ZONING ORDINANCE

AND

SUBDIVISION REGULATIONS

for the

VILLAGE OF ROCKFORD, OHIO

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ORDINANCE # 4-96

Ordinance for the establishment of zoning for all the incorporated area of Rockford, Ohio establishing subdivision regulations and declaring an effective date.

Passed this 18 day of June 1996.

Mayor

ATTEST:

Clerk/Treasurer

APPROVED:

Solicitor

Article I. Purpose and Title

SECTION 1ØØ PURPOSE

1. Whereas, the Village Council of Rockford, Ohio deems it necessary to the promotion of public health, saftey, morals, comfort and general welfare of what is known as Rockford, Ohio to regulate therein the use, size and location of buildings and other structures; the size and location of yards and other open spaces in relation to buildings and the use of land and throughout the planning for the Village; the districts and regulations of this Zoning Ordinance are hereby created and established and shall hereafter apply.

SECTION 1Ø5 TITLE

1. This Ordinance shall be known as the Rockford, Ohio Zoning Ordinance and may be referred to as the Zoning Ordinance.

Article II. General Provisions

SECTION 2ØØ REPEAL OF EXISTING CODE

1. All ordinances or part of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 2Ø5 NONCONFORMING USES

1. Any legal use of structure or land lawfully existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance. No non-conforming structure shall be moved, extended, enlarged, or structurally altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Ordinance as hereinafter provided.

2. Whenever the lawful use of a structure or land becomes conforming through a change in the Zoning Ordinance or in the District boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.

3. A nonconforming lawful use which has been damaged by fire, explosion, act of God, or the public enemy may be reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within one year of the date of such damage, and provided that the new building, use or structure shall not contain more than the original space of the replaced building, use, or structure and shall conform to all building regulations of the Village.

4. If a nonconforming use is abandoned for two (2) years, such use must conform with all provisions of the zoning district in which such use is located and all other provisions of this ordinance.

SECTION 210 RESTORING UNSAFE BUILDINGS

1. Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by any Building Inspector or Village Official, or prevent said Official from requiring compliance with lawful requirements.

SECTION 215 PENDING APPLICATIONS FOR BUILDING PERMITS

1. Nothing herein contained shall require any change in the plans, construction size, or designated use of any building, structure, or part there of, for which a building permit has been granted before the enactment of this Ordinance and the construction of which, from such plans, shall have been started within 90 days of the date of enactment of this Ordinance, or for any construction which was legally started without a building permit on or before the enactment of this Zoning Ordinance.

SECTION 220 NEWLY ANNEXED AREAS

1. Upon annexation of township territory to the Village, any township Zoning regulations then in effect shall remain in full force and shall be enforced by the township until the Village Council either adopts the existing regulations or new regulations for such territory.

SECTION 225 GREATER RESTRICTIONS PREVAIL

1. Where this Zoning Ordinance imposes greater restrictions than are imposed or required by other provisions of law or ordinance, the provisions of this Zoning Ordinance shall prevail.

SECTION 230 COMPLIANCE WITH ZONING ORDINANCES

1. A lot may be used and a structure altered, occupied, or used only as this Zoning Ordinance permits.

SECTION 235 VALIDITY

1. If any article, section, clause, provision or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of the Zoning Ordinance which is not in itself invalid or unconstitutional.

SECTION 240 LOCATION OF DISTRICTS

1. The boundaries for the districts listed in this Zoning Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map Amendments which shall be adopted by reference.
2. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map any Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.
3. When a district boundry divides a lot in a single ownership existing at the time of enactment of this Zoning Ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than 50 feet from the district boundry line.

SECTION 245 ZONING MAP

1. The Zoning Map and any Zoning Map amendment shall be prepared by authority of the Village Council. The map or amendment shall be dated with the effective date of the Ordinance that adopts the map or amendment.
2. A print of the adopted map and any subsequent map amendments shall be maintained in the office of the Village Clerk and Zoning Inspector.

Article III. Establishment and Purpose of Zoning Districts

CLASSIFICATION AND PURPOSE OF DISTRICTS

1. For the purpose of this Zoning Ordinance, the following districts are hereby established and their purpose defined.

DISTRICT	PURPOSE
(R-1) Residential	This district is intended to provide for an environment of predominately low density single-family dwellings.
(B-1) Central Business	This district is designed to provide for a restricted variety of retail stores and businesses and consumer service establishments which most effectively function from a control place in the community and which serve the comparison shopping and service needs of a population encompassing the Village of Rockford and it's environs. The district regulations are designed to provide for a centrally located major shopping and service complex which will be serviced with conveniently located off-street parking compounds and safe pedestrian movement, excluding these activities which are incompatible with the pedestrian orientation of the downtown area throught their introduction of truck traffic, auto pedestrian conflict points and non-consumer oriented "dead spaces" within the downtown street frontage.
(I-1) Restricted Industrial	The purpose of this district is for those industrial uses which can be compatibly operated within or in very close proximity to residential areas. These establishments should be clean; quiet; void of such nuisances as odor, dust, and smoke; operate primarily within enclosed structures; and generate little industrial traffic.

(I-2) General Industrial	This district is for those industrial uses generally requiring large sites and an extensive range of services and facilities, including adequate access to highly developed and integrated transportation facilities. Industrial uses in this classification typically operate from enclosed structures and often maintain large open storage and service areas where part of the production process may take place.
(RMH) Mobile Home Park	It is the intent of this article to regulate the location of and to encourage, stabilize and protect the developement of well planned mobile home parks.
(PD) Planned Developement	For projects that are either unique in use or are not provided for in other zoning districts. Such projects may include residential projects, recreational complexes, and commercial or industrial parks, and should be built only in accordance with plans that are approved by the Village Council after extensive review and public hearings.
(FP) Flood Plain	For areas which may be subject to periodic flooding; development should be restricted so as to minimize the potential for loss of life or health and damage to public and private property.

Article IV. Use Regulations

SECTION 400 PERMITTED AND CONDITIONAL USES

1. The permitted and Conditional Uses for each District

are outlined on the following pages. Uses given in the following zoning districts shall be interpreted according to the definitions established in this Zoning Ordinance. Uses which cannot be clearly and easilly interpreted as permitted by any definition given in this Ordinance shall be determined by the Board of Zoning Appeals. Uses not specifically listed or not interpreted as being included in the zoning districts shall not be permitted except by Amendment or Exception to this Zoning Ordinance. Conditional uses shall only be permitted after a public hearing and approval by the Board of Zoning Appeals as required by Article XIII of this Zoning Ordinance.

R-1, Residential

PERMITTED USES

Single- Family Dwellings
Home Occupations
Accessory Uses
Essential Services
Public Uses

CONDITIONAL USES REQUIRING BOARD APPROVAL

Two-Family Dwellings
Nurseries (Child care)
Nursing Homes
Cemetaries
Commercial Recreation Facilities
Farm Vacation Enterprises
Vacation or Seasonal Homes
Mortuaries
Kennels or Animal Hospitals
Television or Radio Stations, Transmittors or Towers
Institutions
Tourist Homes
Public Service Facilities
Non-commercial Recreation Facilities
Multi-Family Dwellings
Semi-public Uses:

B-1 Central Business District

PERMITTED USES

Any generally recognized retail business, service establishment or processing uses as follows:

1.) apparel shops
2.) sale of new automobiles, provided service access be available from side street or alley

3.) shops selling automobile parts and accessories exclusively
4.) banks, loan offices, stock exchange offices and other financial institutions
5.) commercial recreation facilities such as bowling alleys and movie theaters
6.) department stores
7.) drug stores
8.) restaurants or other places serving food and or beverage
9.) food stores including supermarkets and all types of specialty food stores such as bakeries, candy stores, and similar uses
10.) furniture and appliances, including rugs, floor coverings, draperies sewing machine shops, used furniture, office equipment supplies and similar uses
11.) gift shops, camera shops, record shops and similar uses
12.) hardware and related stores such as paint, wallpaper and similar uses
13.) hotels and motels
14.) professional and other offices
15.) publishing and printing offices
16.) repair shops such as shoe and watch repair
17.) service shops such as barber, beauty, laundry, cleaner and similar uses
18.) travel agencies
19.) variety stores

PUBLIC AND SEMI-PUBLIC BUILDINGS SUCH AS BUT NOT LIMITED TO:

1.) churches
2.) municipal offices
3.) libraries
4.) fraternal organizations
5.) parking garages

Other uses, which in the opinion of the Zoning Board of Appeals, are similar to the above uses indicated as being permitted. The Zoning Board may also consider essentially custom manufacturing activities which in their opinion shall have the following characteristics;

1.) benefit from a central location and are appropriate in the B-1 Central Busines District
2.) do not create any significant objectional influence
3.) involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum

I-1 Restricted Industrial

PERMITTED USES

Construction establishments
Office and Laboratories
Research and Testing Facilities
Manufacturing establishments, but limited to:
Miscellaneous food processing; except slaughtering and processing of animals and poultry
Textile and related mills
Clothing products
Furniture products
Publishing and Printing
Paper and paperboard products
Footwear
Luggage
Leather goods, except rawhides or skins, tanning curing,storage
Glass Products
Household applicances
Communication equipment
Electronic components
Electrical machinery
Scientific instruments
Medical, Dental, and Optical instruments
Musical instruments
Photographic equipment
Sporting and athletic goods

ESSENTIAL SERVICES

Accessory uses
Public service facility
Non-commercial recreational facilities

CONDITIONAL USES REQUIRING BOARD APPROVAL

Other uses as determined appropriate and compatible by the Board.

I-2 General Industrial

PERMITTED USES
All permitted uses in I-1, Restricted Industrial Districts
Manufacturing establishments meeting nuisance requirements
Grain elevators and feed mills
Manufacture, sale, and storage of building materials
Wholesale and warehouse activity
Transport and trucking terminals
Equipment storage and sales
Restaurants
Recreational facilities
Essential services
Accessory uses
Public service facilities

CONDITIONAL USES REQUIRING BOARD APPROVAL

Junk storage and sales
Other uses determined appropriate and compatible by the Board

RMH Mobile Home Park

PERMITTED USE

Mobile Homes (not self propelled vehicles)
Modular or sectional homes
Accessory uses

PD Planned Development

PERMITTED USE

Large recreational complexes having several types of recreational uses
Industrial parks

Housing projects over 5 acres or 25 dwelling units
Commercial Centers
Combinations of the above uses
Facilities needed in support of the above uses including shopping, schools, churches, clubs, parks, and water or sewer treatment centers
Home occupations
Essential uses
Accessory uses
Public uses
Public service facilities

CONDITIONAL USES REQUIRING BOARD APPROVAL

Any additional uses after construction of the planned development project that are not in accord with the approved Development Plan.

Article V. Lot and Yard Requirements

SECTION 5ØØ YARD, AREA, AND HEIGHTH REQUIREMENTS FOR DWELLINGS

1. Table 1 establishes the minimum yard, area, and heigth requirements for dwellings and structures accessory to dwellings by district

SECTION 5Ø5 YARD, AREA, HEIGTH AND LOT COVERAGE REQUIREMENTS FOR ALL BUILDINGS OTHER THAN DWELLINGS

1. Table 2 establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by district

SECTION 51Ø EXISTING LOTS OF RECORD

1. Any lot of record exsisting at the effective date of this Zoning Ordinance and held in seperate ownership different from the ownership of adjoining lots may be used for the erection of permitted and conditional uses even though its area and width are less than the minimum requirements of this Zoning Ordinance, but only to the extent granted by the Board of Zoning Appeals

SECTION 52Ø APPLICATION OF YARD REQUIREMENTS

1. In any residential district there shall be a side yard of at least 3Ø feet in width adjacent to the street line of each corner lot, provided that this regulation does not reduce the buildable width of a corner lot record at the time of passage of this Ordinance to less that 25 feet

2. Structures and accessory structures, whether opened or closed, such as garages and carports, shall be considered a part of the structure to which they are attached and shall not project into any required front, side or rear yards, except as permitted in this Zoning Ordinance

3. When the rear lot line is adjacent to an alley, garages and other accessory structures may be constructed in the required rear yard but shall not be closer than 5 feet from the side lot line without the written permission of the neighborhood property owner, nor closer that 4 feet from the rear lot line

4. Wrecked and or inoperable motor vehicles and repair equipment shall not be located in front of the building line (or in front of this side building line on corner lots) in any district

TABLE 1

Minimum Yard, Area, and Heigth Requirements for Dwellings

DISTRICT R-1 DWELLINGS

	Single Family	Two Family	Multi Family
Minimum Lot Width at Building Line (in feet)	8Ø(4)	1ØØ	12Ø
Minimum Lot Area (per family)	9,ØØØ	6,ØØØ	2,5ØØ
Minimum Yard Depth (in feet)	(1) Front 3Ø / Rear 35 (5)	Front 3Ø / Rear 35	Front 3Ø / Rear 35
Minimum Yard Width (in feet)	(2) Either Side (5) 18 / Sum of Side Yards 18	Either Side 7 / Sum of Side Yards 18	Either Side 1Ø / Sum of Side Yards 7 25
Maximum Heigth of Buildings	Stories 2.5 / Feet 35	Stories 2.5 / Feet 35	Stories 3 / Feet 45
Maximum Percent Lot Coverage	(3) 3Ø	3Ø	4Ø

(1) Except when an adjacent building is closer to the front lot line, then that distance shall be the minimum Front Yard Depth.

(2) Except lots having less than 7Ø feet Lot Width shall have a minimum yard width of 5' for either side and 1Ø feet for sum of side yards.

(3) Percent of lot coverage shall mean the percentage of all building coverage (including all structures, garages, carports, etc.) on the total area of lot on which such buildings are located.

(4) Except corner lots which shall have a minimum of 95 feet.

(5) On corner lots when a residence is situated length wise on the lot the side yard away from the street shall be at least 25 feet and rear yard at least 25 feet.

NOTE: See Section 605 of this Ordinance for Exception to Yard Requirements.

TABLE 2

Basic Yard, Area, Heigth and Lot Coverage Requirements for all Buildings other than Dwellings

	District R1	District B1	District PD
Minimum Lot Width (in feet)	100	none	***
Minimum Lot Area	12,000 sq. ft.	none	***
Minimum Depth (in feet)	Front Yard 30, Rear Yard 35	Front Yard 30, Rear Yard 35	***
Minimum Width Each Side Yard (in feet)	(2) 10	none	***
Maximum Heigth of Buildings	Stories 3, Feet 40	Stories 3, Feet 45	***
Maximum Percentage of Lot Coverage	(3) 40%	No Restriction	***

*** : See Planned Developement Regulations Article VIII

(1) Except when the existing or adjacent building is closer to the front lot line, then that distance shall be the Minimum Front Yard Depth.

(2) Except when abutting a residential district, then the side yard shall be the distance required for the residential district.

(3) Percent of lot coverage shall mean the percent of all building coverage (including all structures, garages, carports, etc.) on the total area of the lot on which such buildings are located.

NOTE: See Section 605 of this Ordinance for Exceptions to Yard, Area, and Heigth requirements.

Article VI Special Provisions

SECTION 600 EXCEPTIONS TO USE REGULATIONS

1. In any Residential District, the Use Regulations shall not be held to prevent the renting of rooms or lodgings, or the serving of meals for compensation, to not more than six persons.
2. Only one residential building shall be erected or maintained on each lot.

SECTION 605 EXCEPTIONS TO YARD, AREA, AND HEIGTH REGUALTIONS

The following architectural features may project into required yards as hereinafter set forth;

1. Into any required front yard, rear yard, or required side yard adjoining a street side lot line.
   a.) cornices, canopies, eaves, or other architectural features may project a distance not exceeding three feet.
   b.) fire escapes may project a distance not exceeding 4 feet 6 inches
   c.) an uncovered stair and necessary landings may project a distance not to exceed 6 feet, provided that such stair and landing do not extend above the entrance floor of the building
   d.) bay windows, balconies, and chimneys may project a distance not to exceed 3 feet, provided that such structures do not occupy, in the aggregate, more than 1/3 of the length of the wall on which they are located

2. Subject to the conditions specified above, the above named features may project into any required side yard a distance not to exceed 2 feet

3. On lots less than 7Ø feet wide the side yard requirements may be reduced to 5 feet for each side yard when a garage or carport is attached to the side of the dwelling

4. Porches shall comply with the following requirements
   a.) in new construction, porches shall not project into any required yard
   b.) the enclosing of any existing porch projecting into any required yard shall by limited to trellises, slat shades, awnings, and removable panels of screen

5. In measuring the width and depth of side or rear yards, in cases where the rear lot line is not parallel with or the side lot lines are not perpendicular to the street line, average dimensions may be used

SECTION 625 TEMPORARY STRUCTURES

1. Temporary structures, such as trailers, that are used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall be approved by the Board of Zoning Appeals. Portable toilets for construction workers and other such small structures shall not require a Temporary use Approval by the Board.

SECTION 63Ø DETERIORATED OR ABANDONED STRUCTURES AND JUNK

1. Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks, or other strutures for which no future use is contemplated and for which no other acceptable use is practicle or feasible and or which create a health or safety hazard shall be demolished and removed.

2. Junk such as abandoned vehicles, household appliances, farm equipment, or any other matter for which no future use is contemplated or which has deteriorated to the point of creating a visual blight on the landscape shall be removed from the view from any public road or right-of-way.

3. Any violation of the above regulations shall be deemed and treated as a violation of the Zoning Ordinance and shall be subject to the penalties as set forth herein

4. The Village of Rockford may alter, repair, or remove deteriorated or abandoned structures or junk, in a manner permitted by law, and recover the cost thereof when any order regarding the alteration, repair, or removal of such deteriorized or abandoned structures or junk is not acted upon as required

SECTION 635 FENCES, WALLS, AND OBSTRUCTION TO VISION ON CORNER LOTS

1. No fence or wall over four (4) feet shall be permitted in the front yard of any R-1, District
2. No fence or wall over seven (7) feet shall be permitted in any side or rear yard of any R-1 District
3. On any corner lot there shall be no planting, structures, fences, shrubbery or obstruction to vision more than 2 1/2 feet higher than the curb level within 25 feet of the intersection of any two streets in all districts.
4. In any district other than a residential district no fence or wall over eight (8) feet in heigth shall be permitted in any front, side, or rear yard except as may be permitted by the Board of Zoning Appeals

Article VII Flood Plain Regulations

SECTION 700 PURPOSE

1. The regulations governing the development and use of land subject to flooding are established for the following purposes:
   a.) to avoid or lessen the hazards to persons or damage to property resulting from the accumulation of runoff of storm and flood waters;
   b.) to protect stream channels from encroachment;
   c.) to maintain the capacity of the flood plain to retain flood waters;
   d.) to provide for the development of flood plain lands with uses not subject to severe damage by flooding;
   e.) to permit only uses and improvements in flood plain lands that are not hazardous during flood periods;
   f.) to avoid the creation of new flood problems

SECTION 705 FLOOD PLAIN DISTRICT

1. The Flood Plain District is a district used in combination with any other district which lies in a flood hazard area. The following regulations, in addition to the regular district regulations, shall apply to any district which is combined with a Flood Plain District

2. The Flood Plain District is that area shown on the Zoning Map and which by best estimates, would be inundated (under water) by a 100 year frequency flood

SECTION 710 PERMITTED USES

1. The following open space uses shall be permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided they do not require structures, fill or storage of materials or equipment:

a.) agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming forestry, sod farming, and wild crop harvesting

b.) industrial commercial uses such as loading areas, parking areas

c.) private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, and horseback riding trails

d.) residential uses such as lawns, garden, parking areas and play areas

SECTION 715 CONDITIONAL USES

1. Conditional uses require the issuance of a Zoning Permit by the Zoning Inspector; however, this Permit shall not be issued by the Zoning Inspector until he is authorized to do so by the Board of Zoning Appeals as specified in Section XIII of this Zoning Ordinance. The following are those uses which are conditionally permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided such uses are not in conflict with the purpose of the Flood Plain District:

a.) storage yards for equipment, machinery, or materials provided stored materials are heavier than water and are not toxic or highly flammable
b.) accessory uses or structures necessary to Permitted Uses provided:
(i) the structures not be designed for human habitation
(ii) the structures have a low flood damage potential
(iii) the structures by constructed and placed on the building site as to offer the minimum obstruction to the flow of flood waters
c.) dikes and or earthen structures
d.) wells or well fields
e.) channel modification
f.) filling or land fills

2. The Board of Zoning Appeals shall determine all conditions or restrictions to be complied with, and in addition, may require additional conditions and safeguards as needed to assure that the purpose of this Flood Plain District is achieved. All conditions, safeguards, or restrictions shall be listed on the Zoning Certificate issued by the Zoning Inspector. The Board of Zoning Appeals may request assistance from other agencies or persons in assessing the effect of the proposed condition use.

SECTION 72Ø SPECIAL USES

1. Where there is a disagreement over the exact location of the boundary of the Flood Plain District, the Board of Zoning Appeals shall direct the person questioning the boundary location to retain at their own expense a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 1ØØ year flood

2. If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the Flood Plain District, and it can be shown that such use will not increase flood stages during the 1ØØ year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use

Article VIII Planned Development Regulations

SECTION 800 PURPOSE

1. The Planned Development Regulations are intended to permit greater flexibility in land development than that permitted by strict interpretation of the Zoning Ordinance requirements. The Planned Development District should only be used for development projects for high quality development that would not normally be provided for in other districts or for projects where extensive review of plans is desirable. Planned development projects may include residential projects such as house trailer parks; vacation home developments; single-family homes or multiple family homes; commercial or industrial centers; large recreational complexes,or other planned projects.

SECTION 805 USES PERMITTED UPON APPROVAL OF DEVELOPMENT PLAN

1. No uses are permitted outright
2. The following planned development may be permitted after extensive plan review and rezoning to Planned Development District:
    a.) camps
    b.) house trailer or mobile home parks
    c.) vacation home developments
    d.) large recreational complexes having several types of recreational use and including any of the above uses
    e.) industrial parks
    f.) housing projects over five (5) acres or twenty-five (25) dwelling units
    g.) shopping centers
    h.) facilities needed in support of any of the above, such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan
    i.) combinations of the above uses
    j.) home occupations
    k.) essential services
    l.) accessory uses
    m.) public uses
    n.) public service facilities

SECTION 810 CONFORMITY TO VILLAGE PLANS

1. A planned Development project shall generally conform to any adopted Village Plans and any standards proposed therein

SECTION 815 ARRANGEMENT OF STRUCTURE AND YARDS

1. The physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:

a.) the Lot and Yard Requirements of the zoning district specified as most appropriate or similar to the type of structure shall apply

b.) State Health Department Regulations for House Trailer Parks and Camps

c.) specific yard and lot requirements (made a part of the Development Plan text) prepared by the developer and approved by the Village Council

d.) arrangement in accord with a map plan of the site showing arrangement of site and structures and approved by the Village Council

SECTION 820 DEVELOPMENT PLAN REQUIRED

1. A development Plan is required for each proposed PD District. The Development Plan shall included the following:

a.) the proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area

b.) square footages of building area and location of any uses other than residential such as tents, trailers, and houses

c.) the location of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units in the Development Plan, and showing boundaries of all sites or lots

d.) the proposed provision of water, sewerage disposal, and surface drainage facilities

e.) the proposed traffic circulation pattern, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness

f.) the proposed use of any required recreational land and any other land for recreational or leisure use

g.) the proposed schedule of site development, construction of structures, and associated facilities

h.) sketches and other text or materials indicating design principals and concepts to be followed in site development, construction, landscaping, and other features

i.) plans or text showing or describing the arrangement of structures and yards as required in the Arrangement of Structures and Yards above

j.) any other information required by the Zoning Commission necesssary in determining the appropriateness of the proposal

2. Five (5) copies of the Development Plan shall be submitted to the Zoning Inspector at least 15 days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting the Zoning Inspector shall provide copies of the Development Plan to the Village Council, Planning Commission, the County Health Department, and other appropriate agencies or persons for study and comment and request their attendance at the discussion meeting

3. At the discussion meeting it shall be determined if the application is eligible for further consideration and if so the Village Council shall proceed to consider the requested zoning amendment in the same number as other zoning amendments

SECTION 825 ZONING PERMIT

1. No Zoning Permit shall be issued for any construction in a Planned Development District unless the proposed development is entirely in accord with the approved Development Plan and any additional conditions that may have been imposed by the Village Council at its time of approval

2. In addition, no Zoning Permit shall be issued for camps, housetrailer parks, or vacation home developments unless the required State or County Health approval has been obtained as required in the Special Provisions of this Zoning Ordinance

SECTION 830 CONDITIONAL USES REQUIRING BOARD APPROVAL

1. Once the Planned Development District is underway or completed, no change in use is permitted except by approval of the Zoning Board of Appeals. The Board of Zoning Appeals may after a public hearing as set forth in this Zoning Ordinance approve any proposed change or proposed use

Article IX Sign Regulations

SECTION 900 PURPOSE

1. The purpose of these Sign Regulations is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment

SECTION 905 DEFINITION OF SIGN TYPES

1. Farm Sign - a sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organizations, or other information generally related to activities conducted on the farm
2. Ground Sign - a sign which is supported by one or more columns, uprights, or braces in or upon the ground
3. Outdoor Advertising Display and/or Billboard - any outdoor sign, display, device, figure, painting, drawing, message placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, which advertisment is visible by persons walking or riding in a motor vehicle. All other signs as permitted by this ordinance shall not be considered as outdoor advertising displays and/or billboards
4. Projecting Sign - a sign which projects from and is suppported by a wall of a building or structure
5. Wall Sign - a sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface not more than twelve (12) inches at all points

SECTION 910 SIGNS PERMITTED IN ALL DISTRICTS
NO PERMIT REQUIRED

1. The following types of signs shall be permitted in all districts within the Village according to the limits specified:

a.) signs advertising the sale, lease, or rental of the premises upon which the sign is located

b.) professional name plates or home occupation signs not exceeding three (3) square feet in area, not exceeding one sign per home or business, and not internally lighted

c.) signs denoting the name and address of the occupants of the premises, not exceeding two (2) square feet in area, not exceeding one sign per home, and not internally lighted

d.) farm signs for farms or orchards over five (5) acres denoting the name and address of occupants, denoting advertising for produce or merchandise grown on such farms, and denoting membership organizations

e.) signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies; the total area of these signs or bulletin boards shall not exceed forty (40) square feet in area and shall be located on the premises of such institutions

f.) entrance and exit signs containing only directional information

g.) temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project

h.) political signs, provided such signs shall be removed within two (2) weeks following election day

i.) government signs such as for roads, parks, or similar type uses

j.) existing signs which are in place or under construction at the time of adoption of this ordinance

2. Existing signs, as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this ordinance; however, replacement signs shall meet all requirements of this ordinance

3. A Zoning Permit is not required for the above defined signs

SECTION 915 SIGNS PERMITTED FOR BUSINESS AND INDUSTRIAL USES
PERMIT REQUIRED

1. The following shall be permitted for business and industrial use; and a permit shall be required:

a.) each business or industry shall be permitted ONE PROJECTING SIGN for each face of the building facing a street.
Projecting signs shall not exceed six(6) feet measured from the face of the building, nor more than thirty (30) square feet on any one face of the sign, nor more than sixty (60) square feet on any two (2) or more faces. Such projecting signs are prohibited in the Downtown B-1 Business District. However, in the Downtown B-1 District, pedestrian oriented projecting signs which are not internally lit and which do not exceed six (6) square feet on any one (1) face nor more than twelve (12) square feet on any two (2) or more faces, shall be permitted

b.) in addition to the above, each business or industry shall be permitted wall signs for each face of the building facing a street, not to exceed an area equivalent to two and one-half (2 1/2) square feet of sign area for each lineal foot of building frontage)

c.) in addition to the above, each business or industry shall be permitted one on premise ground sign on the premises provided all parts of the sign shall be setback five (5) feet from street right-of-way. The maximum area of such sign shall not exceed fifty (50) square feet on any face of the sign nor more than one hundred (100) square feet on any two (2) or more faces

d.) in addition to the above, each business or industry shall be permitted two (2) small on premises FREE STANDING OR PORTABLE ADVERTISING SIGNS not exceeding eight (8) foot in height or twelve (12) square feet on any face of the sign. Such signs shall not be located in any street right-of-way

e.) in lieu of the permitted ground signs as permitted in item B, above, groups of establishments of four (4) or more businesses shall be permitted one (1) larger ground sign for all businesses for each road frontage.

Such sign shall not exceed one hundred (100) square feet on any one (1) face or two hundred (200) square feet on two or more faces, nor exceed thirty (30) feet in height and shall be setback at least ten (10) feet from the street right-of-way

f.) larger signs and/or greater numbers of signs may be permitted by the Board of Zoning Appeals for businesses which have larger than normal frontage and yard space to adequately accommodate them

2. A Zoning Permit shall be required for all signs listed in this Ordinance as "Signs Permitted for Commercial and Industrial Uses - Permit Required" that are erected after the adoption of this Zoning Ordinance. The Zoning Permit may be included as part of the Zoning Permit approving the erection or alteration of a structure. However, any change in signs or additional signs constructed after issuance of the initial Zoning Permit shall require another permit before such changes or additions are made

3. Any application for a Zoning Permit for which a sign is to be constructed or altered shall include a written application and a diagram showing the size of the sign, and location on the property, and the name and address of the owner and/or agent of the sign

SECTION 920 OUTDOOR ADVERTISING DISPLAY AND/OR BILLBOARDS

1. Existing Outdoor Advertising Displays and Billboards shall be permitted to continue as they existed at the time of adoption of this Zoning Ordinance unless voluntarily discontinued for at least two (2) years, however, any expansion of such displays or signs shall meet the following regulations

2. Outdoor Advertising Displays or Billboards shall not be located in the Village except by permission of Village Council, after a public hearing (unless determined unnecessary by Council), and when the following requirements are met:

a.) such display or sign must be in one of the following district: C-2, Community Commercial; C-3, Community Service; or I-2, General Industrial. Other locations where advertising is often located may be considered.

b.) such displays or signs would not impose a nuisance or blighting effect on any residential, public, or semi-public property

c.) such displays or signs shall not be located within twenty (20) feet of any street right-of-way
d.) such displays or signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street
e.) such signs or displays shall in no other way adversely affect the public health, safety, or welfare

3. A Zoning Permit is required for all Advertising Displays and/or Billboards but shall not be granted by the Zoning Inspector UNTIL AFTER approval by council

SECTION 925 VIOLATION OF SIGN REGULATIONS

1. Any violation of these Sign Regulations shall be deemed a violation of the Zoning Ordinance and shall be subject to the penalties as set forth herein

SECTION 930 SIGNS PROHIBITED IN ALL DISTRICTS

1. The following signs are prohibited in all districts:
a.) signs or advertising erected or maintained on trees, or painted or drawn upon rocks or other natural features
b.) signs or advertising devices which, in the opinion of the Zoning Inspector, are traffic hazards or a danger to the safety of the traveling public
c.) signs or advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic
d.) signs or advertising devices illuminated so as to interfere with the effectiveness of, or obscure, an offical sign, signal or device
e.) signs or advertising devices which attempt, or appear to attempt , to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal or device
f.) signs or advertising, except public signs, in the right-of-way of any street or road
g.) signs not mentioned by these Sign Regulations unless determined by the Board of Zoning Appeals to be permitted as an Exception
h.) trailer mounted signs or similar portable signs are prohibited

Article X Off Street Parking Requirements

SECTION 1000 GENERAL REQUIREMENTS

1. Number of Spaces: In all instances, (excepting the downtown B-1 District), for every business, institutional, recreational, residential or other use, there shall be provided at any time any new structure or any existing structure is enlarged or increased in capacity, off-street parking spaces for automobiles for the amount of new structure or increase in capacity in accordance with the Schedule for Off-Street Parking Spaces. Required parking in the downtown B-1 District shall be determined by the board.
2. Area: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet unless marked for small cars
3. Location: Location of off-street parking spaces shall be provided on the premises intended to be served
4. Every off-street parking area used for more than five (5) cars and access driveways thereto shall be hard surfaced to completely eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulations. Access driveways shall be subject to approval of the Village Engineer
5. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residences
6. Setback from Streets: No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any established street right-of-way in any commercial or industrial district. No part of any parking area, with the exception of parking in normal driveways, shall be closer than the building line in any residential, apartment, or residential-office district
7. Setback from Yards in Residential Districts: No part of any parking area for vehicles shall be closer than five (5) feet to any residential side or rear property line

SECTION 1005 REQUIRED OFF-STREET LOADING SPACES

1. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of from five thousand (5,000) to ten thousand (10,000) square feet which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store,

laundry, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space. For buildings larger than ten thousand (10,000) square feet in area, the number of loading spaces shall be determined by the Board of Appeals. The Board may require loading space or spaces for buildings smaller than five thousand (5,000) square feet in area if in the opinion of the Board such space or spaces is required to prevent undue traffic congestion in the neighborhood

a.) each loading space shall be not less than ten (10) feet in width and thirty (30) feet in length

b.) such space may occupy any required yard subject to the following restrictions:

1. no such space shall occupy any portion of the required front yard unless and until such location has been approved by the Board of Appeals
2. no such space shall be located closer than twenty-five (25) feet to any other lot in a Residential District, unless wholly within an enclosed building, unless and until such location has been approved by the Board of Zoning Appeals
3. where such spaces are located within required yards, the Board may require screening or other barriors if, in the opinion of the Board, they are required for the protection of the neighborhood

SECTION 1010 RESTRICTED PARKING LOT

1. The Board of Appeals may authorize the establishment of restricted parking lots in any Residential District, subject to the following conditions and limitations

a.) the parking lot is incidental to a business or industrial use

b.) such parking lot shall be situated on private land which has an area of not less than seven thousand five hundred (7,500) square feet and which abuts directly on any business or industrial use

c.) such parking lot shall be used for the parking of passenger vehicles only, and no commercial repair work, sales, or service of any kind shall be conducted thereon

d.) every off-street parking area and access driveway thereto shall by hard surfaced to completely eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulation

e.) no parking space shall extend beyond the set back or building line

f.) definite artistic barriers and landscaping shall be placed around the area where needed so that such parking lot will not be a detriment to the neighborhood. The Board may prescribe further requirements or conditions deemed necessary for the protection of adjacent property

g.) any fixture used to illuminate any off-street parking area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes. The intensity of lighting shall not be such as to interfere unreasonably with any adjacent premises

h.) access to and from public streets shall be subject to approval of the Village Engineer

i.) any permission herein granted is conditional upon full and complete compliance by the permittee with all requirements of the Board of Appeals because of specific problems involved relative to a specific location. Such full compliance must be complete and finished within six (6) months from the effective date of permission. Otherwise, permission is automatically withdrawn

j.) entrances and exits shall be located within the adjoining business or industrial districts

k.) an application for the establishment of a restricted parking lot shall be accompanied by the names and addresses of all property owners within two hundred (200) feet of the premises in question so they may be given the opportunity to be heard in connection with the consideration of such application

SCHEDULES FOR OFF-STREET PARKING SPACES

USE	OFF STREET PARKING SPACES REQUIRED
One family dwellings	1 for each dwelling unit
Two-family and multiple family dwellings	1 1/2 for each dwelling unit
Tourist homes, hotels, motels, etc.	1 for each sleeping room
Clubs and lodges	1 for each two hundred (200) square feet of floor area
Churches	1 for each five (5) seats in main auditorium
Schools	As determined by the school administrators
Community center, library, museum or art gallery	10 plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet
Hospital	1 for each bed
Sanitarium, convalescent home, home for the aged, nursing home or similar institution	1 for each three (3) beds
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium	1 for each five (5) seats or each ten (10) lineal feet of bench seating spaces, whichever is greater
Bowling Alley	5 for each lane; plus one (1) additional space for each 200 square feet of area used for eating, drinking, or other recreation

Mortuary or funeral home	1 for each fifty (5Ø) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms
Retail commercial or business service establishment except as otherwise specified herein	1 for each one hundred fifty (15Ø) square feet of gross floor area
Personal or professional services; restaurants, nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats	1 for each two hundred (2ØØ) square feet of floor area
Offices and institutions, furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service	1 for each three hundred (3ØØ) square feet of gross floor area
Printing or plumbing shop or similar service establishment	1 for each two (2) persons employed therein
Manufacturing or industrial establishment, research testing laboratory, dairy processing, bakery, bottling plant, warehouse or similar establishment	1 for each two (2) employees on the maximum working shift plus space to accomodate all trucks and other vehicles used in connection therewith

Article XI Adoption and Amendments

SECTION 11ØØ PROCEDURE AND REGULATIONS ON ADOPTING AND AMENDING ZONING ORDINANCES

1. Before this Zoning Ordinance, or any amendments thereto may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thiry (3Ø) days notice of the time and place thereof in a newspaper of general circulation in the Village. Whenever an amendment to this Ordinance intends to rezone or redistrict ten (1Ø) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village by first class mail, at least twenty (2Ø) days before the date of the public hearing to the owners of property within and contigious to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list, and to such other lists(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During such thirty (3Ø) days the text or copy of the text of such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in such Zoning Ordinance and the maps, plans, and any reports submitted by the Planning Commission, Board, or Zoning Officer shallbe on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council. No such Zoning Ordinance which violates, differs from or departs from the plan or report submitted by the Commission, Board or Zoning Officer shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Council. No such Zoning Ordinance which is in accordance with the recommendation, plan or report submitted by the Commission, Board, or Zoning Officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council

SECTION 1105 INITIATION OF AMENDMENT TO RE-ZONE

1. Amendments or supplements to the Zoning Ordinance may be initiated by:

a.) motion of the Planning Commission
b.) by application of one or more owners or lessees of property within the area to be changed
c.) by passage of a resolution by the Village Council

2. all zoning amendments or supplements not initially made by the Village Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council. If no recommendation is received by Council within thirty (30) days, Council may proceed without a recommendation from the Planning Commission if it so desires

SECTION 1110 PROCEDURE AND REGULATIONS ON ADOPTING AND AMENDING ZONING ORDINANCE

1. Before this Zoning Ordinance, or any amendments thereto, may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Village. Whenever an amendment to this Ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village by first class mail, at tleast twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list, and to such other lists(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During such thirty (30) days the text or copy of the text of such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in such Zoning Ordinance and the maps, plans, and any reports submitted by the Planning Commission, Board, or Zoning Officer shall be on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council.

No such Zoning Ordinance which violates, differs from or departs from the plan or report submitted by the Commission, Board or Zoning Officer shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Council. No Zoning Ordinance which is in accordance with the recommendation, plan or report submitted by the Commission, Board, or Zoning Officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

SECTION 1105 INITIATION OF AMENDMENT TO RE-ZONE

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   a.) motion of the Planning Commission
   b.) by application of one or more owners or lessees of property within the area to be changed
   c.) by passage of a resolution by the Village Council
2. All zoning amendments or supplements not initially made by the Village Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council. If no recommendation is received by Council within thirty (30) days, Council may proceed without a recommendation from the Planning Commission if it so desires

SECTION 1110 FEE FOR ZONING AMENDMENT

1. There shall be a fee of twenty (20) dollars for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall by presented to the Village Clerk. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any Amendment initiated by the Planning Commission or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies

Article XII Enforcement

SECTION 1200 ZONING INSPECTOR

1. The position of Zoning Inspector is hereby recognized. He shall be appointed and serve at the pleasure of the Village Council and shall receive such compensation as the Council may provide

2. The Zoning Inspector shall have the following duties:
   a.) issue Zoning Permits when this Ordinance has been followed, or, refuse to issue same in the event of non-compliance
   b.) make and keep records on all applications, issuance and denial of all permits, and on complaints of violations.
   c.) enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work inprogress, and request the County Prosecutor to commence appropriate legal action when necessary
   d.) keep the Planning Commission and Council advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to Amendments e.) keep the Board of Zoning Appeals advised of all matters pertaining to Appeals, Variances, and Conditional Uses, Exceptions, and transmit all applications and record pertaining thereto

SECTION 1205 ZONING PERMITS REQUIRED

1. Before constructing, excavating for foundation, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a Zoning Permit. The Zoning Permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The applications shall include the following information:

a.)a plot plan drawn to scale showing the exact demensions of the lot to be built upon
b.) the location, dimensions, height and bulk of structure to be erected
c.) the intended use
d.) the yard, open area and parking dimensions
d.) any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance

2. Before constructing or altering any sign or outdoor advertising device requiring a Zoning Permit (See Sign Regulations) a Zoning Permit shall be secured

3. Within ten (1Ø) days after a receipt of application, the Zoning Inspector shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee

4. the Zoning Permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of Permits, a new Permit is required upon application

SECTION 121Ø FEE FOR ZONING PERMIT

1. The fee for a Zoning Permit (including Zoning Permits for signs) shall be five (5) dollars

SECTION 1215 VIOLATIONS

1. Building or signs erected, altered, moved, raised or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per se and shall be subject to the Penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this Ordinance which are observed by the residents of the Village shall be reported to the Zoning Inspector

SECTION 122Ø INSPECTION

1. The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance

SECTION 1225 CORRECTION PERIOD

1. All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within the specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures

SECTION 1230 PENALTIES

1. Any person, firm, or corporation violating any of the provisions of this Ordinance shall, for each violation upon conviction thereof, be fined not less than ten (10) dollars or more than fifty (50) dollars for a first offense as to any particular unit of property and for a second or subsequent offense as to such unit or property, not less than fifty (50) dollars or more than five hundred (500) dollars. A second or subsequent offense is hereby defined as a continuance of a violation more than thirty (30) days from or beyond the date of the last previous arrest which resulted in conviction

2. In the event of any violation, or imminent threat thereof the municipal corportion, or the owner of any contigious or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit of injunction to prevent or terminate such violation

3. Upon request of the Planning Commission or the Village Council, the Village Solicitor shall, within thirty (30) days prosecute necessary civil proceedings to arrest, stop or prevent violations of this Ordinance

Article XIII Board of Zoning Appeals

SECTIION 1300 ESTABLISHMENTS AND COMPOSITION OF BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals is hereby recognized as being composed of the Village Planning Commission. No member of this Board shall received a fee for such service, but may be reimbursed for all expenses incurred while on business of the Board, upon approval of said Board and the Rockford Village Council

SECTION 1305 ORGANIZATION

1. The Board of Zoning Appeals shall elect a chairperson and a vice-chairperson from its membership, and shall appoint a secretary and shall prescribe rules for the conduct of its affairs

SECTION 1310 QUORUM

1. The Board of Zoning Appeals shall equire a quorum of three (3) members at all of its meetings, and the concurring vote of three (3) members shall be necessary to affect any order

SECTION 1315 WITNESSES

1. The Board of Zoning Appeals chairperson may administer oaths and compel the attendance of witnesses in any matter coming within the review of this Zoning Ordinance

SECTION 1320 POWERS AND DUTIES OF BOARD OF ZONING APPEALS

1. APPEALS: The Board of Zoning Appeals shall hear and decide Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of this Zoning Ordinance

There shall be a fee of twenty (20) dollars for any Appeal of actions by the Zoning Inspector. If such appeal is won by the applicant the fee for the required Zoning Permit which must be obtained after winning any Appeal shall be waived, and the Zoning Permit shall be issued by the Zoning Inspector

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer or Board of the Village, deeming himself or itself to be adversely affected by the decision of the Zoning Inspector respecting the interpretation of the Ordinance. Appeals shall be made no later than within ten (10) calendar days after the date of the grievance, and the Board shall initiate a public hearing on any appeal within thirty (30) days of its filing

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. The Board of Zoning Appeals shall make a decision on the appeal within ten (10) days after the public hearing, unless additional time is necessary because of unusual circumstances. At the hearing any party may appear in person or by attorney

2. VARIANCES: Where there are practical difficulties of unnecssary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing a Variance to vary or modify any of the provisions of this Ordinance, except granting uses or structures which are not permitted or conditionally permitted in the district in question, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done

In every instance of granting a variance by the Board of Appeals, there must be a showing by the Board that one of the following applies:

a.) the strict application of the provisions of the Ordinance would result in practical difficulties or unnecessary harship inconsistent with the general purpose and the intent of this Ordinance

b.) there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood

c.) the granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose or intent of this Ordinance

In addition, the Board of Zoning Appeals may permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, provided the parcel was separately owned at the time of passage of this resolution or is adjacent to buildings that do not conform to the general restrictions applicable to their location

In granting a Variance the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance. These conditions shall be made a part of and be attached to the required Zoning Permit

The fee for a Variance shall be twenty (2Ø) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Variance shall be waived, and the Zoning Permit issued by the Zoning Inspector

3. CONDITIONAL USES: The Board of Zoning Appeals shall hear and determined all Conditioinal Uses that are specifically listed within the various district. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such districts. Since this is the case, the Board of Zoning Appeals shall approve an application for a Conditional Use only when the following conditions are met:

a.) the Conditional Use is specifically listed or interpreted as listed in the district in question.
b.) the Conditional Use is in general accord with any adopted Village Plans
c.) the proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesireable effects on the surrounding area
d.) a public hearing has been held

In granting a Conditional Use the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance

The fee for a Conditional Use shall be twenty (2Ø) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Conditional Use shall be waived, and the Zoning Permit issued by the Zoning Inspector

4. EXCEPTION : The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a Use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Zoning Ordinance covering conditions are not precise enoough or are too general to cover all applications without the Board of Zoning Appeals interpretation. In granting an Exception, the Board may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance. The Board shall not, however, have the right to change the intent of this Zoning Ordinance by permitting any use that cannot be reasonably interpreted as intended in the district in question

The fee for an Exception shall be twenty (2Ø) dollars which shall be paid at the time of appliation. The fee for the Zoning Permit which must be obtained after approval of any Exception shall be waived, and the Zoning Permit issued by the Zoning Inspector

5. INTERPRETATION OF ZONING MAP: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. No fee shall be charged for an interpretation of the Zoning Map

6. NONCONFORMING USES: The Board shall have the power to permit changes and extensions of nonconforming uses as follows:

a.) a nonconforming use of a less onjectionable nature may be substituted for an existing nonconforming use

b.) an existing, legal nonconforming use which occupies only a portion of an existing structure or premises may be extended throughout such structure or premises

c.) the alteration or reconstruction of a nonconforming use or building provided that this action will make the nonconforming use substantially more in character with its surroundings

d.) the extention of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings. Such extentions shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this Zoning Ordinance

e.) a public hearing has been held

The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and th public interest. The fee for a Nonconforming Use change shall be twenty (20) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Nonconforming Use change shall be waived, and the Zoning Permit issued by the Zoning Inspector

7. TEMPORARY USES: The temporary use of a building or premises such as a house trailer or construction office in any district for a purpose or use that does not conform to the regulations prescribed by this Zoning Ordinance for the district in which it is located may be granted when determined justifiable by the Board of Zoning Appeals. Portable toilets for construction and other such small structures shall not require a Temporary Use approval by the Board

Such Temporary Use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience, and general welfare

The fee for a Temporary Use shall be twenty (20) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Temporary Use shall be waived, and the Zoning Permit issued by the Zoning Inspector

SECTION 1325 PROCEDURE FOR ACTIONS BY THE BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals shall act according to the procedure specified by law, including this Zoning Ordinance
2. The Board shall keep minutes of its proceedings showing the vote for each member on all questions, or if absent or failing to vote, it shall indicate such fact
3. All applications for Appeals, Variances, Conditional Uses, Exceptions, Nonconforming Uses, and Temporary Uses shall be made to the Board of Zoning Appeals in writing and on any forms prescribed therefore. All applications shall set forth the reason the Appeal, Variance, Conditional Use, Exception, Nonconforming Use, or Temporary Use should be granted
4. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals together with all documents pertaining thereto and shall be a public record
5. Fees as prescribed in this Zoning Ordinance shall be paid in full prior to any action by the Board of Zoning Appeals
6. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee or service may be required at the expense of the applicant as a part of the application
7. No action shall be taken on any request for any Appeal, Variance, or Exception prior to notification by the Village by first class mail of such request to all property owners contgious to and directly across the street from the property in question. When any such property owner objects to such request in writing within 10 days, then the Board shall be required to hold a public hearing as required in Section 1330
8. No action shall be taken on any request for any Conditional Use, or Nonconforming Use, prior to a public hearing

SECTION 1330 NOTICE OF HEARINGS BY BOARD OF ZONING APPEALS

1. When a notice of Appeal, Variance, Conditional Use, Exception, or Nonconforming Use has been filed in proper form with the Board of Zoning Appeals, and a public hearing is required, the secretary or other designated person shall immediately place the said request for same upon the calendar for hearing, and shall state on the notices the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request, at least five (5) days prior to the date of scheduled hearing

2. Written notice of such hearings when required shall also be given by mail or served personally to the owners of property within and contigious to and directly across the street from such land to which such Appeal, Variance, Conditional Use, Exception, or Nonconforming Use is related

3. All notices shall be sent to addresses given on the last tax assessment roll or other legally designated address list

4. Such hearing when required shall be advertised by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing

5. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required

SECTION 1335 REPLACE POWERS OF VILLAGE COUNCIL

1. Nothing in this Ordinance shall give the Board the power to act for the Council of the Village of Rockford

Article XIV Definitions

ACCESSORY USE OR STRUCTURE: A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man and workshops not conducted for compensation shall be deemed accessory uses. Offices or workshops conducted for compensation shall be deemed home occupations

AGRICULTURE: Agriculture shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, and the processing and sale of agriculture products

ALTERING OF BUILDING: Any change in supporting members of a building, any addition to a building; any change in use from one district classification to another; or removal of a building from one location to another. Altering shall not include interior remodeling, outdoor maintenance, and miscellaneous changes as may be required for safety reasons

BILLBOARD: See Signs

BUILDING: See Structure

CAMP: Any tract of land or premises having facilities used for camping purposes such as recreational, health, educational, construction, sectarian, tourist, picnic, or resort camps, not for permanent occupancy

DWELLING: A building or portion thereof occupied or intended to be occupied for residential purposes

a.) MOBILE HOME, MANUFACTURING UNIT - any vehicle at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation. A moveable living unit or units as in the case of a double-wide unit or similar protable structure having no foundation other than wheels, jacks, or blocks, sometimes referred to as trailers. Nothing in this Ordinance shall be construed as permitting a mobile home or double-wide mobile home in other than an approved mobile home park. Also, known as manufactured housing according to the Federal Housing and Community Development Act of 1980, and as defined in Section 4501.01 of the Ohio Revised Code

b.) MOBILE HOME, DOUBLE WIDE - two mobile home units, attached side by side, which constitute the complete mobile home. (See also: Mobile Home)

c.) INDUSTRIALIZED UNIT - a dwelling unit that is constructed and assembled as a factory and transported to the building's site and placed on and attached to a permanent masonry foundation. Industrialized unit housing must be at least 24 feet wide by 36 feet long and is not a mobile home or double-wide mobile home or manufactured unit as defined elsewhere in Article XIV and as defined in Section 3781.10 of the Ohio Revised Code

d.) SINGLE-FAMILY DWELLING - a detached residential dwelling unit other than a manufactured unit or vacation or seasonal home, designed for and occupied by one family only

e.) TWO-FAMILY DWELLING - a detached residential building designed for or occupied by two families only

f.) MULTIPLE-FAMILY DWELLING - a residential building designated for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided

g.) VACATION OR SEASONAL HOME - a single-family home for vacation use, full-time or part-time, is the same as a single-family home for vacation use, full-time or part-time, is the same as a single-family dwelling except they are not permitted except where specifically provided for in this Zoning Ordinance

f.) MIXED USE DWELLING - a dwelling which is located in a building having another primary use, such as a shop with apartments on the second floor or any similar combination of dwelling(s) and other uses

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or municipal and/or other governmental agencies of underground gas, electrical or water transmission of distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith but not including buildings or structures; reasonably necessary for the furnishing of adequate service for the public health, safety, and general welfare

FARM VACATION ENTERPRISES: Farm adapted for use as vacation farms, picnicing and sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves and similar uses

HOME OCCUPATION: An occupation conducted in a dwelling, subject to the following provisions:

1.) no person other than members of the family residing on the premises shall be engaged in such occupation
2.) the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of floor are of the dwelling unit shall be used in the conduct of the home occupation;
3.) there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation other than one sign that does not exceed three square feet in area, is non-illuminated, and is mounted flat against the wall of the principal building;
4.) no home occupation shall be conducted in any accessory building;
5.) no traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution and shall not be located in a required front yard;
6.) no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot

HOTEL/MOTEL: Must consist of at least 10 units with each having their own restrooms

HOUSE TRAILER: See dwellings

JUNK STORAGE AND SALES: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, bailed, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment;

but not including areas where such uses are conducted within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, operable machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations. Any concentration of two (2) or more used motor vehicles not displaying a current motor vehicle license shall be considered junk storage and/or sales. Junk storage and/or sales is only permitted in the Industrial District and then only as a Conditional Use with permission of the Zoning Board of Appeals

LOT: A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidential to it, including such yards or open spaces as are required by this Zoning Ordinance

LOT AREA: The total area of the lot not including any area in the street or alley right-of-way

LOT COVERAGE: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the lot area, expressed as a percentage

LOT DEPTH: The average horizontal distance between the front and rear lot lines

LOT WIDTH: The average horizontal distance between the side lot lines

MINERAL EXTRACTION, STORAGE AND PROCESSING, INCLUDING OIL AND GAS WELLS: Any mining, quarrying, storage or processing of limestone, sand, gravel, oil or gas, or other mineral resources

NONCONFORMING USE: A legal use of a building or structure and/or of land that antedates the adoption of this Zoning Ordinance and does not conform to the regulations for the Zoning district in which it is located

OUTDOOR ADVERTISING: See Signs

PUBLIC SERVICE FACILITY: The erection, construction, alteration or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, airports, terminals, and other similar public service structures, including the furnishing of electric, gas, rail transport, other transportation, communication, public water and sewerage service

PUBLIC USES: Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material

RECREATIONAL FACILITIES COMMERCIAL: Recreational facilities established and operated for a profit such as commercial golf courses, golf driving ranges, miniature golf, theaters, billiards, bowling alleys, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, tennis clubs, and similar indoor and outdoor uses

RECREATIONAL FACILITIES NONCOMMERCIAL: recreational facilities which are not operated for commercial gain, including country clubs, riding clubs, golf courses, game preserves, hunting and trapping, swimming pools, tennis clubs, and similar indoor and outdoor uses

SEMI-PUBLIC USES: Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature

Article XV Subdivision Regulations Definitions

SECTION 15ØØ MEANING OF WORDS AND PHRASES

The following words and phrases when used in these Subdivision Regulations, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter

a.) "Alley" means a strip of land dedicated to public use which provides secondary access for vehicular service to the rear side of abutting properties

b.) "Block" means as area of land within a subdivsion that is entirely bounded by streets, highways or ways, except alleys, or a combination of streets, highway or ways and rivers, streams, railroad rights of way or other exterior boundaries of the subdivision

c.) "Buffer lot" means a lot on a plat across the end of a street proposed to be extended by future platting or a lot along the length of a street, where only part of the width has been dedicated, retained by the owner but conditionally dedicated on the plat for street purposes when the street is extended or widened

d.) "Building line" or "setback line" means a line established on a parcel which is parallel to a street right-of-way line fo the purpose of prohibiting construction of a building between such line and an easement, right of way or other public area

e.) "Council" means the Council of the Village

f.) "Crosswalkway" means a right of way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties

g.) "Cul-de-sac" (court) means a short street having one open end and being permanently terminated by a vehicular turn-around

h.) "Dedication" means the appropriation of land by its owner for any public use

i.) "Easement" means a right of way granted by the property owner for limited use of private property for specific public or semi-public purposes

j.) "Greenbelts" or "buffer parks" means a strip of parcel of land, privately restricted or publicly dedicated as an open space, located between a residential development and other incompatible uses, for the purpose of protecting and enhancing the residential environment

k.) "Lot means a tract or percel of land identified as a single unit in a subdivision and intended for transfer of ownership, use or improvement

1.) "Lot Depth"" means a distance measured in the mean direction of the side lines of the lot from the mid-point of the front lot line to the mid-point of the rear lot line

2.) "Lot Width" means a mean horizontal distance between the side lines measured at right angles to the depth

l.) "Parcel" means a unit of land under one ownership other than a lot

m.) "Planning board" means the Planning, Zoning Commission of the Village

n.) "Plat" means a map of a subdivision

1.) "Preliminary Plat" means a preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Planning Board

2.) "Final Plat" means a map of all or part of the subdivision prepared and certified by a registered engineer or land surveyor in accordance with the requirements of the regulations of the Village

o.) "Public Utility" means a firm, corporation, copartnership, municipal authority or public agency providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers or transportation services or other services of a similar nature

p.) "Right of Way" means land reserved, used or to be used for a street, alley, walkway or other public purpose

q.) "Sight Distance" means the minimum extent of an unobstructed vision (on a horizontal plane) along a street from a point five feet above the center line of a street

r.) "Sketch Plan" means an informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed subdivision

s.) "Street" means a public way or right of way dedicated to public use, which provides for vehicular and pedestrian access to abutting properties

    1.) "Marginal Access Street" means a minor street which is parallel and adjacent to a major street or thoroughfare which provides access to abutting properties and protection from through traffic

    2.) "Half Street" means a street having a lesser right-of-way width than required for a street of full width as required under these Subdivision Regulations

t.) "Subdivider" means a person, firm, coporation, association or other legal entity engaged in the subdividing of land

u.) "Subdivision (major and minor);

    1.) "Major Subdivision" means either the division of any parcel of land, shown as a unit or as contiguous units on the last preceeding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted;

or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, exccept private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extention and maintenance of public sewer, water, storm drainage or other public facilities

2.) "Minor Subdivisions" means the division of a lot or parcel of land along an an existing public street into not more than five lots or parcels not establishing a new street or way

v.) "Subdivision Regulations" means the Subdivision Regulations for the Village, including any amendments thereto, being Part Two of these Subdivision and Zoning Regulations

w.) "Superblock" means a residential block of exceptionally large size in both deminsions with access to interior lots by cul-de-sacs or loop streets and providing one or more open spaces

x.) "Village" means the incorporated municipality of Rockford, Ohio

y.) "Village Engineer" means such person designated as the Engineer of the Village

z.) "Zoning Code" means the Zoning Regulations for the Village, including any amendments thereto, being Part One of these Subdivision and Zoning Regulations

Article XVI Platting Procedure

SECTION 16ØØ PRELIMINARY PLAT FOR MAJOR SUBDIVISION

a.) No Contract of Sale; Preliminary Plat. No person, firm or coporation shall subdivide territory within the coporate limits of the Village, or enter into any contract for the sale of, or offer to sell, any subdivision of any part thereof, or proceed with any construction work on such proposed subdivision, including grading, until he has obtained from the Planning Board approval of the preliminary plat of the proposed subdivision. Before preparing and submitting the preliminary plat to the Planning Board, it is suggested that the subdivider or his engineer consult with the Planning Board, while the plat is in sketch form, to ascertain the location of proposed highways, primary or secondary thoroughfares, parkways, parks, playgrounds and other planned developments

1.) SUBMITTAL: The subdivider shall submit a written request to the Planning Board for preliminary plat approval. This request shall be submitted at least ten days prior to the regular meeting of the Planning Board at which consideration of the plat is desired and shall be accompanied by the following graphic material and written data

a.) one key map to adequately locate the property to be subdivided and its relationship to surrounding areas;

b.) ten copies of the preliminary plat in accordance with the specifications and requirements of Section 17.1

2.) REVIEW: Upon the receipt of the application for preliminary plat approval, the Planning Board shall check the graphic and written data for completeness and conformity to these Subdivision Regulations. If complete, the plat shall be accepted for processing and the Planning Board shall distribute two copies of the plat to the Village engineer, one copy to the Superintendent of Schools, and one copy to each of the local utility companies. The Village Engineer shall examine and check the plat for general engineering and conformity to require public improvements.

The Superintendent of Schools shall be consulted regarding the potential effects of the proposed subdivision upon the school system and whether or not there is need for new school sites within or on the vicinity of the proposed plat. The various utility companies shall indicate the availability or non-availability of utilities and the suitability of any proposed utility easements. All agencies contacted shall, within seven days of receipt of the preliminary plat, be requested to return one print of such plat to the Planning Board with their approval, comments or recommended changes noted thereon

3.) APPROVAL: The Planning Board shall approve, modify or disapprove the preliminary plat within thiry days from the date of the regular meeting at which the plat was presented. However, a further period of time may be taken if the applicant consents to such an extension time. Approval of the preliminary plat by the Planning Board shall always by subject to the following conditions and modifications

a.) a recommendation from the Village Engineer concerning the adequacy or inadequacy of the proposed street improvements, water and sewer systems or any other public improvements proposed by the subdivider;

b.) the approval of the Planning Board shall be noted on two copies of the preliminary plat along with any modifications or conditions of approval. One copy shall be returned to the subdivider and the other retained by the Board;

c.) approval shall be effective for a maximum period of twelve months unless, upon application of the subdivider, the Planning Board grants an extension. If the final plat has not been officially submitted for processing within this time limit, the subdivider must re-submit the proposed subdivision and proceed through the preliminary plat stages in accordance with these Subdivision Regulations;

d.) approval of the preliminary plat by the Planning Board is an expression of approval of the general street and lot layout, and the proposed improvements to be provided. However, the approval os subject to any conditions or modifications placed upon the plat by the Board. Preliminary plat approval does not guarantee approval of the final plat, nor does it constitute any public acceptance of streets, alleys or other public ways or open spaces

4.DISAPPROVAL:

a.) the Planning Board shall disapprove the preliminary plat:

1.) if it does not meet all of the provisions of these Subdivision Regulations and other ordinances and regulations of the Village, or if the proposed improvements are not approved by the appropriate public agencies;

2.) unless there is a need for additional subdivision of land;

3.) unless the land is suitable for the purposes intended;

4.) if the subdivision cannot be adequately and economically served with necessary public facilities and services suitable to the circumstances

5.) if the intended use of the land would infringe upon or endanger adjacent land use or if all the intended building sites cannot be used safely and without endangering the health of residents by peril from floods, erosion or other menace

B. If the Planning Board disapproves the preliminary plat, it shall so advise the subdivider in writing and note the reasons for such disapproval in its meeting minutes

SECTION 1610 FINAL PLAT FOR MAJOR AND MINOR SUBDIVISIONS

The final plat shall conform substantially to the preliminary plat as approved by the Planning Board. If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time . The final plat shall conform to the requirements of Section 17.2

a.) SUBMITTAL. The subdivider shall submit a written application for approval of the plat along with a reproductible copy and five black line or blueprint copies of the final plat and two copies of the final construction plans to the Planning Board. All protective covenants, deed restriction, reservations, grants, and easements should accompany the final plat in a form suitable for recording. Such application shall be submitted not less than ten days prior to the regular monthly meeting of the Planning Board at which the application is to be considered

b.) REVIEW. Prior to consideration of the final palt application by the Planning Board, the Village Engineer shall review the plat and the accompanying construction plans to determine its conformity to engineering specifications and improvement plans proposed in the preliminary plat. The Planning Board shall also review the final plat application and determine its conformity or non-conformity with the lot layout, street design and other proposals contained in the approved preliminary plat. The Village Engineer shall certify his aproval or disapproval of the plat in writing to the Planning Board for its consideration

c.) APPROVAL. The Planning Board shall review the final plat and approve or disapprove the plat within thirty days form the date of the regular meeting at which the plat is presented for review

    1.) prior to approval, the Planning Board shall ascertain that satisfactory arrangements have been made by the subdivider, as outlined in Sections 19.1 and 19.2 to provide for the financing and inspection of required public improvements
    2.) if approved, the Planning Board shall indicate such approval on the final plat by the signature of its Chairperson
    3.) approval of the final plat by the Planning Board shall not indicate public acceptance of any lands, rights-of-way or easements shown on the plat

4.) the Planning Board shall then transmit the reproducible copy and four prints of the final plat along with certificate of title to Council for such action as may be necessary on any proposed dedication. Thereupon, Council shall transmit the reproducible copy and three approved prints thereof to the Planning Board for the subdivider, and the Village Engineer

5.) if the Planning Board disapproves the final plat, it shall forward a written report to the subdivider stating the reasons for such disapproval

SECTION 162Ø RECORDING

After the final plat has been approved by the Planning Board and dedications accepted by the Council and the necessary approvals endorsed in writing thereon, the subdivider shall file a copy of the plat for recording in their office of the County Recorder within sixty days after the date of final approval

SECTION 1700 PRELIMINARY PLATS

The preliminary plat shall not be accepted for processing unless all the data and documents included in this section are provided. By these requirements it is not intended that detailed engineering surveys or other precise field work shall be required to prepare the preliminary plat. Information and proposals shown on the plat, however, should be as accurate a scaled drawing as can be obtained from existing plat records, legal property descriptions, recent air photos, Village engineering records and other like sources of information

The following documents shall accompany any written request for preliminary plat approval

1.) IDENTIFICATION:
   - a.) proposed name of the subdivision
   - b.) location by section, town and range, or other legal descriptions
   - c.) date, north point and graphic scale (one inch equals 100 feet)
   - d.) name and address of developer and plat designer
   - e.) site data, including approximate acreage, number of lots, average lot size, acreage in parks or other open spaces, etc.
   - f.) preliminary plat restrictions or covenants, if any

2.) DELINEATION OF EXISTING CONDITIONS:
   - a.) boundry lines, lot lines and identification of adjacent tracts of subdivided and unsubdivided land, indicating property ownership of all unplatted tracts
   - b.) all existing streets and alleys within or adjacent to the proposed plat including names, right-of-way width and pavement width

c.) location of all railroad and utility rights of way, easements, parks and other open spaces, permanent buildings and structures and section or corporation lines within or adjacent to the proposed plat

d.) location and size of existing sewers, water lines, culverts, fire hydrants and other underground or above ground utilities within or adjacent to the tract

e.) location of all water, courses, wooded areas, isolated preservable trees and other physical conditions influencing plat design

f.) indication of ground forms, preferably contours at two-foot untervals. U.S.G.S. Bench Mark notations

3.) DELINIATION OF PROPOSED DEVELOPMENT:

a.) boundry line of the proposed plat indicated by a heavy soiled line with linear and angular dimensions

b.) layout of proposed streets, their proposed names, right-of-way and paving width

c.) right-of-way widths for proposed alleys, crosswalkways and easements

d.) layout of proposed lots including lot lines, lot numbers and dimensions of each lot

e.) proposed minimum building setback lines, see 8.9

f.) location of proposed parks, playgrounds, school sites, greenbelts or other open spaces to be dedicated or reserved for public use

g.) sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings

h.) proposed street tree planting plan or other landscaping proposals, showing location, size and type of plant material

i.) show buffer lot and dimensions of lot

4.) DELINEATION OF PRELIMINARY ENGINEERING PLAN:
Two copies of preliminary sketches (Plan and Profile) for construction and improvements showing the following:

a.) PLAN:

1.) nature of curves (degrees of curvatures)
2.) curb lines and sidewalks
3.) location and size of proposed water, sewer and drainage facilities, direction of flow and location of tie-in to existing sewers, if engineering is to be designed by other than Village Engineer
4.) drainage of surface water shown to the street or to catch basins (shown by arrows)
5.) proposed topography
6.) type of soil and location of test borings (as required by the Village Engineer)

b.) PROFILE:

1. existing elevation of all streets, centerlines and right-of-way lines, both left and right (one foot, plus or minus, accuracy)
2. rough proposed grades and elevations of all street centerlines and right-of-way lines
3. stationing of all street centerlines (scaled measure)
4. rough grades and elevations of all proposed sewers, drainage and catch basins (no sizes)

These prints shall be analyzed and comments as to their sufficiency and eventual problems shall be noted thereon by the Village Engineer. One copy shall be returned to the designer for his consideration along with a written report, a copy of which shall be forwarded to the Planning Board. One copy shall be kept in the Village Engineer's files for future reference

SECTION 1710 FINAL PLATS

a.) prints of Final Plat. Five black line or blueprints of the final or record plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the Planning Board for approval, at a scale of 100 feet or less to the inch, clearly showing the following features and information

1.) all plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes.
These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed. The error of closure shall not exceed one to 10,000.
The exact location and the width along the property line of all existing or recorded streets intersecting or parallelling the boundaries of the tract shall also be shown.

2.) true bearings and distances to nearest established street bounds, section lines or other official monuments, which monuments shall be located or accurately described on the plat. All section lines and corporation lines shall be accurately marked by monument and located on the plat, and their names shall be printed on them

3.) the accurate location and materials of all permanent reference monuments

4.) the exact layout, including:
    a.) street and alley lines, their names, bearings, angles, of intersection and widths, including widths along the line of any obliquely intersecting street:
    b.) the length of all arcs, radii, points of curvature and tangent bearings;

c.) all easements or rights-of-way, when provided for or owned by public services. The limitation of the easement rights shall be definitely stated on the plat;

d.) all lot lines with demensions in feet and hundredths, and with bearings and angles to minutes, if other than right angles to the street and alley lines

5.) LOTS NUMBERED IN NUMERICAL ORDER:
In tracts containing more than one block, the blocks shall be lettered in alphabetical order. In case there is a resubdivision of lots in any block, such resubdivided lots shall be numbered numerically beginning with the number following the highest lot number in the block

6.) the accurate outline of all property which is offered for dedication for public use, and for all property that may be reserved by covenant in the deed for the common use of the property owners in the subdivision, with the purposes indicated thereon

7.) setback building lines as fixed by the Zoning Code and any other setback lines or street lines established by public authority, and those stipulated in the deed restrictions

8.) private restrictions, if any, including:
   a.) boundaries of each type of use restriction; and
   b.) other private restrictions for each definitely restricted section of the subdivision

9.) name of the subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part

10.) names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property

11.) names and addresses of the owner of record, the subdivider and the engineer or surveyor

12.) north point, scale and date

13.) statement that any lot transferred will have a minimum width and area substantially the same as those shown on the plat, and that only one principle building will be permitted on any such lot

14.) certification by a registered professional engineer or surveyor to the effect that:
   a.) the plat represents a survey made by him, that all monuments indicated thereon actually exist and that their location, size and material are correctly shown, and
   b.) all requirements of these Subdivision Regulations have been fully compiled with

15.) an acknowledgement by the owner or owners of his or their adoption of the plat and dedication of streets and other public areas

b.) Final Construction Plans. A complete set of final construction plans consisting of profiles, cross-sections, specifications, cost estimates and other supporting data shall be prepared by the subdivider's engineer subject to approval by the Village Engineer, for all public improvements contemplated by the subdivider and required by these Subdivision Regulations

c.) Landscaping Plans. A complete set of final landscaping plans showing location and species of street trees, plantings, park dedications or reservation, specifications, cost estimates and other supporting data shall be prepared by the subdivider's landscape architect or designer, subject to approval by the Planning Board

Article XVIII Subdivision Design Requirements

SECTION 1810 GENERAL PROVISIONS

a.) the proposed subdivision and its ultimate use shall be conformity with the Zoning Code as adopted, and shall not encroach upon any other district designed on the zoning map

b.) land which the Planning Board has found to be unsuitable for subdivision development due to flooding, poor drainage, soil conditions or other features which are likely to be harmful to the health, safety and welfare of future residents shall not be subdivided unless satisfactory methods of correction are formulated by the subdivider and approved by the Planning Board

c.) the Planning Board shall consider plats designed for special development of group housing, new concepts of solar orientation, superblock arrangements or other methods of site design which may require modification or adjustment of these Subdivision Regulations, provided that such plats do not have an unfavorable effect upon the development of adjacent properties

d.) variations, exceptions and/or modifications of these design requirements may be made by the Planning Board in specific cases where it is deemed that hardship, unusual topographical conditions or other unique conditions justify such variance

SECTION 1820 STREETS

a.) the arrangement, character, extent, width, grade and location of all streets shall conform to the specifications of the Village Engineer and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets

b.) public right-of-way widths shall not be less than the following:

CLASSIFICATION	RIGHT-OF-WAY WIDTH (in feet)
1.) Major Streets	
Expressways	300
Arterial streets	80-100
Arterial streets are those to be used primarily for fast or heavy traffic	
Neighborhood collector streets	60-80
2.) Residential streets	50

3.) Marginal Access streets*.....50
4.) Alleys.....16.5
5.) Crosswalkways.....10
6.) Utility easements.....12-30
7.) Additional street right-of-way width may be reduced to assure adequate access, circulation and parking in subdivisions within high density residential areas, commercial areas and industrial areas
8.) Where a proposed subdivision abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width for the existing street may be required in conformity with the above standards

*Short cul-de-sac or loop streets may also be approved with a fifty-foot width after proper analysis by the Planning Board

c.) residential streets shall be so arranged as to discourage their use by through traffic. Curvelinear street design is recommended for residential streets to discourage excessive vehicular speeds and to provide attractive vistas

d.) the street arrangement in a subdivision shall provide for the continuation of existing streets in surrounding areas and shall provide for suitable access to adjoining unplatted areas at points not more than 1,320 feet apart

e.) where a proposed subdivision abuts or contains an existing or proposed major street or highway the Planning Board may require marginal access streets, reverse frontage lots containing a ten-foot non-access reservation with approved screen planting along the rear property line, or such other treatment as may be necessary for the adequate protection of residential properties and to afford separation of through and local traffic

1.) intersections on major streets or thoroughfares shall be located not less than 800 feet apart, measured from centerline to centerline

f.) when a tentative layout, including streets, of the general area or neighborhood has been made, approved and adopted by the Planning Board, the proposed subdivision shall be in general conformity thereto

g.) where a proposed subdivision abuts or contains a railroad right-of-way, expressway or other limited access highway, the Planning Board may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future bridges or grade separations

h.) street jogs with centerline offsets of less than 125 feet shall be prohibited

i.) there shall be no private streets, lanes or ways platted in any subdivision except under the special design considerations mentioned under Section 18.1 (c)

j.) half streets shall be prohibited, except where absolutely essental to the reasonable development of a tract inconformity with these Subdivision Regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated by the Planning Board

k.) dead-end streets are prohibited except those designed as permanent cul-de-sacs or those required for future access to adjacent unplatted property. Temporary turn-around arrangements for dead-end streets which will be extended in the future may be required by the Planning Board

l.) Cul-de-sac streets shall be no longer than 600 feet and shall contain at the closed and a turn-around having an outside road pavement diameter of 80 feet. Special consideration will be given to longer cul-de-sacs under unusual topographic conditions

m.) street grades shall not be greater than five percent or less than 0.5 percent

n.) to insure adequate sight distance, horizontal curves shall have the following minimum centerline radii:

CLASSIFICATION CENTER LINE RADII (IN FEET)

1. Residential streets.....150
2. Neighborhood collector streets.....300
3. Major streets.....500
4. Major thoroughfares.....750
5. A tangent at least 100 feet long shall be provided between reverse curves on neighborhood collector streets and at least 250 feet long on major streets and thoroughfares

o.) streets shall intersect one another at right angles or as nearly at right angles as conditions permit. No street shall intersect another at an angle of less than sixty degrees

1.) "T" intersections of minor streets are to be encouraged
2.) Multiple intersections involving the junction of more than two streets shall be prohibited
3.) Minor streets intersecting with a major street or thoroughfare shall have a tangent section of centerline not less than fifty feet in length

p.) no street names shall be used which will duplicate or be confused with the names of existing streets within the area of jurisdiction of these Subdivision Regulations. Street and Subdivision names and house numbers shall be subject to the approval of the Planning Board

SECTION 1830 ALLEYS

a.) alleys shall be prohibited in subdivisions within single-family or two-family districts unless warranted by special or unique conditions

b.) alleys shall be provided for subdivisions where the intended use is for multiple dwellings or business, commercial or industrial purposes. The Planning Board may waive this requirement where other definite provision is made for service access, off-street loading and parking

c.) dead-end alleys are prohibited unless unavoidable because of special physical conditions. If permitted, dead-end alleys shall be provided with adequate turn-around facilities for service trucks, as determined by the Planning Board

SECTION 184Ø BLOCKS

a.) block length shall be no longer than 1,32Ø feet nor less than 5ØØ feet, unless special physical conditions justify a departure from these standards

b.) block width shall be sufficient to provide for a development of two tiers of lots between streets except in cases where lots back to a major street or thoroughfare under the conditions specified in Section 18.2 (e).

c.) where a proposed subdivision abuts or contains a major street or thoroughfare, the long dimension of the block should parallel the major street or thoroughfare

d.) blocks designated for multiple dwelllings or for business, commercial or industrial use may be specifically designed for such purposes with spaces set aside for off-street parking and loading facilities as specified in the Zoning Code

e.) a public dedication of ten feet in width may be required for a pedestrian walkway through a block over 9ØØ feet in length or where necessary in the judgment of the Planning Board to provide for safe and convenient access to schools, parks, shopping centers or other community facilities

SECTION 185Ø LOTS

a.) the lot size, width, depth, shape and orientation shall be appropriate for the location and contemplated use of the subdivision but in no case shall any of the lot dimensions, building setback lines or lot area requirements be less than the minimum specified in the Zoning Code for the particular district in which the subdivision is located

b.) the minimum lot depth for residential lots shall be 12Ø feet, 135 feet on major streets, except as provided in Section 18.1 (d).

c.) the general depth to width ratio of lots shall not exceed two and one-half to one

d.) every lot shall abut upon and have permanent access to a public street. However, in subdivisions designed under conditions specified in Section 18.1 (c), this requirement may be modified or waived by the Planning Board

e.) side lot lines shall be at approximately right angles or radical to the street right-of-way lines

f.) utilities easements may be required on rear or side lot lines as specified by the Planning Board. Such easements shall be at least twelve feet in width with six feet being taken from the abutting lots on both sides of the centerline of the easements

1.) additional easements may be required along drainage channels or water courses in such with as may be determined by the Village Engineer

g.) corner residential lots shall have extra width sufficient to maintain building setback lines as specified in the Zoning Code

SECTION 1860 PUBLIC SITES AND OPEN SPACES

a.) where a proposed neighborhood park, playground, recreation area, school site or other public use is located in whole or in part in a subdivision, the Planning Board may require the dedication of such public area in an amount up to five percent of the gross area of the proposed subdivision as a condition of approval of that subdivision

1.) any lands contemplated for public use shall be reserved from the plat by the subdivider for a period of not longer than two years. If Council or the Board of Education fails to purchase the site or to make arrangements satisfactory to the subdivider for acquisition of the site, the subdivider may replat the reserved site into lots

b.) dedication of greenbelts or buffer parks may be required by the Planning Board in areas where they are desireable to separate and protect residential subdivisions from adjacent commercial developments, express highways, major streets and railroad rights-of-way

c.) dedication or reservation of other public open spaces may be required where deemed necessary by the Planning Board for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision

Article XVIIII Improvements Requirements

SECTION 1910 GENERAL PROCEDURES

Prior to submission of the final plat for approval, two complete sets of preliminary construction plans, showing contemplated improvements for the required streets, utilities and other facilities required by these Subdivision Regulations, are to be on file with the Village Engineer. Before approving or disapproving the final plat, the Planning Board shall require a written statement from the Village Engineer regarding the adequacy or inadequacy of construction plans and improvements as proposed by the subdivider

a.) INSPECTION. Before approving a final plat and the accompanying construction plans for public improvements, the Planning Board shall require satisfactory evidence that agreement has been reached between the subdivider, the Village Engineer and enforcing officer for the inspection of the various public improvements as they are constructed

SECTION 1920 GUARANTEES

In lieu of the actual installation of required public improvements, the subdivider shall provide a financial guarantee of performance in one or a combination of the following arrangements subject to the review of Council:

a.) PERFORMANCE BOND. A performance or surety bond to cover the cost of the contemplated improvements as estimated by the Village Engineer shall be filed with the Clerk of Council. Such bond shall specify the time period in which the improvements are to be completed and shall be with an acceptable bonding company authorized to do business in Ohio by the Secretary of State

b.) ESCROW FUND. A cash deposit, certified check or surety bond sufficient to cover the cost of the contemplated improvements as estimated by the Village Engineer shall be deposited with the Clerk of Council. The escrow deposit shall be for the estimated time period necessary to complete the required public improvements

1.) in the case of either cash deposits or certified checks, an agreement between Council and the subdivider may provide for progressive payments out of the cash deposit or reduction of the certified check or surety bond to the extent of the estimated cost of the completed portion of the public improvements

c.) CONTRACTURAL ARRANGEMENTS. The subdivider may enter into a contract with the Village for the completion of the required public improvements

SECTION 1930 REQUIRED PUBLIC IMPROVEMENTS

Every subdivision shall be required to provide complete public utilities, including water, sanitary sewers and storm sewers, and full street improvements, including street paving, curbs, gutters, street trees and sidewalks

The minimum standards for required public improvments shall be as follows:

a.) WATER. A public water system containing a six-inch minimum supply line, fire hydrants, valves and other water system apurtenances shall be constructed in conformity with the requirements of the Village Engineer

b.) SANITARY SEWERS. A public sanitary sewer system containing an eight-inch minimum size pipe shall be constructed and the sewer size, grade and other apurtenances of the system shall be constructed in conformity with the requirements of the Village Engineer

c.) STORM SEWERS. A storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts and other necessary apurtenances shall be required and constructed in conformity with the requirements of the Village Engineer

1.) all natural water drainage ways shall be preserved at their natural gradient unless otherwise determined by the Planning Board upon recommendation from the Village Engineer

2.) all lots shall be finished graded so that all storm waters shall drain therefrom

d.) STREETS. Full street improvements, including adequate subgrade preparation, hard surfacing, curbs and gutters shall be required in every subdivision in conformity with the construction standards of the Village Engineer. The minimum standards for such street improvement shall be as follows:

1.) STREET SURFACING: The finished roadway surfacing shall be either asphaltic or bituminous aggregate, concrete or Portland cement concrete installed in conformity with the specifications of the Village Engineer

2.) STREET SURFACING WIDTH: Minimum street surfacing widths shall be as follows:

CLASSIFICATION	TO BACKS OF CURBS (in feet)
Residential streets	30
Neighborhood collector streets	38
Arterial streets	52

In cases of low density residential developments which have lot widths of seventy-five feet or over, or cul-de-sac and loop street developments, the minor street paving width may be lowered to twenty-four feet where, in the judgement of the Planning Board, this width will be sufficient to accomodate the anticipated traffic volumes of the overall neighborhood. Added street pavement width may be required by the Planning Board for minor streets which are designed to serve high density residential developments and commercial or industrial subdivisions

3.) CURBS AND GUTTERS: Curbs and gutters of a type approved by the Village Engineer shall be provided for all minor, neighborhood collector and major streets within each subdivision

4.) STREET ISLANDS AND BOULEVARDS: Where the subdivider proposes boulevard streets and/or street islands in his street layout, he shall make suitable plans for landscaping the boulevard or island areas. All such landscaping plans shall be approved as to height, size and type of plant material by the Planning Officer

e.) SIDEWALKS AND CROSSWALKS. Each subdivision shall provide concrete sidewalks four feet in width on both sides of the street in accordance with the Village Engineer's specifications. IN SUBDIVISIONS CONTAINING LOTS OF SEVENTY-FIVE FEET WIDTH OR MORE, THE PLANNING BOARD MAY REDUCE THIS REQUIREMENT TO ONE SIDEWALK WHERE, IN ITS JUDGEMENT SUCH IMPROVEMENT WILL ADEQUATELY SERVE THE PEDESTRIAN NEEDS OF THE SUBDIVISION AND THE SURROUNDING NEIGHBORHOOD. Crosswalkways, where required, shall have a five-foot paving width centered within the required ten-foot public right-of-way

f.) ALLEYS. Alleys, where permitted, shall be paved in bituminous material to their full right-of-way width or under specifications approved by the Village Engineer

g.) STREET TREES. Street trees shall be required in each subdivision of a type, size and location as specified by the Village

h.) MONUMENTS. Monuments shall be placed at all block corners, angle points and points of curves in streets and at such other points as required by the Village Engineer

i.) STREET LIGHTS. STREET LIGHTS SHALL BE INSTALLED AND FINANCED BY OR THROUGH THE VILLAGE, AT STREET INTERSECTIONS AND AT SUCH OTHER LOCATIONS AS MAY BE REQUIRED TO MAINTAIN MINIMUM STANDARDS OF PUBLIC SAFETY

SECTION 1940 OPTIONAL PUBLIC IMPROVEMENTS

a.) STREET NAME SIGNS. The subdivider may install street name signs at each intersection

b.) LANDSCAPING. Landscaping planting, louvered fences for screening, or other suitable landscape treatment may be made by the subdivider within required greenbelts, buffer parks or other open spaces where he desires to protect his development from the detrimental effects of adjacent expressways, major streets, railroads or other land uses. Such landscape plans should be indicated on the subdividers improvement plans and shall be approved by the Planning Board after review by the Planning Officer

SECTION 1950 VARIANCES AND CONDITIONS

a.) where the Planning Board finds that strict compliance with the minimum improvement requirements provided for in this chapter results in extraordinary hardship or unreasonable costs being imposed upon a particular subdivision, it may vary these improvement regulations so that substantial justice may be done and public interest secured

b.) in granting variances and modifications of these subdivision Regulations, the Planning Board may require such conditions as will, in its judgement, secure the objectives of the standards of requirements so varied or modified

SECTION 1960 PENALTY FOR NONCOMPLETION

Should the subdivider fail to complete the required public improvement work within the time period required by the conditions of the guarantees as outlined above, the Village shall proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit, certified check or surety bond, or shall take the necessary steps to require performance by the bonding company

Article XX General Provisions

SECTION 2010 TITLE

These regulations shall be known as cited as the "Subdivision Regulations for the Platting Land in the Village of Rockford."

SECTION 2020 PURPOSE

It is the purpose of these Subdivision Regulations to establish minimum requirements of the subdividing or platting of land within the Village in order to protect, safeguard and promote the public health, safety, convenience and welfare; in order to facilitate the orderly growth and development of the Village by providing suitable (planned) residential neighborhoods with adequate streets, utilities, public school sites, recreational areas and other public open spaces; in order to achieve individual property lots of maximum utility and livability; and in order to provide for economical streets of adequate width and proper design so that future traffic circulation is provided for by a coordinated street system

SECTION 2030 VALIDITY

If any section, subsection, sentence, clause or phrase of these Subdivision Regulations is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions shall not be affected thereby

SECTION 2040 FEES

a.) MAJOR SUBDIVISIONS. A filing fee of fifty dollars ($50.00) for the first acre or fractional part thereof and five dollars ($5.00) for each additional acre or fractional part thereof for preliminary plats and a like amount for final plats shall be required

b.) MINOR SUBDIVISIONS. A filing fee of fifteen dollars ($15.00) shall be required for preliminary plats and for final plats

I HEREBY CERTIFY THAT THIS ORDINANCE IS A CERTIFIED COPY.

Clerk/Treasurer

Article XXI Effective Date

This Ordinance shall be in effect thirty days after its passage pursuant to law.

Passed this_____day of_____1996.

_____
President of Council

attest:

_____
Clerk/treasurer

approved as to form:

_____
Solicitor

Approved by the Mayor of the Village
this_____day of _____1996

_____
Mayor

PART THREE—Zoning Forms

Form No.	1	Application for Zoning Permit
" "	2	Zoning Permit (Placard)
" "	3	Revocation of Zoning Permit
" "	4	Application for Certificate of Occupancy
" "	5	Statement of Zoning Violation
" "	6	Notice of Zoning Violation
" "	7	Stop—Zoning Violation (Placard)
" "	8	Application for Appeal
" "	9	Application for Variance
" "	10	Application for Conditional Use Permit
" "	11	Application for Zoning Amendment
" "	12	Notice of Public Hearing to Newspaper
" "	13	Notice of Hearing to Property Owner

APPLICATION FOR ZONING PERMIT

Application No._____

The undersigned applies for a zoning permit for the following use, said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct. The applicant is required, in addition to the information requested on this form to submit plans, in triplicate and drawn to scale, showing the actual dimensions and shape of the lot, exact sizes and locations of existing buildings on the lot, and the location and dimensions of the proposed building or alterations.

1. Locational Description: Subdivision Name_____

   Section_____ Township_____ Range_____

   Block_____ Lot No._____

   (If not located in platted subdivision attach a legal description)

2. Name of Owner_____

   Mailing Address_____

   Phone Number Home_____ Business_____

   Existing Use_____

4. Property Presently Zoned As_____

5. Proposed Use

   New Construction_____ Business_____

   Remodeling_____ Industry_____

   Accessory Building_____ Sign_____ Size_____

   Residence_____ No. of Units_____ Other (explain)_____

_____

   (If proposed use is business or industry enclose a detailed description of the nature of the business or industry)

6. Type of Sewage Disposal_____

7. Percentage of lot to be occupied_____%

8. Lot Width_____ Lot Depth_____ Lot Area_____ _____

9. Square Feet of Living Area (Residences)_____sq. ft.

   Garage_____ Basement_____ Accessory Bldg._____

   Commercial_____ Industrial_____ Office_____

10. Building Heights: Stories ____________ Feet ____________

11. Yard Dimensions: Front ____________ Rear ____________

One Side ____________ Sum of Side Yards ____________

12. Accessory Building Dimensions: Height ________ Side Dimensions ____________

13. Number of Off-Street Parking Spaces to be Provided ____________

14. Number of Off-Street Loading Berths to be Provided ____________

15. On a separate sheet attach a list of other supplemental requirements or conditions that will be met, or explain any points you feel need clarification.

Note: This permit shall be void if work is not started within one year or completed within 2½ years.

Signature ____________________ Date ____________

(For Official Use Only)

Date Received ____________________ Fee Paid ____________

Date of Action on Application ____________ Approved ____________ Denied ____________

If application denied, reason for denial ____________________

____

____

____

____

____

Zoning Inspector

APPLICATION FOR CERTIFICATE OF OCCUPANCY

Before any building may be occupied or land utilized, it is necessary for the zoning inspector to certify that the construction is in accordance with the zoning ordinance and the previously approved Application For Zoning Permit. Approximately one week prior to the completion of construction, mail this form to the zoning inspector. If the construction was completed in accordance with the approved zoning permit, he will approve the Certificate of Occupancy and return it to you. Temporary Certificates of Occupancy may be issued for a period not to exceed six (6) months.

To: ZONING INSPECTOR

The undersigned requests issuance of a Certificate of Occupancy for the premises described in Zoning Permit Application No.________, issued on________________, 19____ To the best of our knowledge all construction has been in conformance with the approved zoning permit.

Date________________________ Applicant________________________

- -

For Official Use Only

Upon the basis of Zoning Permit Application No.________ issued on______________, 19____ and made a part hereof reference, the proposed change (is, is not) found to be in conformance with the Zoning Ordinance and this Certificate is hereby (approved, denied) for the ____________________ District.

Date Application Received____________________________

Date of Action on Application____________________________

Date of Expiration if Temporary Certificate____________________, 19____.

If Denied, Reason for Denial____________________________

____

____

____

____

____

Zoning Inspector

Note: This form to be filed in triplicate

ZONING PERMIT

No. _____

Issued To _____

Address _____

_____

Description Of Use _____

_____

Zoning Classification _____

Date _____

_____
Zoning Inspector

Note: This Permit Must Be Posted On The Premises

REVOCATION OF ZONING PERMIT

To:_____ Date_____

_____

_____

_____

You are hereby advised that for the reason that:_____

_____

_____

_____

_____

_____

Zoning Permit No._____ issued on _____ 19____, is hereby revoked and declared to be null and void.

Further alteration or change in the use of any land or building must cease until a valid zoning permit has been obtained. Further alteration or change is punishable under Section 4.8 of the zoning ordinance. Section 4.8 states: "Any person, firm, or corporation violating any of the provisions of this Zoning Code, or any amendment thereto, or failing to comply with any of the requirements of this Zoning Code, or any amendment or supplement thereto, shall, upon conviction, be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00), or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense."

Please contact this office so we may discuss this matter.

_____, Ohio

_____

Zoning Inspector

Form No. 5

STATEMENT OF ZONING VIOLATION

The Statement is voluntarily given to the _____ Zoning Inspector this _____ day of _____, 19____, with the understanding that he may initiate legal proceedings in a court of competent jurisdiction charging _____ with violating the _____ Zoning Ordinance. In the event such legal proceedings are initiated, I will appear to testify in court to the facts stated in the following statement.

Date _____ Signature _____

Address _____

Prior to _____, 19____ the property located at _____

Was being used for _____

On _____, 19____ I noticed that the above described property was being used for _____

_____, and in my opinion this use is in violation of Section(s) _____

_____ of the _____ Zoning Ordinance.

Describe below the uses being made of the property giving exact date and time where possible.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

NOTICE OF ZONING VIOLATION

To:_____ Date_____

_____

_____

You are hereby advised that you are in violation of the _____ Zoning Ordinance. The nature of this violation is as follows: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

You are further informed that unless this violation is corrected or otherwise made to comply by _____, 19____, you will be subject to the penalty as provided by Section 4.8 of the _____ Zoning Ordinance.

Section 4.8 provides, in part, that: "Any person, firm, or corporation violating any of the provisions of this Zoning Code, or any amendment thereto, or failing to comply with any of the requirements of this Zoning Code, or any amendment or supplement thereto, shall, upon conviction, be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00), or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation occurs shall be considered a separate offense."

Please contact this office so that we may discuss this violation.

STOP

ZONING VIOLATION

Nature Of Such Violation Being: _____

_____

_____

_____ **OHIO**

Date _____

_____

Zoning Inspector

Note: Any persons, firm, or corporation violating any of the provisions of this Zoning Code, or any amendment thereto, or failing to comply with any of the requirements of this Zoning Code, or any amendment or supplement thereto, shall upon conviction, be fined not less than twenty-five dollars ($25.00) nor more than two hundred dollars ($200.00), or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

APPLICATION FOR APPEAL
BOARD OF ZONING APPEALS

Application No._____

Name of Applicant_____

Mailing Address_____

Phone Number Home_____ Business_____

The undersigned requests review of the decision by the zoning inspector of Application for Zoning Permit No._____, denied (issued) on_____, 19____. It is the applicant's contention that the following error was made in the determination of the zoning inspector: _____

_____

_____

_____

_____
Appellant

For Official Use Only

Date Filed_____

Date of Notice to Parties in Interest_____

Date of Notice in Newspaper_____

Date of Public Hearing_____

Fee Paid $_____

Decision of Board of Zoning Appeals: Approved_____ Denied_____

If Approved the following conditions and safeguards were prescribed: _____

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial _____

_____

_____

_____

_____

_____

_____

Date _____

_____
Board of Zoning Appeals Chairman

Note: One (1) copy to be filed with the Zoning Inspector and two (2) with the Board of Zoning Appeals.

APPLICATION FOR CONDITIONAL USE PERMIT

Board of Zoning Appeals

Application No.______________

The undersigned requests a conditional use permit for the use specified below. Should this application be approved, it is understood that it shall only authorize that particular use described in this application and any conditions or safeguards required by the Board. If this use is discontinued for a period of more than six (6) months, this permit shall automatically expire.

1. Name of Applicant______________________________

   Mailing Address______________________________

   Phone Number Home________________ Business________________

2. Locational Description: Subdivision Name____________________

   Section____________ Township____________ Range____________

   Block____________ Lot No.____________

   (If not in a platted subdivision attach a legal description)

3. Existing Use______________________________

4. Zoning District______________________________

5. Description of Conditional Use______________________________

   ____

6. Supporting Information: Attach a plan for the proposed use (in triplicate) showing the location of building, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, yards, and refuse and service areas. Also attach a narrative statement relative to the above requirements and also explain the economic, noise, glare, and odor effects on adjoining property and the general compatability with adjacent and other properties in the district.

Date________________ ____________________

Applicant

- -

For Official Use Only

Date Filed______________________________

Date of Notice to Parties in Interest____________________

Date of Notice to Newspapers____________________

Date of Public Hearing____________________

Form No. 9

APPLICATION FOR VARIANCE
BOARD OF ZONING APPEALS

Application No. _____

Name of Applicant _____

Mailing Address _____

Phone Number Home _____ Business _____

1. Locational Description: Subdivision Name _____

   Section _____ Township _____ Range _____

   Other Designation _____ Block _____ Lot No. _____

   (If not in a platted subdivision attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance _____

   _____

   _____

   In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Zoning Appeals that the following items are true: (Please attach these comments on a separate sheet)

   a. special conditions exist peculiar to the land or building in question
   b. that a literal intepretation of the ordinance would deprive the applicant of rights enjoyed by other property owners
   c. that the special conditions do not result from previous actions of the applicant
   d. that the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in this application and its supplements is true and correct.

Date _____ _____
Applicant

- -

For Official Use Only

Date Filed _____

Date of Notice to Parties in Interest _____

Date of Notice to Newspapers _____

Date of Public Hearing _____

Fee Paid $_____

Decision of Board of Zoning Appeals: Approved_____ Denied_____

If approved the following conditions and safeguards were prescribed:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

If Denied, reason for denial_____

_____

_____

_____

_____

_____

Date_____ _____ Board of Zoning Appeals

_____ Chairman

Note: One (1) copy to filed with the Zoning Inspector and two (2) with the Board of Zoning Appeals.

APPLICATION FOR ZONING AMENDMENT

Application No._____

The undersigned owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

1. Name of Applicant_____

2. Mailing Address_____

Phone Number_____ Home_____ Business_____

2. Locational Description: Subdivision Name_____

Section_____ Township_____ Range_____

Block_____ Lot No_____

(If not located in a subdivision attach legal description)

3. Existing Use_____

4. Present Zoning District_____

5. Proposed Use_____

6. Proposed Zoning District_____

7. Supporting Information: Attach the following items to the application:

a. A vicinity map showing property lines, streets, and existing and proposed zoning.
b. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
c. A statement of how the proposed rezoning relates it to the Comprehensive Plan.
d. The proposed amendment to the zoning map or text in ordinance form, approved as to form by the Village Legal Advisor.
e. Fee as established according to Section 6.6.

_____
Applicant

Date_____

For Official Use Only
(Planning Commission)

_____Planning (Zoning) Commission

Date Filed_____

Date of Notice in Newspaper_____

Date of Notice to Adjacent Property Owner_____

Fee Paid $_____

Decision of Board of Zoning Appeals: Approved_____ Denied_____

If approved the following conditions and safeguards were prescribed:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

If Denied, reason for denial_____

_____

_____

_____

_____

_____

Date_____ _____ Board of Zoning Appeals

_____ Chairman

Note: One (1) copy to filed with the Zoning Inspector and two (2) with the Board of Zoning Appeals.

Date of Public Hearing ______

Fee Paid $ ______

Recommendation of Planning (Zoning) Commission: Approval ______ Denial ______

Reason for Recommendation ______

______

______

______

______
Planning (Zoning) Commission

Date ______ Chairman ______

For Official Use Only
(Legislative Authority)

Date of Recommendation Received ______

Date of Notice in Newspaper ______

Date of Public Hearing ______

Action by Legislative Authority Approval ______ Denial ______

If Denied, reason for denial ______

______

______

______

Date ______

______
Clerk

Note: Three copies of this form and supporting information must be filed with the Planning (Zoning) Commission.