

THE CITY OF STREETSBORO, OHIO

**PUBLIC HEARING AGENDA**

Monday, August 12, 2024

TIME: Immediately following the Agricultural Public Hearing  
PLACE: Streetsboro City Council Chambers  
PRESIDENT: Steve Michniak 330-676-3056  
VICE PRESIDENT: Jon Hannan 330-931-5451

1. Call to Order
2. Roll Call
3. T-7631 Amend Code Section 1165 Site Development Regulations
4. Adjournment

cc: Newspapers

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 1165 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES, TO GUARANTEE THE PERFORMANCE OF A BUILDER THROUGH THE REQUIREMENT OF A SURETY BOND.

WHEREAS, Chapter 1165 of Title Five, Part Eleven (Planning and Zoning Code) currently requires a cash deposit from a builder as a guarantee that all requirements and standards of the ordinance are satisfied upon completion of a project; and

WHEREAS, there are increasing instances where the builder is requiring the homeowner to pay for this cash deposit, which effectively lessens the city's ability to hold the builder to the standards of Chapter 1165; and

WHEREAS, the proposed changes to Chapter 1165, attached hereto as Exhibit "A" and incorporated herein as if fully restated, guarantee the performance of the builder, not the homeowner, through a surety bond instead of a cash deposit; and

WHEREAS, requiring a surety bond ensures that the builder will remain responsible for completing the project in accordance with the Codified Ordinances and better protect the City's new residents; and

WHEREAS, at its meeting held on June 11, the City of Streetsboro Planning Commission approved the aforementioned amendments, which are subject to the approval of this Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: Existing Sections 1165.06 and 1165.07 are hereby amended as set forth in Exhibit "A," attached hereto and incorporated herein as if fully restated.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 3: This ordinance shall take effect and be in force at the earliest period allowed by law upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_  
Date Steve Michniak, President of Council

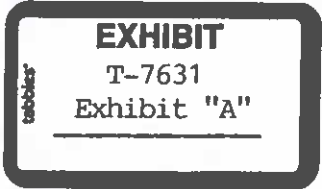
ATTEST: \_\_\_\_\_  
Caroline L. Kremer, Clerk of Council

APPROVED: \_\_\_\_\_  
Date Glenn M. Broska, Mayor

Prepared and approved as to legal content by: \_\_\_\_\_  
David L. Nott, Law Director

Date Submitted to Mayor for Approval: \_\_\_\_\_ Returned: \_\_\_\_\_

Sponsored by: Engineering Department



CHAPTER 1165  
Site Development Regulations

- 1165.01 General requirements.
- 1165.02 Surveying.
- 1165.03 Topographical site plan and approvals required for all buildings.
- 1165.04 Topographical site plan requirements for single, two and three family dwellings.
- 1165.05 Topographical site plan requirements for other development.
- 1165.06 Requirements for all topographical site plans.
- 1165.07 ~~Deposits and fees~~ Performance Bond and Fees.
- 165.08 Conflict.
- 1165.09 Injunction proceedings.
- 1165.99 Penalty.

1165.01 GENERAL REQUIREMENTS.

The site on which any new structure other than accessory structures is constructed shall be improved in a manner appropriate to the intended use of the structure, and to the condition of the site and the surrounding land according to the provisions of these regulations. Regulations applicable to such site are also hereby enacted and appear below in the form of items to be shown upon the plan or simply as required construction. All such regulations, and all items established by the below listed approving authorities as items to be shown upon the site plan, shall be implemented as the site is developed.

(Ord. 2021-118. Passed 8-9-21.)

1165.02 SURVEYING.

(a) Surveying Standards. All surveying for land development shall be done in accordance with Ohio A.C. 4733.37, "Minimum Standards for Boundary Surveys in the State of Ohio" and shall be based on the relevant survey monumentation system.

(b) Markers. Markers shall be located in the ground to the final grade at all lot corners. Such markers shall be of solid ferrous metal, three-fourths inch in diameter and shall be at least thirty inches long.

(Ord. 2021-118. Passed 8-9-21.)

## 1165.03 TOPOGRAPHICAL SITE PLAN AND APPROVALS REQUIRED FOR ALL BUILDINGS.

All applications for building permits for new structures other than accessory structures shall include a topographical site plan prepared by a surveyor licensed to practice in the State of Ohio. The site plan shall be prepared on a sheet 11" x 17" in size, at a nominal scale of 1" = 10', 1" = 20' or 1" = 30' and, generally, shall include the following:

(a) Plan date, survey date, scale, direction of north, names of: property owner; development; and builder, subplot or permanent parcel number, building front and side setback dimensions and name, certification and registration seal of the surveyor.

(b) The site plan is to also include a survey of the subject lot or parcel. Survey information shall include the bearing and length of all property lines, all recorded or proposed easements, and survey monuments found or set.

(c) All topographical survey data shall be done to the datum of the United States Geological Survey (USGS). A description of the "source" bench mark is to be shown. A suitable "site" bench mark (TBM) is to be established on or near the subject lot and shown on the plan.

(d) Existing site topography is to be shown for the subject lot and is to extend a minimum of twenty-five feet onto the adjoining properties. Contours, if used, are to be at one-foot intervals. "Spot" elevations, if used, are to be established on a minimum fifty-foot grid and at all intermediate points necessary to define existing topography. In addition, "spot" elevations are to be established (or interpolated) at the corners of the proposed building and at the near face of buildings on the adjoining properties. All existing drainage courses and swales are to be shown.

(1) All existing planimetric information is to be located and shown, i.e., pavements, drives, walks, parking areas, buildings, fences, ponds, poles, etc. Paving material type is to be noted. Elevations are to be established on: the sidewalks, gutter and street center line at maximum intervals of fifty feet along their length fronting the property; all other hard surface areas; and the first floor of adjoining buildings.

(2) The size and location of all existing utility mains (i.e., sanitary, storm, water, gas, electric, telephone, etc.) and appurtenances (i.e., culverts, catch basins, manholes, hydrants, headwalls, miscellaneous drainage piping, etc.) is to be shown. Elevations are to be established on: the rim and invert of all manholes; the invert of all drainage piping; and catch basin rims.

(e) Finished site topography is to be shown for the subject lot. Finished site topography is to be superimposed over existing site topography by including a finished grade elevation for each "spot" elevation shown to describe the existing grade, as described above. Additional "spot" elevations are to be shown to establish positive drainage control. Arrows are to be added to indicate the direction of slope of finished grade. All proposed drainage ditches or swales are to be shown, including finished grade elevations at the center line and top of slope. All proposed planimetric information is to be shown, i.e., buildings, building

additions, parking areas, drive, aprons, fences, etc. Buildings and/or additions are to be dimensioned.

(f) All requirements of the Building Code, Zoning Code, Fire Code and other requirements of the City pertaining to building sites shall be required by the City and not waived by the City's approval of the plans unless specifically waived by the Planning Commission and/or the Board of Zoning and Building Appeals.

(g) Topographical site plans shall be submitted digitally and shall be returned as "Issued for Construction" to the applicant upon acceptance by the City.

(h) If, in the opinion of the Planning, Zoning and Building Director and/or the City Engineer, the site plan lacks sufficient information, requires additions and/or corrections, the applicant shall revise the site plan accordingly including the required information and resubmit for reviews.

(i) Approvals required:

- (1) Planning and Zoning Director
- (2) Residential Building Official
- (3) City Engineer.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.04 TOPOGRAPHICAL SITE PLAN REQUIREMENTS FOR SINGLE, TWO AND THREE FAMILY DWELLINGS.

The site plan requirements for single, two and three family dwellings shall include the following:

(a) The plan shall show the existing topography of the lot and land adjacent thereto as indicated: buildings adjacent thereto, proposed finished yard elevations at points indicated, proposed finished floor elevations, proposed basement floor elevation, proposed drainage swales, driveway, driveway catch basin(s), walks, building storm sewer, sanitary sewer, water line, electric service line, telephone service line, rear-yard basin, when required, and any other utilities. If the lot is in a development or subdivision, this plan shall be in addition to the mass grading plan and the existing elevations shown shall be those elevations as existing at the time of application for building permit. The final lot grading shall be in general conformance with the surrounding lots and mass grading plan. An elevation at the building setback line shall show the front elevations of the house in relation to the existing or proposed grading of the adjacent lots and their houses either existing or under construction. In addition to the elevations shown, the plan shall also show the existing and proposed contours at one-foot intervals. For large size lots, the existing elevations and contours need not be shown more than 100 feet beyond construction limits and the required sheet size of the plan may be larger.

(b) Each lot shall be shown to be graded so that the front yard slopes toward the street and that the ground slopes away from the building. Side yard swales shall be constructed and maintained between all houses to a minimum depth of three inches below finished grade at the lowest adjacent house, and shall be deep enough to drain any swale at the rear of the house.

(c) Where the rear yard slopes towards the house, a swale shall be constructed at least thirteen feet to the rear of the house to a minimum depth of three inches below the finished building grade of that house and shall drain to the side yard swales.

(d) In a case where lots behind the subject lot are higher in elevation and the rear yards of the high lots slope toward the rear of the subject lot, swales on the lower lots or lots shall be constructed along the side lot lines with an average depth of three inches below the lowest adjacent lot surface at the building and shall extend from the front lot line to the rear lot line. In this case, drainage from no more than two high rear lots shall accumulate to outlet along a side line of a given low lot.

(e) Where the rear yards slope toward the rear of the lot and the method of grading described above is not possible, a catch basin shall be constructed in a swale constructed along the rear lot line. In subdivisions, the maximum distance between catch basins along the length of any such rear swale shall be 100 feet and each lot shall have a catch basin at its rear lot line. Catch basins shall be either constructed during the development phase or the building phase, but shall exist prior to the issuance of an occupancy permit. Each such swale and catch basin shall be maintained by the property owner to ensure effective and total storm water control. In a development, the center of the swale may be along the property line and in any other case it shall be at least six feet, but not more than ten feet, onto the property being developed and a minimum of four inches below the lower property.

(f) For additions to existing dwellings and detached garage construction on an existing site, site drainage shall be maintained in accordance with the above.

(g) No yard slope shall exceed a one-foot rise vertically for a five-foot horizontal distance when possible.

(h) All sanitary sewer house connections shall be indicated on the site plans as follows:

(1) From the curb connection to the front of the dwelling or to the individual waste water system, if approved, shall be shown.

(2) If a central collection system (street sanitary sewer) is to be used, the elevation of the invert of the nearest manhole and the estimated invert elevation of the curb connection invert shall be shown. If an individual waste water system approved by the County Board of Health is to be used, the elevations and sizes of the septic tank tops, bottoms, inlets and outlets shall be shown, including splitter box inlets and outlets, distribution boxes inlets and outlets, inspection ports and all pipe lines, including materials and sizes or evaporation-transpiration trench and filters or, details of, other approved system shall be shown in detail.

(3) The site plan shall show the location of the test tee, two feet minimum in the front yard from the street right-of-way and the invert elevation at the front of the building, which shall be below the building footing.

(4) The grade of the house connection shall be a minimum of one percent (1%).

(i) All roof drainage shall be collected by downspouts and directed into the storm sewer drainage system, unless otherwise approved.

(j) All construction in designated floodplain areas shall be in accordance with the requirements of the National Flood Insurance Program.

(k) Prior to the issuance of an occupancy permit, iron lot pins shall be installed on all lot corners by the builder as shown on the building site plan and verified by the Residential Building Official and/or City Engineer.

(l) The site plan shall indicate all existing curbs, walks, water service connector boxes, water line valve hydrants and manholes located in the street right-of-way adjacent to the lot. All such appurtenances shall be protected by the builder during construction, and any damage to them shall be repaired by the builder and where repaired, such existing appurtenances reset by the builder to proper grade prior to the issuance of an occupancy permit.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.05 TOPOGRAPHICAL SITE PLAN REQUIREMENTS FOR OTHER DEVELOPMENT.

The site plan requirements for all types of development other than single family dwellings, two family dwellings and three family dwellings including but not limited to, industrial, commercial, business, office and apartment districts and similar uses shall conform with those requirements set forth above for single family dwellings, two family dwellings and three family dwellings, where applicable.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.06 REQUIREMENTS FOR ALL TOPOGRAPHICAL SITE PLANS.

(a) All topographical site plans submitted for the purpose of obtaining a building permit for residential building construction shall be reviewed for appropriateness by the City Engineer. A ~~cash deposit surety bond shall be provided by the homebuilder or prime contractor as principal to the City as obligee.~~ in the amount of ten thousand dollars (\$10,000) is required for all topographical site plans. ~~This amount~~ The surety bond shall be ~~deposited with provided to~~ the City as a ~~requirement condition~~ of the site plan application. Once the ~~deposit and surety bond and~~ application are received, the City Engineer will review the topographical site plan for compliance with this regulation. The City Engineer

will issue the site plan for construction and the Building Department will release the necessary building permits.

(b) As a requirement of construction, the building permit holder shall provide verification of the footer subgrade elevation to the Resident Building Official. This verification shall be provided by a surveyor licensed to practice in the State of Ohio and will be necessary prior to the building permit holder proceeding beyond this point in construction. The verification shall be accompanied by a certification statement and shall be stamped by the surveyor. The Director of Planning and Zoning and/or Residential Building Official shall determine whether the submitted elevation is within one-foot tolerance of the City issued topographical site plan. If the elevation is within the tolerance, the Director of Planning and Zoning and/or Residential Building Official shall notify the permit holder that construction work can continue. If the elevation is out of tolerance the subgrade elevation shall be re-established according to the City issued topographical site plan. No construction work beyond the subgrade can continue until the certified elevation is within tolerance.

(c) Upon finished grade being established at the site, the building permit holder, through a surveyor licensed to practice in Ohio, shall certify to the City Engineer that the construction and site improvement have been built per the City issued topographical site plan. The completed "as-built" topographical site plan shall be as described in subsection (d) below and shall be submitted to the City Engineer to begin the final grade inspection process.

(d) Record (As-Built) Topographical Site Plan. Record (as-built) measurements to be obtained shall include, but not necessarily be limited to the following:

(1) The location of any dwelling, and any "out" buildings on the lot. Obtain front and side yard set-back dimensions;

(2) Perimeter dimensions of the dwelling and any "out" buildings;

(3) Finished first floor and garage floor elevations of the dwelling;

(4) Finished grade elevation at the corners of the dwelling;

(5) Finished grade elevation of the driveway, parking areas and sidewalk (in right-of-way only);

(6) Location and pipe material of all new drainage facilities such as manholes; inlet basins; piping; head walls; retaining walls; yard drains; cleanouts; water shut off valves, etc.;

(7) Centerline and invert elevation of all new drainage ditches and swales;

(8) Finished grade elevation at the property lines opposite to the corners of the dwelling;



(9) Finished grade elevation at a sufficient number of points to define the change in grade from the condition which existed prior to construction and to confirm that the approved grading scheme has been established;

(10) Location of all facilities at or above grade which pertain to an on-site sanitary sewage system, such as manholes, tanks, splitter or distribution boxes, vents, etc.;

(11) Location of any water well casing;

(12) Location of any swimming pool or pond;

(13) Location of all perimeter fences;

(14) Confirmation that survey monuments have been set at all property corners; and

(15) A description of the bench mark used to obtain the "as-built" elevations. The following certification is to be included on the "as-built" submittal:

"I hereby certify that I have made the survey of record (as-built) measurements shown hereon and that the information shown is a true representation of the conditions which existed at the time of said survey".

The surveyor is to sign, seal and date the revised topographical plan and include his/her registration number.

(e) The City shall perform final grade inspection upon receipt of the as-built topographical site plan. If the inspection reveals that the site does not satisfy the final grade requirements, the City shall notify the permit holder of deficiencies identified during the inspection. Following notification by the permit holder, the City shall perform re-inspection of previously deficient final grade. If all deficiencies are not corrected and/or the if City identifies new items during the re-inspection, the City shall notify the permit holder. Each re-inspection conducted by the City shall carry fees as specified in Section 1165.07. If the site is determined to meet the requirements for the final grade, the requirements were met within the 6-month period following issuance of the building occupancy permit, and no violations exist, the ~~cash deposit surety bond submitted pursuant to subsection (a) above for the site, minus any fees,~~ shall be ~~refunded~~ returned.

(f) Whenever the City determines it to be appropriate either during construction or after its completion, the City may examine a construction site for which the topography site plan has been submitted, to ensure no violations beyond the established tolerances exist.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.07 ~~DEPOSITS~~ PERFORMANCE BOND AND FEES.

(a) A ~~cash deposit surety bond shall be provided by homebuilder or prime contractor as principal to the City as obligee.~~ in the amount of ten thousand dollars (\$10,000), is required ~~as a condition of review~~ for all topographical site plans ~~and is required to be submitted by the direct or prime contractor. This amount shall be deposited with~~ The surety bond shall

be provided to the City prior to the issuance of a building permit. The deposit-surety bond will be refunded, minus any fees, returned upon acceptance of the final grade and as-built inspection. Failure to pass the final grade inspection after six months following issuance of the building occupancy permit shall result in the forfeiture of deposit in call of the bond and completion of the project by the City under support of the bond.

(b) The fee to review and inspect the herein described topographical site plan, record drawings and final grade by the City Engineer is five hundred dollars (\$500.00). This fee is due and payable with the Building Permit.

(c) The first final grade inspection review is included in the above referenced fee. If additional inspections are required, a five hundred dollar (\$500.00) re-inspection fee shall be deducted from the site plan deposit for each subsequent inspection.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.08 CONFLICT.

It is hereby declared that the intent of these regulations is to supplement (not conflict with) any provision(s) of the Regional Dwelling House Code or the Ohio Basic Building Code. Where a conflict may arise, the more restrictive language shall apply.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.09 INJUNCTION PROCEEDINGS.

Whenever any person, firm or corporation fails, neglects or refuses to comply with any order of the City Engineer under the provisions of this Chapter, or whenever any subdivision site or other area is used or occupied so as to be in violation of or not in conformity with any provision of this Chapter, the Law Director may, in his discretion, institute and maintain in the name of the City an appropriate action at law or in equity to restrain the execution in violation of this Chapter, to prevent the occupation or use of such building or other structure and to prevent or terminate any violation of this Chapter.

(Ord. 2021-118. Passed 8-9-21.)

#### 1165.99 PENALTY.

Any building permit holder violating any provisions of this Chapter shall, upon conviction, be found guilty of a misdemeanor and shall be fined up to two hundred fifty dollars (\$250.00) per day for each day that the violation continues to exist after the building permit holder has been notified.

(Ord. 2021-118. Passed 8-9-21.)