill shall be conducted by the City Engineer. The applicant shall be responsible for hiring a qualified geotechnical consultant to ensure compacted density of 90% or greater; reports regarding the density shall be given to City Engineer.

1141.08 RETAINING WALLS.

Retaining walls may be required whenever topographic conditions warrant or where necessary to retain or cut slopes within the right of way. Such improvements shall require the approval of the City Engineer.

1141.09 MINIMUM HILLSIDE REQUIREMENTS.

The following regulations shall govern the front yard, side yard, street right of way and pavement requirements in hillside subdivisions:

GROUP	PERCENT OF SLOPE	FRONT YARD (feet)	SIDE YARD (% of lot width)	RIGHT OF WAY (feet)	PAVEMENT (feet)
1	15+ - 25	25	10	50	24
2	26 - 30	23	10	45	22
3	31 - over	20	10	40	20

1141.10 STREET ALIGNMENT.

The following regulations shall govern street alignment:

(a) Vertical profile grades shall be connected by vertical curves up to twenty percent (20%), but only for short, straight stretches.

(b) Waiver of visibility requirements may be given subject to the approval of the Planning Commission.

(c) Waiver of vertical curve requirements may be given subject to the approval of the Planning Commission.

1141.11 DRIVEWAYS.

The maximum grade on driveways shall not exceed ten percent (10%). Each drive shall provide sufficient space and distance so that any vehicle entering or leaving the premises shall be traveling in a forward motion.

1141.12 SIDEWALKS.

Concrete sidewalks having a minimum width of five feet and having a minimum thickness of four inches shall be installed along the uphill side of Group 1 (15 + - 25%) subdivisions.

1141.13 UNDEVELOPED LAND.

Land subject to flooding, land with excessive slope and land deemed by the Planning Commission to be undesirable for development shall not be platted for residential occupancy, nor for such other uses as may involve danger to health, life or property or to aggravate erosion or flood hazard. Such land shall be set aside for compatible uses.

1141.14 VEGETATION AND REVEGETATION.

Vegetation and revegetation of Hillside Areas shall be completed in accordance with the standards of Section 1143.09.

1141.15 LANDSCAPING.

This chapter shall not be interpreted to prohibit normal landscape maintenance or routine arboreal activities or to prohibit small scale planting of ornamental flowers or shrubs, or the removal of diseased, dead or damaged trees. However, such activities shall be carried out to conformance with the standards of vegetation or revegetation of this chapter.

1141.16 HOLD HARMLESS PROVISIONS.

The following hold harmless provisions pertain to any construction or any earth moving activities permitted by the administration of this chapter:

(a) Limited Obligation. Compliance with the procedures of this chapter and the issuance of any related permits shall not be construed to impose any legal obligation upon the City or its elected or appointed officials.

(b) Civil Claims. Compliance with the procedures of this chapter and the issuance of related permits shall not relieve the property owner from civil liability claims by other property owners.

(c) Endorsement. Compliance with the procedures of this chapter and the issuance of related permits do not imply approval of, the need for or the benefit or efficacy of the proposed construction; nor does it constitute any assertion that the proposed construction will not result in damage to the property in question or to adjoining property.

CHAPTER 1143
Erosion and Sediment Control

1143.01 PURPOSE.

(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 will promote and maintain the health and safety of the citizens of the City of Painesville.

(b) This regulation will:

(1) Allow development while minimizing erosion and sedimentation.

(2) Reduce water quality impacts to receiving water resources 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 streets, highways, and associated facilities; underground cables, conduits, or pipelines for electricity, communication, television, water, sewer, gas, or other utility needs; 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 1143.01(d).

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

1143.02 DEFINITIONS.

In addition to the Definitions set forth in Chapter 1107, for purpose of this chapter, 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) "Best management practices (BMPs)." Also "storm water control measure (SCM)." 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. 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.

(c) "Commencement of construction." The initial disturbance of soils associated with clearing, grubbing, grading, placement of fill, or excavating activities or other construction activities.

(d) "Community." Throughout this regulation, where not specifically stated, this shall refer to the City of Painesville, its designated representatives, boards, or commissions.

(e) "Concentrated storm water runoff." Any storm water runoff that flows through a drainage pipe, ditch, diversion, or other discrete conveyance channel.

(f) "Construction entrance." The permitted points of ingress and egress to development areas regulated under this regulation.

(g) "Critical area." Any area the disturbance of which would cause soil erosion and sediment runoff and damage to private properties, watercourses, storm sewers, or public lands due to topography, soil type, hydrology, or proximity to a watercourse. These areas include, but are not limited to, riparian areas, wetlands, and highly erodible soils.

(h) "Designated review entity (DRE)." A City department, an outside contracted firm, or an outside contracted agency approved by the City of Painesville for review of plans to verify compliance with this Code.

(i) "Dewatering volume." See current *Ohio Rainwater and Land Development Manual.*

(j) "Discharge." The addition of any pollutant to surface waters of the State from a point source.

(k) "Disturbance." Any clearing, grading, excavating, filling, or other alteration of land surface where natural or man-made cover is destroyed in a manner that exposes the underlying soils.

(l) "Disturbed area." An area of land subject to erosion due to the removal of vegetative cover and/or soil-disturbing activities such as grading, excavating, or filling.

(m) "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.

(n) "Drainage watershed." For the purpose of this regulation, the total contributing drainage area to a BMP, i.e., the "watershed" directed to the practice. This includes offsite contributing drainage.

(o) "Drainage way." A natural or manmade channel, ditch, or waterway that conveys surface water in a concentrated manner by gravity.

(p) "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.

(q) "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.

(r) "Erosion and Sediment Control Plan." The written document meeting the requirements of this regulation which sets forth the plans and practices to be used to minimize soil erosion and prevent off-site disposal of soil sediment by containing sediment on-site or bypassing sediment-laden runoff through a sediment control measure during and after land development.

(s) "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. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion. Final stabilization also requires the installation of permanent (post-construction) storm water control measures (SCMs).

(t) "Grading." The excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

(u) "Grubbing." Removing or grinding of roots, stumps, and other unwanted material below existing grade.

(v) "Impervious." That which does not allow infiltration.

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

(x) "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.

(y) "Maximum extent practicable (MEP)." The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by the Clean Water Act § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 C.F.R. 122.34.

(z) "Municipal separate storm sewer system (MS4)." A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:

(1) Owned or operated by the Federal government, State, municipality, township, County, district, or other public body (created by or pursuant to State or Federal law) including a special district under State law such as a sewer district, flood control district, or drainage districts, or similar entity, or a designated and approved management agency under § 208 of the Federal Water Pollution Control Act that discharges into surface waters of the State; and

(2) Designed or used for collecting or conveying solely storm water;

(3) Which is not a combined sewer; and

(4) Which is not a part of a publicly owned treatment works.

(aa) "National Pollutant Discharge Elimination System (NPDES)." The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits and enforcing pretreatment requirements, under §§ 307, 402, 318, 405 under the Clean Water Act.

(bb) "Operator." Any party associated with a construction project that meets either of the following two criteria:

(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan

(SWP3) for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

(cc) "Owner or operator." The owner or operator of any "facility or activity" subject to regulation under the NPDES program.

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

(ee) "Percent imperviousness." The impervious area created divided by the total area of the project site.

(ff) "Permanent stabilization." Establishment of permanent vegetation, decorative landscape mulching, matting, sod, rip rap, and landscaping techniques to provide permanent erosion control on areas where construction operations are complete or where no further disturbance is expected for at least one year.

(gg) "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.

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

(ii) "Point source." Any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or the floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

(jj) "Pre-construction meeting." A meeting between the City and all principal parties, prior to the start of any construction, at a site that requires a storm water pollution prevention plan.

(kk) "Pre-winter stabilization meeting." A meeting between the City and all principal parties, prior to October 1, in order to plan winter erosion and sediment controls for a site that requires a storm water pollution prevention plan.

(ll) "Professional engineer." A professional engineer registered in the State of Ohio.

(mm) "Qualified inspection personnel." A person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess all conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measure selected to control the quality of storm water discharges from the construction activity.

(nn) "*Rainwater and Land Development.*" Ohio's standards for storm water management, land development, and stream protection. The most current edition of these standards shall be used with this regulation.

(oo) "Riparian area." The transition area between flowing water and terrestrial (land) ecosystems composed of trees, shrubs, and surrounding vegetation which serve to stabilize erodible soil, improve both surface and ground water quality, increase stream shading, and enhance wildlife habitat.

(pp) "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.

(qq) "Runoff coefficient." The fraction of rainfall that will appear at the conveyance as runoff.

(rr) "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.

(ss) "Sedimentation." The deposition or settling of sediment.

(tt) "Sediment settling pond." A sediment trap, sediment basin, or permanent basin that has been temporarily modified for sediment control, as described in the latest edition of *Rainwater and Land Development.*

(uu) "Sediment storage volume." See current edition of *Rainwater and Land Development.*

(vv) "Setback." A designated transition area around water resources that is left in a natural, usually vegetated, state so as to protect the water resources from runoff pollution. Soil-disturbing activities in this area are restricted by this regulation.

(ww) "Soil-disturbing activity." Clearing, grading, excavating, filling, grubbing, or stump removal that occurs during clearing or timber activities, or other alteration of the earth's surface where natural or human-made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

(xx) "Soil and Water Conservation District." An entity organized under Ohio R.C. Chapter 1515 referring to either the Soil and Water Conservation District Board or its designated employee(s). Hereafter referred to as Lake County SWCD.

(yy) "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.

(zz) "Steep slopes." Slopes that are 15% or greater in grade. NOTE: If otherwise defined in community zoning, use community definition.

(aaa) "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.

(bbb) "Storm water." Storm water runoff, snowmelt, and surface runoff and drainage.

(ccc) "Surface outlet." A dewatering device that only draws water from the surface of the water.

(ddd) "Surface waters of the State." Also "water resource" or "water body." Any stream, lake, reservoir, pond, marsh, wetland, or other waterway situated wholly or partly within the boundaries of the State, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works, or disposal systems in Ohio R.C. 6111.01 are not included.

(eee) "Temporary stabilization." The establishment of temporary vegetation, mulching, geotextiles, sod, preservation of existing vegetation, and other techniques capable of quickly establishing cover over disturbed areas to provide erosion control between construction operations.

(fff) "Topsoil." The upper layer of the soil that is usually darker in color and richer in organic matter and nutrients than subsoil.

(ggg) "Total maximum daily load." The sum of the existing and/or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water resource, or wetland, or water resource or wetland segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensure attainment and maintenance of water quality standard.

(hhh) "Unstable soils." A portion of land that is identified by the City of Painesville 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.

(iii) "Water quality volume (WQv)." The volume of storm water runoff which shall be captured and treated prior to discharge from the developed site after construction is complete. WQv is based on the expected runoff generated by the mean storm precipitation volume from post-construction site conditions at which rapidly diminishing returns in the number of runoff events captured begins to occur.

(jjj) "Water resource." Also "surface water of the State." Any stream, lake, reservoir, pond, marsh, wetland, or waterway situated wholly or partly within the boundaries of the State, except those private waters which do not combine or affect a junction with surface water. Waters defined as sewerage systems, treatment works, or disposal systems in Ohio R.C. 6111.01 are not included.

(kkk) "Watershed." The total drainage area contributing runoff to a single point.

1143.03 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.

1143.04 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 City of Painesville 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 City, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

1143.05 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 or more acres of total land, or less than one acre if part of a larger common plan of development or sale disturbing one or more acres of total land. A storm water pollution prevention plan shall be developed and implemented for all commercial and industrial site development. The City Engineer may require a comprehensive storm water management plan on sites disturbing less than one acre.

(b) The following activities shall submit an Abbreviated SWP3:

(a) New single-family residential construction. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one acre or more, a full SWP3 and compliance with the Ohio EPA Construction General Permit are required.

(b) Additions or accessory buildings for single-family residential construction that disturb more than one-tenth acre, but less than one acre. If such activities disturb one or more acre(s), or are part of a larger common plan of development or sale disturbing one acre or more, a full SWP3 and compliance with the Ohio EPA Construction Site General Permit are required.

(c) All non-residential construction on parcels of less than one acre.

(d) General clearing activities not related to construction. If such activities disturb one acre or more, or are part of a larger common plan of development or sale disturbing one or more acre(s), compliance with the Ohio EPA Construction Site General Permit and a full SWP3 are required.

(c) Activities disturbing one-tenth or less of an acre are not required to submit a SWP3 or an Abbreviated SWP3, unless required by the City Engineer. These activities shall comply with all other provisions of this regulation.

1143.06 APPLICATION PROCEDURES.

(a) Soil-Disturbing Activities Submitting a Storm Water Pollution Prevention Plan (SWP3). The applicant shall submit two sets of the SWP3 and the applicable processing fees to the City and a minimum of two sets of the SWP3 and the applicable review fees to the DRE as follows:

(1) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.

(2) For other construction projects: Before issuance of a zoning/building or construction permit by the Community Development Department, Engineering Department, or other department of the City.

(3) For general clearing projects: Prior to issuance of a zoning permit by the Community Development Department.

(b) Soil-Disturbing Activities Submitting an Abbreviated Storm Water Pollution Prevention Plan (SWP3). The applicant shall submit two sets of the Abbreviated SWP3 and the applicable fees to the City and two sets of the Abbreviated SWP3 and the applicable fees to the DRE as follows:

(1) For single-family home construction: Before issuance of a zoning/building permit by the Community Development Department.

(2) For other construction projects: Before issuance of a zoning/building or construction permit by the Community Development Department, Engineering Department, or other department of the City.

(3) For general clearing projects: Prior to issuance of a zoning permit by the Community Development Department.

(c) The City of Painesville and the DRE shall review the SWP3 or Abbreviated SWP3 submitted under Section 1143.06(a) or (b) for conformance with this regulation and approve, or return it with comments and recommendations for revisions DRE recommendations will be provided to the City for appropriate action. Within four weeks, the City will respond to the applicant's SWP3/Abbreviated SWP3 submittal. A submittal rejected because of deficiencies shall receive a letter stating specific problems and the procedures for filing a revised submittal. City has final approval.

(d) Soil-disturbing activities shall not begin and zoning/building permits shall not be issued without:
   (1) Approved SWP3 or Abbreviated SWP3, unless specifically directed by the City Engineer and/or City Planner.
   (2) Installation of erosion and sediment controls.
   (3) Physical marking in the field of protected areas or critical areas, including wetlands and riparian areas.

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

(f) The developer, engineer, and contractor, and other principal parties, shall meet with the City Engineer for a pre-construction meeting no less than seven days prior to soil-disturbing activity at the site to ensure that erosion and sediment control devices are properly installed, limits of disturbance and buffer areas are properly delineated, and construction personnel are aware of such devices and areas. Pre-construction meetings for Abbreviated SWP3s may be waived at the discretion of the City Engineer.

(g) Approvals issued in accordance with this regulation shall remain valid for one year from the date of approval. The approved project shall be started within that year. Long-term construction projects scheduled to take longer than one year to complete will be addressed on a case-by-case basis.

1143.07 COMPLIANCE WITH STATE AND FEDERAL REGULATIONS.

Approvals issued in accordance with this regulation do not relieve the applicant of responsibility for obtaining all other necessary permits and/or approvals from the Ohio EPA, the U.S. Army Corps of Engineers, and other Federal, State, and/or County agencies. If requirements vary, the most restrictive requirement shall prevail. These permits may include, but are not limited to, those listed below. All submittals required to show proof of compliance with these State and Federal regulations shall be submitted with SWP3s or Abbreviated SWP3s, if not already on file with the City of Painesville Engineer or with the DRE.

(a) Ohio EPA NPDES Permits Authorizing Storm Water Discharges Associated with Construction Activity or the Most Current Version Thereof: Proof of compliance with these requirements shall be the applicant's Notice of Intent (NOI) number from Ohio EPA, a copy of the Ohio EPA Director's Authorization Letter for the NPDES Permit, or a letter from the site owner certifying and explaining why the NPDES Permit is not applicable.

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

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

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

site and determined that Section 404 of the Clean Water Act is not applicable, and provide documentation.

(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.

1143.08 STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources, the applicant shall submit a SWP3 in accordance with the requirements of this regulation.

(b) The SWP3 shall include best management practices (BMPs) and storm water control measures (SCMs) adequate to prevent pollution of public waters by soil sediment from accelerated storm water runoff from development areas.

(c) The SWP3 shall be certified by a professional engineer, a registered professional surveyor, certified professional erosion and sediment control specialist, a registered landscape architect, or a certified municipal planner.

(d) The SWP3 shall be amended whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

(e) The SWP3 shall incorporate measures as recommended by the most current online edition of *Rainwater and Land Development* as published by the Ohio Environmental Protection Agency and shall include the following information:

(1) A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated start and completion dates for construction.

(2) A copy of the permit requirements (attaching a copy of the current Ohio EPA NPDES Construction General Permit is acceptable).

(3) 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 land disturbance.

D. A calculation of the run-off coefficients for both the pre-construction and post-construction site conditions.

E. 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.

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

G. 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.

H. The location and name of the immediate receiving stream or surface water(s) and the first subsequent receiving water(s) and the aerial 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. For discharges to a municipal separate storm sewer system (MS4), the point of discharge to the MS4 and the location where the MS4 ultimately discharges to

a water resource shall be indicated.

I. List TMDLs applicable for the site and demonstrate that appropriate BMPs or storm water control measures (SCMs) have been selected to address these TMDLs. [A TMDL identifier table for Northeast Ohio communities is available at http://www.neohiostormwater.com/.]

J. For subdivided developments, a detail drawing of a typical individual lot showing standard individual lot erosion and sediment control practices. This does not remove the responsibility to designate specific erosion and sediment control practices in the SWP3 for areas such as steep slopes, stream banks, drainage ways, and riparian zones.

K. 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.

L. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence.

M. Each temporary and permanent storm water practice shall be designated with an individual identification number.

N. Site map showing:

1. Limits of soil-disturbing activity of the site, including off site spoil and borrow areas.
2. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils.
3. Existing and proposed one-foot contours. This shall include a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed in acres.
4. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the applicant intends to fill or relocate for which the applicant is seeking approval from the Army Corps of Engineers and/or Ohio EPA.
5. Existing and planned locations of buildings, roads, parking facilities, and utilities.
6. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development.
7. Sediment and storm water management basins including their sediment settling volume and the maximum expected disturbed area that will be directed to the sediment pond during construction. The plan should include a summary of the following:
    a. The required sediment storage and dewatering volumes.
    b. The provided sediment storage and dewatering volumes.
    c. The weir length or skimmer size, as applicable.
    d. The weir length or skimmer size provided.
8. Data sheets for all sediment traps, sediment basins, and SCMs that identify contributing drainage area, disturbed area, water quality volume, sedimentation volume, dewatering volume, practice surface area, facility discharge and dewatering time, outlet type and dimensions, and any other relevant parameters for each practice.
9. A separate plan and profile view of each individual sediment settling pond and its outlet structure. Detail drawings of the outlet structure shall indicate the following elevations:
    a. Pond bottom.
    b. Elevation required to store the required sediment storage volume.
    c. For sediment basins, the elevation at which the skimmer is attached.
    d. For sediment traps, the top and bottom of the stone outlet section.
    e. Elevation required to store the dewatering volume, exclusive of the sediment storage volume.
    f. Elevation of the top of embankment.

g. Crest of the emergency spillway.

10. Where used as a sediment-settling pond during construction, the plan shall include a detail drawing of the temporary outlet configuration of the permanent storm water basin with the following information specified:
    a. Storage volume provided below the elevation at which the skimmer or other surface dewatering device is attached.
    b. Elevation at which the skimmer or other surface dewatering device is attached.
    c. Elevation at which the full dewatering zone is stored above the skimmer invert.
    d. Any temporary modification to permanent outlet orifices or weirs required to ensure no discharge below the skimmer invert and only the skimmer controls the discharge up to the top of the dewatering volume.
    e. Calculations of the sediment storage volume, dewatering volume, and skimmer drawdown time shall also be provided.
11. The location of permanent SCMs to be used to control pollutants in storm water after construction operations have been completed.
12. 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.
13. Methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt.
14. Measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., spill prevention control and countermeasure (SPCC) plans, spill control programs, safety response plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.
15. Methods to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. No detergents may be used to wash vehicles. Wash waters shall be treated in a sediment basin or alternative control that provides equivalent treatment prior to discharge.
16. The location of designated stoned construction entrances where the vehicles will ingress and egress the construction site.
17. The location of any in-stream activities including stream crossings.

(4) A soils engineering report: The City Engineer and/or the City Planner may require the SWP3 to include a soils engineering report based upon his or her determination that the conditions of the soils are unknown or unclear to the extent that additional information is required to protect against erosion or other hazards. This report shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the City Engineer, the City Planner, and the DRE 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 has been completed.
    E. Design criteria for corrective measures when necessary.
    F. Opinions and recommendations covering the stability of the site.

1143.09 PERFORMANCE STANDARDS.

The SWP3 shall contain a description of the controls appropriate for each construction

operation and the applicant shall implement such controls. The SWP3 shall 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 approved SWP3, and the sediment and erosion controls, and non-sediment pollution controls contained therein, shall be implemented upon the commencement of construction. Perimeter controls shall be installed two working days prior to commencement of construction. The approved plan shall be implemented until the site reaches final stabilization. All properties adjacent to the site of soil-disturbing activity shall be protected from soil erosion and sediment run-off and damage, including, but not limited to, private properties, natural and artificial waterways, wetlands, storm sewers, and public lands.

It is the owner's responsibility to maintain current records of contractor(s) responsible for implementation of the SWP3 and providing that information to the City Engineer. The SWP3 shall identify all subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors, indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3. The applicant shall review the SWP3 with the primary contractor prior to commencement of construction activities and keep a SWP3 training log to demonstrate that this review had occurred.

Erosion and sediment controls shall be designed, installed, and maintained effectively to minimize the discharge of pollutants during the course of earth disturbing activities. The controls shall include the following minimum components:

(a) Non-structural Preservation Measures. The SWP3 shall 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, minimizing disturbance of steep slopes, designation of tree preservation areas, or other protective clearing or grubbing practices. Soil compaction shall be minimized and, unless infeasible, topsoil shall be preserved. Provide and maintain a 50-foot buffer of undisturbed natural vegetation around surface waters of the State, or riparian or wetland setbacks, if applicable, whichever is greater, unless maintaining this buffer is infeasible (e.g., stream crossings for roads or utilities, or for channel and floodplain rehabilitation and restoration). Direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration.

(b) Erosion Control Practices. The SWP3 shall make use of erosion controls that are capable of providing cover over disturbed soils. The amount of soil exposed during construction activity shall be minimized. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 shall 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 shall meet the following requirements:

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

Table 1: Permanent Stabilization

Area Requiring Permanent Stabilization	Time Frame to Apply Erosion Controls
Any area that will lie dormant for one year or more.	Within 7 days of the most recent disturbance.
Any area within 50 feet of a surface water of the State and at finished grade.	Within 2 days of reaching finished grade.
Any other areas at finished grade.	Within 7 days of reaching finished grade within that area.

Table 2: Temporary Stabilization	
Area Requiring Temporary Stabilization	Time Frame to Apply Erosion Controls
Any disturbed area within 50 feet of a surface water of the State and not at finished grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 14 days but less than one year, and not within 50 feet of a surface water of the State.	Within 7 days of the most recent disturbance within the area. For residential subdivisions, disturbed areas shall be stabilized at least 7 days prior to transfer of ownership or operational responsibility.
Disturbed areas that will be idle over winter.	Prior to November 1 or the onset of winter weather, whichever occurs first.
Note: Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques shall be employed.	

(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 bio-engineering 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 volume and velocity of storm water runoff within the site from disturbed areas so as to prevent erosion. Peak flow rates and total storm water volume shall be controlled to minimize erosion and outlets, downstream channel and streambank 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. 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 watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(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 to minimize sediment discharges from the site. 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. The design, installation, and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

(e) All sediment control practices shall 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 shall meet the following requirements:

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

(2) Sediment settling ponds.

A. A sediment settling pond, or equivalent best management practice upon approval from the City Engineer and/or the Lake County SWCD, is required for any one of the following conditions:

1. Concentrated storm water runoff.
2. Runoff from drainage areas that exceeds the design capacity of silt fence (see Table 3) inlet protection, or other sediment barriers.
3. Runoff from common drainage locations with 10 or more acres of disturbed land.

B. Sediment settling ponds shall be provided in the form of a sediment trap or sediment basin as defined in the latest edition of *Rainwater and Land Development*. The maximum allowable contributing drainage area to a sediment trap shall be limited to less than five acres. Contributing drainage areas of five acres or more shall be treated with a sediment basin. An equivalent best management practice may be utilized upon approval from the City.

C. The sediment-settling pond shall provide both a sediment storage zone and a dewatering zone. The volume of the dewatering zone shall be at least 1,800 cubic feet of storage per acre of total contributing drainage area. The dewatering structure of sediment basins shall be designed to have a minimum 48-hour drain time, and, unless infeasible, be designed to always withdraw runoff from the surface of the pond throughout the storm cycle. As such, a skimmer discharge device consistent with *Rainwater and Land Development* shall be provided to dewater sediment basins. Sediment traps shall also provide both a sediment storage zone and dewatering zone, but the outlet structure shall be constructed consistent with the specifications contained in the latest edition of *Rainwater and Land Development.*

D. When post-construction detention/water quality ponds are to be used as temporary sediment trapping BMPs, a skimmer discharge device consistent with *Rainwater and Land Development* shall be utilized during construction phase and until the site is deemed permanently stabilized by the City.

E. The skimmer shall be designed per the equivalent requirements of sediment basins and the operator shall ensure that the outlet structure of the pond provides an equivalent or better sediment storage zone and dewatering zone. As such, temporarily while the site is under construction, there shall be no discharge of runoff below the elevation required for the sediment storage zone and the discharge of storm water within the dewatering zone shall only occur through the skimmer.

F. The volume of the sediment storage zone shall be calculated by one of the following methods:
1. Method 1: The volume of the sediment storage zone shall be 1,000 ft^3 per disturbed acre within the watershed of the basin.
2. Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or other generally accepted erosion prediction model.

G. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity shall be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone shall be less than or equal to five feet. The configuration between the inlets and the outlet of the sediment-settling pond shall provide at least two units of length for each one unit of width 2:1 length-to-width ratio; however, a length to width ratio of 4:1 is recommended. Sediment shall be removed from the sediment-settling pond when the design capacity of the sediment storage zone has been completely filled by sediment accumulations. This limit is typically reached when sediment occupies one-half of the basin depth. When designing sediment settling ponds, the applicant shall consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall 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 and water resources 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. Placing silt fence in a parallel series does not extend the size of the permissible drainage area.

Table 3: Maximum Drainage Area to Silt Fence Based on Slope	
Maximum Drainage Area (Acres) to 100 Linear Feet of Silt Fence	Range of Slope for a Drainage Area (%)
0.5	< 2%
0.25	2% but < 20%
0.125	20% but < 50%

(4) Alternative perimeter controls for sheet flow discharges may be considered by the City, but their use shall not exceed the limitations indicated in Table 3 above. Detail drawings and plan notes shall specify the diameter of filter socks, compost berms and other such alternative perimeter controls if used instead of silt fence.

(5) 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.

(6) Inlet protection. Erosion and sediment control practices, such as boxed inlet protection, shall be installed to minimize sediment-laden water entering active storm drain systems. All inlets receiving runoff from drainage areas of one or more acres will require a sediment settling pond. Straw or hay bales and filter socks around catch basins are not acceptable forms of inlet protection.

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

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

B. Streets and catch basins adjacent to construction entrances shall be kept free of sediment tracked off site. Streets directly adjacent to construction entrances and receiving traffic from the development area, shall be cleaned daily to remove sediment tracked off-site. If applicable, the catch basins on these streets nearest to the construction entrances shall also be cleaned weekly and protected from sediment-laden runoff, if feasible without posing a public safety hazard.

C. Based on site conditions, the City Engineer, the Director of Public Service, Administrator, and/or the DRE may require additional best management practices to control off site tracking and dust. These additional BMPs may include:

D. Fencing shall be installed around the perimeter of the development area to ensure that all vehicle traffic adheres to designated construction entrances.

E. Designated vehicle and wheel-washing areas. Wash water from these areas shall be directed to a designated sediment trap, the sediment-settling pond, or to a sump pump for de-watering in conformance with Section 1143.09(g) of this regulation. No surfactants or detergents may be used to wash vehicles.

F. Applicants shall take all necessary measures to comply with applicable regulations regarding fugitive dust emissions, including obtaining necessary permits for such emissions. The City Engineer, the City Planner, and/or the DRE 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.

(8) Surface waters of the State protection. Construction vehicles shall avoid water resources. A 50-foot undisturbed natural buffer shall be provided around surface waters of the State unless infeasible. If it is infeasible to provide and maintain an undisturbed 50-foot natural buffer, the SWP3 shall comply with the stabilization requirements in Section 1143.09(b)(1) for areas within 50 feet of a surface water or riparian or wetland setbacks if applicable, whichever is greater; and minimize soil compaction and, unless infeasible, preserve topsoil. If a riparian or wetland setback is greater than 50 feet, no disturbance of natural vegetation shall occur within the riparian or wetland setback unless a variance to the riparian or wetland setback regulation has been granted. If the applicant is permitted to disturb areas within 50 feet of a water resources and wetlands, 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 *Rainwater and Land Development.*

B. Structural practices shall be designated and implemented on site to protect water resources 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 water resources or wetlands.

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.

G. Concentrated storm water runoff from BMPs to natural wetlands shall be converted to diffuse flow through the use of level spreaders or other such appropriate measure before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series to ensure non-erosive velocities.

H. Protected areas or critical areas, including wetlands and riparian areas shall be physically marked in the field prior to earth disturbing activities.

(9) 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.

(f) Non-sediment Pollutant Controls. No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The applicant shall implement 'site best' management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources, wetlands, or the MS4. 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, other public facility, or natural resource or water of the State is prohibited. A designated area for concrete wash-out shall be made available.

(3) Disposal of other wastewaters. The discharge of washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials to a street, catch basin, other public facility, natural resource, or waters of the State is prohibited. The discharge of soaps or solvents used in vehicle and equipment washing is also prohibited. If generated, these wastewaters shall be collected and disposed of properly.

(4) 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 the largest containers in the storage area and/or a spill kit shall be provided to clean up spills. The SWP3 shall contain spill prevention and response procedures and these procedures shall be discussed at the pre-construction meeting.

(5) Toxic/hazardous waste disposal. Any toxic/hazardous waste shall be disposed of properly. The discharge of fuels, oils, and other pollutants used in vehicle and equipment operation and maintenance is prohibited.

(6) Contaminated soils disposal and runoff. Discovery of previously unknown contaminated soils onsite shall be self-reported to Ohio EPA and local authorities. 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. Where construction activities are to occur on sites with contamination from previous activities, operators shall be aware that concentrations of materials that meet other criteria (i.e., not considered a hazardous waste, meeting voluntary action program (VAP standards)) may still result in storm water discharges in excess of Ohio Water Quality Standards. Such discharges are not authorized by this code. Control measures which may be utilized to meet this requirement include, but are not limited to:

A. Use berms, trenches, pits, or tanks to collect contaminated runoff and prevent discharge;

B. Pump runoff from contaminated soils to the sanitary sewer with the prior approval of the sanitary sewer system operator, or pump into a container for transport to an appropriate treatment or disposal facility; and

C. Cover areas of contamination with tarps, daily cover, or other such methods to prevent storm water from coming into contact with contaminated materials.

The SWP3 shall include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt. The SWP3 shall include measures to prevent and respond to chemical spills and leaks. Applicants may also reference the existence of other plans (i.e., spill prevention control and countermeasure (SPCC) plans, spill control programs, safety response plans, etc.) provided that such plan addresses this requirement and a copy of such plan is maintained on site.

(g) 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.

(h) Trench and Ground Water Control. There shall be no sediment-laden or turbid discharges to water resources or wetlands resulting from de-watering activities. If trench or ground water contains sediment, it shall 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 de-watering into a sump pit, filter bag, or comparable practice. Ground water de-watering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care shall be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.

(i) Internal Inspections.

(1) All controls on the site shall be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if prior written approval has been attained from the City Engineer and all of the following conditions are met:

A. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month).

B. Land-disturbance activities have been suspended, and temporary stabilization is achieved.

C. The beginning date and ending dates of the waiver period are documented in the SWP3.

D. For sites that will not be completed by October 1, a Pre-Winter Stabilization Meeting shall be held by the landowner and the developer, engineer, and

contractor of the project and the City Engineer prior to October 1, in order to plan and approve winter erosion and sediment controls as defined in the most current online edition of *Rainwater and Land Development*.

(2) 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. Certified inspection reports shall be submitted to the City Engineer within seven working days from the inspection and retained at the development site.

(3) These inspections shall meet the following requirements:

A. 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.

B. 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 City or an alternate form acceptable to the City Engineer. The inspection form shall include:

1. The inspection date.
2. Names, titles, and qualifications of personnel making the inspection.
3. Weather information for the period since the last inspection, including a best estimate of the beginning of each storm event, duration of each storm event, and approximate amount of rainfall for each storm event in inches, and whether any discharges occurred.
4. Weather information and a description of any discharges occurring at the time of inspection.
5. Locations of:
    a. Discharges of sediment or other pollutants from site.
    b. BMPs that need to be maintained.
    c. BMPs that failed to operate as designed or proved inadequate for a particular location.
    d. Where additional BMPs are needed that did not exist at the time of inspection.
6. Corrective action required including any necessary changes to the SWP3 and implementation dates.
    a. 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.
    b. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.
    c. The applicant shall maintain for three 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 noncompliance determined by these inspections.

(j) Maintenance. The SWP3 shall be designed to minimize maintenance requirements. All BMPs shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices shall be maintained in a functional condition until all up slope areas they control reach final stabilization. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices and shall ensure a responsible party and adequate funding to conduct this maintenance, all as determined by the City Engineer and the City Planner.

When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:

(1) When BMPs require repair or maintenance. If an internal inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment-settling

pond, it shall be repaired or maintained within three days of the notification of the inspection findings. Sediment settling ponds shall be repaired or maintained within ten days of the notification of the inspection.

(2) When BMPs fail to provide their intended function. If an internal inspection reveals that a BMP fails to perform its intended function as detailed in the SWP3 and that another, more appropriate control practice is required, the SWP3 shall be amended and the new control practice shall be installed within three to ten days of the inspection as determined by the City Engineer or site inspector.

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

(k) Final Stabilization. Final stabilization shall be determined by the City Engineer and the City Planner. Once a definable area has achieved final stabilization, the applicant may note this on the SWP3 and no further inspection requirement applies to that portion of the site. Final stabilization also requires the installation of permanent (post-construction) storm water control measures (SCMs). Obligations under this Code shall not be completed until installation of post-construction BMPs is verified.

1143.10 ABBREVIATED STORM WATER POLLUTION PREVENTION PLAN.

(a) In order to control sediment pollution of water resources, 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 City 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 two inches in diameter, placed over a geotextile fabric, and constructed in conformance with specifications in the most recent edition of *Rainwater and Land Development*.

(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 wash-out shall be made indicated on the plan. Use for other waste and wastewater is prohibited.

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

(4) Stabilization. The development area shall be stabilized as detailed in Table 4.

Table 4: Stabilization

Area Requiring Stabilization	Time Frame to Apply Erosion Controls
Any disturbed area within 50 feet of a surface water of the State and not at finished grade.	Within 2 days of the most recent disturbance if that area will remain idle for more than 14 days.
For all construction activities, any disturbed area, including soil stockpiles that will be dormant for more than 14 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 shall 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, including rear yard inlets. Straw, hay bales, and filter socks are not acceptable forms of inlet protection.

(6) Silt fence and other perimeter controls. Silt fence and other perimeter controls approved by the City shall be used to protect adjacent properties and water resources from sediment discharged via sheet (diffused) flow. Silt fence shall be placed along level contours and the permissible drainage area is limited to those indicated in Table 3 in Section 1143.09 of these regulations.

(7) Internal inspection/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 1/2 inch of rain per 24-hour period. Maintenance shall occur as detailed in the following:

A. When BMPs require repair/maintenance. If the internal inspection reveals that a BMP is in need of repair or maintenance, with the exception of a sediment-settling pond, it shall be repaired or maintained within three days of the notification of the inspection findings. Sediment settling ponds shall be repaired or maintained within ten days of the notification of the inspection.

B. When BMPs fail to provide their intended function. If the internal inspection reveals that a BMP fails to perform its intended function and that another, more appropriate control practice is required, the Abbreviated SWP3 shall be amended and the new control practice shall be installed within ten days of the notification of the inspection.

C. When BMPs depicted on the Abbreviated SWP3 are not installed. If the internal inspection reveals that a BMP has not been implemented in accordance with the schedule, the control practice shall be implemented within ten days from the date of the notification of the inspection findings. If the inspection reveals that the planned control practice is not needed, the record shall contain a statement of explanation as to why the control practice is not needed.

(8) Final stabilization. Final stabilization shall be determined by the City Engineer and the City Planner.

1143.11 FEES.

The SWP3 and Abbreviated SWP3 review, filing, and inspection fee is part of a complete submittal and is required to be submitted to the City of Painesville and the DRE before the review process begins. Please consult with the City Engineer and the Administrator for the current fee schedule.

1143.12 BOND.

(a) If a SWP3 or Abbreviated SWP3 is required by this regulation, soil-disturbing activities shall not be permitted until a cash bond or deposit has been provided to the City Finance Department to be held in deposit trust. The amount shall be a five thousand dollar ($5,000.00) minimum, and an additional five thousand dollars ($5,000.00) paid for each subsequent acre or fraction thereof or the cost of stabilizing disturbed areas based on a fee schedule established by the City. When the bond amount falls below one thousand dollars ($1,000.00), another bond shall be due. The bond will be used for the City 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 City administrative fees established by Council in accordance with Section 1105.05, after all work required by this regulation has been completed and final stabilization has been reached, all as determined by the City Engineer and the Administrator.

(b) No project subject to this regulation shall commence without a SWP3 or Abbreviated SWP3 approved by the City Engineer and the Administrator, unless so authorized by the City Manager.

1143.13 ENFORCEMENT.

(a) If the City or its duly authorized representative determines that a violation of the rules adopted under this code exist, the City or representative may issue an immediate stop work order if the violator failed to obtain any Federal, State, or local permit necessary for sediment and erosion control, earth movement, clearing, or cut and fill activity.

(b) All development areas may be subject to external inspections by the City of Painesville and/or the DRE to ensure compliance with the approved SWP3 or Abbreviated SWP3.

(c) After each external inspection, the City, or its authorized agent, and/or the DRE shall prepare and distribute a status report to the applicant.

(d) If an external inspection determines that operations are being conducted in violation of the approved SWP3 or Abbreviated SWP3, the City and/or the DRE may take action as detailed in Section 1143.14 of this regulation.

(e) Failure to maintain and repair erosion and sediment controls per the approved SWP3 plan may result in the following escalation:

(1) First violation: The City Engineer will issue a notice of deficiency to the owner or operator. All controls are to be repaired or maintained per the SWP3 plan within three days of the notification. If controls have not been corrected after this time, the City Engineer may issue a stop work order for all activities until corrections have been made.

(2) Second violation: The City Engineer may issue a formal notice of violation which includes a two hundred fifty dollar ($250.00) administrative fee against the SWP3 bond or site plan deposit. All controls are to be repaired or maintained per the approved SWP3 plan within three days of the notice of violation. If controls have not been corrected after this time, the City Engineer may issue a stop work order for all activities until corrections have been made.

(3) Third and subsequent violations: The City Engineer may issue a stop work order for all construction activities and charge a two hundred fifty dollar ($250.00) administrative fee against the SWP3 bond or site plan deposit. The stop work order will be lifted once all controls are in compliance with the approved SWP3 plan.

(f) The City Engineer shall have the authority to make immediate on-site adjustments to the SWP3 in order to achieve compliance with this Code.

(g) A final inspection will be made to determine if the criteria of this code has been satisfied and a report will be presented to the City on the site's compliance status.

(h) The City Engineer will monitor soil-disturbing activities for non-farm residential, commercial, industrial, or other non-farm purposes on land of less than one contiguous acre to ensure compliance required by these rules.

(i) The City Engineer shall notify the U.S. Army Corps of Engineers when a violation on a development project covered by an Individual or Nationwide Permit is identified. The City Engineer shall notify the Ohio Environmental Protection Agency when a violation on a development project covered by a Section 401 Water Quality Certification and/or Isolated Wetland Permit is identified.

(j) The City shall not issue building permits for projects regulated under this code that have not received approval for an SWP3 for said project(s).

1143.14 VIOLATIONS.

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

(b) Upon notice, the City Engineer or the Administrator may suspend any active soil-disturbing activity for a period not to exceed 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 Administrator 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.

1143.15 APPEALS.

Appeals. Appeals may be filed in accordance with Section 1111.12.

1143.99 PENALTY.

(a) Any violation of the Chapter shall be subject to the violations, penalties and remedies provisions of Chapter 1105.

(b) The imposition of any other penalties provided herein shall not preclude the City of Painesville 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 City.