

Chapter 1222: General Provisions

1222.01 Title

The official title of these regulations shall be the "Land Development Code for the City of Green, Summit County, Ohio" and the same shall be referred to herein as "the Code" or "this Code."

1222.02 Purpose

This code is adopted to secure and provide for the City of Green the following objectives:

- (1) To promote the public health, safety, comfort, and welfare of the residents of the City of Green;
- (2) To establish and maintain zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
- (3) To facilitate the provision of public utilities and public services;
- (4) To provide the proper arrangement of streets or highways in relation to existing or proposed streets and highways (and the city's transportation plan);
- (5) To promote orderly, efficient, and appropriate development of land;
- (6) To provide uniform procedures and standards for observance by both the approving authority and the subdivider for the division, subdivision, and development of land;
- (7) To provide standards and guidelines for compatibility of designs, materials, layout, landscaping, and effective use of land for quality commercial development;
- (8) To provide reasonable and appropriate visual identification of commercial establishments;
- (9) To ensure adequate provision of open space for light, air, and fire safety;
- (10) To manage traffic via access points and other planning tools;
- (11) To preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development;
- (12) To provide guidelines for development of recreational uses;
- (13) To require the adequate and safe provision of transportation, water, sewage, and drainage in the city; and
- (14) To preserve the character and quality of residential neighborhoods.

1222.03 Authority

The authority for the preparation, adoption, and implementation of this Code is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the zoning and subdivision of land.

1222.04 Effective Date

This Code was adopted by City Council on October 27, 2009. This Code shall become effective 30 days after adoption by City Council.

1222.05 Compliance Required

- (1) No building or structure shall be erected, constructed, enlarged, moved or structurally altered, except in conformity with all of the regulations herein specified as being applicable to such land or structure, nor shall any land, building, or structure be used, subdivided, or changed, except in compliance with all of the applicable regulations established by this Code.
- (2) Any new lots created after the effective date of this Code must conform to the applicable requirements of this Code unless allowed by Section 1222.10: Transitional Rules.
- (3) No yard or lot existing upon the effective date 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 herein established.

1222.06 Permits and Certificates Required

- (1) Permits or certificates issued on the basis of plans and applications approved by the agency having jurisdiction authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement, or construction. Any other use, arrangement or construction, or failure to obtain an appropriate permit, certificate, or inspection, shall be deemed to be a violation of this Code, punishable under Chapter 1230: Violations and Penalties.
- (2) Failure to construct in accordance with approved plans shall be deemed to be a violation of this Code, punishable under Chapter 1230: Violations and Penalties.

1222.07 Relationship to the Long Range Land Use Plan

The administration, enforcement, and amendment of this Code should be consistent with the City of Green Long Range Land Use Plan, as amended and herein referred to as the "Land Use Plan." In the event this Code becomes inconsistent with the Land Use Plan, then this Code should be amended within a reasonable time so as to become or remain consistent with the Land Use Plan. Additionally, all amendments to this Code should maintain and enhance the consistency between this Code and the Land Use Plan.

1222.08 Interpretation and Conflicts

- (1) Conflict with Other Public Laws, Ordinances, Regulations, or Permits
 - (A) In its interpretation & application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare.
 - (B) Whenever the requirements of this Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, or laws, the more restrictive, or that imposing the higher standard, shall govern.

- (2) Conflict with Private Agreements
 - (A) Nothing in this Code is intended to invalidate any easement, covenant, deed restriction, or other private agreement. Where the regulations of this Code are more restrictive than such easement, covenant, deed restriction, or other private agreement, then the requirements of this Code shall govern.
 - (B) In no case shall the City enforce the provisions of private easements, covenants, deed restrictions, or agreements between private parties.

1222.09 Sale of Land in a Subdivision

No owner or agent of an owner of any land located within a subdivision shall transfer or agree to transfer ownership thereof in the future by reference to, exhibition of, or use of, a plan or plat of a subdivision before such plan or plat has been accepted, approved and recorded in the manner described in this Code. Any sale or transfer contrary to the provisions of this section is void. The description of such subplot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of this Code.

1222.10 Transitional Rules

- (1) Purpose

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of this Code.
- (2) Violations Continue
 - (A) Any violation of the previous versions of the City of Green Planning and Zoning Code, shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Chapter 1230: Violations and Penalties;, unless the use, development, construction, or other activity complies with the provisions of this Code.
 - (B) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this Code.
- (3) Uses, Structures, and Lots Rendered Nonconforming

Where any use, building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 1226.05: Nonconforming Uses.
- (4) Processing of Applications Commenced or Approved Under Previous Regulations
 - (A) Pending Applications
 - 1.) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed in accordance with the provisions of the subdivision and zoning regulations in effect on the date the application was deemed complete by the City.

- 2.) If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Code.
 - 3.) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
 - 4.) An applicant with a pending application may waive review available under prior regulations through a written letter to the authority having jurisdiction and request for review under the provisions of this Code.
- (B) Approved Projects
- 1.) Approved preliminary plans, improvement plans, final plats, planned developments, variances, conditional uses, zoning permits, or certificates of use and compliance that are valid on the effective date of this Code shall remain valid until their expiration date, where applicable.
 - 2.) Any building or development for which a permit or certificate was granted prior to the effective date of this Code shall be permitted to proceed to construction, even if such building or development does not conform to the provisions of this Code, as long as the permit or certificate remains valid.
 - 3.) If the development for which the permit or certificate is issued prior to the effective date of this Code fails to comply with the time frames for development established for the permit or certificate, the permit or certificate shall expire, and future development shall be subject to the requirements of this Code.

1222.11 Separability

- (1) If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code.
- (2) If any court of competent jurisdiction invalidates the application of any provision of this Code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (3) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.