

Chapter 150 - Zoning Regulations

Preamble

150.000 General Regulations

150.001	Title	1
150.002	Intent	1
150.003	Interpretation.....	2
150.004	Separability	2
150.005	Repeal of Conflicting Ordinances.....	2

150.050 Definitions

150.051	Construction of Language.....	3
150.052	Definitions	3-20
150.053	Illustrations/Exhibits	21-26

150.100 Establishing Districts And Zoning Map

150.101	Intent	27
150.102	Establishment of Zoning Districts	27
150.103	Zoning District Map.....	27
150.104	Rules for Map Interpretation.....	27-28
150.105	Interpretation of District Boundaries	28-29
150.106	Zoning Upon Annexation	29
150.107	Procedure and Requirements to Determine that a Use is Substantially Similar	29-30

150.200 District Regulations

150.201	Compliance with Regulations	31
150.202	Summary of Zoning Districts Requirements	32
150.203	Summary of Permitted and Conditional Uses.....	33-35
150.210	R-1 Single-Family Residential District.....	36-37
150.250	B-1 General Business District	48-50
150.260	B-2 Central Business District.....	45-47
150.270	I General Industrial District	51-53

150.300	Supplemental District Regulations	
150.301	Intent	54
150.302	Accessory Structures.....	54
150.303	Satellite Dish Antenna Regulations	54-55
150.304	Radio and Television Antenna Regulations.....	55-56
150.305	Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties	56-58
150.306	Principal Building Per Lot	58
150.307	Parking and Storage of Vehicles and Trailers	58
150.308	Abandoned and Junked Vehicles	59-63
150.309	Required Refuse Collection Areas.....	63
150.310	Removal of Litter.....	63-64
150.311	Fences	64
150.312	Projections into Required Yards	65
150.313	Visibility at Intersections	65
150.014	Temporary Uses	65-66
150.315	Swimming Pools/Ponds	66
150.316	Home Occupations.....	66-67
150.317	Nuisance Performance Standards	67-69
150.318	Residential Design and Appearance Standards	69
150.319	Automobile Filling Station	69-70
150.320	Animals	70
150.321	Adult Entertainment Facilities	70-75
150.322	Manufactured Homes on Individual Parcels (Lots).....	75-76
150.323	Recreational Vehicle, Water Craft, Dirt Bikes Motorized Sport Vehicles, and Utility Trailers	76
150.324	Bed and Breakfast Inns	76-77
150.325	Automobile Washing Facilities	77-78
150.326	Wireless Telephone Facilities.....	78-89

150.400	Conditional Uses; Substantially Similar Uses	
150.401	Intent	90
150.402	General Standards For All Conditional Uses.....	90-91
150.403	Action by the Board of Zoning Appeals	91
150.404	Additional Criteria	91-92
150.405	Public Hearing	92
150.406	Notice of Public Hearing in Newspaper	92
150.407	Notice to Parties of Interest	92

150.450	Nonconformities	
150.451	Intent	93
150.452	Uses Under Conditional Use Provisions, Not Nonconforming Uses	93
150.453	Incompatibility of Nonconformities	93
150.454	Avoidance of Undue Hardship.....	93-94
150.455	Substitution of Nonconforming Uses.....	94
150.456	Single Nonconforming Lots of Record.....	94
150.457	Nonconforming Lots of Record in Combination	94
150.458	Nonconforming Uses of Land.....	95
150.459	Nonconforming Structures.....	95
150.460	Nonconforming Uses of Structures and Structures and Land in Combination.....	95-96
150.461	Termination of Nonconformities	96

150.500	Planned Unit Developments (PUD)	
150.501	Intent	97
150.502	Requirements	97
150.503	Permitted Uses	97
150.504	Procedure	97-99
150.505	Preliminary Development Plan Application Requirements	99-101
150.506	Notice of Public Hearing in Newspaper	101
150.507	Notice to Parties of Interest	102
150.508	Planning Commission to Investigate	102-103
150.509	Final Development Plan Application Requirements	103-105
150.510	Additional Requirements	105-106
150.511	Residential and Commercial Planned Unit Development Design Standards	107-108
150.512	Manufactured Home Park PUD Design Standards	108-109
150.513	Industrial Planned Unit Development Design Standards .	109-111
150.514	Expiration and Extension of Approval Period.....	111

150.600	Off-Street Parking and Loading Facilities	
150.601	Intent	112
150.602	General Parking Requirements	112
150.603	Off-Street Parking Design Standards.....	112-114
150.604	Determination of Required Spaces	115
150.605	Joint or Collective Parking Facilities.....	115
150.606	Off-Street Storage Areas for Drive-In Services.....	116
150.607	Parking of Disabled Vehicles	116
150.608	Parking Space Requirements	116-120
150.609	Handicapped Parking	120
150.610	Off-Street Loading Space Requirements	121
150.611	Off-Street Loading Design Standards.....	121-122

150.700	Signage	
150.701	Intent	123
150.702	General Requirements.....	123-124
150.703	Definitions	124-126
150.704	Measurement of Sign Area	126
150.705	On-Premise Signs Exempted From Permit Requirements	126-127
150.706	Signs Requiring a Permit	127
150.707	On-Premise Signs Permitted in Residential Zones	128
150.708	On-Premise Signs Permitted in Business and Industrial Zones	128-131
150.709	Off-Premise Signs	132
150.710	Prohibited Signs	132-133
150.711	Permit Application Procedures	133
150.712	Violations and Penalties.....	133
150.713	Miscellaneous	134
150.714	Governmental Signs Excluded.....	134

150.750 Preservation and Design Review Regulations

150.751	Establishment of Design Review Board	135
150.752	Purpose.....	135
150.753	Definitions for Preservation and Design Review Regulations	135-136
150.754	Village Boundaries	136
150.755	Design Review Board	136
150.756	Organization and Rules of Review Board	136
150.757	Duties of Review Board.....	136-137
150.758	Demolition Permit Required	137
150.759	Limitations on Issuance of Building, Demolition, Sign Permits, and Certificates of Zoning Compliance	138
150.760	Issuance of Certificate of Appropriateness	138
150.761	Criteria for Evaluating Applications for Certificate Of Appropriateness	138-139
150.762	Notice of Demolition Required.....	139
150.763	Certificate of Appropriateness Required for New Signs	139
150.764	Exclusions	139
150.765	Penalty	139
150.766	Appeal from Decision of Review Board.....	140
150.767	Review Board Guidelines	140
150.768	The Secretary of the Interior's Standards for Rehabilitation.....	140-141
150.769	The Standards as Published by the National Park Service	141-142
150.770	Rationale Behind the Standards.....	142
150.771	Application of the Standards Under the Historic Rehabilitation Tax Credit.....	142

150.800	Amendments	
150.801	Intent	143
150.802	Initiation of Zoning Amendments.....	143
150.803	Text Amendments and Changing of Zoning District.....	143
150.804	Contents of Application for Zoning Map Amendment.....	144
150.805	Contents of Application for Zoning Text Amendment.....	144-145
150.806	Recommendation by Planning Commission	145
150.807	Public Hearing by Village Council	145
150.808	Notice of Public Hearing in Newspaper	145
150.809	Notice to Property Owners by Village Council	145
150.810	Action by Village Council	146

150.850	Appeals and Variances	
150.851	Intent	147
150.852	Appeals	147
150.853	Variances	147
150.854	Conditions for Variances	147
150.855	Application and Standards for Variances	148-149
150.856	Additional Conditions and Safeguards	149
150.857	Public Hearing by the Board of Zoning Appeals.....	149
150.858	Notice of Public Hearing in Newspaper	149
150.859	Notice to Parties in Interest.....	149
150.860	Action by Board of Zoning Appeals.....	149-150
150.861	Term of Variance	150
150.862	Authorized Variances	150

150.900	Administration	
150.901	Intent	151
150.902	General Provisions	151
150.903	Village Administrator	151
150.904	Responsibilities of the Village Administrator	151-152
150.905	Duties of the Planning Commission	152-153
150.906	Duties of the Board of Zoning Appeals	153
150.907	Village Council	153-154
150.908	Schedule of Fees	154

150.950	Zoning Permit Requirements and Enforcement	
150.951	Intent	155
150.952	Building/Zoning Permits Required	155
150.953	Recommended Contents of Application for Building/ Zoning Permits	155-156
150.954	Site Plan Required Contents	156-157
150.955	Approval of Building/Zoning Permit.....	158
150.956	Failure to Obtain a Building/Zoning Permit	158
150.957	Construction and Use to be as Provided in Applications, Plans and Permit	158
150.958	Entry and Inspection of Property	158
150.959	Stop Work Order.....	158
150.960	Building/Zoning Permit Revocation.....	159
150.961	Complaints Regarding Violations.....	159
150.962	Notice of Violation	159
150.963	Penalties and Fines.....	159-160
150.964	Additional Remedies.....	160

Zoning Forms

Application for Zoning Permit
 Zoning Permit
 Statement of Zoning Violation
 Notice of Zoning Violation
 Revocation of Zoning Permit
 Notice of Appeal
 Application for Variance
 Application for Conditional Use Permit
 Application for Zoning Map Amendment
 Application for Zoning Text Amendment
 Notice of Public Hearing to Newspaper
 Notice of Public Hearing to Property Owner

150.000
General Regulations

150.001 Title1

150.002 Intent1

150.003 Interpretation.....2

150.004 Separability2

150.005 Repeal of Conflicting Ordinances.....2

150.050 Definitions

150.051	Construction of Language.....	3
150.052	Definitions	3-20
150.053	Illustrations/Exhibits.....	21-26
Accessory Structure		3
Adult Entertainment Facilities		3
Agriculture		4
Alley.....		4
Alteration		4
Animal Grooming		4
Animal Hospital.....		4
Animal Livestock.....		4
Automobile Repair, Painting, and Body Shops		4
Automobile Service Station		4
Automobile Washing Facilities		4
Bars, Taverns, and Nightclubs.....		4
Basement.....		5
Bed and Breakfast Inns		5
Beginning of Construction.....		5
Block.....		5
Board of Zoning Appeals.....		5
Boarding or Lodging Houses.....		5
Building		5
Building Height.....		5
Building Line		5
Building; Principal.....		5
Building Services and Supplies		6
Business, Professional, and Administrative Offices.....		6
Car Wash.....		6
Carry-Out		6
Cemetery		6
Child Day Care Center; Commercial or Professional.....		6
Clinic.....		6
Commercial Entertainment Facilities		6
Commercial Outdoor Recreation Facilities.....		6
Community-Oriented Residential Social Service Facilities.....		7
Comprehensive Plan		7
Conditional Use		7
Condominium		7
Construction Trade Facilities.....		7
Convenience Store		7
Corner Lot.....		7
Day Care Center.....		7
District		8
Drive-In.....		8
Dwelling.....		8
Dwelling; Multi-Family		8
Dwelling; Single-Family.....		8
Dwelling; Two-Family.....		8
Dwelling Unit		8
Easement		8
Educational Institutions, Elementary, Junior High, and High Schools		8
Elderly Housing Facilities		8
Erected		9
Factory-Built Housing		9
Family		9
Fence		9
Financial Establishments		9
Floor Area of a Non-Residential Building		9
Floor Area of a Residential Building ...		10
Front Lot Line		10
Front Yard.....		10
Funeral Home.....		10
Garage; Private		10
Gas Station.....		10
General Merchandise Stores		10
Heavy Equipment Rental, Sales, Service, and Storage		10
Home Occupations.....		10
Hotel.....		10-11
Household Items Repair Shop		11

Industrial; Enclosed	11	Rear Yard	16
Industrial; Open	11	Reconstructed.....	16
Junk Yard or Salvage Yard	11	Recreation Vehicle.....	16
Kennels	11	Restaurant; Fast Food	16
Libraries	11	Restaurant; Standard	16
Livestock Slaughtering Facility	11	Right-of-Way	16
Loading Space.....	11	Satellite Signal Receiver	17
Lot	12	Screening	17
Lot Coverage.....	12	Seat.....	17
Lot Line.....	12	Self-Service Storage Facility	17
Lot Measurements.....	12	Service Garage	17
Lot, Minimum Area of	12	Service Station	17
Lot of Record	13	Setback Line	17
Lot Types	13	Side Lot Line	17
Lumber Yards and Building		Side Yard	17
Materials; Sale and Storage	13	Sign	18
Medical Offices and Clinics	13	Single-Family Dwelling.....	18
Mini-Warehouse	13	Story	18
Manufactured Home	13	Street	18
Manufactured Home Court	13	Structural Alteration	18
Motel	13	Structure.....	18
Multi-Family Dwelling	13	Swimming Pool.....	18
Nightclub	14	Tavern	18
Nonconformities	14	Temporary Use of Building	18
Nurseries and Garden Supplies		Thoroughfare.....	18-19
Stores	14	Through Lot	19
Nursing Home	14	Trailer Park	19
Off-Street Parking.....	14	Transportation Terminals.....	19
Open Space	14	Two-Family Dwelling.....	19
Parking Lot	14	Use	19
Parking Space; Off-Street	14	Utility Service Companies	19
Person.....	14	Variance	19
Personal Services	14	Vehicle Sales, Rental, Service	19
Pet Shops.....	14	Village Administrator	19
Places of Worship	15	Vision Clearance on Corner Lots.....	20
Planned Unit Development (PUD)	15	Warehouse.....	20
Planning Commission	15	Yard.....	20
Pool; Swimming.....	15	Zone	20
Preexisting Use	15	Zoning Permit	20
Principal Use.....	15		
Private Clubs.....	15		
Private Schools	15		
Professional Offices	15		
Public Offices and Public Buildings	16		
Public Recreation Facilities	16		
Rear Lot Line	16		

150.100

Establishing Districts And Zoning Map

150.101	Intent	27
150.102	Establishment of Zoning Districts	27
150.103	Zoning District Map.....	27
150.104	Rules for Map Interpretation.....	27-28
150.105	Interpretation of District Boundaries	28-29
150.106	Zoning Upon Annexation	29
150.107	Procedures and Requirements to Determine that a Use is Substantially Similar	29-30

150.200
District Regulations

150.201 Compliance with Regulations31

150.202 Summary of Zoning Districts Requirements ...32

150.203 Summary of Permitted and
Conditional Uses 33-35

150.220 R-1 Single-Family Residential District..... 38-39

150.250 B-1 Central Business District..... 45-47

150.260 B-2 General Business District 48-50

150.270 I Industrial District..... 51-53

150.300

Supplemental District Regulations

150.301	Intent	54
150.302	Accessory Structures.....	54
150.303	Satellite Dish Antenna Regulations	54-55
150.304	Radio and Television Antenna Regulations.....	55-56
150.305	Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties ...	56-58
150.306	Principal Building Per Lot	58
150.307	Parking and Storage of Vehicles and Trailers	58
150.308	Abandoned and Junked Vehicles	59-63
150.309	Required Refuse Collection Areas.....	63
150.310	Removal of Litter	63-64
150.311	Fences	64
150.312	Projections into Required Yards	65
150.313	Visibility at Intersections	65
150.314	Temporary Uses	65-66
150.315	Swimming Pools/Ponds	66
150.316	Home Occupations.....	66-67
150.317	Nuisance Performance Standards	67-69
150.318	Residential Design and Appearance Standards.....	69
150.319	Automobile Filling Station	69-70
150.320	Animals	70
150.321	Adult Entertainment Facilities	70-75
150.322	Manufactured Homes on Individual Parcels (Lots)	75-76
150.323	Recreational Vehicle, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers.....	76
150.324	Bed and Breakfast Inns.	76-77
150.325	Automobile Washing Facilities	77-78
150.326	Wireless Telephone Facilities	78-89

150.400

Conditional Uses; Substantially Similar Uses

150.401	Intent	90
150.402	General Standards For All Conditional Uses	90-91
150.403	Action by the Board of Zoning Appeals	91
150.404	Additional Criteria	91-92
150.405	Public Hearing	92
150.406	Notice of Public Hearing in Newspaper	92
150.407	Notice to Parties of Interest	92

150.450
Nonconformities

150.451	Intent	93
150.452	Uses Under Conditional Use Provisions, Not Nonconforming Uses	93
150.453	Incompatibility of Nonconformities	93
150.454	Avoidance of Undue Hardship.....	93-94
150.455	Substitution of Nonconforming Uses.....	94
150.456	Single Nonconforming Lots of Record.....	94
150.457	Nonconforming Lots of Record in Combination.....	94
150.458	Nonconforming Uses of Land.....	95
150.459	Nonconforming Structures.....	95
150.460	Nonconforming Uses of Structures and Structures and Land in Combination	95-96
150.461	Termination of Nonconformities	96

150.500

Planned Unit Developments (PUD)

150.501	Intent	97
150.502	Requirements	97
150.503	Permitted Uses	97
150.504	Procedure	97-99
150.505	Preliminary Development Plan Application Requirements	99-101
150.506	Notice of Public Hearing in Newspaper	101
150.507	Notice to Parties of Interest	102
150.508	Planning Commission to Investigate	102-103
150.509	Final Development Plan Application Requirements	103-105
150.510	Additional Requirements	105-106
150.511	Residential and Commercial Planned Unit Development Minimum Design Stds...	107-108
150.512	Manufactured Home Park PUD Design Standards.....	108-109
150.513	Industrial Planned Unit Development Design Standards	109-111
150.514	Expiration and Extension of Approval Period.....	111

150.600

Off-Street Parking and Loading Facilities

150.601	Intent	112
150.602	General Parking Requirements	112
150.603	Off-Street Parking Design Standards.....	112-114
150.604	Determination of Required Spaces	115
150.605	Joint or Collective Parking Facilities.....	115
150.606	Off-Street Storage Areas for Drive-In Services	116
150.607	Parking of Disabled Vehicles	116
150.608	Parking Space Requirements	116-120
150.609	Handicapped Parking	120
150.610	Off-Street Loading Space Requirements	121
150.611	Off-Street Loading Design Standards....	121-122

150.700 Signage

150.701	Intent	123
150.702	General Requirements.....	123-124
150.703	Definitions	124-126
150.704	Measurement of Sign Area	126
150.705	On-Premise Signs Exempted From Permit Requirements	126-127
150.706	Signs Requiring a Permit	127
150.707	On-Premise Signs Permitted in Residential Zones	128
150.708	On-Premise Signs Permitted in Business and Industrial Zones	128-131
150.709	Off-Premise Signs	132
150.710	Prohibited Signs	132-133
150.711	Permit Application Procedures	133
150.712	Violations and Penalties.....	133
150.713	Miscellaneous	134
150.714	Government Signs Excluded.....	134

150.750

Preservation and Design Review Regulations

150.751	Establishment of Design Review Board	135
150.752	Purpose.....	135
150.753	Definitions for Preservation and Design Review Regulations	135-136
150.754	Village Boundaries	136
150.755	Design Review Board	136
150.756	Organization and Rules of Review Board	136
150.757	Duties of Review Board.....	136-137
150.758	Demolition Permit Required	137
150.759	Limitations on Issuance of Building, Demolition, Sign Permits, and Certificates of Zoning Compliance.....	138
150.760	Issuance of Certificate of Appropriateness	138
150.761	Criteria for Evaluating Applications for Certificate Of Appropriateness	138-139
150.762	Notice of Demolition Required.....	139
150.763	Certificate of Appropriateness Required for New Signs	139
150.764	Exclusions	139
150.765	Penalty	139
150.766	Appeal from Decision of Review Board.....	140
150.767	Review Board Guidelines	140
150.768	The Secretary of the Interior's Standards for Rehabilitation	140-141
150.769	The Standards as Published by the National Park Service	141-142
150.770	Rationale Behind the Standards	142
150.771	Application of the Standards Under the Historic Rehabilitation Tax Credit.....	142

150.800
Amendments

150.801	Intent	143
150.802	Initiation of Zoning Amendments.....	143
150.803	Text Amendments and Changing of Zoning District	143
150.804	Contents of Application for Zoning Map Amendment	144
150.805	Contents of Application for Zoning Text Amendment	144-145
150.806	Recommendation by Planning Commission	145
150.807	Public Hearing by Village Council	145
150.808	Notice of Public Hearing in Newspaper	145
150.809	Notice to Property Owners by Village Council	145
150.810	Action by Village Council	146

150.850

Appeals and Variances

150.851	Intent	147
150.852	Appeals	147
150.853	Variances	147
150.854	Conditions for Variances	147
150.855	Application and Standards for Variances	148-149
150.856	Additional Conditions and Safeguards	149
150.857	Public Hearing by the Board of Zoning Appeals.....	149
150.858	Notice of Public Hearing in Newspaper	149
150.859	Notice to Parties in Interest.....	149
150.860	Action by Board of Zoning Appeals.....	149-150
150.861	Term of Variance	150
150.862	Authorized Variances	150

150.900
Administration

150.901	Intent	151
150.902	General Provision	151
150.903	Village Administrator	151
150.904	Responsibilities of Village Administrator	151-152
150.905	Duties of the Planning Commission	152-153
150.906	Duties of the Board of Zoning Appeals	153
150.907	Village Council	153-154
150.908	Schedule of Fees	154

Zoning Permit Requirements and Enforcement

150.951	Intent	155
150.952	Building/Zoning Permits Required	155
150.953	Recommended Contents of Application for Building/Zoning Permits.....	155-156
150.954	Site Plan Required Contents	156-157
150.955	Approval of Building/Zoning Permit.....	158
150.956	Failure to Obtain a Building/Zoning Permit ..	158
150.957	Construction and Use to be as Provided in Applications, Plans, and Permit	158
150.958	Entry and Inspection of Property	158
150.959	Stop Work Order	158
150.960	Building/Zoning Permit Revocation	159
150.961	Complaints Regarding Violations	159
150.962	Notice of Violation	159
150.963	Penalties and Fines.....	159-160
150.964	Additional Remedies.....	160

Zoning Forms

Application for Zoning Permit

Zoning Permit

Statement of Zoning Violation

Notice of Zoning Violation

Revocation of Zoning Permit

Notice of Appeal

Application for Conditional Use Permit

Application for Variance

Application for Zoning Map Amendment

Application for Zoning Text Amendment

Notice of Public Hearing to Newspaper

Notice of Public Hearing to Property Owner

150.000 GENERAL REGULATIONS

150.001 Title

This Ordinance shall be known and may be cited to as the “Zoning Code of the Village of Rockford”, except as referred to herein, where it shall be known as “this Zoning Code”.

150.002 Intent

The intent of this Zoning Code is to promote and protect the public health, safety, and general welfare of the Village of Rockford (“Village”), in accordance with a comprehensive plan for the desirable future development of the Village and planning process that is reflected in the contents of this Zoning Code and in the zoning map of the Village by:

- A. Dividing the Village into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the Village.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety, and general welfare.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the comprehensive plan for the Village of Rockford as manifested in this Zoning Code and its companion zoning map, Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by Council from time to time.

150.003 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 150.005 Repeal of Conflicting Ordinances, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this Zoning Code shall prevail and control.

150.004 Separability

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

150.005 Repeal of Conflicting Ordinances

All Ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

150.050 DEFINITIONS

150.051 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "SHALL" is mandatory, and the word "MAY" is permissive.
- E. The word "BUILDING" includes the word "STRUCTURE."
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

150.052 Definitions

ACCESSORY STRUCTURE

An object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal object or structure, and which is subordinate to or serves the principal object or structure, is subordinate in the area to the principal object or structure, and is customarily incidental to the principal object or structure. Among other things, "accessory structure" includes anything of a subordinate nature not attached to a principal structure, such as antennas, fences, sheds, detached garages, detached decks, and carports if not attached. Except as otherwise required in this Zoning Code an "accessory structure" shall be a permitted use.

ADULT ENTERTAINMENT FACILITIES

A facility used for the purpose of adult entertainment as described in Section 150.322 Adult Entertainment Facilities.

AGRICULTURAL

The use of land for the purpose of growing and harvesting crops; for raising livestock, poultry, or honeybees for personal use only; forestry, nurseries, or orchards; for the non-commercial, on-farm storage of any other similar agricultural or horticultural use. This includes the sale of produce grown on the premises.

ALLEY

(See Thoroughfare)

ALTERATION

Any change, addition, or modification in construction, use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

ANIMAL GROOMING

An activity where the principal business is domestic pet hygiene including washing, brushing, shearing, and nail cutting.

ANIMAL HOSPITAL

Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ANIMAL LIVESTOCK

Animals kept or raised on farms such as cattle, horses, pigs, goats, or sheep for personal use only.

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS

Places where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SERVICE STATION

A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

AUTOMOBILE WASHING FACILITIES

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

BED AND BREAKFAST INNS

A residential, single-family dwelling or portion thereof, which is owner-occupied, that has as a secondary use of the structure, one to five guestrooms for rent. Guests shall not stay longer than 14 consecutive days. Breakfast shall be the only meal served and the kitchen shall not be remodeled into a commercial kitchen. The facility shall be located in an existing structure and a structure cannot be built for this purpose. The operator of the Inn shall live on the premises.

BEGINNING OF CONSTRUCTION

“Beginning of Construction” means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

BLOCK

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the Village.

BOARD OF ZONING APPEALS (BZA)

Village of Rockford Board of Zoning Appeals hereinafter refer to as “BZA”.

BOARDING OR LODGING HOUSES

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided.

BUILDING

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

BUILDING LINE

(See Setback Line)

BUILDING; PRINCIPAL

A building in which conducted is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING SERVICES AND SUPPLIES

Building supplies and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, and similar uses.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAR WASH

(See Automobile Washing Facilities)

CARRY-OUT

A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines.

CEMETERY

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD DAY CARE CENTER; COMMERCIAL OR PROFESSIONAL

Any place in which child day care is provided, with or without compensation, for eight or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least eight children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

CLINIC

(See Medical Offices and Clinics)

COMMERCIAL ENTERTAINMENT FACILITIES

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters; sports arenas; tennis, racquetball, and handball courts; health clubs; bowling centers; and similar entertainment activities.

COMMERCIAL OUTDOOR RECREATION FACILITIES

Any outdoor profit-making activity which is generally related to the recreation field. These facilities include amusement parks, drive-in theaters, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, racetracks, skating rinks, and similar outdoor activities.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY

A state licensed or authorized home for children or adults which is operated by the state or a political subdivision or pursuant to a license issued by or to a contract with the state or a political subdivision. Community-oriented residential social service facilities include the following categories: agency group homes for children or adults, residential homes for children or adults, or residential homes for children or adolescents 18 years of age or under, dependent or neglected, who have not been adjudged delinquent, and who for various reasons cannot reside with their natural family.

COMPREHENSIVE PLAN

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the Village which has been adopted by the Village to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

CONDITIONAL USE

A use that is permitted, but only by application to the BZA in each specific instance, and after determination by the BZA that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the BZA may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, convenience, order, prosperity, and general welfare.

CONDOMINIUM

A building or group of buildings in which units are individually owned, but the structure, common areas, and facilities are owned on a proportional, undivided basis by all of the owners.

CONSTRUCTION TRADE FACILITY

These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

CONVENIENCE STORE

Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

CORNER LOT

(See Lot)

DAY CARE CENTER

(See Child Day Care Center)

DISTRICT

A portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

DWELLING

Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING; MULTI-FAMILY

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

DWELLING; SINGLE-FAMILY

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING; TWO-FAMILY

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS

Public, private, and/or religious schools including grades K through 12.

ELDERLY HOUSING FACILITIES

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

ERECTED

Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

FACTORY-BUILT HOUSING

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Code, "factory-built housing" shall include the following:

- A. **Manufactured Home** - Any vehicle not self-propelled transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Manufactured Home.
- B. **Modular Home** - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

FAMILY

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house, or a hotel, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FENCE

Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

FINANCIAL ESTABLISHMENTS

These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING**(To be Used in Calculating Parking Requirements)**

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of all floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GARAGE; PRIVATE

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

GAS STATION

(See Automobile Service Station)

GENERAL MERCHANDISE STORES

These facilities include department, variety, discount, home furnishing, grocery, retail sales, and drug stores.

HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE

These facilities include rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HOME OCCUPATIONS

An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood.

HOTEL

A building occupied as the temporary abode of individuals who are lodged with or without meals in which there are ten or more sleeping rooms and which shall have no provision made for cooking in any individual room or apartment. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

HOUSEHOLD ITEMS REPAIR SHOP

Repair of items normally found in the household including, but not limited to, shoes, watches, clocks, jewelry, appliances, and similar items.

INDUSTRIAL; ENCLOSED

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.317 Nuisance Performance Standards, of this Zoning Code.

INDUSTRIAL; OPEN

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.317 Nuisance Performance Standards, of this Zoning Code.

JUNK YARD OR SALVAGE YARD

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. Two or more inoperative or unregistered vehicles shall be construed to be a "junk yard". (Not permitted in the Village.)

KENNELS

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

LIBRARIES

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

LIVESTOCK SLAUGHTERING FACILITY

Facility which activities include a hog feedlot, wholesale hogs, wholesale meat and meat products, meat packing plant, and meat processing.

LOADING SPACE

A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

For the purposes of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record.
- B. A portion of lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures including swimming pools/ponds, accessory structures or any part thereof, excluding projecting roof eaves.

LOT LINE

(See Illustration, Exhibit “B” following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot.
- B. Rear - The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS

A lot shall be measured as follows:

- A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.

LOT; MINIMUM AREA OF

The total horizontal area within the lot lines of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Mercer County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES

Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two or more streets. (See Illustration, Exhibit “B” following this Section.)
- B. Interior Lot - A lot with only one front yard on a street. (See Illustration, Exhibit “B” following this Section.)
- C. Through Lot - A lot other than a corner lot with a front yard on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (See Illustration, Exhibit “B” following this Section.)

LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE

Buildings or premises used for the storage and sale of lumber and building materials.

MEDICAL OFFICES AND CLINICS

Offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

MINI-WAREHOUSE

(See Self-Service Storage Facility)

MANUFACTURED HOME

(See Factory-Built Housing)

MANUFACTURED HOME COURT

Any plot of ground upon which two or more trailer coaches or Manufactured Homes occupied for dwelling or sleeping purposes may be located. Only permitted within a Planned Unit Development.

MOTEL

(See Hotel)

MULTI-FAMILY DWELLING

(See Dwelling)

NIGHTCLUB

(See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSERIES AND GARDEN SUPPLIES STORES

A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME

An establishment which specializes in providing necessary health and related services to those unable to care for themselves.

OFF-STREET PARKING

The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

PARKING LOT

An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than five vehicles.

PARKING SPACE; OFF-STREET

For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

PERSONAL SERVICES

Services of a personal nature including, beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; tailoring; clothing rental; and other services performed for persons or their apparel.

PET SHOPS

Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP

Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

PLANNED UNIT DEVELOPMENT (PUD)

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Section 150.500 Planned Unit Developments.)

PREEXISTING USE

An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

PRINCIPAL USE

The primary or predominant use of any land or improvement on it.

PRIVATE CLUBS

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

PRIVATE SCHOOLS

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools other than educational facilities.

PROFESSIONAL OFFICES

(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS

Establishments for local, county, regional, state, or federal government agencies.

PUBLIC RECREATION FACILITIES

Parks, playgrounds, golf courses, sports arenas, gymnasiums, community centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTED

Any change, addition, or modification in construction, use or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATION VEHICLE

Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

RESTAURANT; FAST FOOD

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption within the restaurant building, with a motor vehicle parked on the premises, or off the premises, as a carry-out order; and whose principal method of operation includes the following characteristics: food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT; STANDARD

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RIGHT-OF-WAY

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include

special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

SATELLITE SIGNAL RECEIVER

Dish-type Satellite Signal-Receiving Antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.
- C. Not including telecommunications towers.

SCREENING

The placement of landscaping or fencing on a lot in a manner to reduce any negative effects resulting from the location of two or more dissimilar uses next to one another.

SEAT

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers' goods or materials.

SERVICE GARAGE

(See Automobile Repair, Painting, and Body Shops)

SERVICE STATION

(See Automobile Service Station)

SETBACK LINE

A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code. (See Yard)

SIDE LOT LINE

(See Lot Line)

SIDE YARD

(See Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 150.700 Signage.)

SINGLE-FAMILY DWELLING

(See Dwelling)

STORY

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See Illustration, Exhibit “E” following this Section.)

STREET

(See Thoroughfare)

STRUCTURAL ALTERATION

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOL

A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.

TAVERN

(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building permitted by the Village Administrator during periods of construction, or for special events. (See Section 150.314 Temporary Uses.)

THOROUGHFARE

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- C. Collector Street - A thoroughfare, whether a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

THROUGH LOT

(See Lot)

TRAILER PARK

(See Manufactured Home Court)

TRANSPORTATION TERMINALS

Trucking and motor-freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TWO-FAMILY DWELLING

(See Dwelling)

USE

The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

UTILITY SERVICE COMPANIES

Utility buildings, telephone exchanges, and transformer stations or uses other than general offices.

VARIANCE

A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship for a use variance or practical difficulty for an area variance.

VEHICLE SALES, RENTAL, AND SERVICE

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, Manufactured Homes, recreational vehicles, snowmobiles, and boats. This does not include semi-tractor trailers, farm equipment, and construction equipment.

VILLAGE ADMINISTRATOR

The Village Administrator is appointed by the Mayor and approved by Village Council to administrate and enforce this Zoning Code. The Administrator may be provided with the assistance of such other persons as the Mayor may direct.

VISION CLEARANCE ON CORNER LOTS

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 10 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 20 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

WAREHOUSE

A building used principally for the storage of goods and materials.

YARD

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this Zoning Code. (See Illustrations - Exhibit "C" and "D" following this Section.)

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard.
- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building.
- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ZONE

(See "District")

ZONING PERMIT

The document issued by the Village Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

150.053 Illustrations/Exhibits

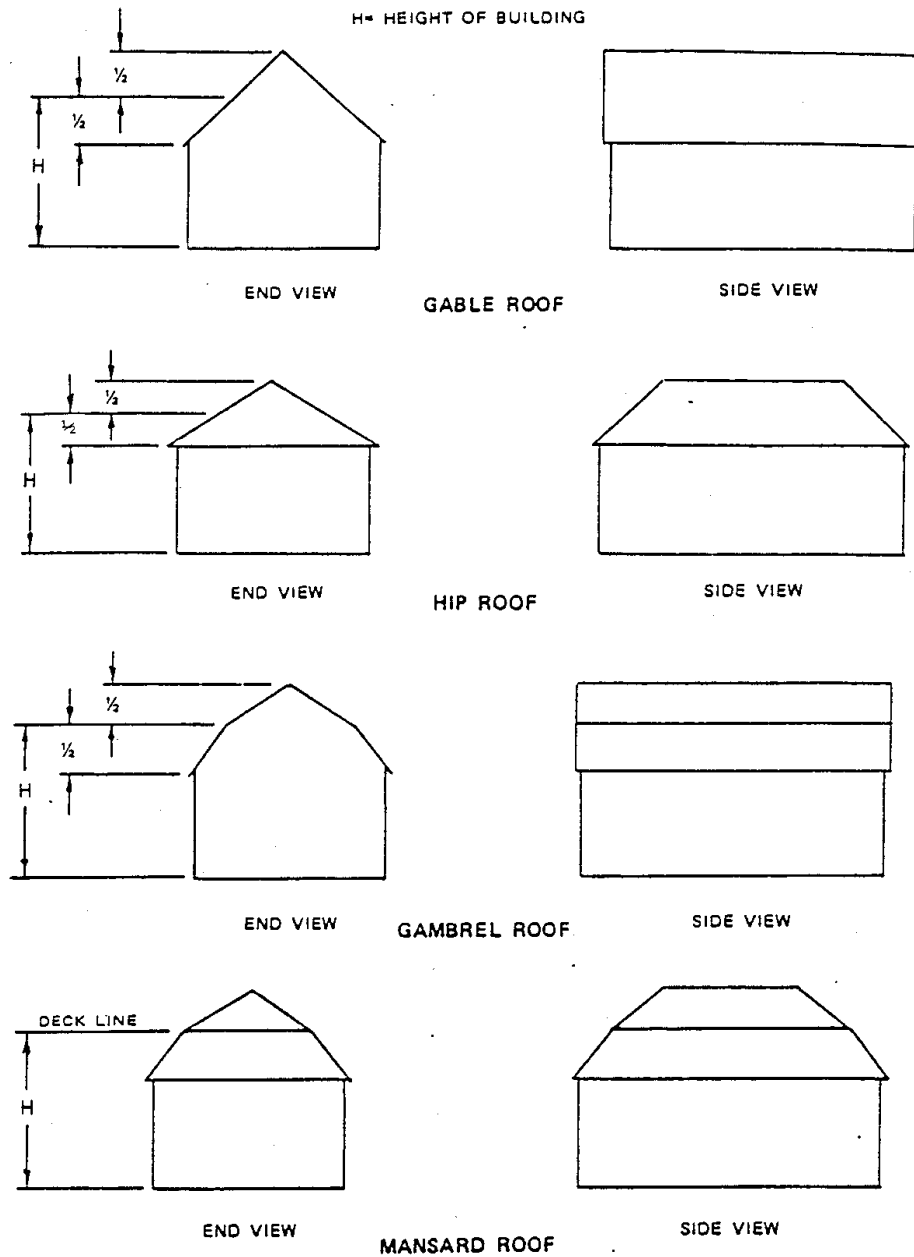


Illustration - Exhibit "A"
Roof Types and Building Height

STREET

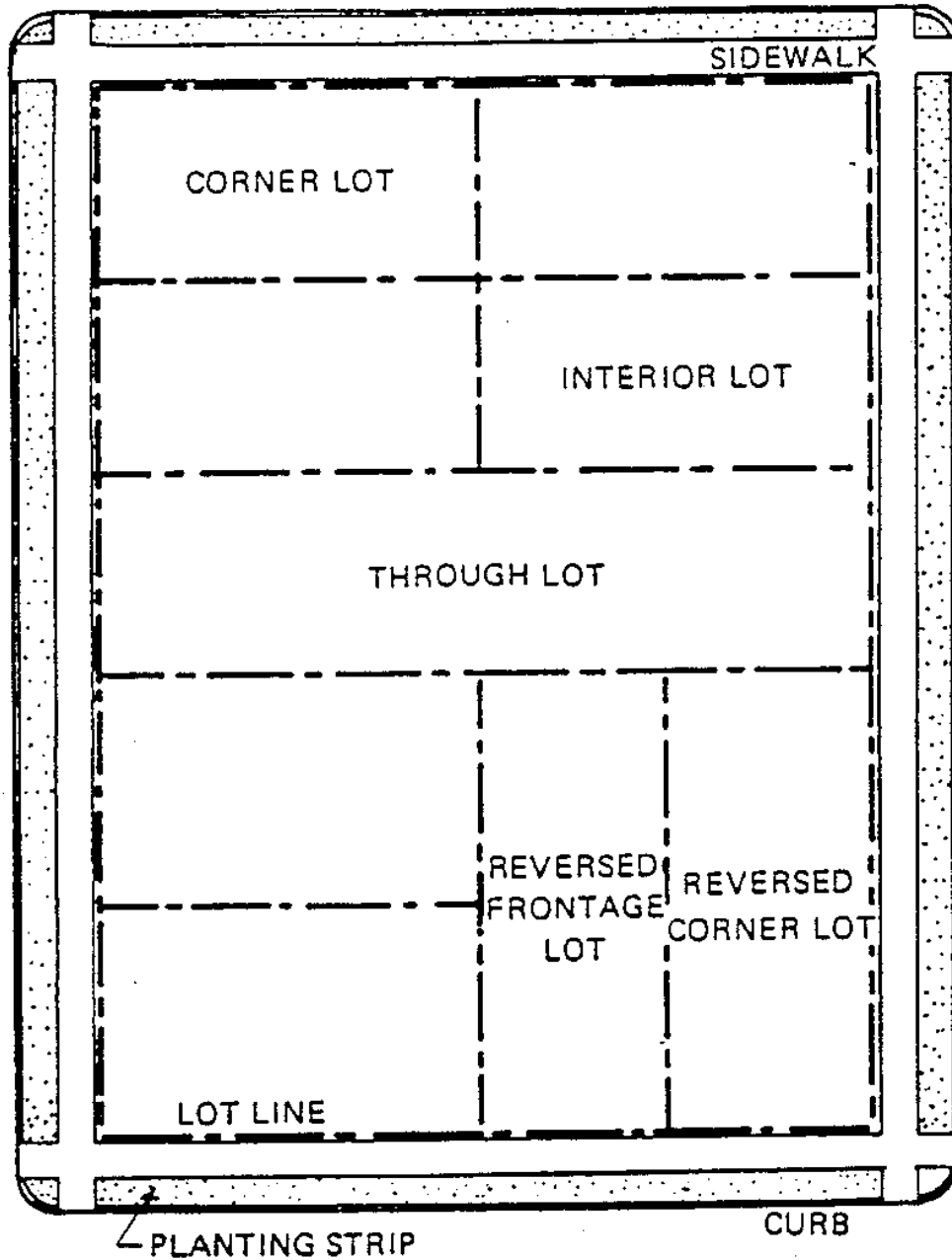
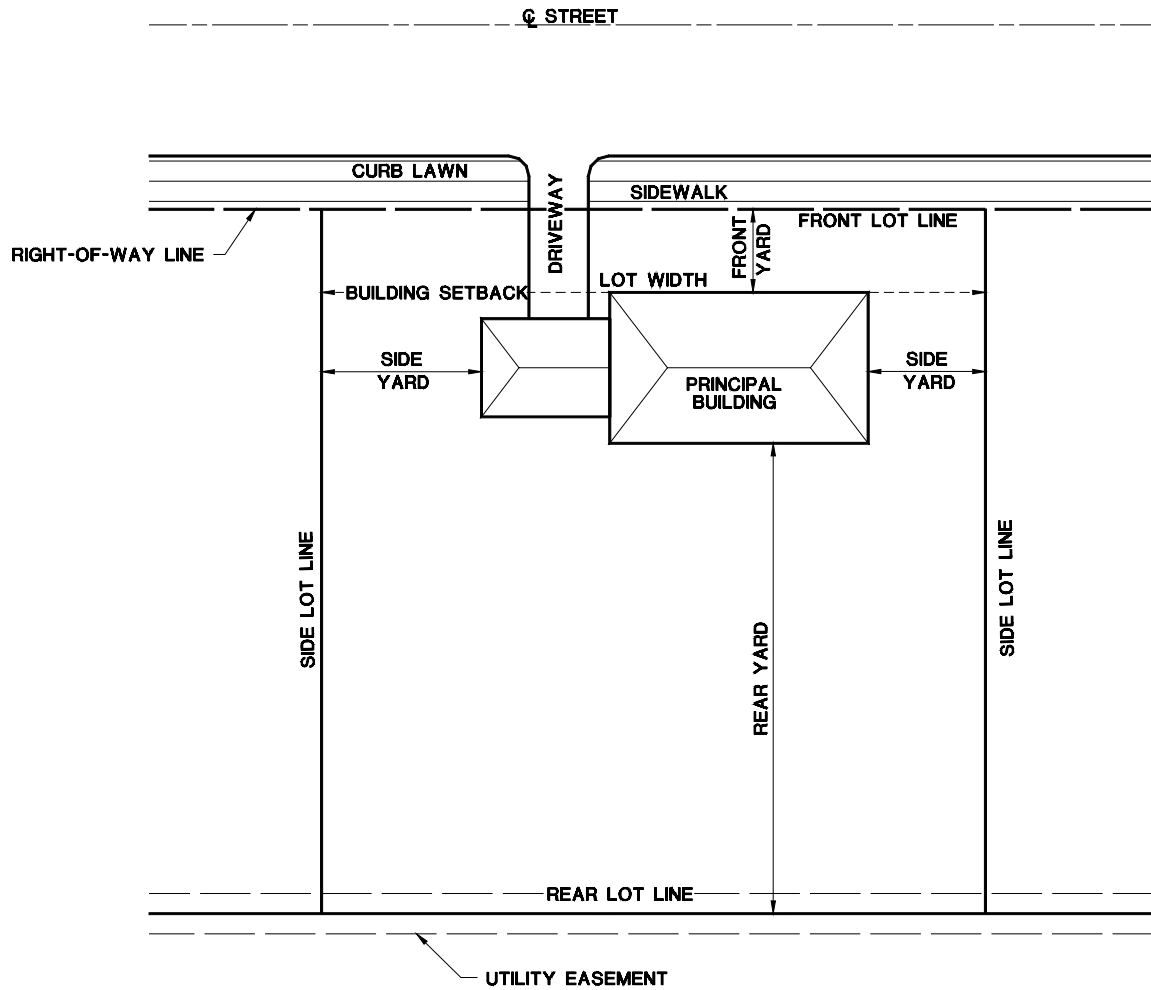
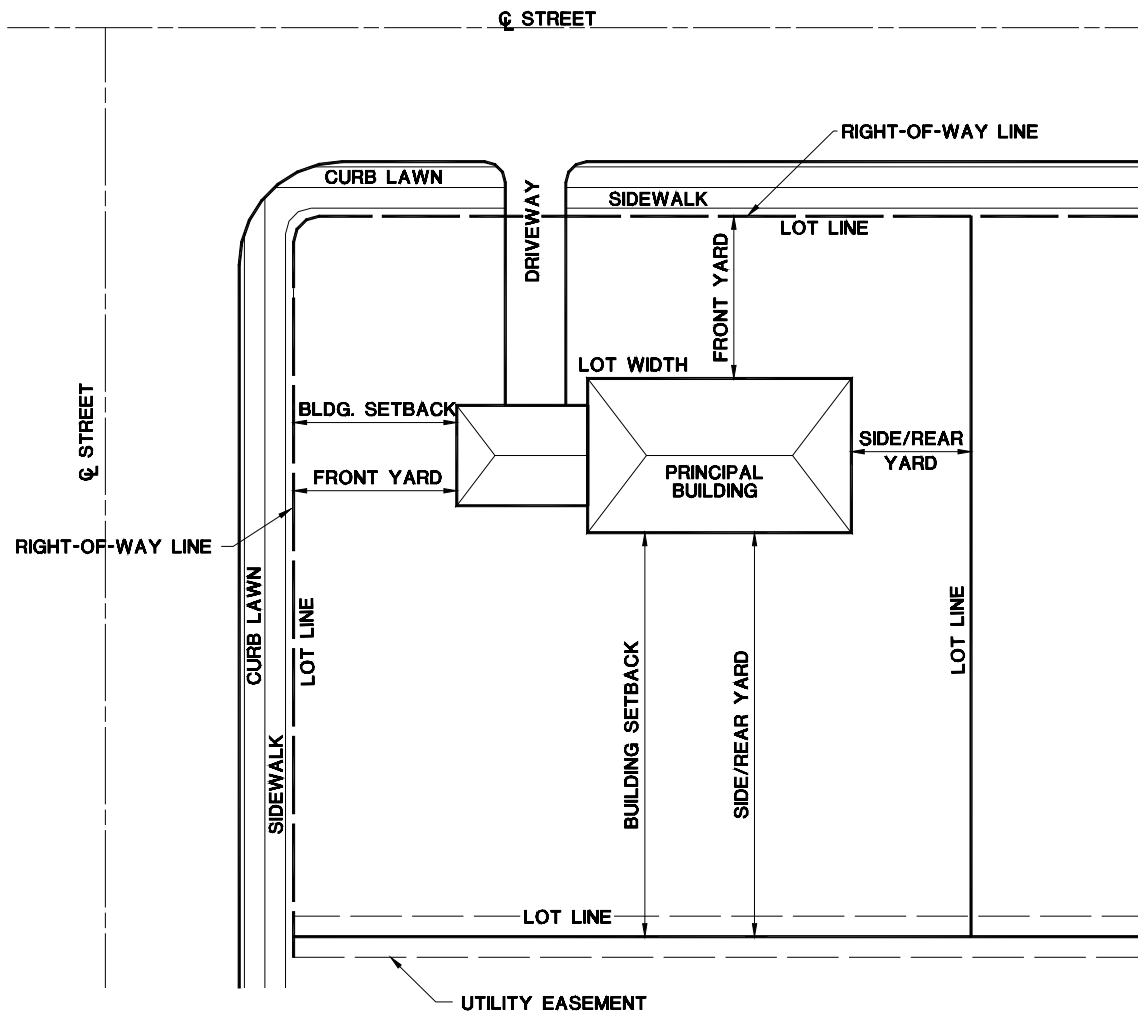


Illustration - Exhibit "B"
Types of Lots



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "C"
Interior Lot
Building - Principal and Lot Terms



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "D"
Corner Lot
Building - Principal and Lot Terms

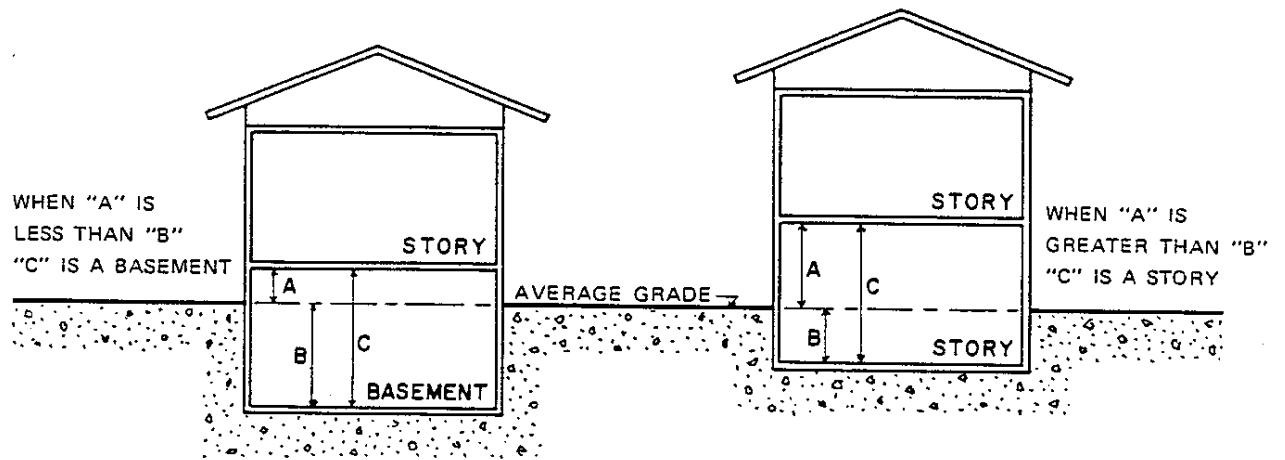


Illustration - Exhibit "E"
Basement and Story

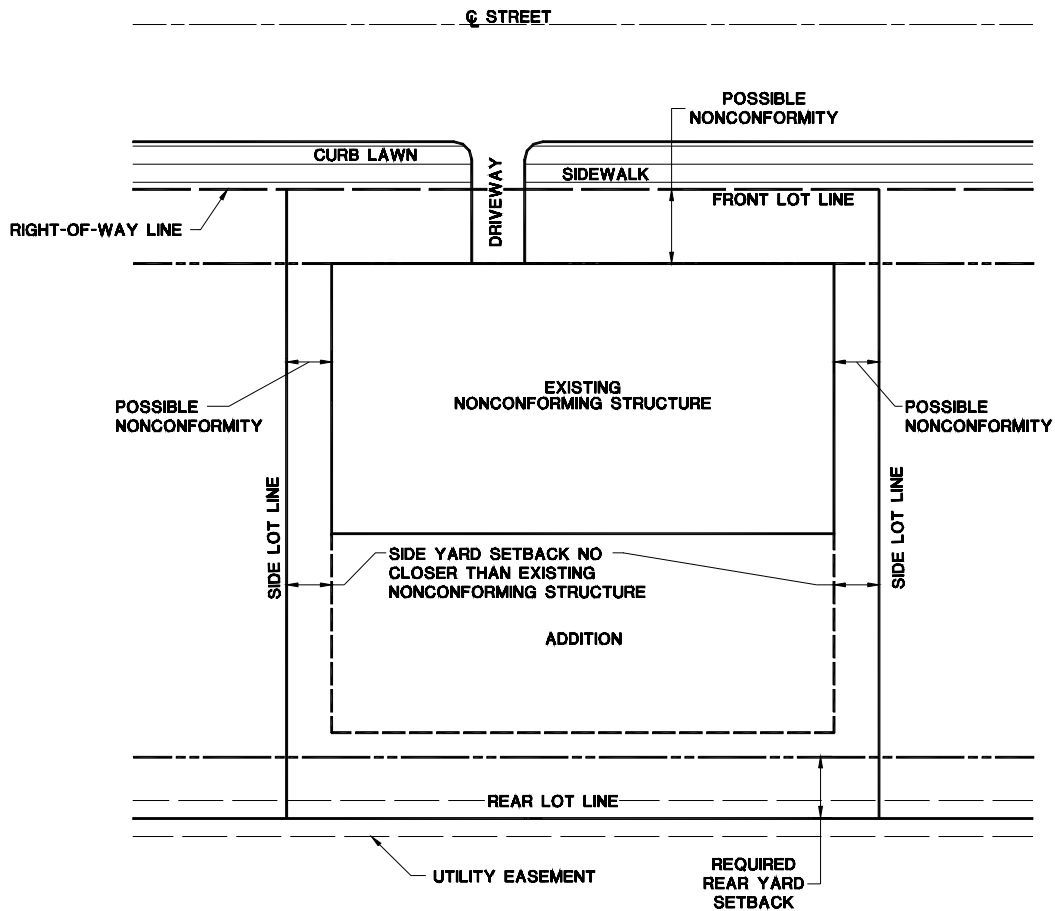


Illustration – Exhibit “F”
Examples For Additions To Nonconforming Structures
See Section 150.459

150.100 ESTABLISHING DISTRICTS AND ZONING MAP

150.101 Intent

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of these Zoning Regulations, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

150.102 Establishment of Zoning Districts

The following zoning districts are hereby established for the Village of Rockford, Ohio:

- A. R-1 Single-Family Residential District
- B. B-1 Central Business District
- C. B-2 General Business District
- D. I Industrial District

150.103 Zoning District Map

- A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of these Zoning Regulations and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the mayor and clerk of the Village Council. If, in accordance with the provisions of these Zoning Regulations, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Village Council chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Village.

150.104 Rules for Map Interpretation

- A. When definite distances in feet are not shown on the official zoning district map, the district boundaries on the official zoning district map are intended to be along existing street, alley, or property lines or extensions of or from the same, and if the exact location

of such line is not clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four members of the Board of Appeals.

- B. When the streets or alleys on the ground differ from the streets or alleys on the official zoning district map, the Board of Appeals may apply the district designation of the map to the property on the ground in such manner as to conform to the intent and purposes of this Section in the judgment of said Board.
- C. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Council, the zoning district adjoining each side of street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code, Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.
- D. Lands which may hereafter through annexation become incorporated areas of the Village, shall be included in the zoning district it is contiguous to, unless such area being annexed is at least equal to or larger than that "minimum size" required by Section 150.103 Minimum Size Requirements for the creation of a new R-1 Single-Family Residential zoning district, in which case such territory being annexed shall be included in the R-1 Single-Family Residential District until otherwise changed by amending these Zoning Regulations by ordinance after public hearing. Further, in the event territory annexed is touching at the edge or boundary of more than one existing zoning district, it shall be zoned per the better class district.

150.105 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district

boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.

- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Village Council, the zoning district adjoining each side of such street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.

150.106 Zoning Upon Annexation

Whenever any area is annexed to the Village, the petitioner shall cooperate and shall execute and deliver such documents as may be required by the Village Council to rezone such area to the zoning category designated by the Village Council.

150.107 Procedure and Requirements to Determine That a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in these Zoning Regulations, the Board may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in these Zoning Regulations. If the Board finds that a use is substantially similar to a specific use listed in these Zoning Regulations, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in these Zoning Regulations.

Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

If the Board determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in these Zoning Regulations.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by these Zoning Regulations as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in these Zoning Regulations.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in these Zoning Regulations, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

150.200 DISTRICT REGULATIONS

150.201 Compliance with Regulations

The Regulations for each district set forth by these Zoning Regulations shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in these Zoning Regulations, no building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of these Zoning Regulations.
- C. Except as otherwise provided in these Zoning Regulations, no yard or lot existing at the time of passage of these Zoning Regulations shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of these Zoning Regulations shall meet at least the minimum requirements set forth in the district.
- D. These Zoning Regulations shall not repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided that where these Zoning Regulations impose a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinance or by such rules or regulations the provisions of these Zoning Regulations shall control.

150.202 Summary of Zoning District Requirements

VILLAGE OF ROCKFORD ZONING REGULATIONS

Zoning District	Minimum Lot Area (1)	Minimum Lot Width(2)	Minimum Front Yard Setback (3)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Maximum Height (6)
R-1 SINGLE- FAMILY RESIDENTIAL	7,200 sq. ft.	60 feet	30 feet	5 feet	5 feet	35 feet or 2½ stories
B-1 CENTRAL BUSINESS	5,000 sq. ft.	50 feet	None	None	10 feet*	45 feet
B-2 GENERAL BUSINESS	5,000 sq. ft.	50 feet	35 feet	10 feet*	25 feet**	45 feet
I INDUSTRIAL	10,000 sq. ft.	100 feet	25 feet	15 feet**	30 feet**	None

- * Except when abutting an R-District, it must be 20 feet.
 ** Except when abutting an R-District, it must be 40 feet.

- (1) Lot, Minimum Area of; also Illustration Exhibits "C" and "D"
 (2) Lot Measurement, Width; also Illustration Exhibits "C" and "D"
 (3) Yard, Front Yard; also Illustration Exhibits "C" and "D"
 (4) Yard, Side Yard; also Illustration Exhibits "C" and "D"
 (5) Yard, Rear Yard; also Illustration Exhibits "C" and "D"
 (6) Building Height; also Illustration Exhibit "A"

150.203 Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
		R-1 Family Residential			B-1 Central Business	B-2 General Business	I General Industrial
P = Principal Permitted Use C = Conditional Use							
RESIDENTIAL							
Single-Family		P			C		
Two-Family		C					
Multi-Family		C					
Boarding or Lodging Houses		C					
Bed and Breakfast Inns		C			C		
Residential Planned Unit Developments		C					
Elderly Housing Facilities						P	
Community-Oriented Residential Social Service Facilities					P	P	
Manufactured Home*							
PUBLIC AND RECREATIONAL							
Educational Institutions, Elementary, Jr. High, and High Schools		P			C	C	
Places of Worship		P			P	P	
Libraries		P			P	P	
Public Buildings of all Types		C			P	P	P
Public Parks		P			P	P	
Cemeteries		C			C	C	
Museums		C			P	P	
Child Day Care Centers		C			C	C	C
Nursing Homes					P	P	
Hospitals					P	P	
Private Clubs					P	P	
BUSINESS OFFICES							
Business, Professional, and Administrative Offices					P	P	C
Medical Offices and Clinics		C			P	P	

* Must also be in a manufactured home park (PUD)

VILLAGE OF ROCKFORD ZONING REGULATIONS
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
		R-1 Family Residential			B-1 Central Business	B-2 General Business	I General Industrial
P = Principal Permitted Use C = Conditional Use							
RETAIL COMMERCIAL AND SERVICE							
General Merchandise Stores					P	P	
Personal Services		C			P	P	
Restaurants, Standard					P	P	
Restaurants, Fast Food					P	P	
Financial Establishments					P	P	
Commercial Planned Unit Developments					P	P	
Funeral Homes					P	P	
Animal Hospitals, Veterinary Clinics					P	P	
Pet Shops and Animal Grooming					P	P	
Private Schools					P	P	
Bowling Center					P	P	
Arcade, Pool Halls					P	P	
Kennels					C	C	
Household Items Repair Shop					P	P	
Vehicle Sales and Rentals					P	P	
Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments					P	P	C
Nurseries and Garden Supplies Stores						C	
Livestock Slaughtering Facility							C
ROAD SERVICE AND COMMERCIAL ENTERTAINMENT							
Automobile Repair, Painting, and Body Shops					C	C	P
Automobile Service Stations					P	P	C
Automobile Washing Facilities					C	P	C
Bars, Taverns, Nightclubs, and Dance Clubs					P	P	
Drive-Through Carry Outs					C	P	
Commercial Recreation and Entertainment Facilities					C	C	
Convenience Stores					P	P	
Motels and Hotels					P	P	
Self-Service Storage Facilities						P	P
Adult Entertainment Facilities							C

VILLAGE OF FORT RECOVERY ZONING REGULATIONS
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT						
		R-1 Family Residential			B-1 Central Business	B-2 General Business	I General Industrial
P = Principal Permitted Use C = Conditional Use							
INDUSTRIAL							
Farm Implement Sales							P
Grain Bins and Grain Elevators					C		P
Construction Trades and Offices					C	C	P
Building Services and Supplies					C	C	P
Plumbing and Heating Shops					C	C	P
Wholesale Distributors							P
Lumber Yards and Building Materials Sales and Storage					C	C	P
Heavy Equipment Rentals, Sales, Service, and Storage						C	P
Transportation Terminals							P
Utility Service Companies							P
Wireless Telecommunications Facilities							C
Machine Shop							P
Tool and Die							P
Assembly and Manufacturing							P
Warehousing							P
Garment Manufacturing, Repair and Processing							P
Planned Industrial Developments							P

150.210 R-1 Family Residential District

150.211 Intent

The intent of this district is to provide low- to medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

150.212 Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Public Parks

150.213 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
- B. Public and Recreational Uses
 - 1. Public Buildings of all Types
 - 2. Cemeteries
 - 3. Museums
 - 4. Child Day Care Centers
- C. Business Offices
 - 1. Medical Offices and Clinics

150.214 Prohibited Uses

No building or structure in this district shall be used by any commercial or industrial establishment.

150.215 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Family Residential District shall be as follows:

General Requirements for Dwellings:

Minimum Lot Area	8,700square feet
Minimum Lot Width	90 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2½ stories

150.216 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.220 R-1 Family Residential District

150.221 Intent

The intent of this district is to provide medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

150.222 Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family Detached Dwellings
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Public Parks

150.223 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
- B. Public and Recreational Uses
 - 1. Public Buildings of all Types
 - 2. Cemeteries
 - 3. Museums
 - 4. Child Day Care Centers
- C. Business Offices
 - 1. Medical Offices and Clinics

150.224 Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

150.225 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Single-Family Residential District shall be as follows:

General Requirements for Dwellings:

Minimum Lot Area	8,700 square feet
Minimum Lot Width	60 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2½ stories

150.226 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.230 R-1 Two-Family Residential

150.231 Intent

The intent of this district is to provide a sound housing mix plus those public and private facilities serving the residents of the area. This district provides for an approximate maximum density of 10 dwelling units per acre and recognizes the development of other than single-family dwelling units.

150.232 Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family
 - 2. Two-Family Dwellings
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Public Buildings of all Types
 - 5. Public Parks

150.233 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Two-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Boarding or Lodging Houses
 - 2. Bed and Breakfast Inns
 - 3. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
 - 4. Elderly Housing Facilities
- B. Public and Recreational Uses
 - 1. Cemeteries
 - 2. Museums
 - 3. Child Day Care Centers
 - 4. Nursing Homes
- C. Business Offices
 - 1. Medical Offices and Clinics

150.234 Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

150.235 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Two-Family Residential shall be as follows:

General Requirements for Single-Family Dwellings and Other Permitted Uses:

Minimum Lot Area	7,200 square feet
Minimum Lot Width	60 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet or 2½ stories

General Requirements for Two-Family Dwellings:

Minimum Lot Area	3,600 square feet per unit
Minimum Lot Width	30 feet per unit
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet or 2½ stories

150.236 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.240 R-1 Multi-Family Residential District

150.241 Intent

The intent of this district is to provide a full range of residential dwelling types plus those public and private facilities serving residents of the area. The maximum approximate gross density of this district is 15 dwelling units per acre. The requirements allow a more complete use of land in the district and provide more flexible guidelines for development and redevelopment efforts.

150.242 Principal Permitted Uses

- A. Residential Uses
 - 1. Two-Family Dwellings
 - 2. Multi-Family Dwellings
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Places of Worship
 - 3. Libraries
 - 4. Public Buildings of all Types
 - 5. Public Parks
 - 6. Hospitals
- C. Business Offices
 - 1. Medical Offices and Clinics

150.243 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Multi-Family Residential if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Single-Family
 - 2. Boarding or Lodging Houses
 - 3. Bed and Breakfast Inns
 - 4. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
 - 5. Elderly Housing Facilities
 - 6. Community-Oriented Residential Social Service Facilities
 - 7. Manufactured Home in Manufactured Home Park (PUD)

B. Public and Recreational Uses

1. Cemeteries
2. Museums
3. Child Day Care Centers
4. Nursing Homes

D. Business Office Uses

1. Business, Professional, and Administrative Offices

E. Retail Commercial and Service Uses

1. Funeral Homes

150.244 Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

150.245 Height and Area Regulations

The maximum height and minimum lot requirements within the R-3 Multi-Family Residential District shall be as follows:

General Requirements for Two-Family Dwellings:

Minimum Lot Area	3,600 square feet per unit
Minimum Lot Width	30 feet per unit
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet or 2½ stories

General Requirements for Multi-Family Dwellings:

Minimum Lot Area	3,600 square feet per unit
Minimum Lot Width	30 feet per unit
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	30 feet
Maximum Height	35 feet or 2½ stories

General Requirements for Other Permitted Uses:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	80 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	7.5 feet
Minimum Rear Yard Setback	30 feet
Minimum Floor Area	N/A
Maximum Height	35 feet or 2½ stories

150.246 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.250 B-1 Central Business District

150.251 Intent

This district is intended to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of Village residents.

150.252 Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Places of Worship
 - 2. Libraries
 - 3. Public Buildings of all Types
 - 4. Public Parks
 - 5. Museums
 - 6. Hospitals
 - 7. Private, Clubs
- B. Business Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- C. Retail Commercial and Service Uses
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Commercial Planned Unit Developments
 - 7. Funeral Homes
 - 8. Animal Hospitals, Veterinary Clinics
 - 9. Pet Shops and Animal Grooming
 - 10. Private Schools
 - 11. Bowling Center
 - 12. Arcade, Pool Halls
 - 13. Household Items Repair Shops
 - 14. Vehicle Sales and Rentals
 - 15. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Bars, Taverns, Nightclubs, and Dance Clubs
 - 3. Convenience Stores
 - 4. Motels and Hotels

150.253 Conditional Uses

A building or premises may be used for the following purposes in the B-1 Central Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Single-Family
 - 2. Bed and Breakfast Inns
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Cemeteries
 - 3. Child Day Care Centers
- C. Retail Commercial and Service Uses
 - 1. Kennels
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Automobile Washing Facilities
 - 3. Drive-Through Carry Outs
 - 4. Commercial Recreational and Entertainment Facilities

150.254 Prohibited Uses

- A. Dwelling Units, except those specifically allowed under the conditionally-permitted uses.
- B. Industrial Establishments

150.255 Height and Area Regulations

The maximum height and minimum lot requirements within the B-1 Central Business District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet per unit
Minimum Front Yard Setback	None
Minimum Side Yard Setback	None
Minimum Rear Yard Setback	10 feet***
Maximum Height	45 feet
*** Except when abutting an R-District, it must be 20 feet.	

150.256 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.260 B-2 General Business District

150.261 Intent

This district is intended to provide areas within the Village where commercial uses are compatible with roadside locations and which can serve both the resident population and through traffic. It is the intent that these auto-oriented retail, service, and office uses be located in an area separate and distinct from the central retail area of the Village.

150.262 Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Places of Worship
 - 2. Libraries
 - 3. Public Buildings of all Types
 - 4. Museums
 - 5. Hospitals
 - 6. Private Clubs
- B. Business Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- C. Retail Commercial and Service Uses
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Commercial Planned Unit Developments
 - 7. Funeral Homes
 - 8. Animal Hospitals, Veterinary Clinics
 - 9. Pet Shops and Animal Grooming
 - 10. Private Schools
 - 11. Bowling Center
 - 12. Arcade, Pool Halls
 - 13. Household Items Repair Shops
 - 14. Vehicle Sales and Rentals
 - 15. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Automobile Washing Facilities
 - 3. Bars, Taverns, Nightclubs, and Dance Clubs

4. Drive-Through Carry Outs
5. Convenience Stores
6. Motels and Hotels
7. Self-Service Storage Facilities

150.263 Conditional Uses

A building or premises may be used for the following purposes in the B-2 General Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Public and Recreational Uses
 1. Educational Institutions, Elementary, Junior High, and High Schools
 2. Cemeteries
 3. Child Day Care Centers
- B. Retail Commercial and Service Uses
 1. Kennels
 2. Nurseries and Garden Supplies Stores
- C. Road Service and Commercial Entertainment Uses
 1. Automobile Repair, Painting, and Body Shops
 2. Commercial Recreation and Entertainment Facilities
- D. Light Industrial
 1. Lumber Yards and Building Materials Sales and Storage
 2. Heavy Equipment Rentals, Sales, Service, and Storage

150.264 Prohibited Uses

No building or structure located within this district shall be used by any industrial establishments.

150.265 Height and Area Regulations

The maximum height and minimum lot requirements within the B-2 General Business District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet***
Minimum Rear Yard Set Back	25 feet****
Maximum Height	45 feet
*** Except when abutting an R-District, it must be 20 feet.	
**** Except when abutting an R-District, it must be 40 feet.	

150.266 Cross References

Supplemental District Regulations, 150.300
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.270 I General Industrial District

150.271 Intent

The purpose of this district is to provide for industrial manufacturing and related operations and other uses that by virtue of their characteristics should be isolated from residential and commercial uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

150.272 Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Public Building of all Types
- B. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Self-Service Storage Facilities
- C. Light Industrial
 - 1. Farm Implement Sales
 - 2. Grain Bins and Grain Elevators
 - 3. Construction Trades and Offices
 - 4. Building Services and Supplies
 - 5. Plumbing and Heating Shops
 - 6. Wholesale Distributors
 - 7. Lumber Yards and Building Materials Sales and Storage
 - 8. Heavy Equipment Rentals, Sales, Service, and Storage
 - 9. Transportation Terminals
 - 10. Utility Service Companies
 - 11. Machine Shop
 - 12. Tool and Die
 - 13. Assembly and Manufacturing
 - 14. Warehousing
 - 15. Garment Manufacturing, Repair and Processing
 - 16. Planned Industrial Developments

150.273 Conditional Uses

A building or premises may be used for the following purposes in the C-3 Transitional Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Public and Recreational Uses
 - 1. Child Day Care Centers
- B. Business Office Uses
 - 1. Business, Professional, and Administrative Offices
- C. Retail Commercial and Service
 - 1. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments
 - 2. Livestock Slaughtering Facility
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Service Stations
 - 2. Automobile Washing Facilities
 - 3. Adult Entertainment Facilities
- E. Light Industrial Uses
 - 1. Wireless Telecommunications Facilities

150.274 Height and Area Regulations

The maximum height and minimum lot requirements within the I Industrial shall be as follows:

General Requirements for all Permitted Uses:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	15 feet**
Minimum Rear Yard Setback	30 feet**
Maximum Height	None
** Except when abutting an R-District, it must be 40 feet.	

150.275 Cross References

Supplemental District Regulations, 150.300

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950

150.300 SUPPLEMENTAL DISTRICT REGULATIONS

150.301 Intent

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

150.302 Accessory Structures

- A. It is the purpose of this Zoning Code to regulate accessory structures in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
 - 1. It shall be 50% or less of the gross floor area of the principal structure.
 - 2. It shall not contain or be used as a dwelling unit.
 - 3. It shall not exceed 18 feet in height and not exceed height of the primary structure.
 - 4. It shall meet all yard requirements of the principal use except the structure shall be no closer than 3 feet to the side and rear lot lines, no closer than 3 feet from a recorded easement and no closer than 10 feet to the principal structure.
- C. All accessory structures require a Zoning Permit.

150.303 Satellite Dish Antenna Regulations

Satellite dish antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Village Administrator.

- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- E. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed 12 feet.
- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- H. Placement of satellite dish antenna systems within any easement shall be prohibited.
- I. A Zoning Permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Village Administrator's requirements, for the purpose of verification of each of the provisions of this Section. Small satellite dishes under 3 feet in diameter may be placed anywhere on the property with the minimum height clearance of 7 feet and do not require a Zoning Permit.

150.304 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an accessory structure in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.
- B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.
- C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with

manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.

- D. Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of 50 feet.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Village Administrator requirements, for the purpose of verification of each of the provisions of this Section.

150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.
- B. The following provisions shall apply with respect to screening:
 - 1. Screening shall be provided for one or more of the following purposes:
 - a. A visual barrier to partially or completely obstruct the view of structures or activities.
 - b. An acoustic screen to aid in absorbing or deflecting noise.
 - c. A physical barrier to contain debris and litter.

2. Screening may consist of one of the following, or a combination of two or more, as determined by the Village Administrator or BZA, in the event of an appeal, variance, or conditional use:
 - a. A solid masonry wall.
 - b. A solidly constructed decorative fence.
 - c. A louvered fence.
 - d. A dense vegetative planting.
 - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
 - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6 feet high in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet. Fences in front yards are not permitted to be solid fences. Plantings shall be minimum of 4 feet in height at the time of planting.
 - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by Village Administrator in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
7. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within

easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.

8. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Village Administrator may permit the installation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

150.306 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. The development of Planned Unit Developments, as well as approved site plans, shall also be exempt from this provision.

150.307 Parking and Storage of Vehicles and Trailers

A. Commercial Vehicles

1. No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.
2. No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, semi-trailers, shall be parked on a public right-of-way for more than 10 hours.

B. Non-Commercial Vehicles

No trailer, motor home, camper, recreational vehicle, boat, boat trailer, snowmobile, snowmobile trailer, all-terrain vehicle, aircraft, or motorcycle, nor any truck larger than $\frac{3}{4}$ ton, shall be parked on a public right-of-way for more than 12 hours.

150.308 Abandoned and Junked Vehicles

A. Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Abandoned Motor Vehicle

- a. Any motor vehicle which is left on private property for more than 48 hours without the permission of the person having the right to the possession of the property.
- b. Any motor vehicle which is left on public property for 48 hours or longer without permission of the Chief of Police of the Village of Rockford.

2. Junked Motor Vehicle

Any motor vehicle meeting any three of the following criteria:

- a. 3 years old or older.
- b. disabling damage, such damage including, but not limited to, any of the following:
 - 1) Missing or deflated tire.
 - 2) Missing wheel.
 - 3) Missing transmission.
 - 4) Missing motor.
- c. Fair market value less than \$750.00.
- d. Inoperative.
- e. Unregistered or improperly licensed.

3. Inoperative Motor Vehicle

Any motor vehicle not moved for 30 consecutive days shall be presumed inoperative.

4. Motor Vehicle

Any device, including major parts thereof, in, on, or by which any person or property is or may be transported, including devices used exclusively on stationary rails or tracks, and devices designed to be pulled, drawn, or towed by a motor vehicle, but not including devices moved by human or animal power.

5. Private Property

Any real property within the Village which is privately owned or operated.

6. Public Property

Any public street, highway, alley, sidewalk, boulevard, bikeway, property open to the public for vehicular travel or parking, and any other property owned or operated by the Village and any right-of-way thereof.

7. Person

Any individual, firm, partnership, company, unincorporated association, or corporation.

B. Storing, Parking, or Leaving Junked or Abandoned Motor Vehicles Prohibited

1. No person shall store, park, or have any motor vehicle which is in a junked, abandoned, inoperative, dismantled, or partially-dismantled condition, whether attended or not, within the Village upon any public or private property for a period of time of 48 hours or longer.
2. The presence of a junked, abandoned, inoperative, dismantled, or partially-dismantled motor vehicle, on private or public property, is a public nuisance which may be abated as such in accordance with the provisions of these Zoning Regulations.
3. This Section shall not apply to any motor vehicle on private property which is stored in conformity with these Zoning Regulations or if the motor vehicle is a collector's vehicle, as defined in the Ohio Revised Code 4501.01 (F).
4. No person shall be prevented from storing or keeping, or restricted in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission will be required to conceal, by means of buildings or A fence, any unregistered collector's vehicle stored in the open.

C. Disposition of Junked Vehicle

1. No person in charge or control of any private property within the Village, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any junked, inoperative, dismantled, or partially-dismantled motor vehicle to remain on such property longer than 7 days after notice is served, in any manner provided by the Ohio Rules of Civil Procedure for service of summons in civil actions, to remove the motor vehicle from such property. A copy of said notice shall also be conspicuously affixed to the motor vehicle if the surrounding facts and circumstances make it practicable to do so.
2. If no person in charge or control of any such property can be found, notice to such persons may be published once in a daily newspaper for general circulation within the Village. Such motor vehicle shall be removed by such person within 7 days after publication.
3. This Section shall not apply with regard to any motor vehicle described in Section 150.308 B.3.
4. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the vehicle shall have the duty to abate the nuisance by removing the vehicle from the premises.
5. The notice required by this Section shall contain the following information:
 - a. The motor vehicle is considered junked.
 - b. The motor vehicle will be removed 7 days thereafter, impounded, and subsequently disposed of.
 - c. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the motor vehicle will be held jointly and severally responsible for all costs incidental to the removal, storage, and disposal.
 - d. The person in charge or control of the private property upon which the motor vehicle is located and the registered owner of the motor vehicle may avoid fines and costs by removing the motor vehicle from the Village or enclosing such vehicle in an appropriate structure.
 - e. The date and the address and telephone number of the Village department to contact for information.
 - f. Any person to whom the notice is directed may file with the 7-day period of compliance a written request for a hearing.

- g. The movement of a vehicle from private property to any public right-of-way, or to another location under circumstances constituting a violation of these Zoning Regulations, shall not constitute compliance with a notice prescribed by this Section.
- h. Whoever violates this Section is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

D. Request for Hearing

Any person to whom notices are directed pursuant to Section 150.308 C or their duly authorized agents, may file a written request for a hearing before the zoning board / Rules Committee within the 7-day period of compliance for the purpose of defending against the charges by the Village.

E. Procedure for Hearing

A hearing requested pursuant to Section 150.308 D shall be held as soon as practicable after the filing of the request. Persons requesting a hearing shall be advised of the time and place of said hearing. The scope of said hearing shall be limited to the following issues:

1. Whether the person requesting the hearing is in charge or control of the private property as charged; and
 2. Whether the motor vehicle is junked or inoperative as charged.
- At any such hearing, the Village and the persons to whom notices have been directed may introduce such witnesses and evidence as each party deems necessary. The Village Administrator, or his designee, shall then either affirm, reverse, or modify the order.

F. Impounding of Vehicles; Redemption

1. If a violation of Section 150.308 C has not been remedied within the 7-day period of compliance, or in the event that a request for a hearing is filed as prescribed in Section 150.308 D, a hearing is held, and the existence of the violation is affirmed, the vehicle may be impounded.
2. The impoundment and redemption of such vehicle shall follow the procedure set forth in Section 4513.60 - 4513.65 ORC.

3. The movement of a vehicle from private property to any public right-of-way, or to another location under circumstances constituting a violation of Section 150.308 B, shall not remedy a violation of Section 150.308 B, and a vehicle so moved remains subject to impoundment by police.

150.309 Required Refuse Collection Areas

The refuse collection areas provided by all multi-family residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall, fence, or shrubbery of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Village Administrator. Storage areas of proper density in residential districts shall utilize such additional screening as required in this Zoning Code.

150.310 Removal of Litter

A. Notice to Remove Litter

1. When the Police Chief or his designated agent determines that litter has been placed on lands in a municipal corporation, and has not been removed, and constitutes a detriment to public health, the Police Chief or his designated agent shall cause a written notice to be served upon the owner and, if different, upon the lessee, agent, or tenant having charge of the littered land, notifying him that litter is on the land, and that it must be collected and removed within 5 days after the service of the notice.
2. As used in this Section and Sections 150.310 B and 150.310 C, “litter” includes but not limited to garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.
3. If the owner or other person having charge of the land is a nonresident of the Village corporation whose address is known, the notice shall be sent to his address by certified mail. If the address of the owner or other person having charge of the land is unknown, it is sufficient to publish the notice once in a newspaper of general circulation in the County.
4. This Section does not apply to land being used to operate a duly licensed and zoned junk yard, scrap metal processing facility, or similar business.

B. Failure to Comply

No owner, occupant, or any other person, firm, or corporation, having the care of a lot or land, shall fail to comply with the notice provided for in Section 150.310 A within 5 days from the receipt thereof.

C. Procedure When Owner Fails to Comply with Notice

1. If the owner, occupant, or any other person, firm or corporation, having the care of lands mentioned in Section 150.310 A, fails to comply with the notice provided for in Section 150.310 A, the Village shall cause such litter to be removed. Such removal shall be at the owner's expense and the costs, together with an administrative fee of 20% assessed against the lot or land. Such administrative fee shall not exceed \$200.00.
 2. Notice of such assessment shall be given to the owner of the lot or land charged therewith, or his agent, either in person or left at the usual place of residence or sent by mail, and all assessments not paid within 10 days after the giving of such notice shall, after approval by Village Council, be certified with the Clerk of Council to the County Auditor to be placed on the tax duplicate and collected as other taxes are collected.
- Whoever violates this Section is guilty of a minor misdemeanor on a first
3. offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense, such person is guilty of a misdemeanor of the third degree.

150.311 Fences

- A. Fences constructed within a rear yard shall not be higher than 72 inches and side yard shall not be higher than 72 inches. All fences are considered an accessory structure with the exception of setbacks. Fence setbacks shall be 1 foot unless the permit is accompanied by a letter from adjoining property owners agreeing to allow the fence to be placed on the agreed property line.
- B. No fence, wall, or hedge shall rise over 48 inches in height on any required front yard except on corner lots where it shall not rise over 36 inches. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.
- C. All support structures shall face to the inside/Owner side. The fence owner/property owner is responsible for maintaining both sides of the fence.
- D. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.
- E. All fence installation or modification requires a Zoning Permit.

150.312 Projections into Required Yards

- A. Chimneys, flues, sills, pilasters, and other similar features may project into a required side yard a maximum of 12 inches. Roof overhangs may extend into a required side yard, a maximum of 12 inches.
- B. No structure may project into a required front yard. However, steps, not porches, may extend from the dwelling into the required front yard a maximum of 10 feet.

150.315 Swimming Pools/Ponds

Swimming pools or ponds in excess of 24 inches in depth shall comply with the following requirements:

- A. The swimming pool/pond is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool/pond may be located anywhere on the premises except in required front yards.
- C. The swimming pool/pond, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be at least 4 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder or latching gate is acceptable in lieu of fence.
- D. All swimming pools/ponds require a Zoning Permit.

150.316 Home Occupations

- A. Home occupations are conditionally permitted in the R-1 and B-2 Districts.

- B. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and not located on or projecting over any right-of-way.
- D. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- E. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.
- F. No additional parking demand shall be created.
- G. The following uses shall be prohibited as home occupations:
 - 1. Appliance repair;
 - 2. Light assembly, manufacturing;
 - 3. Motor vehicle repair, painting or body work, including reupholstery, detailing, or washing;
 - 4. Small engine repair, lawn and garden equipment repair;
 - 5. Veterinary offices, kennels;
 - 6. Warehousing of any type; and welding or machine shop.
- H. All owners of home occupations shall register for Village Income Tax.

150.317 Nuisance Performance Standards

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard,

including potential hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element; in such a manner or in such amount as to adversely affect the adjoining lots or surrounding areas.

The following minimum standards shall apply to all uses:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point. There shall be no open fire in residential zoning at any time. The only exception is open burning with prior notification to the Fire Department, the Village Administrator, and the Mercer General Health District for either the prevention or control of disease or pests or for ceremonial purposes. Ceremonial fires shall be less than 5 feet by 5 feet and shall burn no longer than 3 hours. Fires allowed by this Section shall not be used to burn garbage, landscape waste or any other waste material. The fuel used shall be a clean fuel, that is fuel chosen to minimize the generation and emission of air contaminants.
- B. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission of air pollutants shall be permitted which violate the minimum requirements of the Mercer County Department of Health. Dust and other airborne pollutants shall be minimized through the paving or landscaping of the lot area around any building.
- C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
- D. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
- E. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
- F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernable without

instruments at the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

G. Odor: Any use, activity, or operation which releases odors to the atmosphere shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest lot.

F. Unsafe Building: No Building shall remain in a state of disrepair as to danger the health, safety, and welfare of the residents of the Village of Rockford or so as to be a public nuisance by reason of its condition.

150.318 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run. (See Illustration - Exhibit "A" in Section - Definitions.)
- C. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes, or similar material (no fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
- D. Structure size shall be a minimum width of 25 feet.

150.319 Automobile Filling Station

Automobile filling stations are conditionally-permitted in the B-2 Business District and I Industrial District provided that they meet the conditions outlined below:

- A. The minimum site shall contain 12,000 square feet.
- B. The minimum yard requirements shall be as follows:
 - 1. Front Yard – 40 feet for all buildings, 15 feet for all gasoline pumps
 - 2. Side Yard – 20 feet
 - 3. Rear Yard – 40 feet

- C. The minimum frontage shall be 100 feet.
- D. Development Plan shall be submitted with the application.
 - 1. There shall be a minimum of two separate driveways providing ingress and egress to and from the property located not closer than 20 feet from one another.
 - 2. All hydraulic lifts, oil pits and all lubricants, greasing, automobile washing, and repair equipment shall be enclosed entirely within the automobile service station building.
 - 3. The entire lot area, exclusive of the area covered by the building, shall be paved or landscaped. A 4-inch high curb shall separate all paved areas from all landscaped areas.
 - 4. The light from exterior lighting shall be so shaded, shielded or directed that light intensity or brightness shall not be objectionable to surrounding development.
 - 5. A solid fence, wall, or evergreen hedge 6 feet high shall be constructed or planted, and maintained in good condition, where the service station site is located adjacent to Residential zoning districts.
- E. No outdoor storage of dismantled automobiles shall be permitted.
- F. Not more than one pole sign shall be permitted.

150.320 Animals

No animals, birds, insects, reptiles, livestock, or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats, or other household pets, which are kept for domestic purposes only, and are not kept, bred, or maintained for any commercial purposes. No more than three dogs and three cats may be kept on any lot, except such dogs or cats, in excess of such numbers are less than 6 months of age. All animals must be restrained on the owner's lot and owners shall take all steps necessary to ensure the same.

150.321 Adult Entertainment Facilities

A. Intent

This Section is based upon the Village's recognition of certain possible adverse secondary effects of adult entertainment facilities and thereby protects the health, safety, and welfare of the citizens; protects the citizens from increased crime; preserves the quality of life; preserves the property values and the character of surrounding

neighborhoods and businesses; deters the spread of urban blight and protects against the threat to health from the spread of communicable and social diseases.

B. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Adult bookstore, adult novelty store, or adult video store means an establishment, from which minors are excluded, having as a substantial or significant portion of its stock for trade, sale, or rental of the following:
 - a. Books, magazines, other periodicals or printed material, photograph films, motion pictures, films, video cassettes, slides, computer media, or other visual representations which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas", which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
 - b. Instruments, devices, or paraphernalia which is designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult book store, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".
2. Adult cabaret means a nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which features:
 - a. Persons who appear nude or in a state of nudity or semi-nudity;
 - b. Live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas"; or
 - c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

3. Adult drive-in theater means a drive-in theater for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons.
4. Adult entertainment means performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas or specified sexual activities.
5. Adult entertainment facilities means any of the following uses: adult bookstores, adult novelty stores, adult video stores, adult drive-in theaters, adult photography studios, adult cabarets, massage establishments, finger-painting studios, adult motels, adult motion picture theaters, or any other similar personal service or entertainment facilities which emphasize nudity and/or sexual activities as an entertainment medium.
6. Adult motel means a motel, hotel, or similar commercial establishment which:
 - a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertise the availability of this sexually-oriented type of material by means of a sign visible from a public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets, or leaflets, radios, or televisions; or
 - b. Offers a sleeping room for rent for a period of less than ten hours; or
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
7. Adult mini-motion picture theater means an enclosed building with a capacity of less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
8. Adult motion picture theater means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

9. Mainstream performance house means a theater, concert hall, auditorium, or similar establishment, which regularly features movies or live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of "specified anatomical areas" or "specified sexual activities" and where such depiction, if any, is only incidental to the primary purpose of any performance.
10. Nude model studio means a place where a person, who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Nude or state of nudity means the showing, representation, or depiction of human male or female genitals, bare buttocks, anus, or the areola or nipple of the female breast with less than full, opaque covering of any portion thereof below the top of the nipple or of uncovered male genitals in a discernibly turgid state.
12. Semi-nude means a state of dress in which the clothing covers no more than the genitals, pubic region and the areola of the female breast, as well as portions of the body covered by supporting straps or devices.
13. Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttocks, or the areola or nipple of the female breast; human male genitals in a discernibly turgid state even if completely and opaquely covered.
14. Specified sexual activities means human genitals in a state of sexual stimulation or arousal; acts, real or simulated, of human fondling, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

C. Regulations

Adult entertainment facilities and like uses, shall be a conditional use within an I Industrial District and subject to the following conditions:

1. No adult entertainment facility shall be established within 500 feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which includes schools, libraries, or teaching facilities if attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,000 feet

of any park, recreational facility, or camp attended by persons under 18 years of age.

4. No adult entertainment facility shall be established within a radius of 500 feet of any other adult entertainment facility or within a radius of 500 feet of any two of the following establishments (or of any one establishment which combines to any degree any two of the following activities), whether within this Village or any other political subdivision:
 - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - b. Pawn shops.
 - c. Pool or billiard halls.
 - d. Pinball palaces, halls, or arcades.
 - e. Dance halls or discotheques.
5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services which is attended by persons under 18 years of age.
6. All building openings, entries, windows, etc., for adult uses shall be located, covered, or surfaced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

D. Savings Clause

If any sentence, clause, or part of this Section is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Section and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of Council that this Section would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

150.322 Manufactured Homes on Individual Parcels (Lots)

It is the intent of this ordinance that no Manufactured Home shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance. Manufactured Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

A. An existing Manufactured Home is a vehicle or mobile structure more than 40-feetlong, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

- B. An existing Manufactured Home may be replaced by a newer Manufactured Home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing Manufactured Home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing Manufactured Home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

- C. If an existing Manufactured Home is removed from said individual parcel (lot) for a period of 1 month / 30 days or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no Manufactured Home will be permitted thereafter.

150.323 Recreational Vehicles, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers

- A. In any residential district, the above items may not be stored in any front yard area and must be at least 3 feet from any lot line.
- B. Stored, is not intended to prevent temporary parking for:
 - 1. Pre-season preparations. 3 days
 - 2. Required, in season repair/maintenance. 3days
 - 3. After season storage preparations. 3days

150.324 Bed and Breakfast Inns

Bed and Breakfast Inns may be approved when the following conditions are met:

- A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signage, and screening and a floor plan indicting the proposed operations.
- B. The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The registry shall be made available for inspection by the Village.
- C. No more than five persons - two adults and three children- may occupy each guestroom.

- D. There shall be no change in the outside appearance of the building or lot or other visible evidence of the conduct of the Bed and Breakfast Inn that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single-family dwelling.
- E. Signage shall be permitted as non-illuminated, not to exceed two feet square, and not to be placed above the first story and as indicated in Section 150.700 Signage.
- F. One off-street parking space shall be provided for every guestroom in addition to the off-street parking otherwise required for a one-family dwelling. All off-street parking shall be screened in accordance with Section 150.600 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double-stacked. On-street parking on public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.
- G. No kitchen or cooking facilities shall be permitted within the individual guestrooms.
- H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.
- I. The applicant shall submit the proposed Bed and Breakfast Inn to the Mercer County Community Development Department for review, and a written certificate of occupancy shall be presented to the Village Administrator prior to the issuance of a Zoning Permit.
- J. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Southwest Mercer Fire Chief, and a Zoning Permit shall not be issued by the Village Administrator until the Fire Chief has inspected the Bed and Breakfast Inn.
- K. The applicant shall submit the proposed Bed and Breakfast Inn to the Mercer County Health Department for review.

150.325 Automobile Washing Facilities

- A. All washing activities shall be carried on within an enclosed building, except for entrance and exit doors which may be left open during the hours of operation.
- B. The minimum site size shall be 15,000 square feet, with no less than 100 feet of frontage.
- C. Automobile washing structures shall be located at least 50 feet from any adjoining residential property and shall be no closer than ten feet from side property lines.

- D. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjacent residential property and at least 20 feet from a public right-of-way.
- E. Water or residue from the washing process shall not be allowed to drain from the site containing such establishment.
- F. All parking and access drives shall be hard-surfaced and dust-free.
- G. The following waiting and parking requirements shall be minimum requirements:
 - 1. A minimum of three off street waiting spaces shall be provided for every bay of a self-service washing facility, and a minimum of five off street waiting spaces shall be provided for every bay with automatic or assembly line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
 - 2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
 - 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.
- H. A solid fence, wall, or evergreen shrubbery at least 6 feet in height shall be required when an automobile washing facility is adjacent to a Residential District, or adjacent to any residential property.
- I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

150.326 Wireless Telecommunications Facilities

- A. The purpose of this Section is to regulate the placement, construction, and modification of wireless telecommunications facilities and their support structures in order to protect the public health, safety, and welfare, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace. Specifically, the purposes of the Section are:
 - 1. To direct the location of various types of towers and wireless telecommunications facilities into appropriate areas of the Village.
 - 2. To protect residential areas and land uses from potential adverse impacts of towers and wireless telecommunications facilities.

3. To minimize adverse visual impacts of towers and wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers.
5. To avoid potential damage to adjacent properties caused by towers and wireless telecommunications facilities by ensuring such structures are soundly designed, constructed, and modified; are appropriately maintained; and are fully removed.
6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

B. Applicability

All towers, antenna support structures, and wireless telecommunications facilities any portion of which are located within the Village are subject to this Ordinance except as provided in this Ordinance, any use being made of an existing tower or antenna support structure on the effective date of this Ordinance shall be deemed a nonconforming structure and allowed to continue, even if in conflict with the terms of this Ordinance. Any tower site that has received approval in the form of a permit by the Village, but has not yet been constructed or located shall be considered a nonconforming structure so long as such approval is current and not expired.

C. Definitions

Specific words and terms as used in this Section are defined as follows:

1. Antenna - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
2. Antenna Support Structure - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. Co-location - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

4. Emergency - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
5. Equipment Shelter- The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
6. FAA - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.
7. FCC - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.
8. Monopole - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
9. Person - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.
10. Tower - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.
11. Wireless Telecommunications Facility - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:
 - a. Any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned Business or Industrial.
 - b. Any satellite earth station antenna 1 meter or less in diameter, regardless of zoning category.
 - c. Antennas used by amateur radio operators.

D. Standards Applicable to All Wireless Telecommunications Facilities

1. Construction Standards - All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally-sound and, at a minimum, in conformance with Ohio Basic Building Code.

2. Natural Resource Protection Standards - The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Ordinance or in other applicable regulations, including those for floodplains, wetlands around water protection, and steep slopes.
3. Historic or Architectural Standards Compliance - Any application to locate a wireless telecommunications facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Village, shall be subject to review by the County Building Commissioner to ensure architectural and design standards are maintained.
4. Color and Appearance Standards - All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility unless otherwise required by the FCC, FAA, and/or by historical or architectural standards imposed. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.
5. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.
6. Artificial Lighting Restricted - No wireless telecommunications facility shall be artificially lit except as required by the FAA.
7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.
8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.
9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Village upon review of the photo simulation provided in compliance with this Section.
10. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village. No fencing shall be permitted in a residential zone. The Village and co-locators shall have reasonable

access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.

11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.

E. Co-Location Requirements

1. Exemption from Proof of Co-Location Availability - Persons locating a wireless telecommunications facility on a publicly-owned property shall be exempted from the requirements herein regarding presentation of proof that co-location is not available. However, persons locating a wireless telecommunications facility on publicly-owned property shall continue to be subject to the requirements contained in this Section.
2. Exemption from Certain Requirements - Persons locating a wireless telecommunications facility on a publicly-owned property identified by the Village to be suitable for such purposes shall be exempt from the requirements of this Section.
3. Co-Location Design Required - No new tower shall be constructed in the Village unless such tower is capable of accommodating at least one additional wireless telecommunications facility owned by another person.
4. Technically-Suitable Space - Authorization for a tower shall be issued only if there is no technically-suitable space reasonably available on an existing tower or structure within the geographic area to be served.
5. Application Requirements - With the permit application, the applicant shall list the location of every tower, building, or structure within 3 miles that could support the proposed antenna. The applicant must demonstrate that a technically-suitable location is not reasonably available on an existing tower, building, or structure within such area. If another communication tower owned by another party within such area is technically-suitable, applicant must show that an offer was made to the owner of such tower to co-locate an antenna on a tower owned by the applicant on reciprocal terms within the geographic area, and the offer was not accepted. If such

co-location offer has not been attempted by the applicant, then such other tower is presumed to be reasonably available.

F. Wireless Telecommunications Facilities in Residential Districts

1. Permitted Principal Use - No wireless telecommunications facility is permitted as a principal use on a lot.
2. Accessory Structure - The following wireless telecommunications facilities are permitted as an accessory structure on a lot, subject to the following requirements:
 - a. Tower - No wireless telecommunications tower is permitted as an accessory structure within a residential district without conditional use approval under the guidelines of this Section.
 - b. Antenna - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - 1) Maximum Height - The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.
 - 2) Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - 3) Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

G. Wireless Telecommunications Facilities in Business

1. Permitted Principal Use- The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:

- a. Tower

- 1) Maximum Height - The maximum height shall be less than 200 feet.
Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.

- 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
2. Accessory Structure - The following wireless telecommunications facilities are permitted as an accessory structure on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height shall be less than 200 feet. Towers 200 feet or more in height shall require approval as a conditional use under the guidelines of this Section.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located less than 200 feet from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure.
3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on lots subject to the following requirements:
 - a. Tower 200 Feet or More in Height
 - 1) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 2) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.

- 3) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
- b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

H. Wireless Telecommunications Facilities in Industrial Districts

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located aboveground in any required front or side yard.
2. Accessory Structure - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 4) Equipment Shelter - The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.

- b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.
- 3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - Any height of such tower in excess of the distance of such tower from the nearest property line shall require approval.
 - 2) Minimum Setback from Property Lines - The minimum setbacks and yard requirements for principal structures shall apply.
 - 3) Minimum Setback from Residential Structure - No tower shall be located a distance less than its height from a structure used as a residence.
 - 4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.
 - b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

I. Abandonment of Tower

- 1. Required Notification - All providers utilizing towers shall present a report to the Village notifying it of any tower facility located in the Village whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Village Administrator may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Village Administrator and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
- 2. Required Notice to Owner - The Village must provide the tower owner a 30-days notice and an opportunity to be heard before the Village council before initiating such action. After such notice has been provided the Village shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached

thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.

3. Right To Public Hearing By Owner - The Village shall provide the tower owner with the right to a public hearing before the Village council which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. Order of Abatement or Demolition - After a public hearing is held pursuant to this Section, the Village may order the abatement or demolition of the tower. The Village may require licensee to pay for all expenses necessary to acquire or demolish the tower.

J. Application and Review Requirements

1. Required Information for Applications - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.
2. Plot Plan Required - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.
3. Photo Simulations Required - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.
4. Proof Why Nonresidential Tower Location Not Feasible - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Village. If the Village refutes the evidence, then the tower is not permitted.
5. Technical Necessity - The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.
6. Land Owner Support and Access - Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.

7. Required Site and Landscaping Plan - The applicant shall present a site and landscaping plan showing the following:
 - a. Specific placement of the wireless telecommunications facility on the site.
 - b. The location of existing structures, trees, and other significant site features.
 - c. Type and locations of plant materials used to screen the facilities.
 - d. The proposed color of the facilities.
8. Co-Location and Removal Agreement - The applicant shall present signed statements indicating that:
 - a. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
 - b. The applicant agrees to remove the facility within 180 days after its use is discontinued.
9. Review Procedure - Once an application for the placement or expansion of a wireless telecommunications facility has been submitted and accompanied by a \$100 nonrefundable application fee, the application shall be reviewed by the Planning Commission within 30 days after submission of all necessary information required in this Section.
10. Denial by Village - Any decision to deny a request to place, construct, or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record.

K. Variances

Any request to deviate from any of the requirements of this Ordinance shall require approval of a variance in conformance with the procedure set forth in the Zoning Ordinance.

L. Separability

Should any section, clause, paragraph, sentence, item, phrase, or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

150.400 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

150.401 Intent

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that these Zoning Regulations should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such consideration as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

150.402 General Standards For All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the Village council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Village's Comprehensive Plan and/or the Zoning Code;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- J. Will otherwise be in conformance with all other sections of this ordinance.

150.403 Action by the Village Council Appeals

Within 30 days after either the receipt of application or the date of the public hearing, if held, the Board shall take one of the following actions:

- A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the Board shall direct the Village Administrator to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

150.404 Additional Criteria

A. Additional Conditions

The Village council may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the Village council's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, and convenience.

B. Supplemental Conditions and Safeguards

In granting approval for any conditional use, the BZA may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

C. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 2 years.

150.405 Public Hearing

A public hearing shall be held by the Village council in considering an application for a Conditional Use Permit.

The Village council shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Village Administrator.

150.406 Notice of Public Hearing in Newspaper

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in the Village of Rockford at least 10 days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

150.407 Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.406 Notice of Public Hearing in Newspaper.

150.450 NONCONFORMITIES

150.451 Intent

Within the districts established by these Zoning Regulations, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before these Zoning Regulations was passed or amended, but which would be prohibited, regulated, or restricted under the terms of these Zoning Regulations. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in these Zoning Regulations shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of these Zoning Regulations, or any amendment thereto. Nevertheless, while it is the intent of these Zoning Regulations that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Zoning Board of Appeals, except as otherwise specifically provided for in these Zoning Regulations.

150.452 Uses Under Conditional Use Provisions, Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of these Zoning Regulations shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

150.453 Incompatibility of Nonconformities

Nonconformities are declared by these Zoning Regulations to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of these Zoning Regulations by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

150.454 Avoidance of Undue Hardship

To avoid undue hardship, nothing in these Zoning Regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these Zoning Regulations and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a

permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

150.455 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the council be changed to another nonconforming use of the same classification or of a less intensive classification, or the council shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the council may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of these Zoning Regulations. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

150.456 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these Zoning Regulations, notwithstanding limitations imposed by other provisions of these Zoning Regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in these Zoning Regulations, other than lot area or lot width, shall be obtained only through action of the Zoning Board of Appeals as described in Section 150.850 Appeals and Variances.

150.457 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these Zoning Regulations, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these Zoning Regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these Zoning Regulations, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in these Zoning Regulations.

150.458 Nonconforming Uses of Land

Where, at the time of adoption of these Zoning Regulations, lawful uses of land exist which would not be permitted by the regulations imposed by these Zoning Regulations, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these Zoning Regulations.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of these Zoning Regulations.
- C. No additional structure not conforming to the requirements of these Zoning Regulations shall be erected in connection with such nonconforming use of land.

150.459 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of these Zoning Regulations that could not be built under the terms of these Zoning Regulations by reason of restrictions on area, lot coverage, height, setbacks, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements or does not increase its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

150.460 Nonconforming Uses of Structures or of Structures and Land in Combination

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of these Zoning Regulations that would not be allowed in the district under the terms of these Zoning Regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by these Zoning Regulations in the district in which it is located shall be enlarged, extended, constructed,

moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of these Zoning Regulations, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the council, be changed to another nonconforming use provided that the council shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the council may require appropriate conditions and safeguards in accord with other provisions of these Zoning Regulations.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

150.461 Termination of Nonconformities

A. Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than 6 months, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. Use by Damage or Destruction

Any non-conforming use of a building or structure which has been damaged or destroyed may be reconstructed as it previously existed prior to the damage or destruction. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. A Zoning Permit pertaining to such restoration shall be applied for and issued within 1 year of such damage or destruction, and rebuilding shall be diligently pursued to completion. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of these Zoning Regulations.

150.500 - PLANNED UNIT DEVELOPMENTS (PUD)

150.501 Intent

The intent of this Section is to permit and encourage the creative design of new residential, commercial, and industrial areas in order to promote imaginative proposals for local development while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

150.502 Requirements

The owner or owners of any parcel of land in the districts designated may submit an application to the Village Council for the type of PUD permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's may be permitted in the R-1, Residential zoning district. Business Planned Unit Developments, hereafter referred to as B-PUD's may be permitted in the B-1 and B-2 Business zoning districts. Industrial Planned Unit Developments, hereafter referred to as I-PUD's may be permitted in the I-Industrial zoning district.

150.503 Permitted Uses

The uses permitted in the PUD shall be those uses permitted by the zoning district containing such development.

150.504 Procedure

A. Preapplication Meeting

The developer shall meet with the Village Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

B. Preliminary Development Plan

The submittal for a commercial, residential, or industrial PUD shall be filed with the Village Administrator. In consideration of the submittal, the Planning Commission shall hold at least one public hearing to be held no later than 30 days after receipt of the submittal by the Planning Commission, unless such time is extended by agreement with the applicant. The Planning Commission shall either approve, approve with amendments, or deny the application within 30 days after the public hearing. The recommendation shall be forwarded to the Village Council.

Upon receipt of the recommendation of the Planning Commission, the Village Council shall hold at least one public hearing in consideration of the submittal prior to reaching a decision. The decision of the Village Council shall be made no later than 60 days after the receipt of the recommendation of the Planning Commission. The Village Council may approve, approve with amendments, or deny the submittal. If the submittal is denied, there shall be no resubmittal for a period of 12 consecutive months after the date denied.

C. Final Development Plan

Within 12 months of approval or approval with amendments of the preliminary development plan, the applicant shall submit a final development plan along with any necessary performance surety to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD as approved by the Village Council. If the Planning Commission finds the final development plan or the final development plan with amendments is compatible with the preliminary development plan, then such plan shall be approved. When a final plat is necessary for lot creation, it shall also be approved as part of the final development plan. If the final plat contains any right-of-way or easement dedication, it must go to the Village Council for acceptance prior to final approval. Acceptance of any right-of-way or easement dedication is a separate action by the Village Council, and should not affect the overall acceptance of the final development plan. Upon approval of the final development plan and recording of the final plat in the Office of the Mercer County Recorder, if necessary, the Village Administrator shall issue the necessary permits.

D. Final Development Plan Effect

Subsequent to the approval of the final development plan, the lands included with the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan; and no permit shall be issued for any building, structure, or use of the lands except in conformance with the approved plan. After the building is constructed, any necessary condominium plats and legal documents shall be recorded in the Office of the Mercer County Recorder. Such plats and legal documents will not require further review if they are in conformance with the approved final development plan as verified by the Village Administrator.

E. Final Development Plan Changes

Any changes in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Planning Commission. The Planning Commission shall conduct a public hearing on all proposed revisions to an approved final development plan and make a determination or finding that:

1. The proposed revision is a minor change, not substantially altering the overall concept of the PUD. Generally, such changes are limited to small site alterations such as

- realigning a street, shifting a setback, or slight changes in building designs that do not result in the loss of open space. Increases of up to 10% of the total development density and any decreases in density may be determined by the Planning Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.
2. The proposed revision is a major change, which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or accessory structures, parking, open space areas, and streets. A major change is involved in density increases in excess of 10% of the total development density and/or revisions affecting the land coverage by building, parking, and open space areas.
 3. Where the Planning Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify, or deny approval may be taken by the Planning Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to Village Council for review and action, not requiring a public hearing by Village Council.
 4. Where the Planning Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Planning Commission may act to approve, modify, or deny approval for the revised preliminary plan, following the public hearing. The revised preliminary plan shall be reviewed in the same manner as the original plan, including a public hearing review by Village Council.
 5. Upon approval of a revised final development plan as a minor or major change, the original final plan shall be considered void and the revised final plan shall have the same force effect as if it were the original plan.

150.505 Preliminary Development Plan Application Requirements

Any submittal for a PUD shall contain the following information in the submittal package including the information constituting a preliminary development plan. The applicant shall submit an original plus fifteen copies of the preliminary development plan, and written documents as determined by the Village Administrator.

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.
- B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- C. A legal description of the land to be developed under the submittal.

- D. Present use(s).
- E. Present and proposed zoning district.
- F. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 2 years.
- G. A fee as established by this Zoning Code.
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- J. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- K. A development schedule indicating the approximate date when development and construction of the PUD can be expected to begin and be completed.
- L. Quantitative data for the following items:
 - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size.
 - 2. Proposed lot coverage of buildings and structures.
 - 3. Approximate gross and net residential, commercial, or industrial densities.
 - 4. Total amount of open space including separate figure for usable open space.
 - 5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- M. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
 - 1. Date, north arrow, and scale.
 - 2. Existing zoning district.

3. Existing site conditions including contours at 1-foot intervals, water course, floodplains, unique natural features, and natural cover.
4. Proposed lot lines and plot designs.
5. The location and floor area size and height of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within a half mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

150.506 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by the Planning Commission and Village Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least 10 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the nature of the proposed PUD.

150.507 Notice to Parties of Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed, by the Village by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The failure to deliver the notification as provided in this Section shall not invalidate any such PUD. The notice shall contain the same information as required in Section 150.506 Notice of Public Hearing in Newspaper.

150.508 Planning Commission to Investigate

- A. The Planning Commission shall make a recommendation to the Village Council on the preliminary development plan. In making its recommendation, the Planning Commission shall consider the following:
1. The proposed development can be initiated within 1 year of the date of approval.
 2. The proposed streets with the exception of Manufactured Home parks shall meet requirements of the Village Ordinance for streets.
 3. Any proposed commercial or industrial development can be justified at the proposed location.
 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price.
 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
 7. Amount, design, and uses of open space in the development.
 8. Overall design quality of the development.
 9. Impact of the proposed development on utilities.
 10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 11. Relationship of the development to surrounding land uses.

12. Impact of the development in providing housing and other community needs.

- B. The Planning Commission may approve greater densities and smaller lot sizes than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 25% smaller than that permitted in the zone.
- C. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.

150.509 Final Development Plan Application Requirements

After approval of a preliminary development plan by the Village Council, the applicant shall submit the following information as a final development plan to the Village Administrator. The submittal shall consist of an original plus seven copies of all required documents.

Each submittal shall be signed by the owner, attesting to the truth and exactness of all information supplied on the submittal for the final development plan. Each submittal shall clearly state that the approval shall expire and be revoked if construction on the project has not begun within 1 year from the date of issuance of the approval. At a minimum, the submittal shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential population by type of housing, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development.
- D. A fee as established by this Zoning Code. (See Section 150.910 Schedule of Fees)
- E. Preliminary building plans.

- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.
- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.
- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Final plat for necessary lot creation and right-of-way or easement dedication, if necessary.
- J. Necessary engineer's estimates and performance surety for any public improvements that will eventually be taken over by the Village.
- K. All surveying and legal documents to be recorded shall meet Mercer County Standards.
- L. Site plan and supporting maps indicating the following:
 - 1. Survey of land area to be developed showing topography with existing and proposed contours at 1-foot intervals, drainage, vegetation, and natural cover.
 - 2. Detailed construction plans in conformance with the Village of Rockford Design Criteria and Construction Standards and Drawings along with necessary specifications shall at a minimum consist of the following items:
 - a. The location of lot lines, building outlines, and setbacks.
 - b. Pedestrian and vehicular circulation system.
 - c. Street plans including plan and profile and cross-sections.
 - d. All utility systems, including sanitary sewers; storm sewers; water, electric, gas, and telephone lines including plan and profiles.
 - e. Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - f. Location of fire hydrants and fire lanes.
 - g. Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.

- h. Storm water management plan, including detention and erosion control.
- i. Grading plan.

150.510 Additional Requirements

- A. A written agreement or contract shall be executed between the developer and the Village prior to approval of the final development plan stating at least the following:
 - 1. That in the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.
 - 2. That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 - 3. That this contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
- B. The Design Criteria and Construction Standards and Drawings along with 100% surety and 10% maintenance surety shall apply to all public improvement construction that will eventually be taken over by the Village. The 100% performance surety and 10% maintenance surety shall follow the regulations in the Village of Rockford Subdivision Regulations even if a major subdivision is not applicable.
- C. If the Planning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Planning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
 - 1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
 - 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
 - 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.

4. All exterior lighting of parking areas, buildings, and attached signs shall be so arranged as to reflect light away from adjoining premises, and no flashing lights or signs of any kind shall be permitted except those required by traffic regulations.
5. All buildings, structures, parking areas, and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings or structures or by parking or loading areas shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential premises or closer than 30 feet to the property lines of adjoining residential premises and building entrances located closer than 50 feet to such property lines shall be appropriately screened from such adjoining premises by means of planting, ornamental fences or walls, or approved design.
6. In order to preserve the character of the adjacent residential areas, no outdoor display of goods, merchandise or services, or outdoor display or exhibit of any nature, shall be permitted. However, the council may, after public hearing, authorize a specific exhibitor display for a period up to, but not exceeding 14 days, provided that the applicant has substantiated to the satisfaction of the council that such display or exhibit would be appropriate in a Residential PUD and that the activity will not adversely affect adjoining or nearby residential property.

D. Ownership of Common Open Space.

1. In a R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development. Said agreement shall be recorded with the Mercer County Recorder in a manner that puts future property owners on notice of its requirements and application to subject property.
2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.

- E. Copies of any management policies, deed restrictions, legal documentation, homeowners association agreements, or covenants with the land shall be provided to the Planning Commission prior to the approval of the final development plan.

150.511 Residential and Commercial Planned Unit Development Minimum Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals which do not reflect these innovations may be rejected by the council.
- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.
- C. Open space within a PUD may be required by the council and if required shall meet the following criteria:
 - 1. No less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs, this land shall be used for recreation or conservation purposes, and in C-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
 - 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.
 - 3. The size, location, shape, and character of the open space must be suitable for the designated uses.
 - 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
 - 5. Landscape plans for the common open space must be approved by the council.
- D. Townhouses constructed in PUDs must meet the following criteria:
 - 1 . No more than 4 contiguous townhouses shall be built in a row with the same or

approximately the same front line, and no more than eight townhouses shall be contiguous.
 - 2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
 - 3. The minimum distance between any two rows of townhouse buildings substantially parallel with each other shall be 60 feet.

4. The minimum distance between any two abutting ends of townhouse buildings in the same general plan or row shall be 25 feet or greater.
- E. Parking within the PUD shall be regulated in conformance with Section 150.600 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the council.
- F. Signs in a PUD shall conform to the requirements with Section 150.700 Signage, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In residential PUDs, the signs shall not exceed 40 square feet in size, and in commercial PUDs, the signs shall not exceed 80 square feet in size. The council may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.
- G. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In commercial PUDs, fire lanes shall be provided and approved as to location and width by the fire department.

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, mounding, or plantings that are more than 6-feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.



150.514 Expiration and Extension of Approval Period

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the council finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

150.600 OFF-STREET PARKING AND LOADING FACILITIES

150.601 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

150.602 General Parking Requirements

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for vehicles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Village Administrator as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

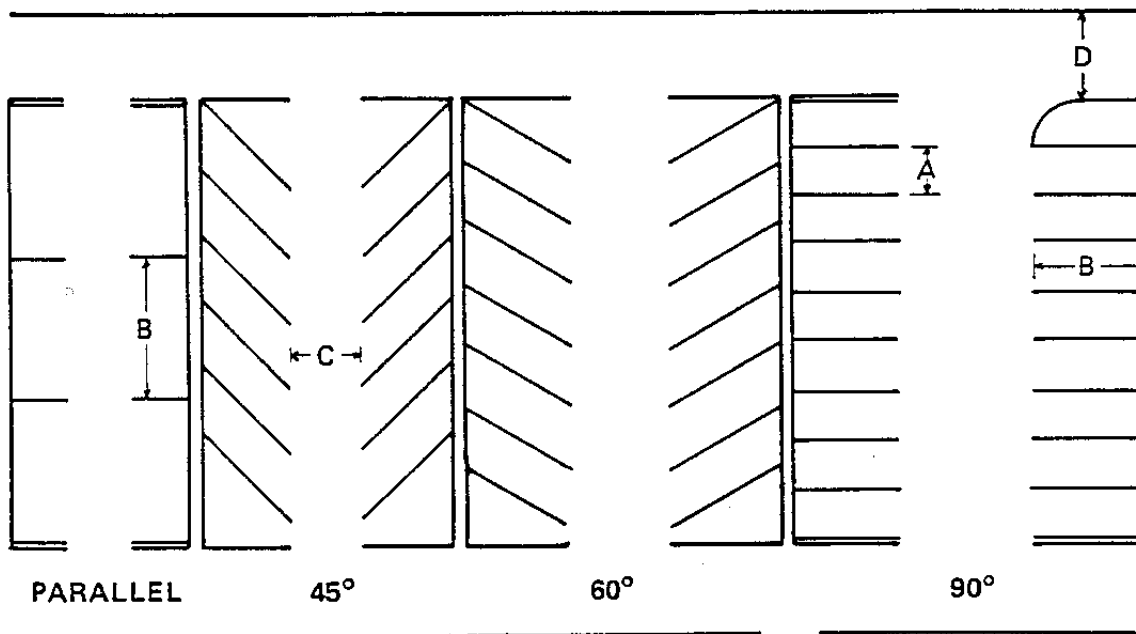
150.603 Off-Street Parking Design Standards

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 - 1. For a single-, two-, or multi-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
 - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
 - 3. All parking spaces, except those required for single-, two-, or multi-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

- C. Setbacks: In B and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located.
- D. Screening: In addition to the setback requirements specified in these Zoning Regulations for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District.
- E. Paving: All required parking spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Rockford Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Village Administrator, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.
- M. A single-family dwelling unit shall have two off-street parking spaces.
- N. A two-family dwelling unit shall have two off-street parking spaces per dwelling unit.
- O. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

150.604 Determination of Required Spaces

In computing the number of parking spaces required by these Zoning Regulations, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated on each 24 linear inches of benches or pews, except where occupancy standards are set by the fire marshal.
- C. Fractional numbers shall be increased to the next whole number.

150.605 Joint or Collective Parking Facilities

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot or adjacent lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling centers, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

150.606 Off-Street Storage Areas for Drive-In Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five storage spaces per pick-up facility unless a more restrictive requirement is otherwise noted in this Zoning Code. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four storage spaces per window.
- C. Motor vehicle service stations shall provide no less than two storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

150.607 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than 48 hours shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

150.608 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

A. Residential Uses

- 1. **Single-family detached dwellings:** two spaces per dwelling unit.
- 2. **Two-family dwellings:** two spaces per dwelling unit.

3. **Multi-family dwellings:** two spaces per dwelling unit.

B. Institutional and Public Uses

1. **Elementary and Junior High Schools:** one space per employee, plus one space per two classrooms.
2. **High Schools:** one space per employee, plus one space per six students at capacity.
3. **Places of Worship:** one space per four seats at maximum capacity of the main sanctuary.
4. **Public Offices and Public Buildings:** One space for every 250 square feet of gross floor area.
5. **Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes:** one space per six beds, plus one space for each staff and employee on the largest work shift.
6. **Community Centers, Libraries, Museums, and other Establishments of Historical, Educational, and Cultural Interest:** one space per 250 square feet of gross interior floor area, plus one space per employee on the largest work shift.
7. **Child Daycare Centers:** one space per employee, plus one space per five children at capacity, plus a drop-off area as determined by the Zoning Board.

C. Business and Professional Offices

1. **Business, Professional, and Administrative Offices and Offices for Professional Associations:** one space per 300 square feet of gross floor area, but not less than two spaces per office.
2. **Medical Offices and Clinics:** three spaces per treatment or examination room or chair, plus one space per staff and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. **Financial establishments, banks, and savings and loan associations:** one space per 200 square feet of gross floor area, plus one space per employee on the largest

work shift, plus five off-street waiting spaces per drive-in window or drive-through teller machine.

2. **General Merchandise Stores:** one for each 150 square feet of gross floor area used for sales and display and one space for every 250 square feet of storage, warehouse, and office area.
3. **Restaurants:** one space per 100 square feet of gross floor area, plus one space per employee on the largest work shift.
4. **Automobile Service Stations and Automobile Repair, Painting, and Body Shops:** two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.
5. **Automobile Washing Facilities:** one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
6. **Convenience Food Stores, Carry-Outs, Mini-Markets:** one and one-half spaces for every 200 square feet of floor area, plus one space for each employee.
7. **Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines:** one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.
8. **Fraternal and Social Associations, Dance Halls, Bingo Halls, and Private Clubs:** one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.
9. **Restaurants, Fast Food:** one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
10. **Bars, Taverns, and Nightclubs:** one space for each three persons of capacity, plus one space for each employee on the largest work shift.
11. **Vehicle Sales, Rental, and Service:** one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.

12. **Animal Hospitals and Veterinary Clinics:** three spaces for each treatment area, plus one space for each staff and employee.
13. **Commercial Schools and Studios:** one space for every three students at capacity and one space for each employee.
14. **Funeral Homes and Mortuaries:** one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.
15. **Home Furnishings and Home Improvement Stores:** one space for each 400 square feet of indoor and outdoor sales and display area and one space for each 800 square feet of office, storage, and warehouse area.
16. **Nurseries and Garden Supply Stores:** one space for each employee on the largest shift, one space for each 200 square feet of gross floor area of inside sales or display, and one space for each 1,000 square feet of exterior sales and display area.
17. **Business and Cleaning Services:** one space for every 300 square feet of sales and office area, plus one space for every employee on the largest work shift, plus one space for every company or service vehicle regularly stored on the premises.
18. **Bowling Centers:** five spaces for each alley, plus any additional spaces required for a bar, restaurant, or accessory structure.
19. **Dance, Bingo, Assembly, and Exhibition Halls:** one space for every 50 square feet of floor area.
20. **Game Rooms and Pool Halls:** one space for every two patrons at a maximum capacity, plus one space for every two employees on the largest work shift.
21. **Miniature Golf:** one and one-half spaces per hole, plus one space per employee on the largest work shift.
22. **Theaters and Concert, Meeting, and Banquet Halls:** one space for every two and one-half seats at capacity.
23. **Hotels and Motels:** one space per room or suite, plus one space for every three employees on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory structures (e.g. restaurants and bars).

F. Industrial Uses

1. **Manufacturing Industry and Warehouse:** one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises, at a minimum of one space for each 1,500 square feet of floor area.
2. **Self-Service Storage Facilities:** one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.
3. **Wholesaling and Storage Facilities:** one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.
4. **Construction Trades, Contractor Offices, and Industrial Craft Shops:** one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.
5. **Lumberyards and Building Materials; Sales and Storage:** one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.

Off-street parking shall be provided in accordance with the schedule outlined below. Off-street parking requirements for any use not specified in these Zoning Regulations shall be the same as that specified for a similar permitted use in the same zoning district.

150.609 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by current ADA standards:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus 1 per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

150.610 Off-Street Loading Space Requirements

There shall be provided off-street loading spaces or berths in connection with every building or part thereof hereafter erected, except dwellings, on the same lot with such buildings, for uses which customarily receive or distribute materials or merchandise by vehicle, in accordance with the following requirements:

- A. **Retail/Service/Office Establishments:** 1 space for the first 10,000 square feet of floor area; 1 space for the next 30,000 square feet; and 1 space for each additional 20,000 square feet
- B. **Truck Terminal/Warehouse/Wholesale Establishments:** 1 space for every 7,500 square feet of floor area
- C. **Industrial Plants:** 1 space for the first 10,000 square feet of floor area; and 1 space for each additional 20,000 square feet of space

150.611 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District.
- C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Rockford Design Criteria and Construction Standards and Drawings.

- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

150.700 SIGNAGE

150.701 Intent

The intent of this Section is to establish and enforce standards regarding the existence, size, location, construction, and manner of display of signs placed in the Village in order to promote and protect the public health, safety, and morals, and to enhance the physical and economic well being of the community. It is further intended to reduce sign or advertising clutter, distractions, and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs projecting into or over public rights-of-way; curb the deterioration of the natural environment; and to support and complement the land use objectives of the community.

150.702 General Requirements

The regulations contained in this Section shall apply to signs placed in any and all zoning districts within the Village. Subsections A and B shall not apply to any sign performing a public service function by indicating time, temperature, traffic and/or road conditions, or similar services.

- A. All illuminated signs shall employ a lighting device that only allows for the emission of light in constant intensity; and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light(s). In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to cause glare or reflection that may constitute a traffic hazard or nuisance. This Item shall not apply to any sign performing a public service function indicating time, temperature, or similar service.
- B. No sign shall employ parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This Item shall not apply to any sign performing a public service function indicating time, temperature, or similar service.
- C. Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance, or governmental regulation shall be excluded from the regulations contained herein.
- D. Regulation of signs along interstate and primary highways shall conform to the requirements of O.R.C. Chapter 5516 and the regulations adopted pursuant thereto.
- E. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control and directional signs.
- F. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the sign shall, upon receipt of written notice from the Zoning

Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign altogether.

- G. No sign of any type shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- H. No sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, or public shelter.
- I. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires and shall comply with all safety requirements of the appropriate public utility.
- J. The continuance of an existing sign that does not meet the regulations and requirements of this Zoning Code shall be deemed a legal, non-conforming sign. This status shall remain in effect until such sign has been determined to be abandoned, which occurs when any of the following conditions are present:
 - 1. The sign is associated with an abandoned use.
 - 2. The sign remains after a business has been closed to the public for at least 90 consecutive days. Seasonal businesses are exempt from this determination.
 - 3. The sign is not maintained and intact and supports, braces, guys, and anchors are in a state of disrepair.

The Zoning Administrator shall take into account the above factors when making a determination as to what constitutes abandonment. If, upon finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.

- K. No sign legally in existence at the time of the passage of this Zoning Code shall be replaced, changed, or altered unless the new or altered sign conforms to the provisions of this Zoning Code. Any modification, including size, dimensions, location, word, letters, electrification, or configuration, shall constitute an alteration or change. However, maintenance of such sign in its exact condition and message does not constitute a change or alteration. This Zoning Code shall not apply to the message content of existing changeable copy signs.

150.703 Definitions

As used in this Zoning Code:

- A. Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.
- B. Awning: A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework.
- C. Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.
- D. Bench Sign: Advertising or business signs painted on or affixed to a bench, chair, seat, or other structure or device designed or used for sitting purposes.
- E. Bulletin Board: Any sign erected by a charitable, educational or religious institution, or public body which is posted upon the same property as such institution, for purposes of announcing events which are held upon the premises and contains no commercial message.
- F. Canopy: A structure (other than an awning) made of cloth, metal or other material with frames affixed to a building and carried by a frame which is supported by the ground.
- G. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- H. Directional/Informational Sign: A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, such as public telephones, restrooms, walkways, parking areas, and other similar facilities.
- I. Free-Standing Sign: A sign supported upon the ground by poles, braces, or posts and not attached to any building.
- J. Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- K. Marquee: A permanent roof-like structure extending from the wall of a building, but not supported by the ground and constructed of durable material such as metal, wood, or glass.
- L. Off-Premise Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.

- M. On-Premise Sign: A sign which pertains to the use of the premises on which it is located.
- N. Portable Sign: A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu, and sandwich board signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the day-to-day operations of the business.
- O. Projecting Sign: A sign that is affixed to and extends beyond the building, wall, or other structure to which it is attached.
- P. Roof Sign: A sign erected, painted on, or attached in any manner in whole or in part upon, against, or directly above the roof or parapet line of a building.
- Q. Sign: Any fabricated sign or display structure, including the structure itself and any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stripe, line, trademark, reading matter, or illuminating device, which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever, and displayed in any manner for recognized advertising purposes.
- R. Temporary Sign: A nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.
- S. Wall Sign: A sign painted on or mounted against, a building, structure, or wall.
- T. Window Sign: A sign attached to, placed upon, or painted on the window or door of a building which is intended for viewing from the exterior of such building.

150.704 Measurement of Sign Area

The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or housing.

150.705 On-Premise Signs Exempted From Permit Requirements

The following types of on-premise, permit-exempt signs shall be in conformance with the requirements listed below:

- A. Construction signs shall be 6 square feet or less.
- B. Directional/informational signs shall be 4 square feet or less and limited to four such signs per lot.
- C. One non-illuminated nameplate indicating a home occupation or profession shall be 4 square feet or less and flush-mounted on the principal structure.
- D. Signs denoting the name and address of the occupants of the premises shall not exceed 2 square feet in area and shall contain no designations or references to home occupations or professions.
- E. Governmental signs or notices used for transportation, emergency, or public information purposes.
- F. Any sign advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed 12 square feet in area with the exception of residential districts, where the area of the sign shall not exceed 6 square feet. Such signs shall be removed within 10 days after the sale, lease, or rental has been concluded.
- G. Political signs, placards, or posters concerning candidates or issues for election shall be posted no more than 60 days before an election and shall be removed within 7 days following the close of the election event and shall not exceed 6 square feet in area.
- H. Warning signs, such as but not limited to “No Trespassing”, “No Hunting”, “No Dumping”, “Keep Off The Grass”, etc., shall be 4 square feet or less.
- I. Window signs shall not exceed 25% of the window surface.
- J. One temporary sign not exceeding 32 square feet in area on the premises of an institutional use, announcing special public events such as fairs, carnivals, festivals, charitable, or similar activities, when the same are located on the premises of such institutions may be erected for a period not to exceed 30 days. Such signs shall be removed within 3 days of the final day of the event.
- K. Cornerstones, commemorative markers or tablets, and historical signs shall be limited in size to 9 square feet.

150.706 Signs Requiring a Permit

All signs not specifically included under Section 150.705 shall require the issuance of a sign permit. Signs shall be classified by location (on-premise, off-premise) and by type (wall, projecting, free-standing, roof, window, and interstate). The requirements for on-premise signs listed in Sections 150.707 and 150.708 are established per zoning district.

150.707 On-Premise Signs Permitted in Residential Zones

The following signs are allowable in any R-1 Residential District:

- A. All signs as permitted in Section 150.705, not requiring a permit.
- B. A permanent residential subdivision sign that identifies the name of the complex or subdivision may be located within the subdivision, provided:
 - 1. No such sign shall exceed 24 square feet in identification display area.
 - 2. All such signs shall be set back a minimum of 15 feet from any right-of-way or adjoining property line.
 - 3. No such sign or any portion of its supporting structure shall exceed 6 feet in height from grade.
 - 4. All such signs are to be illuminated through indirect lighting methods only.
- C. Identification signs for churches, schools, community centers or other public or semi-public buildings, or institutional uses, provided:
 - 1. No such sign shall exceed 32 square feet in identification display area.
 - 2. All such signs shall set back a minimum of 10 feet from any street right-of-way or adjoining property line.
 - 3. No such sign or any portion of its supporting structure shall exceed 6 feet in height from grade.

150.708 On-Premise Signs Permitted in Business and Industrial Zones

- A. Wall Signs: A wall sign may be painted on or attached to the exterior surface of a building, structure, or wall. Each business in the B-1, B-2, and Industrial Districts shall be permitted wall signs that conform to the following:
 - 1. The total area of all wall signs shall not exceed the aggregate 3 square feet of area for each linear foot of lot frontage.
 - 2. A wall sign shall project not more than 2 feet horizontally from a building façade. A wall sign shall not project more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof in any district.

3. A wall sign may project downward from a fixed awning only so far as shall allow a minimum of 9 feet of vertical clearance from grade to the bottom of the sign.
- B. Projecting Signs: Projecting signs are permitted only in the B-1 District. One projecting sign is allowed per building per street frontage. Such signs shall project not more than 4 feet outward from the wall of the structure, shall not exceed 20 square feet in area, and shall be perpendicular to the wall of the structure to which they are attached. All projecting signs shall be located not less than 9 feet above the finished sidewalk or ground level. Such signs shall be of sturdy construction and shall be erected in such a manner as to protect persons who pass underneath from possible injury. Sign users who place projecting signs over the public right-of-way shall assume sole liability for such sign.
- C. Free-Standing Signs: Free-standing signs shall be supported upon the ground by poles, braces, or posts, and shall be permitted in B-1, B-2, and I Districts in accordance with the following requirements:
1. There shall not be more than one free-standing, on-premise sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such on-premise signs shall be supported by only one structure per lot with street frontage.
 2. Free-standing signs shall not be located upon or project over any right-of-way.
 3. Free-standing signs shall not obstruct or adversely affect vision clearance or traffic visibility.
 4. The maximum height from grade for free-standing signs shall be not more than 20 feet
 5. The maximum area size for free-standing signs shall not be larger than 40 square feet in the B-1 District and 100 square feet in the B-2 and I Districts.
 6. Free-standing signs shall not measure less than 9 feet from grade to the lowest point of the sign or its supporting structure if such sign is designed and/or located to allow pedestrian traffic to pass underneath; for vehicle passage under the sign the minimum clearance from grade is 15 feet.
 7. All free-standing signs shall be located a minimum of 25 feet from any adjoining property line or Residential District.

8. Free-standing signs that are of a temporary or portable nature may be permitted in addition to permanently-mounted, free-standing signs, subject to the following provisions:
 - a. All portable and/or temporary signs shall comply with Section 150.702 General Requirements as it regards lighting.
 - b. Such signs, when located in B-1 Districts, shall not exceed 24 square feet in area; when located in B-2 and I Districts, portable and temporary signs shall not exceed 50 square feet in area.
 - c. No portable or temporary sign shall exceed 6 feet in height from grade.
 - d. No portable or temporary sign shall be located in a manner that obstructs or adversely affects traffic visibility.
 - e. Not more than one portable or temporary sign shall be permitted for each complete 100 feet of lot frontage on public streets (individually-owned lots that are less than 100 feet in width shall also be permitted one such sign).
 - f. No portable or temporary sign shall be placed in the public right-of-way.
 - g. A temporary, non-portable sign announcing the construction of a building and the architects, builders, contractors, etc., involved may be erected upon the premises for a period of 30 consecutive days in addition to the construction period.
 - h. Portable and/or temporary signs shall be permitted for a period not to exceed 21 days, a maximum of four times per year. NOTE: temporary signs consisting of banners, posters, pennants, ribbons, streamers, spinners, or other moving devices, as well as air-activated graphics or balloons used for commercial or other advertising purposes shall be permitted for a period of not more than 14 consecutive days, renewable not more than two times per annum by the same business.
 - i. It shall be the responsibility of the applicant or owner of the sign to maintain the portable or temporary sign in a sound and safe condition and to remove such signs when the allowable time limit has expired.

D. Marquee, Awning, and Canopy Signs: Marquee, awning, and canopy signs shall be permitted in all Business and Industrial Districts subject to the following provisions:

1. The total area of such signs shall not exceed the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with wall signs, the total area

of all signage shall not exceed the aggregate 3 square feet of area for each linear foot of building frontage.

2. Sign area limits shall be defined as the rectangular space occupied by the sign lettering or insignia and the space immediately surrounding such lettering or insignia.
 3. Signs shall not project more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.
 4. Such signs shall have a minimum clearance of 9 feet above the sidewalk grade or the edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
 5. Overall height should not exceed 3 feet above the average height of the roof line or the parapet wall of the building to which it is attached, and should not exceed the allowable building height for that zoning district.
 6. Such signs shall be limited to single-story buildings or to the first level only of multi-story buildings.
- E. Window Signs: Window signs are only permitted in the ground or first-floor windows of all Commercial and Industrial Districts. No window sign shall occupy more than 25% of the total window surface on a given side of the building.
- F. Enter/Exit Signs: Enter/exit signs may be permitted in addition to free-standing signs, subject to the following provisions:
1. All enter/exit signs shall comply with Section 150.702 General Requirements as it regards lighting.
 2. No enter/exit signs shall be permitted in the right-of-way of any street or alley.
 3. The area of such signs shall not exceed 2 square feet.
 4. Not more than one enter and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and exit sign, provided there is an access to the public street on both street frontages.
 5. No lettering or sign message other than “enter” and “exit” shall be permitted.
 6. The maximum height for an enter/exit sign shall be 3 feet, and such sign shall not be located in a manner that obstructs or adversely affects traffic visibility.

150.709 Off-Premise Signs

Off-premise signs direct attention to a commodity or service not offered upon the premises upon which the advertising sign is located. Such signs, commonly recognized as advertising signs and billboards, shall only be permitted in the B-2 and I Districts, subject to the following provisions:

- A. Off-premise signs shall conform to the front yard setback requirements normally associated with the principal building or use setbacks of the respective district.
- B. Off-premise signs may be placed back-to-back using common supports or be otherwise physically attached to one another, provided, however, that not more than two such signs are so attached upon a common support.
- C. Two or more free-standing off-premise signs may be placed on the same parcel, provided that no other principal use occupies the parcel and all off-premise signs are at least 300 feet apart, including off-premise signs on adjacent parcels and across street rights-of-way.
- D. No off-premise sign or structure shall be permitted which faces the front or side lot line of any Residential District within 100 feet of such lot line, or which faces any public parkway, public square, park, educational institution, library, church, or similar institution within 300 feet thereof.
- E. Under no circumstances shall an off-premise sign be located within any right-of-way.
- F. Off-premise signs shall not exceed 400 square feet in area and shall conform to the height requirements of the zoning district within which it is placed.
- G. Off-premise signs placed along an interstate highway must conform to the requirements established under O.R.C. Chapter 5516, applicable Federal Law, and Section 150.708G of this Zoning Code.

150.710 Prohibited Signs

In addition to any restrictions and/or prohibitions stated above, the following signs, sign configurations, and characteristics shall not be allowed in any zoning district within the Village:

- A. No abandoned or dilapidated signs, as deemed by the Zoning Administrator and referred to in Section 150.702J, shall be allowed to exist.

- B. Air-activated graphics or balloons used for commercial or advertising reasons shall not be permitted; except as noted in Section 150.702.C.8.h.
- C. No sign shall imitate, resemble, or duplicate any official traffic or governmental sign or signal.
- D. Roof Signs: The use of roof signs is prohibited in all zoning districts within the Village.

150.711 Permit Application Procedures

Any person intending to install, place, or locate a permit-required sign within the Village must first make application with the Zoning Administrator. An application for a sign permit shall be made in writing (on a form supplied by the Village) and attested to as to truth and accuracy by the applicant. An application shall be accompanied by all required fees and shall contain, either on its face or by attachment, the following information:

- A. All size and area dimensions for each sign.
- B. A drawing, photograph, or acceptable rendering of the proposed sign that includes all colors, lettering, words, symbols, font sizes/styles, and messages the applicant wishes to convey.
- C. The proposed location, position, and manner of attachment of a sign.
- D. The intended use and proposed date of placement for such sign.

150.712 Violations and Penalties

No person shall locate, erect, construct, reconstruct, enlarge, change, maintain, or use any sign in violation of any of the provisions of this Zoning Code, or any amendment or supplement thereto adopted by the Village. Any person, firm, or corporation violating any of the provisions, amendments, or supplements of and/or to this Zoning Code shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense.

Any sign installed or placed upon public property, except in conformance with the requirements of this Zoning Code, shall be forfeited to the public and subject to confiscation. In

addition to other remedies hereunder, the Village shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such sign.

150.713 Miscellaneous

- A. Denial of Permit: Any decision to deny a request to place, construct, or modify a permit and/or sign shall be in writing and supported by evidence contained in a written record.
- B. Separability: Should any section, clause, paragraph, sentence, item, phrase or provision of this Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Zoning Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

150.714 Governmental Signs Excluded

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

c

150.908 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees for the following shall be set by the Planning Commission upon recommendation of the Village Administrator.

Contractor Registration.....	\$50.00
Residential New Construction	\$25.00
Residential Additions/Remodeling	\$15.00
New Commercial Construction (including Site Plan Review)	\$50.00
Commercial Remodeling/Additions	\$30.00
New Industrial Construction (including Site Plan Review)	\$50.00
Industrial Remodeling/Additions.....	\$30.00
Accessory Structures/Buildings/Uses	\$10.00
Fences (Residential).....	\$5.00
Fences (Commercial/Industrial)	\$10.00
Signs (less than 36 square feet).....	\$10.00
Signs (36-60 square feet)	\$20.00
Signs (60+ square feet)	\$30.00
Variance	\$35.00
Conditional Use	\$35.00
Zoning Text Amendment.....	\$35.00
Zoning Map Amendment (Rezoning)	\$35.00
Appeal of Administrative Decision	\$35.00
Planned Unit Development Review.....	\$100.00
Subdivisions (Preliminary and Final Plats)	
..... First acre or fractional part thereof	\$50.00
..... Each additional acre or fractional part thereof	\$5.00
Miscellaneous (Swimming Pools, Utility Sheds, Parking, etc.)	\$10.00

All fees shall be paid by cash or check and shall not be refundable.

150.950 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

150.951 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

150.952 Building/Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory structure, sign, or swimming pool be installed without a permit issued by the Village Administrator. Building/Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Village Administrator receives a written order from Village Council.

150.953 Recommended Contents of Application for Building/Zoning Permits

The Application for Building/Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 1 year. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.

- I. Location and design of access drives.
- J. Number of dwelling units.
- K. Signage information, if applying for a Building/Zoning Permit for a sign.
- L. If applicable, the approved Conditional Use Permit, or a Temporary Use Permit, or variance.
- M. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Zoning Code.
- N. Site plan in triplicate to the required contents stated in Section 150.954 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.
- O. Plans showing that the residential unit meets the residential design and appearance standards in Section 150.300 Residential Design and Appearance Standards.
- P. Detention basin information.
- Q. Flood Zone information.
- R. Type of dust-free, hard surface.

150.954 Site Plan Required Contents

A site plan submission shall contain any and/or all of the following when deemed to be reasonably appropriate by the Village Administrator:

- A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Village Administrator, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or

proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with the Village of Rockford Design Criteria and Construction Standards and Drawings.
 - E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
 - F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications.
 - G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
 - H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- .

150.955 Approval of Building/Zoning Permit

Within 30 days after the receipt of an application, the Village Administrator shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Building/Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and completed within 1 year. One copy of the permit shall be returned to the applicant by the Village Administrator, after the Village Administrator has marked such copy either as approved or disapproved and attested to same by the Village Administrator's signature on such copy. One copy of plans, similarly marked, shall be retained by the Village Administrator. The Village Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

150.956 Failure to Obtain a Building/Zoning Permit

Failure to obtain a Building/Zoning Permit shall be a punishable violation of this Zoning Code as defined in Section 150.963 Penalties and Fines.

150.957 Construction and Use to be as Provided in Applications, Plans, and Permit

Building/Zoning Permits issued on the basis of plans and applications approved by the Village Administrator authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

150.958 Entry and Inspection of Property

The Village Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Village Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Village Administrator shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

150.959 Stop Work Order

Subsequent to his determination that work is being done contrary to this Zoning Code, the Village Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Village Administrator, shall constitute a punishable violation of this Zoning Code.

150.960 Building/Zoning Permit Revocation

The Village Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

150.961 Complaints Regarding Violations

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Village Administrator. The Village Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

150.962 Notice of Violation

Whenever the Village Administrator or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- A. Identify the violation.
- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- C. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Village Administrator. Service shall be deemed complete when the fact of mailing is entered of record.

150.963 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon

conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

Village utilities shall not be provided to any building, structure, or use which is in operation, or which is under construction, or has been constructed, in violation of this Zoning Code.

150.964 Additional Remedies

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Village Administrator, the Village Law Director, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.