

SECTION 550

Land Disturbance Regulations

550.1	Purpose.	550.5	Regulations for tree preservation.
550.2	Permitted land disturbance.	550.6	Permit required.
550.3	Regulations for topsoil removal.	550.7	Completion of land disturbance activities.
550.4	Regulations for private filling operations.	550.8	Exemptions.

550.1 PURPOSE.

Commercial, office, and industrial developments, mixed-use planned developments, residential subdivisions and planned residential developments (PRDs) and other land disturbance operations shall be carefully planned, designed and constructed to maintain and preserve the natural features of the site in order to utilize the natural surface drainage, to minimize the construction of sewers, to reduce the amount of grading and to minimize destruction of trees and topsoil so as to conserve to the extent practicable all natural features that contribute to the overall well being and ecological balances necessary to preserve a healthy community. The natural features and other distinctive characteristics of the site shall be integrated into the plan, as required by Section 550.

550.2 PERMITTED LAND DISTURBANCE.

Any land disturbance affecting more than 2,000 s.f. land area including tree clearing, trenching, removal of soil, placement of fill or excavation of gravel or other earth materials

shall only be permitted when approved according to Section 710.10 and only for purposes of grading or excavating an area in preparation for construction thereon of dwellings, buildings or structures permitted in the district in which the area is located. All land disturbance activities, including those with less than 2,000 s.f. of land area, shall comply with the regulations set forth in Section 550 to ensure that:

- A. Such land disturbance will not create a nuisance because of dust, erosion, soil or water runoff, or other unsafe or unhealthy conditions including damage to water quality in affected waterbodies.
- B. Adequate drainage shall continue to exist on the land to be disturbed so that stagnant water or other conditions dangerous to health and safety will not be created.
- C. The land disturbance shall not adversely affect adjacent properties or cause a change in the natural flow of stormwater runoff.
- D. The land disturbance shall not result in any slope exceeding an angle of 25 degrees with the horizon.

550.3 REGULATIONS FOR TOPSOIL REMOVAL.

Whenever topsoil is to be removed from land within the Township, a minimum of four (4) inches of topsoil shall remain or be replaced above the subsoil, clay or other unproductive grounds after completion of the operation. The removal, stockpiling, or replacement of the soil shall comply with other applicable regulations to prevent surface run-off.

550.4 REGULATIONS FOR PRIVATE FILLING OPERATIONS.

Private filling operations shall comply with the following regulations:

- A. No dumping of junk, bottles, glass, fly ash, scrap iron, industrial waste, garbage, household trash, aluminum, tin, or other metal or chemicals in any form shall be permitted. However, the dumping or filling of fill dirt, gravel, stone, sand, concrete, brick and blocks is permitted.
- B. All dumped or filled material shall be covered with clean fill dirt once every 48 hours or sooner. Such covering shall be enough fill dirt to keep all debris completely covered. Roadways entering and leaving the dumping or filling site shall be kept clear of all dirt and debris. Dumping or filling shall only be conducted between the hours of 8 a.m. and 6 p.m. When a dumping or filling operation has been completed, the grade level shall not exceed the grade level of the contiguous properties.
- C. All dumping and filling shall be done according to all other Township requirements as well as the requirements of the Summit County Health Department, the Federal Environmental

Protection Agency, the Ohio Revised Code, the Federal Nuclear Regulatory Commission, the U.S. Army Corps of Engineers, and any other applicable local, state and federal regulations.

550.5 REGULATIONS FOR TREE PRESERVATION.

Existing woodlands shall be maintained and preserved according to the following regulations:

- A. Definitions. The following terms are defined for the purposes of these regulations:
1. Diameter at breast height (DBH). The diameter of the trunk of a tree measured at a height of 4.5 feet above the natural grade. If the tree splits into multiple trunks below 4.5 feet, the trunk shall be measured at its most narrow point beneath the split.
 2. Mature Woodlands. A stand of trees in which there are 10 or more trees that have a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the stand of trees.
 3. Stand of Trees. A grouping of two or more trees with contiguous canopies.
 4. Young Woodlands. A stand of trees in which there are 10 or more individual trees having a DBH of at least six (6) inches whose combined canopies cover at least 50% of the area encompassed by the stand.
- B. Residential Uses: In a residential major subdivision or planned residential development (PRD), trees shall be maintained and preserved according to the following:
1. A minimum of 50 percent of mature woodlands shall be preserved.
 2. A minimum of 25 percent of any young woodland shall be preserved.
 3. Any tree that is not classified as part of a mature woodland or young woodland shall be maintained and preserved, to the extent practicable, when the tree meets the following criteria:
 - a. The DBH of the tree is eight (8) inches or more.
 - b. The tree is not located within the area to be occupied by a permanent structure together with fifteen feet on all sides, subject to approval of the location of the structure.
 - c. The tree is not located within the area to be occupied by driveways, accessory buildings, sidewalks, utility installations and similar necessary development subject to approval of the location of said improvements.
 4. In order to implement the standards set forth in Sections 550.5B.1 thru B.3 in the best manner possible, the applicant of a major subdivision may seek a variance from the Board of Zoning Appeals to reduce the lot requirements or setback requirements set forth herein, in order to permit more of the proposed site to be preserved, or pursue the option of a

planned development as authorized by this Zoning Resolution. In reviewing a variance request, the Board of Zoning Appeals or in the case of PRD, the Zoning Commission, shall determine that:

- a. The total number of lots do not exceed the number of lots that could be developed if the tree preservation regulations were not imposed;
- b. The design of the subdivision or planned residential development substantially complies with the purposes, intent and basic objectives of the zoning district in which the subdivision or planned residential development is located;
- c. The proposal results in a development of equivalent or greater quality than that which could be achieved through strict application of such standards and requirements; and
- d. The proposed development shall have no adverse impact upon the surrounding properties or upon the health, safety, morals and general welfare of the community.

C. Nonresidential Uses: On parcels devoted to nonresidential uses, trees shall be retained and preserved within all buffer areas according to the following:

1. A minimum of 50 percent of the mature woodlands shall be preserved.
2. A minimum of 25 percent of any young woodland shall be preserved.
3. Individual trees that are not within a mature or young woodland but which have a DBH of eight (8) inches or greater shall be preserved to the extent practicable, as determined by the Zoning Administrator, and Zoning Commission when applicable.

D. Reforestation. Upon the approval of the Zoning Administrator, or Zoning Commission when applicable, a property owner or developer may clear more area than permitted in Sections 550.5B and C by agreeing to reforest another part of the site at a ratio of 1.2 times the area or the diameter of the trees otherwise required to be preserved. Such approval shall be granted only when it has been determined that alternative measures to preserve these trees are not feasible.

E. Tree Preservation Plan Required. Compliance with these tree preservation requirements shall be depicted on a tree preservation plan and submitted to the Zoning Administrator at the time of development plan review or with the application for a zoning certificate for land disturbance.

550.6 PERMIT REQUIRED.

Any land disturbance including a change in grade shall be permitted only when an application for a zoning certificate for land disturbance is reviewed and approved according

to the requirements of Section 710.10. Land disturbance activities proposed on any land lying in a required riparian setback shall be conducted in compliance with Section 540.

550.7 COMPLETION OF LAND DISTURBANCE ACTIVITIES.

Any portion of land that is disturbed shall be reseeded or replanted with grass or other satisfactory planting within 30 days from such disturbance or before the onset of winter whichever comes first, in order to prevent erosion, creation of dust or other conditions of nuisance. Bare areas that are not going to be worked for a period of 21 days or more need to be seeded and mulched to a temporary or permanent cover within 7 days. In addition, areas that are within 50 feet of a drainage way or other surface waters need to be seeded and mulched within 48 hours of reaching final grade.

550.8 EXEMPTIONS.

The following are exempt from the regulations of Section 550.

- A. Trees, woodlands or portions thereof which do not comply with the definitions in Section 550.5A.
- B. The removal of dead trees and diseased or damaged trees that threaten life or property or that cannot be revived.
- C. The removal of trees in time of emergency or which pose potential danger to life or property.
- D. The removal of trees on a lot in an O-C, R-1, R-2 or R-3 District when such lot has an area less than two (2) acres and is occupied by a single-family dwelling.

This page left blank intentionally.