

EXCAVATION AND FILL PERMITS

I. WHEN IS A BUILDING PERMIT REQUIRED FOR EXCAVATION/FILL?

- A. Any excavation or fill exceeding five feet in vertical depth or 100 cubic yards per each 5,000 square feet of site area;
- B. Any excavation or fill operation including the stripping of vegetative cover and root systems performed on natural terrain with a slope steeper than five horizontal to one vertical;
- C. Any excavation or fill operation resulting in a finished slope steeper than three horizontal to one vertical;
- D. Any excavation for a building where the excavation exceeds eight feet in vertical depth or 350 cubic yards per each 5,000 square feet of site area; or
- E. Where a succession of small excavations or fills individually not requiring a permit constitutes a continuing operation on a property and the accumulation of such excavations or fills exceeds five feet in depth or 100 cubic yards per each 5,000 square feet of site area.

II. WHAT CODES/REGULATIONS ARE APPLICABLE?

All work performed must be in accordance with the Cincinnati Zoning Code, the Cincinnati Building Code, Ohio Building Code and all other applicable laws and ordinances.

Contact the following agencies:

Zoning & Building Code Plan Examination - 352-3313

Metropolitan Sewer District (MSD) - 513-244-1330

***Note:** Any excavation/fill in an area with a zoning overlay designation of Hillside District or an Interim Development Control (IDC) District must be approved through a hearing process prior to any permits being issued.

****Note:** MSD has separate excavation/fill requirements for work taking place over sewers. This involves the televising of the sewer (at the owner's expense) and posting a bond in the amount of the replacement cost of said sewer. It is recommended that you contact MSD prior to applying for a permit.

III. HOW DO I OBTAIN A PERMIT?

Complete an application for a permit and submit four copies of plans along with five site plans for review to the Permit Center, 805 Central Avenue, Suite 500, Cincinnati, Ohio 45202. The plans and application should include the following:

- A. A contour map of the affected area showing the existing and proposed contours at five-foot intervals (or less);
- B. Specify the proposed amount of excavation or fill in cubic yards and the address of each borrow or disposal site location under Part C on the Building Permit Application and/or on submitted plans.

- C. The location of any existing and proposed buildings or structures on the site and within 15 feet of the site;
- D. All drainage provisions including the estimated cubic foot per second runoff of the area;
- E. A description of the borrow material, and the method to be used for and the degree of its proposed compaction;
- F. Notes pertaining to erosion control measures to be implemented during the grading of the site;
- G. Proposed sub-surface drainage, if necessary;
- H. Cross section/profiles;
- I. Show all utilities; including combination sewers, sanitary sewers, manholes (with sea level elevations) in the profile/cross section views;
- J. Sewer easements (proposed buildings, additions or any other permanent structures shall not be placed over the sewer or within the sewer easement);
- K. North arrow and scale indicator;
- L. Plans for all retaining walls or permanent/temporary fencing, if necessary;
- M. Timing schedule.
- N. A Phase I Environmental Site Assessment (ESA) is required to be submitted with a fill permit application for placing 500 cubic yards or more of fill on a site in a residential zoning district or 1000 cubic yards or more in all zoning districts. A Phase II ESA is required if the Phase I ESA gives an indication to suspect that the material intended to be placed at the site is contaminated with compounds above the levels specified in Chapter 1031, Soil Contamination Standards, Cincinnati Municipal Code. See the Environmental Site Assessment for additional information.
- O. Operational Plan. An excavation and fill permit may not be issued for an excavation or fill comprising the movement of more than 1,000 cubic yards of material, unless the permit application is accompanied by an operational plan determined by the Director of City Planning and Buildings sufficient to ensure that the operations are not offensive or objectionable due to erosion, siltation or dust. The operational plan must include: an ingress/egress plan showing the borrow/fill site, the access drive, and the connection to the public right of way; the location of structures on adjoining properties; the hours of operation of work activities on site; methods of controlling erosion and siltation, the anticipated duration of the project; and the intended use of the property after completion of excavation and fill operations. An operational plan is also required for an excavation

or fill comprising the movement of less than 1,000 cubic yards of material if the work area borders one or more work areas under separate excavation and fill permit and the total amount of material being moved in all contiguous areas is more than 1,000 cubic yards and the areas have some common ownership or the work in all areas is under common control. (See Section 1113.03.1 CBC)

- P. Certification of Excavation and fill Quantities and Operational Plan Compliance. Every six months after the issuance of an excavation and fill permit and on completion of operations, the holder of permit for an excavation or fill comprising the movement of more than 1,000 cubic yards of material must file with the Director a certification prepared by a registered surveyor, registered architect or professional engineer of the quantities of materials placed or removed since the issuance of the permit and that the work has been conducted in accordance with the operational plan. (See Section 1113.03.2 CBC)
- Q. Revocation of Excavation and Fill Permits. The Director may revoke an excavation and fill permit if the holder of the permit has failed to comply with the operational plan or if the Director determines that the operations have become offensive or objectionable due to erosion, siltation or dust. (See Section 1113.03.3 CBC)
- R. Excavation and fills in Residential Districts. If the proposed work is wholly or partially within a residential zone district, work must be completed within one year from the date of permit issuance. The Director may extend the time for completion of the work if the Director determines after conducting a public hearing that the operations have been conducted in compliance with the permit and have not been offensive or objectionable due to erosion, siltation or dust. The Director has the duty to notify the owner or occupant of the subject property, any owner or occupant of property abutting the subject property and any community or neighborhood association or organization whose boundaries include or about the subject property, recognized by the council as representing the area. Notice must be sent by ordinary U.S. Mail at least ten days in advance of the date for the public hearing. (See Section 1113.03.4 CBC)
- S. A report from a Geotechnical Engineer showing the results of surface and subsurface exploration conditions of the land and procedures for performing the operation.

Finished slopes steeper than 3 horizontal to 1 vertical must be designed by a geotechnical engineer. The engineer must inspect the work in progress and submit a summary report to the City upon completion of the work.

IV. WHAT HAPPENS AFTER I APPLY FOR MY PERMIT?

The aforementioned agencies will review the application. If any agency has questions or comments, they will contact the person listed on the application. Upon receipt of the necessary approvals, the permit staff will notify the applicant that the permit is ready and the balance of the permit fee will be due. Contact the Permit Center at (513)352-3271.

V. WHAT IS REQUIRED AFTER THE PERMIT IS ISSUED?

All work must be performed in accordance with the Cincinnati Zoning Code, Cincinnati Building Code, Ohio Building Code, and other applicable ordinances. The permit will expire if work is not started, is postponed, abandoned, or an inspection is not requested within one year of the issue date.

VI. INSPECTIONS REQUIRED (24-hour minimum notice)

Contact Building Construction Inspections (BCI) at 352-3267.