

PROCEDURE FOR CONSTRUCTION OF NEW RESIDENCES

1. Request all zoning and engineering requirements pertaining to your lot - acreage, frontage, setbacks from property lines, riparian setbacks (where applicable), and minimum size of the structure.
2. Select a house plan. No architectural review is required by the City, although a developer may require a design review for a subdivision or a greater square footage than zoning. Check all of the development deed restrictions before proceeding.
3. Select a registered engineer or surveyor to prepare a site plan showing the lot, house location, sewage disposal system design (as prescribed by the Lake County Health Department), erosion and sediment control measures (as required by Lake County Soil and Water Conservation District), stormwater management plan, the topography and any other pertinent information required by Chapter 1452 of the City of Kirtland's Codified Ordinances (copy attached).

It is necessary that the site plan show the topography of the property at one foot (1') intervals as well as existing and finished (proposed) grades. Check all prints for clarity and legibility; poorly printed plans are not acceptable. The site plan should be 11" x 17".

4. To obtain approval of the sewage disposal system, submit your site plan to the Lake County General Health District at 5966 Heisley Rd., Mentor. The size and cost of the disposal system is determined by the house size and existing soil properties. Your engineer or surveyor can assist you on this. Once approved, your site plan will be returned to you bearing the Health Department approval.
5. Submit your site plan with erosion and sediment control measures to the Lake County Soil and Water Conservation District at 105 Main St. (Suite 100), Painesville. (These site plans do not need to have the Health Dept. approval stamp.) Once your site plan is approved, you will receive a letter of approval.
6. Submit your site plan stamped by the Health Dept. to the Lake County Stormwater Management Dept. at 105 Main St. (3rd Floor, Suite 305), Painesville. Once your plans are approved, your site plan will be returned to you bearing their approval.
7. Present a check for \$500, made payable to the City of Kirtland, to the Zoning Office at the Kirtland Municipal Center (Monday-Friday, 8:00 a.m. to 4:30 p.m.) for the

engineering fee deposit. Funds remaining after all engineering inspections are made normally are refundable.

8. Submit your site plan stamped by the Health Dept. and the Stormwater Management Dept., along with a set of house plans, to the Zoning Office for City Engineer review. An electronic copy of your plans must be submitted for City Engineer review.

Your site plans will be reviewed to ensure that they are in compliance with the City's requirements. The approved site plans, or site plans requiring corrections and resubmission, will be returned to your engineer (or builder). All communications prior to approval of your plans will be with your engineer or builder.

9. (a) Upon receipt of all of the previously noted approvals, you may apply for a zoning permit from the Zoning Inspector at the City of Kirtland. When applying for a zoning permit, you must submit one copy of the approved site plan (bearing the approval of the Lake County Health Dept., Lake County Stormwater Management Dept. and the City Engineer) one set of house plans, a completed application for a zoning permit, letter of approval from Lake County Soil and Water, a completed road bond form, proof of a potable water supply, and when applicable, a signed notice to a lot owner of a non-maintained street.

It may be necessary to apply to Kirtland City Council for approval to issue a zoning permit on certain new streets. Council normally meets at 7:00 p.m. on the first and third Mondays of the month (so check well ahead of time to determine if this condition applies). Council follows a different schedule in the summer months.

- (b) The City's permit fees include: \$100.00 zoning permit fee; \$4,950.00 compliance bond deposit (normally refundable); \$50.00 road and culvert inspection fee; \$100 erosion control fee; and \$35.00 driveway paved apron inspection fee. The compliance bond will be greater if soil disturbance is more than one acre.
- (c) If your submittal is complete, you will receive your zoning permit and a blank City income tax form. This income tax form is to be completely filled out by the contractor after construction is completed. Federal I.D. and/or Social Security numbers of all subcontractors must be noted on this form before submittal to the Finance Department. This is required before any refund of the \$4,950.00 deposit can be made.

PROCEDURE FOR CONSTRUCTION OF NEW RESIDENCES (continued)

10. Submit house plans and site plans (bearing the approval of the Lake County Health Dept., Lake County Stormwater Management Dept. and the City Engineer), a copy of the approval letter from the Lake County Soil and Water Conservation District, and the zoning permit to the Lake County Building Department (the building inspector for the City) at 105 Main Street (Building B, Second Floor) in Painesville.

Building permit fees are determined by the size of the house and the mechanical requirements. The Lake County Building Department application information and inspection requirements are available on the Building Department's website at www.lakecountyoohio.gov/building-inspection.

11. **THE KIRTLAND CITY ENGINEER IS TO BE INFORMED BY THE BUILDER WHEN THE FOUNDATION IS FINISHED IN ORDER TO DETERMINE THE ELEVATION AND LOCATION RELATIVE TO THE SITE PLAN.** Under normal conditions, a grade check will be scheduled within two (2) working days after notification is given to the City Engineer's office. No further construction is permitted without this check per Codified Ordinance Section 1452.03(c).

DO NOT BACKFILL THE FOUNDATION PRIOR TO THE BUILDING INSPECTOR'S CHECK OF THE FINISHED FOUNDATION.

12. All driveways must be graded three (3) inches lower than the road surface where the driveway crosses the ditch and the culvert. Contact the Kirtland City Service Administrator (256-1234, Monday - Friday) **PRIOR TO** any paving of a driveway apron. All driveways graded or paved otherwise must be regraded. Final occupancy permits are subject to the approval of all site plan grades wherever required.

13. **THE PROPERTY OWNER'S REGISTERED ENGINEER OR SURVEYOR MUST CHECK THE FINAL GRADING AND, IF REQUESTED BY THE CITY ENGINEER, PROVIDE AN ADJUSTED "AS BUILT" SITE PLAN, PURSUANT TO CHAPTER 1452 OF THE KIRTLAND CODIFIED ORDINANCES. THE OWNER'S ENGINEER OR SURVEYOR SHOULD BE AWARE OF THIS ADDITIONAL WORK WHEN QUOTING HIS FEE (THIS AVOIDS LATER CONTROVERSY). A COPY OF THE FINAL "AS BUILT" SITE PLAN MUST BE SENT TO THE CITY OF KIRTLAND'S ZONING INSPECTOR. IF YOUR SEPTIC SYSTEM IS CHANGED OR RELOCATED, YOU MUST FURNISH A COPY OF THE REVISED SITE PLAN TO THE ZONING INSPECTOR.**

14. After the "as built" site plan is filed with, and approved by, the City Engineer, the property owner (or builder) may apply to the City Finance Department for a refund of the remaining balance, if any, of the \$500.00 engineering plan review fee deposit.

15. Upon final inspection of the City Engineer, and after a final road, culvert and driveway entrance inspection is made by the City of Kirtland's service administrator (256-1234) and after submission of a completed Regional Income Tax Form [Item 9(c) above], application for a refund of the \$4,950.00 deposit may be made to the City Finance Department by whomever originally posted the bond.

A temporary occupancy permit will be issued by the Lake County Building Department. **DO NOT** move into the structure without this occupancy permit.

PHONE NUMBERS:

| | |
|--|---------------------|
| <i>Emergency Police, Fire, Ambulance</i> | 911 |
| <i>Kirtland Municipal Center</i> | 440-256-3332 |
| <i>Kirtland Police (Non-Emergency)</i> | 440-256-3333 |
| <i>Kirtland Fire (Station #1, Non-Emer.)</i> | 440-256-8979 |
| <i>Kirtland Fire (Station #2, Non-Emer.)</i> | 440-256-3737 |
| <i>Kirtland Public Schools</i> | 440-256-3311 |
| <i>City Engineer (C.W. Courtney)</i> | 440-449-4005 |
| <i>Lake County Health District</i> | 440-350-2543 |
| <i>Lake County Soil & Water</i> | 440-350-2730 |
| <i>Lake County Stormwater Mgmt.</i> | 440-350-5900 |
| <i>Lake County Building Dept.</i> | 440-350-2636 |

CHAPTER 1452: SITE AND GRADING PLANS

Section

| | | | |
|---------|---|---------|---|
| 1452.01 | Definitions. (Repealed) | 1452.05 | Deposit, costs and fees. |
| 1452.02 | Preliminary plot plan requirements. | 1452.06 | Provision for drainage of surface water required. |
| 1452.03 | Approval of preliminary plot plan; finished ground grade and grade of foundation. | 1452.07 | Conflicts. |
| | | 1452.08 | Violations. |
| 1452.04 | Final plot plan. | 1452.99 | Penalty. |

CROSS REFERENCES

Drainage of lots - see GEN. OFF. 660.11

Fee for inspection - see Ohio R.C. 3791.07

Plans and specifications for excavations, landfills and grading - see B. & H. 1442.05, 1442.07

Professional consulting expenses required from permit applicants - see ADM. 236.07

Submission of building plans - see Ohio R.C. 3791.04

§ 1452.01 DEFINITIONS. (Repealed)

Editor's note:

Section 1452.01 was repealed by Ord. 86-0-20, passed May 5, 1986.

§ 1452.02 PRELIMINARY PLOT PLAN REQUIREMENTS.

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

- (a) The existing elevation of the centerline of the street;
 - (b) The existing elevation of the top of the nearest street curb, if any;
 - (c) The existing elevation of the top of the nearest portion of the sidewalk, if any;
 - (d) The existing elevation at each corner of the lot;
 - (e) The first or main floor elevation and the location of adjacent buildings within 105 feet;
 - (f) The elevations of the existing grade and proposed finished grade of the lot on a suitable contour interval;
 - (g) The proposed elevation of the first or main floor of the building or garage and the lawn grade at the building corners;
 - (h) The foundation and/or slab elevation;
 - (i) The bearings and lot dimensions, the lot and block number or lot and tract number, all easements of record, an arrow showing the north direction and the street name;
 - (j) A reference bench mark established on some permanent object in the near vicinity which shall remain undisturbed during construction and available for elevation checks. The bench mark may be assumed to be 100 feet where a city bench mark is not available;
 - (k) The location, elevation and size of all existing and proposed on-site sanitary systems, sanitary sewers, water lines and storm sewers in or adjacent to the lot;
 - (l) Building dimensions, setback and side yard dimensions;
 - (m) Size and invert elevations of driveway culverts;
 - (n) The existing elevations of the road ditch, if any, in front of the property at 25-foot intervals;
 - (o) A certification by the registered surveyor that the property has been surveyed and iron pins set at all lot corners; and
 - (p) Any other information that may be required by the City Engineer to ensure that the proposed building elevations and site gradings are compatible with adjacent property and that positive drainage is achieved.
- (Ord. 86-O-20, passed 5-5-1986)

§ 1452.03 APPROVAL OF PRELIMINARY PLOT PLAN; FINISHED GROUND GRADE AND GRADE OF FOUNDATION.

(a) Upon receipt of the application and plot plan, as described in § 1452.02, the City Clerk shall, if all other aspects of the application for the permit are in order, submit a copy of the application and plot plan to the City Engineer. The Engineer shall examine such plot plan for conformity to the proper relation with existing or proposed sanitary sewers, water lines, storm drainage and existing grades of adjacent lands and buildings, following the guidelines of subsection (b) hereof. If the plan does not so conform, the Engineer shall call the applicant's attention to the lack of conformity and require that the plan be changed in that respect. When the Engineer finds that the plan so conforms, he or she shall approve the same. Such approved plan shall be a condition of any permit which may be issued pursuant to this chapter for such construction. It shall then be the responsibility of the applicant to perform all work in conformity with the various grades and elevations of the final approved plot plan and to set witness markers clearly designating the lot corners.

(b) The finished ground grade of a building shall be established in proper relation to the surrounding grade, driveway and street. The parcel of land or lot shall be graded so that water drains away from each building at a minimum grade of two percent. Surface drainage swales shall have a minimum grade of five percent designed so that surface water will drain onto a swale, street gutter, storm sewer, drain inlet or natural drainageway. The grades of driveways shall be a minimum of .4 percent and a maximum of 15 percent. Grading shall be adjusted so there will be no abrupt grades in the front yards and along side lot lines. The grades of earth terraces shall not exceed three to one. If a masonry retaining wall exceeds three feet in height, a hedge, fence or railing shall be provided.

(c) At such time as the permit holder has constructed the foundation or slab referred to in § 1452.02(h), he or she shall request that the City Engineer check the grade. No further construction shall be permitted until the Engineer has checked the elevation of such foundation and found it to be in accordance with the plot plan approved pursuant to subsection (a) hereof.

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

(e) Upon completion of construction and before a certificate of occupancy is issued for a building by the County Building Inspection Department, the permit holder shall schedule, with the City Engineer, a pre-final inspection of the site work completed at that time. As soon as weather conditions allow for an adequate inspection, the City Engineer shall inspect the site work. Any deficiency observed during such inspection shall be brought to the attention of the permit holder who shall correct such deficiency within a time frame acceptable to the City Engineer. The City Engineer shall bring to the permit holder's attention any change or addition to the site work which is to be incorporated into the final plot plan.
(Ord. 89-O-36, passed 9-5-1989)

§ 1452.04 FINAL PLOT PLAN.

Upon completion of the final grading and seeding of the site, the permit holder shall file with the City Engineer a final plot plan, which shall show the final grades of the improvement as constructed. Such plan shall be certified, by a registered civil engineer or surveyor, as to the accuracy of the plan in depicting the actual construction. Such civil engineer or surveyor shall also certify that he or she has made an actual field observation of as-built conditions and that such conditions are as shown on the plan. The form of such certification shall be prescribed by the City Engineer.
(Ord. 89-O-36, passed 9-5-1989)

§ 1452.05 DEPOSIT, COSTS AND FEES.

(a) The City Clerk shall collect a deposit as stated in the Fee Schedule in § 236.07 of the City of Kirtland Codified Ordinances at the time of application for a permit. The City Engineer shall estimate the cost of the grade plan review. If the estimated cost exceeds the deposit, the applicant shall be informed of the estimated cost and shall be directed to deposit the difference between the Engineer's estimate and the applicant's original deposit, which difference shall be deposited prior to the Engineer's examination of the plot plan.

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

(c) All costs and fees paid pursuant to this chapter shall be deposited in the General Fund of the city.
(Ord. 89-O-36, passed 9-5-1989; Am. Ord. 17-O-20, passed 7-3-2017)

§ 1452.06 PROVISION FOR DRAINAGE OF SURFACE WATER REQUIRED.

In addition to the requirements of this chapter or of any ordinance adopted by the city, wherever the plot plan filed under § 1452.02 fails to indicate a method of positive draining of surface water from the lot, the City Engineer shall notify the applicant of such failure and the applicant shall be required to correct such deficiency before resubmission for approval.
(Ord. 89-O-36, passed 9-5-1989)

§ 1452.07 CONFLICTS.

This chapter is not intended to repeal, abrogate or impair Chapter 1442, but is deemed to be supplemental thereto. Wherever this chapter and Chapter 1442, or any other valid ordinance, building code or restriction, conflict or overlap, the more stringent restriction shall prevail.
(Ord. 86-O-20, passed 5-5-1986)

§ 1452.08 VIOLATIONS.

No person shall violate or cause or knowingly permit to be violated any of the provisions of this chapter or fail to comply with any of such provisions or with any lawful requirement of any public authority made pursuant to this chapter or knowingly use or cause or permit the use of any lands in violation of this chapter or in violation of any permit granted under this chapter.
(Ord. 86-O-20, passed 5-5-1986)

§ 1452.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
(Ord. 86-O-20, passed 5-5-1986)

CHAPTER 1454: EARLY WARNING FIRE DETECTION SYSTEMS

Section

| | | | |
|---------|---|---------|---|
| 1454.01 | Requirements for multiple dwellings. | 1454.03 | Requirements for existing one-family and multifamily residential buildings. |
| 1454.02 | Requirements for new one- and two-family residential buildings. | 1454.04 | Specifications, installation and maintenance. |
| | | 1454.99 | Penalty. |

CROSS REFERENCES

Arson - see GEN OFF. 642.09

Burglary and fire monitoring alarm systems - see S.U. & P.S. Ch. 1064

False alarms - see GEN. OFF. 648.08; S.U. & P.S. 1064.03

Smoke detector systems for apartment buildings and condominiums - see Ohio R.C. 3781.104

§ 1454.01 REQUIREMENTS FOR MULTIPLE DWELLINGS.

All buildings containing more than two dwelling units shall be provided with an approved early warning fire detection system.

(Ord. 90-O-61, passed 9-4-1990)

§ 1454.02 REQUIREMENTS FOR NEW ONE AND TWO-FAMILY RESIDENTIAL BUILDINGS.

All one and two-family residential buildings constructed after the effective date of this section shall be provided with an approved early warning fire detection system.

(Ord. 90-O-61, passed 9-4-1990)

§ 1454.03 REQUIREMENTS FOR EXISTING ONE-FAMILY AND MULTIFAMILY RESIDENTIAL BUILDINGS.

All existing one and multifamily residential buildings, upon change of occupancy, upon any alteration or repair requiring a building permit or when additional rooms are created in the existing structure, shall be provided with an approved early warning fire detection system.

(Ord. 90-O-61, passed 9-4-1990)

§ 1454.04 SPECIFICATIONS, INSTALLATION AND MAINTENANCE.

The early warning fire detection system required by this chapter shall be approved by Underwriters Laboratories, Underwriters Laboratories of Canada or Factory Mutual. An approved detector shall be installed adjacent to the outside of sleeping rooms or within multiple dwelling suites. The detector shall be sensitive to visible and invisible products of combustion, except that detectors sensitive only to heat are not acceptable. The system required by this chapter shall be installed and maintained in conformity with Chapter 1610 of these Codified Ordinances.

(Ord. 90-O-61, passed 9-4-1990)

§ 1454.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

§ 440.06 LOADS DROPPING OR LEAKING; TRACKING MUD; REMOVAL REQUIRED.

(a) (1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.

(ORC 4513.31)

(b) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
(ORC 4513.99)

(c) No person shall operate any vehicle so as to track mud on any public way or place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

§ 648.10 NOISE LEVELS; NOISE DISTURBANCES.

(b) No person shall unreasonably make, continue or cause to be made, continued or permitted, any noise disturbance by any of the following means:

(1) *Air conditioners.* Maintaining any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such a manner as to create a noise disturbance across a residential real property boundary line.

(2) *Construction.* No land developer or subdivider shall operate or permit the operation of any construction equipment or tools used for purposes of construction, site preparation, erection, repair or any similar activity between the hours of 9:00 p.m. and 7:00 a.m. of the following day, Monday through Saturday. This restriction shall not apply to emergency repairs to prevent or alleviate physical trauma or property damage threatened or caused by any such emergency. No operation, as described herein shall occur on Sunday before 12:00 noon, and such operation shall cease on or before 6:00 p.m.

§ 1268.07 SCHEDULE OF AREA, YARD AND HEIGHT REGULATIONS.

(a) *Area and width.*

| <i>Residential District</i> | | | | | | | | |
|-----------------------------------|------------|----------|----------|----------|------------|----------|----------|------------|
| | <i>R-3</i> | | | | <i>R-2</i> | | | <i>R-1</i> |
| | <i>A</i> | <i>B</i> | <i>C</i> | <i>D</i> | <i>A</i> | <i>B</i> | <i>C</i> | |
| 1. Minimum lot area | 1 ac | 2 ac | 3 ac | 5 ac | 1 ac | 2 ac | 5 ac | 12,000 SF |
| 2. Minimum lot width (ft.) | 130 | 150 | 175 | 225 | 100 | 150 | 225 | 60 |
| 3. Minimum frontage (ft.) | 130 | 150 | 175 | 225 | 100 | 150 | 225 | 60 |
| 4. Minimum frontage on cul-de-sac | 80 | 80 | 90 | 120 | 60 | 80 | 120 | 45 |

(b) *Yards.*

| <i>Residential District</i> | | | | | | | | |
|-----------------------------|------------|----------|----------|----------|------------|----------|----------|------------|
| | <i>R-3</i> | | | | <i>R-2</i> | | | <i>R-1</i> |
| | <i>A</i> | <i>B</i> | <i>C</i> | <i>D</i> | <i>A</i> | <i>B</i> | <i>C</i> | |
| 1. Front | | | | | | | | |
| Right-of-Way | 50 | 80 | 90 | 100 | 50 | 80 | 100 | 30 |
| Centerline | 80 | 110 | 120 | 130 | 80 | 110 | 130 | 60 |
| 2. Side | 20 | 25 | 25 | 30 | 15 | 20 | 30 | 5 |
| 3. Side (corner lot)* | 30 | 40 | 50 | 70 | 30 | 40 | 70 | 20 |
| 4. Rear | 50 | 80 | 90 | 100 | 50 | 80 | 100 | 5 |

* From right-of-way; for corner lots on existing approved private drives the side yard setback shall be measured from the edge of the easement.

(Am. Ord. 13-O-60, passed 12-16-2013)

(c) *Height.* The height of a one-family dwelling or two-family dwelling shall not exceed two and one-half stories nor more than 35 feet. The height of nonresidential main buildings, non-residential auxiliary buildings or non-residential accessory structures, may exceed two and one-half stories or 35 feet only if granted a variance by the Board of Zoning Appeals pursuant to § 1264.01 through and including § 1264.11. In the event that a variance is granted by the Board of Zoning Appeals, the applicant requesting a permit shall, thereafter, apply for the approval of the Planning and Zoning Commission pursuant to § 1262.04(a)(12).

(Ord. 10-O-35, passed 7-12-2010; Am. Ord. 14-O-59, passed 11-17-2014)