

OR-2016-12-01

AN ORDINANCE AMENDING CHAPTER 150, SECTION 150.073 SLOPES AND RETAINING STRUCTURES AND SECTION 151.067 LOT GRADING AND RETAINING STRUCTURES FOR INDIVIDUAL LOTS OF RECORD

WHEREAS, this amendment was heard by the Village of Marvin, Village Council in a public meeting on December 13, 2016.

NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Marvin that:

SECTION 1. The Code of Ordinance, Section 150.073 is amended as follows:

§ 150.073 SLOPES AND RETAINING STRUCTURES

~~—(A) No site disturbance shall be allowed on slopes exceeding 15 % except grading for the construction of a road, drainage structures and other public improvements.~~

~~—(B) Grading or earthmoving on all sloping lands of 15% or greater for the purpose of the construction of a road, drainage structures and other public improvements shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the village's Consulting Engineer, no other available alternatives exist, in which case the vertical dimensions shall not exceed 12 feet. Roads, drainage structures and other public improvements shall follow the line of existing topography and shall be designed to minimize the cut and fill to the smallest area possible. The finished slopes of all cuts and fills shall be stabilized with landscaping.~~

~~150.063 (K) Lot grading (new or existing).~~

~~—(1) Any proposed lot/land grading that will alter the existing topographic conditions more than two feet or any alteration to the existing channel, swale or easements shall require village approval. The property owner/applicant shall submit a plan and a fee in accordance with the fee schedule adopted by the Village Council with the following information:~~

~~—(a) Vicinity map and scaled dimensional survey of the lot;~~

~~—(b) Existing and proposed grade on the property;~~

~~—(c) Existing and/or proposed channel location;~~

~~—(d) Existing utilities; and~~

~~—(e) Existing and/or proposed drainage easement boundaries and any limits of flooding to be contained within the easement boundary. No fill shall be allowed without prior approval by the village.~~

~~—(2) No grading shall take place prior to approval.~~

**(A) Site disturbance.** No disturbance shall be permitted on existing slopes exceeding a four to one (4:1) ratio.

**(B) Site layout.** Roads, drainage structures and other public improvements shall follow the line of existing topography and shall be designed to minimize the cut and fill to the smallest area possible. The finished slopes of all cuts and fills shall be stabilized.

**(C) Proposed slopes exceeding a four to one (4:1) ratio.** Slopes greater than four to one (4:1) may be proposed for new developments evaluated by staff and the Village engineer using the following criteria:

1) The applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazard both onsite and on adjacent properties.

2) The applicant shall identify all drainage structures or velocity control devices in all protected and buffer areas.

3) The applicant is required to provide stabilization measures as follows: Measures include a 1-gallon size groundcover type plants spaced approximately two (2) feet on center. Native or adaptive species must be used. Additional slope stabilization such as matting or geo-textile fabric may be required. Other unplanted and open areas must be planted with non-turf type plants (native grasses, clover, wildflowers, etc.). Spacing of plants may vary depending upon site conditions, but no large deciduous tree should be planted closer than ten (10) feet on center, and no large evergreen tree or small tree should be planted closer than six (6) feet on center.

(D) *Retaining Structures.* Retaining structures are permitted as elements of site design and shall meet the following requirements:

1) Retaining structures providing a cumulative vertical relief greater than five (5) feet in height within a horizontal distance of fifty (50) feet or less must receive a zoning permit and be designed, inspected, and certified by a licensed professional engineer.

2) All grading and support structures associated with the retaining structure shall not encroach into any required buffer or protected area (such as, but not limited to, stream buffers, critical root zones of tree preservation areas), and shall be contained entirely on site.

3) Retaining structure materials must be an integrally tinted brown, rust, or earth tone color and shall have a decorative texture (i.e. split-faced block). Standard concrete block shall be prohibited.

SECTION 2. The Code of Ordinance Section 151.067 is added as follows:

**Add 151.067 Lot Grading and Retaining Structures for Individual Lots of Record.**

(A) *Lot Grading.* Any proposed lot/land grading that will alter the existing topographic conditions more than two (2) feet or any alteration to the existing channel, swale or easements shall require Village approval. The property owner/applicant shall submit a plan and a fee in accordance with the adopted fee schedule with the following information:

(a) Vicinity map and scaled dimensional survey of the lot;  
(b) Existing and proposed grade on the property;  
(c) Existing and/or proposed channel location;  
(d) Existing utilities; and  
(e) Existing and/or proposed drainage easement boundaries and any limits of flooding to be contained within the easement boundary.

(f) Stabilization measures on lots containing slopes over a four to one (4:1) ratio. Measures include a 1-gallon size groundcover type plants spaced approximately two (2) feet on center. Native or adaptive species must be used. Additional slope stabilization such as matting or geo-textile fabric may be required. Other unplanted and open areas must be planted with non-turf type plants (native grasses, clover, wildflowers, etc.). Spacing of plants may vary depending upon site conditions, but no large deciduous tree should be planted closer than ten (10) feet on center, and no large evergreen tree or small tree should be planted closer than six (6) feet on center.

(B) *Retaining Structures.* Retaining structures are permitted as elements of site design and shall meet the following requirements:

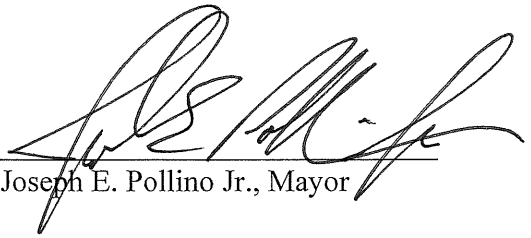
1) Retaining structures providing a cumulative vertical relief greater than five (5) feet in height within a horizontal distance of fifty (50) feet or less must receive a zoning permit and be designed, inspected, and certified by a licensed professional engineer.

2) Retaining structures on land developed for single-family residences shall not exceed six (6) feet in height and shall not exceed two (2), six (6) feet tall terraced sections.

3) Terraced sections must be spaced a minimum of three (3) feet horizontally to allow for planting of small shrubs and groundcovers between the terraces.


4) Retaining structure materials must be an integrally tinted brown, rust, or earth tone color and shall have a decorative texture (i.e. split-faced block). Standard concrete block shall be prohibited.

*Adopted this the 13<sup>th</sup> day of December 2016.*



Joseph E. Pollino Jr., Mayor

ATTEST:



Melody A. Graham, Clerk

