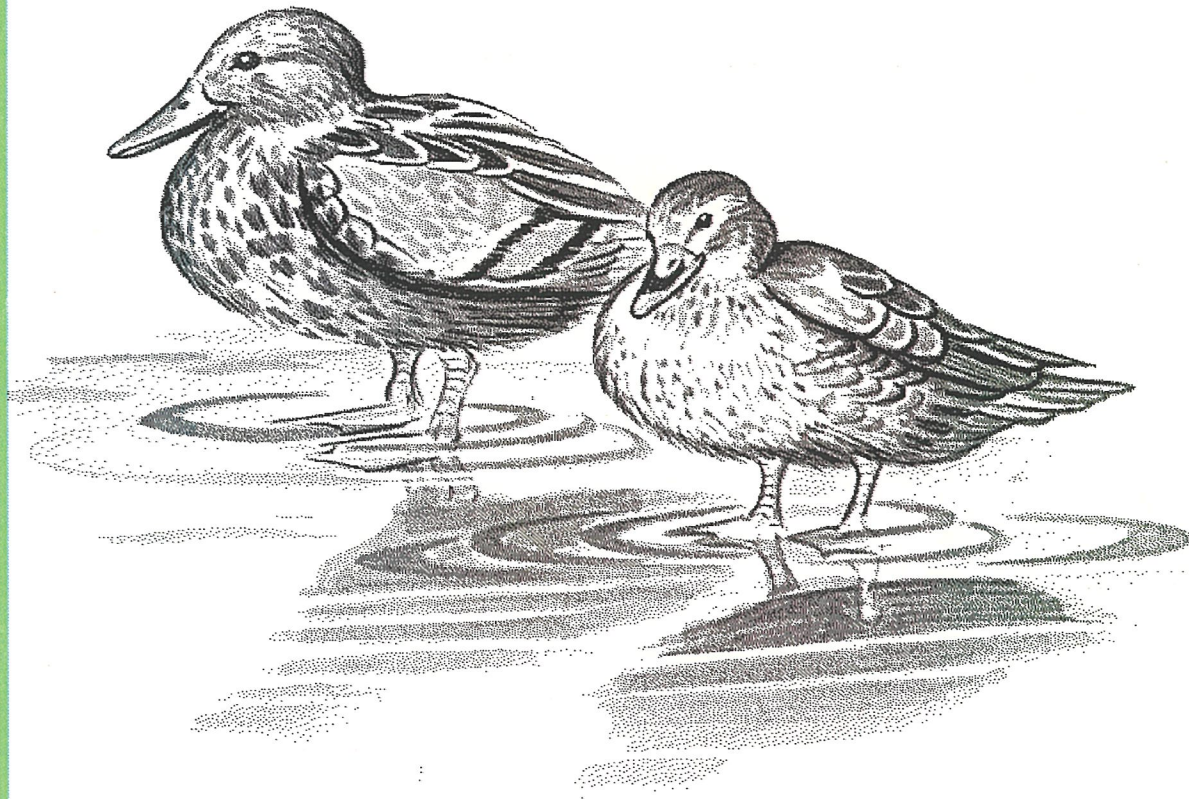


VILLAGE OF CASTALIA



ZONING ORDINANCE AND SUBDIVISION REGULATIONS

92-17

ORDINANCE NO. 92- 17

AN ORDINANCE AMENDING THE CASTALIA ZONING ORDINANCE, ESTABLISHING SUBDIVISION REGULATIONS FOR THE VILLAGE OF CASTALIA, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Castalia deems it in the best interest of the Village to update and amend its Zoning Ordinance, and

WHEREAS, the Council of the Village of Castalia deems it in the best interest of the Village to establish subdivision regulations, and

WHEREAS, a public hearing was held on September 29, 1992, at which time interested persons were afforded an opportunity to be heard on the proposed amendments to the Zoning Ordinance and the proposed subdivision regulations, and

WHEREAS, the Castalia Village Planning Commission has recommended approval of the Zoning Ordinance amendments and the Subdivision Regulations, and

WHEREAS, it is necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the Village of Castalia that this ordinance take effect immediately upon its adoption and due authentication.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF CASTALIA, OHIO:

SECTION 1: That the Zoning Ordinance of the Village of Castalia be amended by the adoption of the amended text which is attached hereto and incorporated herein.

SECTION 2: That the Subdivision Regulations which are attached hereto and incorporated herein be adopted as Article V of the Castalia Zoning Ordinance.

SECTION 3: That all prior inconsistent Zoning Ordinances be, and they hereby are, repealed.

SECTION 4: That for the reasons stated in the preamble hereto, this Ordinance is hereby declared to be an emergency measure and shall go into effect immediately upon its passage and due authentication.

Claudio McCreary
Mayor

Attest:

Karen L. Kough
Clerk

Passed: 10-17, 1992

**ZONING ORDINANCE
AND
SUBDIVISION REGULATIONS
FOR THE
VILLAGE OF CASTALIA, OHIO**

MEMBERS OF COUNCIL:

Nancy Bath
Robert Wolfbrandt
Randy Whyde

Christine Baker
Clair McCreery
Kevin Nemitz

Mayor, Clair McCreery

Clerk – Treasurer, Kay Krogh

Legal Counsel, Randal Strickler

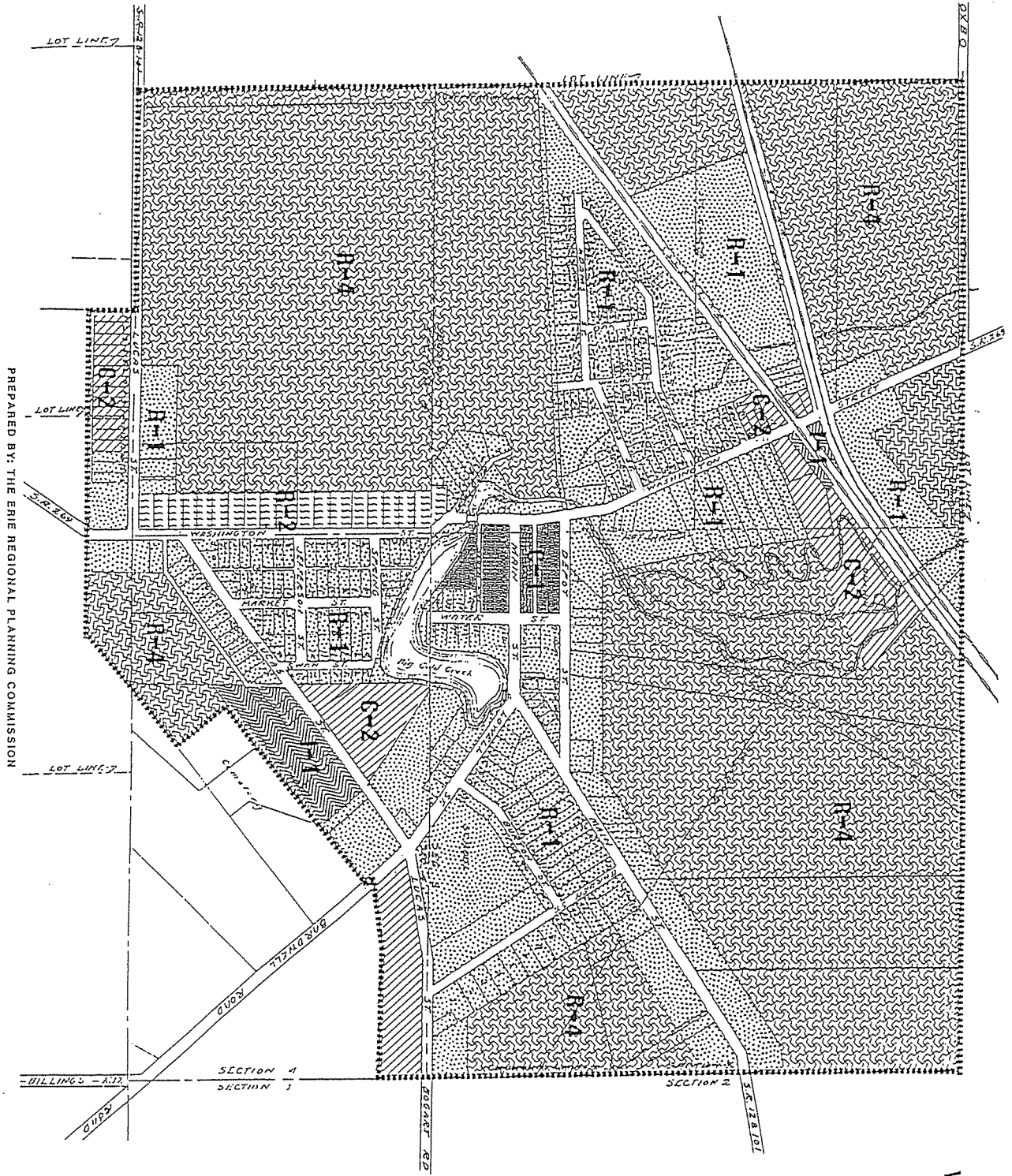
PLANNING COMMISSION

Robert Wolfbrandt
Randy Whyde
Rodger Pfeil








Clemith Duffett
Rick Gundrum
Nancy Bath

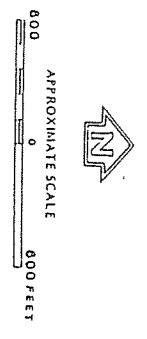
October, 1992

VILLAGE OF CASTALIA, OHIO ZONING DISTRICT MAP



PREPARED BY: THE ERIE REGIONAL PLANNING COMMISSION

-  R-1 RESIDENTIAL
-  R-2 RESIDENTIAL
-  R-3 RESIDENTIAL
-  R-4 RESIDENTIAL
-  C-1 COMMERCIAL
-  C-2 COMMERCIAL
-  I-1 INDUSTRIAL



NOV. 1990

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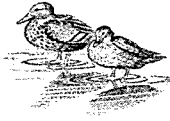
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ARTICLE I



TITLE, AUTHORIZATION, PURPOSE

SECTION 101 TITLE

NOTICE OF PROPOSAL TO REZONE

An ordinance to provide for the comprehensive zoning of the Village of Castalia, Erie County, Ohio. Establish use districts, heights and area regulations; control nonconforming uses; provide for off-street parking; authorize conditional zoning certificates; establish a Board of Zoning Appeals; provide for the administration and enforcement of the ordinance; establish a zoning districts map; establish procedures for amendments thereto; and repeal existing zoning ordinances and resolutions of the Village of Castalia.

SECTION 101.1 SHORT TITLE

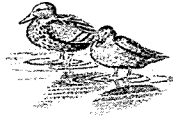
This ordinance shall be known as the "Zoning Ordinance of the Village of Castalia, Ohio."

SECTION 101.2 AUTHORIZATION

This ordinance is authorized by the constitution and the revised code of the state of Ohio.

ARTICLE II

DEFINITIONS



Accessory Use

A use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

Alley

Any public space or thoroughfare which has been dedicated or deeded to the public travel and which affords a secondary means of access to abutting property.

Alteration

As applied to a building or structure, is a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending a side or by increasing the height or the moving from one location or position to another.

Apartment House

A multi-family dwelling for three (3) or more families, living independently of each other with cooking and toilet facilities in each dwelling unit.

Auto Graveyard

Synonymous to "Junk Yard."

Building, Principal

The building housing the principal activity performed on any lot.

Basement

A story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

Height, Building

The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plat and ridge of a gambrel roof.

Building Line

A line defining the minimum front, side and rear requirements.

Density of Population

The ratio of population expressed as persons or as families, to the unit of land they occupy expressed in acres or other area measure.

Dwelling, One Family

A detached building designed for or occupied exclusively by one family.

Dwelling, Two Family

A detached building designed for or converted or occupied exclusively by two families, living independently of each other.

Dwelling, Multi-Family

See apartment house.

Essential Service

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, stream or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm hoses, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare.

Family

One or more persons related by marriage or immediate blood relationship occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity or hotel.

Garage, Private

A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on other than that permitted under the conditional zoning certificate as a home occupation and not producing the storage of that number of vehicles for which such garage was designed.

Gasoline, Service Station

Any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline, oil or other fuel for the propulsion of vehicles. For the purpose of this ordinance there shall also be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles.

Garage, Public or Storage

A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

Lot Line

The lines defining the limits of a lot.

Lot of Record

A lot which is part of a subdivision, the plot of which has been recorded in the office of the recorder of Erie County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the recorder of Erie County.

Lot, Width of

The width measured along the minimum setback line.

Major Thoroughfare

A thoroughfare designed as a major thoroughfare on the land use and/or thoroughfare plan duly adopted by the Castalia Village Planning Commission.

Minimum Building Setback Line

A line in back of and parallel to the street right-of-way line and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the road right-of-way is not established, it shall be assumed to be sixty (60) feet.

Minimum Living Floor Area

Living floor area shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as porches, breezeways, terraces, basement recreation rooms, utility rooms, garages and basements.

Motel Auto Court

A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor courts, motels and similar structures which are designed as integrated units of individual rooms under common ownership.

Non-Conforming Use

A building, structure or use of land existing at the time of the enactment of this ordinance and which does not conform to the use regulations of the district in which it is located.

Nursing or Convalescent Home

Any dwelling with sleeping rooms where persons are housed or lodged and furnished with means and nursing care for hire.

Open Space

An area of land which is in its natural state or is developed only for the raising of agricultural crops or for public outdoor recreation.

Parking

The temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

Public Utility

Any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under municipal regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water or any other similar public utilities.

Rooming House

A building where lodging only is provided for compensation.

Lot, Corner

A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than 135 degrees. It is land occupied or to be occupied by the corner buildings.

Story, Height of

The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street , Private

A thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

Street, Public

A public thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

Structure

Anything constructed or erected which requires location on the ground, including signs and billboards, but not including fences or walls used as fences.

Structural Alterations

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

Tank Storage

In reference to petroleum, chemical and liquid gas storage.

Trailer – Mobile Home

Any structure used for sleeping, living, business or storage purposes and having no foundation other than wheels, blocks, skids, jacks or similar support and which has been or reasonably can be transported from place to place.

Trailer Park

An area where two (2) or more trailers are parked or which is used or offered for the purpose of providing parking space for two (2) trailers.

Tourist Home

A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Width, Side Yard

The perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

Yard, Depth Front

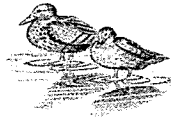
The perpendicular distance between the street right-of-way and the nearest portion of any structure existing or to be constructed. Where the street right-of-way is not established it shall be assumed to be sixty (60) feet.

Yard, Depth Rear

An open unoccupied space on the same lot with any structure between the rear line of the building and the rear line of the lot and extending the full width of the lot.

ARTICLE III

GENERAL PROVISIONS



SECTION 301 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience and general welfare of the community, the Village of Castalia is hereby divided into districts, as enumerated in Section 301.1, each being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the purposes of this ordinance.

SECTION 301.1 TYPE OF DISTRICTS

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- R-4 Residential District
- C-1 Central Business District
- C-2 General Commercial District
- I Manufacturing

SECTION 301.2 ZONING DISTRICTS MAP

These districts so established are bounded and defined as shown on a map entitled "Zoning Districts Map of the Village of Castalia, Ohio" and said map with all the notations, references and other pertinent material shown thereon, is hereby made a part of this ordinance.

SECTION 301.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid district, as shown on the zoning map, the following rules shall apply:

- a. Where Boundaries Approximately Follow Streets, Alleys or Highways:

Where district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys or the centerline of right-of-way lines of highways, such lines shall be construed to be such district boundaries.

- b. Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines:

Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

- c. Where Boundaries Approximately Follow Lot Lines:

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

- d. Vacation of Public Ways:

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then be subject to all regulations of the extended districts.

SECTION 301.4 APPLICATION OF REGULATIONS

- a. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.
- b. No structure shall be erected in any front yard except those which are an integral part of off-street parking facilities as provided in Section 701.2, Subsection 3 of this ordinance.
- c. Whenever fifty (50) percent or more of any one street in any one block has been developed prior to the adoption of this ordinance, the minimum setback line shall be the average setback of all structures erected prior to the adoption of this ordinance. This provision shall apply only to those blocks which are less than five hundred (500) feet in length.

Whenever the minimum setback line required in this ordinance will be in conflict with the existing character of the surrounding area in any one street in any one block five hundred (500) feet in length or more, the Board of Zoning Appeals shall have the power to increase or decrease the minimum setback line. The Board of Zoning Appeals shall exercise its authority only in conformance with existing conditions.

SECTION 301.5 SUPPLEMENTARY REGULATIONS

a. Accessory Uses in Residential Districts

An accessory building may be erected detached from the principal building or may be erected an integral building or it may be connected therewith by a breezeway or similar structure. Accessory buildings shall not occupy more than thirty-five (35) percent of a required rear yard. Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot, unless an integral part thereof, at least six (6) feet from any other accessory building and at least six (6) feet from all lot lines of adjoining lots.

The front setback of all accessory structures shall not be nearer the front lot line than is allowable for the primary structure.

Accessory structures located on a corner lot shall not be nearer the front lot line than is allowable for the primary structure.

- b.** The Village Planning Commission with the approval of the Council shall have the power to permit any use compatible in character to any of the specified uses listed under the Permitted Uses or Conditionally Permitted Uses sections of any district.
- c.** The Village Planning Commission with the approval of the Council shall have the power to impose conditions to safeguard the intent and objectives of this ordinance.
- d.** No building permit or zoning certificate shall be issued without evidence that the Erie County Health Department has approved the proposed sanitary sewage disposal facilities for the use for which the building permit or zoning certificate has been requested.
- e.** Where central sanitary sewage or water facilities are not available, the minimum lot size shall be twenty thousand (20,000) square feet and the minimum lot width at the minimum building setback line shall be one hundred (100) feet.

- f. To secure the optimum effect on transition from a residential to a non-residential district, the Village Planning Commission with approval of Council, shall have the power to determine the need for and amount of plant materials, walls or fences or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- g. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets except that Board of Zoning Appeals may make exceptions in cases of lots of record at the time of adoption of this ordinance.
- h. Inconsistencies – In the event any of the requirements or regulatory provisions of this ordinance are found to be internally incompatible or inconsistent with one another, the more restrictive or greater requirement shall be deemed in each case to be applicable.
- i. No more than one principal residential building shall be permitted on any one lot, except in garden apartments or cluster developments.
- j. Every principal building shall be located on a lot having frontage on a public street except in industrial parks.
- k. The minimum lot size shall not apply to:
 - 1. Lots approved prior to the adoption of this zoning ordinance.
 - 2. Variances heretofore approved by Council if exercised within five (5) years of the passage of this ordinance.

No zoning certificate shall be issued under the authority of this subsection unless the village or county health authority has approved the adequacy of the existing and proposed water and sanitary sewage facilities.

SECTION 301.6 TRAILERS AND TRAILER PARKS

Trailer parks shall conform with Section 410-3, g.

Individual trailers shall be prohibited within the Village of Castalia, except as provided in this paragraph. No person shall park or occupy any trailer on any premises in any district except in an approved trailer park. Except further, that the parking of an unoccupied trailer in an accessory private garage building, or in a rear yard in any district shall be permitted provided no living quarters are maintained or any business conducted in such trailer while so parked or stored.

A permit may be issued by the zoning inspector for a period not to exceed one (1) year to anyone building a house and wishing to park a trailer on the same lot. Said temporary residence shall have the same sanitary sewer disposal system as is required for a house.

In any district other than an approved trailer park, the wheels shall not be moved except for repairs, nor shall any trailer be otherwise permanently affixed to the ground in a manner that would prevent its ready removal.

ARTICLE IV

USE, HEIGHT, AREA REGULATIONS

SECTION 410 R-1 RESIDENTIAL DISTRICT

SECTION 410.1 PURPOSE

This district is established to accommodate a population density of approximately 3.5 families per acre. All public utilities and facilities will be planned and designed to serve adequately the above population density.

SECTION 410.2 PERMITTED USES

- a. Single family residential dwellings.
- b. Two family residential dwellings.
- c. Accessory uses, including private garages, private swimming pools, provided such uses are incidental to the principal use.
- d. Home occupations, subject to section 802, subsection 112.
- e. Governmentally owned and/or operated parks, playgrounds and golf courses (except miniature) subject to section 802, subsections 102, 105 and 107.
- f. Signs:
 1. One non-illuminated sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot.
 2. Signs appropriate to a public or quasi-public building for the purpose of displaying the name and activities of services therein provided not larger than a total of twelve (12) square feet and restricted to the premises.
 3. Signs incidental to legal process and necessary to the public welfare.

Section 410.3

CONDITIONALLY PERMISSIBLE USES

The Village Planning Commission with the approval of Council, may issue conditional zoning certificated for uses listed herein subject to section 801.1 and 801.2 of Article VIII and other sections of Article VIII as follows:

- a. Churches and other buildings for the purpose of religious worship subject to section 802, subsections 102 and 105.
- b. Institutions for medical care – hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to section 802, subsections 102, 103, 105, 107 and 109.
- c. Cemeteries subject to section 802, subsection 102 and 105.
- d. Recreational uses other than those governmentally owned and/or operated such as swimming pools, golf courses, tennis clubs, riding academies, subject to section 802, subsection 102, 103, 105, 106, 107, 109 and 111.
- e. Publicly owned and/or operated buildings and facilities other than those listed above, subject to section 802, subsections 105 and 108.
- f. Institutions for higher education subject to section 802, subsections 102, 103, 105, 106 and 107.
- g. It is the intent of this subsection to permit trailer parks that house only independent trailers. The area shall be in one ownership, or if in several ownerships the application shall be filed jointly by all of the owners of the properties included in the plan, subject to section 802, subsection 114.

SECTION 410.4

AREA REGULATIONS

- a. Minimum Lot Area: Fifteen thousand (15,000) square feet for single family and twenty thousand (20,000) square feet for two family.
- b. Minimum Lot Width at Minimum Building Setback Line: Ninety-five (95) feet.
- c. Minimum Front Yard Depth: Forty (40) feet.
- d. Minimum Rear Yard Depth: Twenty-five (25) feet.
- e. Minimum Side Yard Width of Each Side Yard: Fifteen (15) feet.

- f. Minimum Living Floor Area Per Dwelling Unit: A two family structure shall meet the requirements of two dwelling units.
 - 1. Basements, breezeways, garages, outside access storage areas or porches shall not be included as floor area.
 - 2. Add one story dwelling with a full basement or a split level dwelling with a basement of not less than five hundred (500) square feet in area shall not have less than one thousand (1,000) square feet of floor area.
 - 3. A one story dwelling without a basement or a split level without a basement shall not have less than twelve hundred (1,200) square feet of floor area.
 - 4. A one and one-half (1 ½) story dwelling unit shall have one thousand (1,000) square feet of floor area on the first floor.
 - 5. A two story or multi-level dwelling shall have a total floor area of not less than fifteen hundred (1,500) square feet and a minimum of one thousand (1,000) square feet of floor area on the first floor.
- g. Height Regulations: No structure shall exceed thirty-five (35) feet in height.
- h. Off-Street Parking: As regulated by Article VII of this ordinance.

SECTION 411 R-2 RESIDENTIAL DISTRICT

SECTION 411.1 PURPOSE

This district is established in recognition of the existing development. The district was subdivided into mostly sixty-six (66) foot wide lots and approximately seventy-five (75) percent of all lots have been developed. It is not the intent of this ordinance to encourage the construction of very small structures on very small lots, but rather to permit such construction where the property owner does not wish to re-subdivide into larger lots or combine existing lots in order to provide more open space about a residential structure.

SECTION 411.2 PERMITTED USES

- a. All uses permitted in the R-1 Residential District.
- b. Two family dwelling units.

SECTION 411.3 CONDITIONALLY PERMISSIBLE USES

- a. All uses conditionally permissible in the R-1 Residential District.

SECTION 411.4 AREA REGULATIONS

- a. Minimum Lot Area for One (1) Family Dwelling: As allotted prior to the passage of this ordinance or eight thousand seven hundred (8,700) square feet.
- b. Minimum Lot Area for Two (2) Family Dwellings: Two prior allotted lots or ten thousand five hundred (10,500) square feet.
- c. Minimum Lot Width at Minimum Building Setback Line: For one (1) family dwelling as allotted prior to the passage of this ordinance or sixty (60) feet.
- d. Minimum Lot Width at Minimum Building Setback Line for Two (2) Family Dwelling: Two (2) prior allotted lots or sixty (60) feet.
- e. Minimum Front Yard Depth: Thirty-five (35) feet.
- f. Minimum Rear Yard Depth: Twenty (20) feet.
- g. Minimum Side Yard Width: Total sixteen (16) feet with one side minimum of six (6) feet.
- h. Minimum Living Floor Area Per Dwelling Unit – Same as R-1:
 - 1. Basements, breezeways, garages, outside access storage areas or porches shall not be included as floor area.
 - 2. A one (1) story dwelling with a full basement or a split level dwelling with a basement of not less than five hundred (500) square feet in area shall not have less than twelve hundred (1,200) square feet of floor area.
 - 3. A one (1) story dwelling without a basement or a split level without a basement shall not have less than eight hundred (800) square feet of floor area.
 - 4. A one and one-half (1 ½) story dwelling unit shall have seven hundred (700) square feet of floor area on the first floor.

5. A two (2) story or multi-level dwelling shall have a total floor area of not less than fifteen hundred (1,500) square feet, and a minimum of seven hundred (700) square feet of floor area on the first floor.
- i. Height Regulations: No structure shall exceed thirty-five (35) feet in height.
- j. Off-Street Parking: As regulated by Article VII of this ordinance.

SECTION 412.1 PURPOSE

This district is established to accommodate multi-family apartment dwellings.

SECTION 412.2 PERMITTED USES

- a. All uses permitted in the R-2 Residential District.

SECTION 412.3 CONDITIONALLY PERMISSIBLE USES

- a. All uses conditionally permissible in the R-2 Residential District.
- b. Apartment houses or group housing developments as defined herein and subject to section 802, subsections 101, 104, 108 and 110.

SECTION 412.4 AREA REGULATIONS

- a. Minimum Lot Area for One (1) and Two (2) Family Dwellings: As allotted prior to the passage of this ordinance or ten thousand (10,000) square feet.
- b. Minimum Lot Area for an Apartment House or Group Housing Development:
 1. For three (3) or four (4) family dwelling units, four thousand five hundred (4,500) square feet for each dwelling unit.
 2. For five (5) or more dwelling units, four thousand (4,000) square feet for each dwelling unit.
- c. Minimum Front Yard Depth: Forty (40) feet
- d. Minimum Rear Yard Depth: Twenty five (25) feet.
- e. Minimum Side Yard Width of Each Side Yard:
 1. For one (1) and two (2) family dwellings, fifteen (15) feet.

2. For three (3) or more dwelling unit structures, fifteen (15) feet.

f. Minimum Living Floor Area Per Dwelling Unit:

1. Basements, breezeways, garages, outside access storage areas or porches shall not be included as floor area.

2. A one (1) story dwelling with a full basement or a split level dwelling with a basement of not less than five hundred (500) square feet in area shall not have less than one thousand (1,000) square feet of floor area.

3. A one (1) story dwelling without basement or a split level without a basement shall not have less than twelve hundred (1,200) square feet of floor area.

4. A one and one-half (1 ½) story dwelling unit shall have one thousand (1,000) square feet of floor area on the first floor.

5. A two (2) story multi-level dwelling shall have a total floor area of not less than fifteen hundred (1,500) square feet and a minimum of one thousand (1,000) square feet of floor area on the first floor.

6. For three (3) or more dwelling unit structures, the floor area shall depend upon the number of bedrooms in the dwelling unit.

A one (1) bedroom dwelling unit shall have five hundred (500) square feet.

A two (2) bedroom dwelling unit shall have six hundred (600) square feet.

A three (3) bedroom dwelling unit shall have six hundred (600) square feet.

7. Off-Street Parking:

For one (1) and two (2) family dwellings, as regulated by Article VII of this ordinance. For apartment houses or group housing developments, a minimum of 2.5 spaces per dwelling unit. A fraction of a space shall be developed as a full space. Access drives are not a part of the parking space area.

SECTION 413 R-4 RESIDENTIAL DISTRICT

SECTION 413.1 PURPOSE

This district is established to accommodate one (1) and two (2) family dwelling units in areas that are not served by either public or community sanitary sewer or water.

SECTION 413.2 PERMITTED USES

- a. All permitted and conditionally permissible uses in the R-1 Residential District.

SECTION 413.3 AREA REGULATIONS

- a. Minimum Lot Area: Twenty thousand (20,000) square feet for single family and thirty thousand (30,000) square feet for two (2) family.
- b. Minimum Lot Width at Street Right-of-Way Line: Ninety-five (95) feet.
- c. Minimum Building Setback Line: Forty-five (45) feet except steps or covered porches.
- d. Minimum Rear Yard Depth: Twenty-five (25) feet.
- e. Minimum Side Yard Depth: Total fifteen (15) feet with one (1) side minimum of fifteen (15) each side.
- f. Minimum Living Floor Area Per Dwelling Unit:
 - 1. Basements, breezeways, garages, outside access storage areas or porches shall not be included as floor area.
 - 2. A one (1) story dwelling with a full basement or a split level dwelling with a basement of not less than five hundred (500) square feet in area shall not have less than one thousand (1,000) square feet of floor area.
 - 3. A one (1) story dwelling without a basement or a split level without a basement shall not have less than twelve hundred (1,200) square feet of floor area.
 - 4. A one and one-half (1 ½) story dwelling unit shall have one thousand (1,000) square feet of floor area on the first floor.

- 5. A two (2) story or multi-level dwelling shall have a total floor area of not less than fifteen hundred (1,500) square feet and a minimum of one thousand (1,000) square feet of floor area on the first floor.
- h. Height Regulations: No structure shall exceed thirty-five feet in height.
- i. Off-Street Parking: As regulated by Article VII of this ordinance.

SECTION 420. C-1 CENTRAL BUSINESS DISTRICT

SECTION 420.1 PURPOSE

This district is established to serve the Central Business District for the entire village and surrounding area. This district may be enlarged to include adjacent land, but may not be located elsewhere.

SECTION 420.2 PERMITTED USES

- a. Food sales including supermarkets
- b. Barber and beauty shops
- c. Dry cleaning and laundry establishments
- d. Drug stores
- e. Hardware sales
- f. Variety stores
- g. Clothing and apparel stores
- h. Shoe repair shops
- i. Florist shops
- j. Eating and drinking establishments
- k. Appliance stores
- l. Furniture stores
- m. Jewelry and gift stores
- n. Department stores
- o. Shoe sales
- p. Banks, savings or loan businesses
- q. Sales and distribution offices
- r. Offices
- s. Newspaper, printing, reproduction services
- t. Similar main uses

SECTION 420.3 AREA REGULATIONS

- a. No front, rear or side yards are required.

- b. Height Regulations: No building shall exceed forty-five (45) feet in height except for accessory structures such as antennas, flag poles, spires and chimneys.

SECTION 421 C-2 GENERAL COMMERCIAL

SECTION 421.1 PURPOSE

This district is established principally to serve those persons wishing to participate in commercial recreation or in commercial activity involving repair facilities, large storage areas or drive-in businesses.

SECTION 421.2 PERMITTED USES

- a. All uses permitted in the C-1 Central Business District, except eating and drinking establishments serving alcoholic beverages
- b. Bowling alleys
- c. Skating rinks, indoor
- d. Theaters
- e. Amusement parks
- f. Drive-in banks
- g. Motels
- h. Funeral homes
- i. Automobile or farm implement sales and services
- j. Veterinary hospitals
- k. Commercial parking lots
- l. Commercial open space recreation
- m. Similar main items

SECTION 421.3 COMMERCIALLY PERMISSIBLE USES

The Village Planning Commission, with the approval of Council, may issue conditional zoning certificates for uses listed herein.

- a. Gasoline service stations subject to section 802, subsection 113 inclusive.
- b. Repair garages subject to section 802, subsection 113-C.

SECTION 421.4 AREA REGULATIONS

- a. If a commercial building is located on a lot adjoining a residential district, said building or parking area shall have a front setback of not less than thirty (30) feet and a side yard of not less than ten (10) feet on the adjoining side. Main and accessory commercial buildings shall have a rear yard of not less than twenty (20) feet when adjoining a residential district.

- b. Height Regulations: No building shall exceed thirty-five (35) feet in height except for accessory structures such as radio towers, antennas, flag poles and chimneys.
- c. Off-Street Parking: As regulated by Article VII of this ordinance.

SECTION 430 I-1 MANUFACTURING, PROCESSING AND WHOLESALING DISTRICT

SECTION 430.1 PURPOSE

This district is established to accommodate light industrial uses in the fields of manufacturing, processing, wholesaling and distributing. Light and heavy industry are relative terms. Their actual meaning is determined by the degree of industrialization of the community concerned and the prevailing community attitudes toward industrial development.

For purposes of this ordinance, light industrial development shall be construed to be an industrial development consisting primarily of uses listed in section 430.2 of this article.

SECTION 430.2 PERMITTED USES

- a. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, wood products, drugs, perfumes, pharmaceutical, toiletries and food products except the rendering or refining of fats and oils.
- b. Lumber yards for retail lumber sales.
- c. Warehousing and wholesaling.
- d. Grain elevators.
- e. Research laboratories and offices.
- f. Newspaper and blueprinting establishments.
- g. Utility substations.
- h. Railroad facilities.
- i. Storage of petroleum products, chemicals and gas under pressure.

- j. Contractors' yards and storage facilities, provided however, that all equipment, tools and facilities shall be neatly arranged or stored or kept within a suitable building.
- k. Manufacture of clothing, leather goods and athletic equipment.
- l. Metal processing such as fabrication, stamping, extrusion, welding, finishing, polishing and assembly of small products such as:
 - 1. Camera, clock, jewelry, cutlery, kitchen utensils.
 - 2. Electrical appliances such as lighting fixtures, irons, fans, toasters and toys.
 - 3. Electrical equipment such as home radio and television, movie equipment, small electrical supplies and electrical components.
 - 4. Hand tools, dies, engineering, medical and musical instruments and similar small steel products.
- m. Plastic molding and extrusion.
- n. Soft drink processing plants.
- o. Other similar uses as may be permitted under section 301.5 (a).

SECTION 430.3 AREA REGULATIONS

- a. Minimum Front Yard Depth – Fifty (50) feet.
- b. Minimum Rear Yard Depth – Twenty-five (25) feet.
- c. Minimum Side Yard Width – Twenty-five (25) feet except where side yard is adjacent to another thoroughfare where a minimum of fifty (50) feet is then required.
- d. Height Regulations – As determined by the Planning Commission and the fire prevention officer, based on the capabilities of public and private fire fighting equipment.
- e. Parking and Loading Requirements – As regulated by Article III of this ordinance.

ARTICLE V

SUBDIVISION REGULATIONS

SECTION 501 ADMINISTRATION

SECTION 501.1 GENERAL PURPOSE

The purpose of these Subdivision Regulations shall be to promote and protect the public health, safety, convenience, comfort, prosperity or general welfare of the village. It shall be administered to assure the orderly growth and development of the land within the village.

SECTION 501.2 SPECIFIC PURPOSES

The specific purposes of these regulations shall be:

- a. To establish standards of design which will promote harmonious, healthful and stable communities;
- b. To provide safe and convenient traffic circulation, both vehicular and pedestrian.
- c. To assure the efficient, adequate and economic supply of utilities and public services;
- d. To provide ample public open spaces for schools, recreational and other public purposes;
- e. To obtain accurate surveying of land, preparing and recording of plats;
- f. To discourage premature, uneconomic or scattered land developments; and
- g. To coordinate land development in accordance with the Zoning Ordinance, Thoroughfare Plan and other plans for the village.

SECTION 501.3 DEFINITIONS; COMPLIANCE

a. Intent

The following terms shall have the meaning given herein.

b. General

1. All words used in the present tense shall include the future tense.
2. The word "shall" is to be interpreted as mandatory and not directory; the word "may" is permissive.

3. "Subdivision" includes "re-subdivision;" and where appropriate to the context, relates to the process of subdividing or to the lands divided.
4. "Developer" means any individual, firm, association, corporation, trust or any other legal entity commencing proceedings under these regulations to affect a subdivision of land for himself or for another.
5. "Commission" means the Planning Commission of the village.
6. "Council" means the council of the Village of Castalia.

c. Statutory Definition of Subdivision

In accordance with section 711.001, Ohio Revised Code, a subdivision shall be defined for the purposes of this resolution as:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose whether immediate or future, of transfer of ownership, provided however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such a sale or exchange does not create additional building sites, shall be exempted, or
2. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

d. Division of Land Not Subject to the Provisions of the Regulations

1. The division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access.
2. The sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites defined by zoning or these regulations or reduce the original tract below the requirements of local zoning regulations or these regulations.

3. Compliance

The owner of any such parcel of land who proposes to create a subdivision shall proceed in the manner hereinafter prescribed.

SECTION 501.4 ADOPTION; EFFECTIVE DATE; REPEAL

These regulations shall be known as the Subdivision Regulations of the Village of Castalia, Ohio and are hereby adopted and enacted and shall take effect and be in force from and after its passage, and thereupon all legislative enactments and parts thereof, heretofore enacted by council, that deal with the subdivision and allotment of lands within the corporate limits of the village.

SECTION 501.5 MODIFICATIONS

Where the Planning Commission finds that the land involved in a subdivision is of such size and shape, or is subject to such title limitations, or is affected by such topographical conditions, or is to be devoted to such usage that it is impossible or impractical in the particular case for the developer to conform fully to such regulation, the commission may accept such modifications as may be reasonable and within the general interest and purpose of these regulations.

SECTION 501.6 APPLICATION FEE

Fees in the amount fixed as follows shall be paid to the commission for its services

1. Preliminary plan filing fee:

1-20 lots	\$100.00
21 or more	\$100.00 + \$1.00 per lot

2. Final plat filing fee to be paid prior to the filing the final plat:

1-5 lots	\$ 40.00 + \$1.00 per lot
6-10 lots	\$ 50.00 + \$1.00 per lot
11-15 lots	\$ 60.00 + \$1.00 per lot
16-20 lots	\$ 70.00 + \$1.00 per lot
21-25 lots	\$ 80.00 + \$1.00 per lot
26-30 lots	\$ 90.00 + \$1.00 per lot
31 or more lots	\$100.00 + \$1.00 per lot

3. Variance fee: \$20.00

SECTION 501.7

DEPOSIT FOR INSPECTION AND ENGINEERING FEES

The owner shall, prior to the final approval of the plat, deposit with the village a reasonable amount of money, as is estimated and prescribed by the mayor and the village engineer, or in the absence of such village engineer, the county and sanitary engineers, to defray the costs or any inspection and/or engineering services, filing fees and any incidental costs that are directly chargeable to the particular project.

The owner may, at any time, request a statement of the account and at the final completion of the project and acceptance of same by the village for future maintenance, any surplus money remaining in the account shall be returned to the original depositor.

At the option of the owner, the owner may deposit a bond with the village, in the amount of the estimated cost of the inspection and/or engineering services, filing fees and any incidental costs, in lieu of the cash deposit hereinabove provided. Such bond shall guarantee the payment by the owner to the village of the above expenses as the owner may be requested to pay from time to time by the mayor. The bond shall be executed by the owner and a surety satisfactory to the mayor and shall be released by the village upon receipt of final payment.

SECTION 501.8

VALIDITY

Each section and subsection or any part therefore herein contained in this Article Five is hereby declared to be a separate and distinct enactment, and should any section, subsection or part thereof of this Article Five be found or declared to be ineffective or invalid for any reason whatsoever, the other sections, subsections and parts thereof shall not thereby be impaired.

All ordinances or parts of ordinance in conflict with these regulations are hereby repealed.

SECTION 501.9

PENALTY

Whoever willfully violates any rule or regulation or fails to comply with any order issued pursuant to this Title Four shall forfeit and pay not more than one thousand dollars (\$1,000.00) for the use of the village, as determined under Ohio Revised Code 711.102.

SECTION 502 PROCEDURE

SECTION 502.1 INTENT; PROCEDURE DEPENDENT UPON IMPROVEMENTS

Procedures are hereby established for proposing, designing and preparing plans for the subdivision and development of land and for reviewing and approving same. For those subdivisions which do not involve improvements to public utilities, streets or other open spaces, classified as minor subdivisions, a short procedure is established to assure integration with the adjacent developments and compliance with village codes. For those subdivisions which involve design of streets and other public facilities and the installation of improvements, a more extended procedure is established.

SECTION 502.2 REVIEW AND APPROVAL BY PLANNING COMMISSION

The provisions of these regulations shall be administered by the Planning Commission. The commission meeting at which a subdivision application is considered shall be open to the public, and any person attending may present any appropriate matter thereto. The commission, upon its own motion, or by petition of owners of property on preliminary plan of a subdivision, shall hold a public hearing thereon at such time and place and upon such notice as the commission may designate.

SECTION 502.3 MINOR SUBDIVISION APPROVAL

a. Outline of Procedure

Whenever a division of a parcel of land shown as a unit on the last preceding tax roll (duplicate) is proposed along an existing public street not involving the opening, widening, or extension of any street or road, and involving no more than five (5) lots, the said division shall be submitted to the commission, acting through a designated member of its staff, is satisfied that such proposed division is not contrary to applicable platting, subdividing, or zoning regulations, it shall within twenty (20) days after submission approve such proposed division. On presentation of a conveyance of said parcel, the same shall be stamped "Approved, Village of Castalia Planning Commission," and signed by a member of the staff.

b. Submission Requirements

1. Obtain affidavit form from the village zoning inspector.
2. Have a survey prepared as outlined in the affidavit form.

3. Sign and notarize the affidavit (seller).
4. Have the village zoning inspector check the lot for conformity with the zoning ordinance and sign the form, if approved.
5. Bring the affidavit form, signed deed (completely executed) and two (2) copies of the survey (sketch) to the village administrator.
6. There is a \$25.00 processing fee for each deed and your check should accompany your document at the time of submission.

**AFFIDAVIT FOR CREATING A SUBDIVISION OF LAND
INVOLVING FIVE (5) LOTS OR LESS**

STATE OF OHIO
COUNTY OF ERIE _____ being duly
sworn upon _____ oath depose and say that:

1. The proposed division of land is along an existing public road and involves no openings; widening or extension of any street or road;
2. No more than five (5) lots are involved after the entire original parcel has been subdivided;
3. The property has been surveyed by a registered surveyor and is as set forth on the accompanying sketch; two (2) copies of which shall show the following pertinent information:
 - a. North pointer on sketch.
 - b. Dimensions on all lines and bearing shown where necessary.
 - c. All lines shall be labeled to aid in checking parcel descriptions, such as county lines, township line, section line, lot lines, centerline, or any other line which may require identifications.
 - d. The distance shall be shown from the point of intersection of one of the lot lines being proposed and the street it is located on.
 - e. Sketch shall bear the surveyors' seal (Sec. 4733.14 R.C.).

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE
THIS _____ DAY OF _____, 19 ____.

SEAL _____
Notary Public

THE VILLAGE OF CASTALIA PLANNING COMMISSION, hereby certifies that the lot or lots being created are not created contrary to applicable platting, subdividing, or zoning regulations. No plat is required.

Village Mayor

Date

VILLAGE

I hereby certify that the lot or lots meet all requirements of the Village Zoning Ordinance, Erie County, Ohio.

Zoning Inspector

Date

SECTION 502.4

MAJOR SUBDIVISION APPROVAL

a. Informal Consultation

Prior to the preparation of the preliminary plat of a subdivision, the subdivider or his agent may consult informally with the village mayor or the County Planning Department to familiarize himself with the Subdivision Regulations.

b. Preliminary Plan Required

The subdivider shall submit a preliminary plan of the proposed subdivision which shall conform to all requirements established by these regulations. The preliminary plan shall not serve as a record plat; its purpose shall be to display the proposal in its proper context and thus, enable the commission to determine its merit based upon aspects of proper planning and the public welfare and interest.

c. Filing of Preliminary Plan

Ten (10) copies of the preliminary plan and supplementary material specified shall be submitted to the county director of Planning and Development with the completed application forms. The application shall include the preliminary plan, the preliminary plan questionnaire and the application form for preliminary approval. The county director of Planning and Development shall notify the subdivider of any additional data required and action may be delayed until said data is received. A fee, paid to the village, as specified in section 502.6 of these regulations, shall be required for the filing of the preliminary plan.

d. Review and Recommendations Regarding Preliminary Plan

The director of Planning and Development shall forward copies of the preliminary plan to the mayor, village administrator, the chairman of the Village Planning Commission and the appropriate county agencies and other such officials and agencies as may be necessary and prepare a report detailing the comments of the above noted agencies. The report shall be forwarded to the Village Planning Commission prior to the review of the preliminary plan. The subdivider, or his agent, may be required to meet with certain agencies to discuss pertinent problems. All corrections or clarifications agreed upon during such meetings shall be incorporated either in the preliminary plan drawing or in subsequent plans as approved by the commission.

After receipt of the reports from such officials and agencies, the Village Planning Commission at its regular meeting, shall determine whether the preliminary plan shall be approved, conditionally approved, or disapproved.

The subdivider shall be notified in writing of the action of the commission. If a plan is disapproved, the reasons for such disapproval shall be stated in writing. Furthermore, any form of approval of a preliminary plan shall be contingent upon compliance with all other applicable resolutions and regulations of the village.

e. Preliminary Plan Form

The preliminary plan shall be drawn on one or more sheets of not less than twenty-two (22) inches by thirty-two (32) inches in size.

f. Preliminary Plan Contents

The preliminary plan shall contain the following information:

1. Proposed name of the subdivision which shall not duplicate or closely approximate the name of any other subdivision in the village.
2. Location by section (or great lot or tract), township, range, county and state.
3. Names, addresses and telephone numbers of the owner(s); subdivider(s); and the surveyor(s); who prepared the plan, and appropriate registration numbers and seals.
4. Date of survey, scale of plat, and north point.
5. A vicinity map at a preferred scale of 1"=400' or smaller shall be provided which indicates the relationship of the subdivision to its surroundings. This map shall display all existing subdivisions, roads, tract lines, and the nearest total acreage.
6. Boundaries of the subdivision; amount of acreage in lots, streets, open spaces, etc, and the total acreage.
7. Names of adjacent subdivisions, owners of adjoining parcels of unsubdivided land, and the location of all survey monuments and boundary lines of said contiguous properties.
8. Locations, widths, centerlines and names of all existing and/or platted streets, public or private; railroad and utility rights-of-way, easements, parks, permanent buildings, and corporation and township lines; location of wooded areas and other significant topographic and natural features within and adjacent to the plan.
9. Zoning classification of the tract and adjoining properties and a description of proposed zoning changes, if any.
10. Existing contours at an interval of:
 - a. Two (2) feet where average slopes exceed five (5) percent, but do not exceed fifteen (15) percent.
11. Location of existing sewers, drainage tile, water mains, culverts, or other underground utilities within the tract or adjacent thereto, with pipe sizes, depth and grade indicated; also location of existing and proposed easements.

12. Location, names and dimensions of existing and proposed streets; alleys; crosswalks; and other easements. Names shall not duplicate any existing street name in the village.
13. All building setback lines with dimensions shown graphically along all streets.
14. Location and dimensions of all proposed utility and sewer lines (including easements), showing their connections with existing systems.
15. If no central water and/or sewage system exists, the subdivider shall state the type of system he proposes to use. A proposal of on-lot sewage disposal shall require the submission of all soil types and their locations as indicated by the Erie County Soil Survey to ensure approval for the soil conditions encountered in the area of the proposed subdivision. A central sewage treatment plant and/or central water system shall be constructed when deemed necessary by the commission and the County Board of Health. The connection to available central facilities (as determined by the commission and the County Board of Health) shall be mandatory.
16. Soils information including soil types, location and engineering properties relate to intended uses should be identified on the plat for existing soils or proposed fill source. In addition, soil capabilities and limitations for the intended land use shall appear. This information can be obtained at no charge from the Erie County Soil and Water Conservation District.
17. Layout, numbers and approximate dimensions of each lot.
18. Parcels of land in acres to be reserved for public use or to be reserved by covenant for residents of the subdivision.
19. High water levels in vicinities of lakes, rivers and other natural bodies of water.
20. Certificate of preliminary approval by the commission shall be located on the plat.
21. Completion of the checklist included as section 306 and available from the commission will assist the subdivider in meeting the preliminary plan information requirements.

g. Supplementary Information

The following information shall also be provided.

1. Statement of proposed use of lots, giving type and number of dwelling units and type of business or industry.
2. Location and approximate dimensions of all existing buildings.
3. For commercial and industrial development, the locations, dimensions and approximate grade of proposed parking and loading areas; alleys; pedestrian walkways; streets; and the points of vehicular ingress and egress to the development.
4. Description of proposed covenants and restrictions.

h. Submission to State Highway Director

Before any plan is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as desired in the certification to local officials by the State Highway Director of any land within a radius of five hundred (500) feet from the point of intersections of said centerline with any public road or highway, the commission shall give notice by registered or certified mail to the highway director. The commission shall not approve the plan for one hundred twenty (120) days from the date the notice is received by the highway director. If the highway director notifies the commission that he shall proceed to acquire the land needed, the commission shall refuse to approve the plat. If the highway director notifies the commission that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the highway director and the property owner, the commission shall, if the plan is in conformance with all provisions of these regulations, approve the plan.

i. Approval Period

The approval or conditional approval of the preliminary plan shall be effective for a maximum period of eighteen (18) months from the date of approval or conditional approval and shall guarantee that the terms under the approval will not be affected by changes to these regulations.

PRELIMINARY PLAN CHECKLIST

1. GENERAL	DOES	DOES NOT
a. Transparency and ten (10) prints of plat submitted.	_____	_____
b. Survey done by a registered engineer.	_____	_____
c. Engineering done by registered engineer.	_____	_____
d. Adequate preliminary drawings of improvements or equally adequate statements.	_____	_____
e. Vicinity sketched at 1" = 400' or smaller.	_____	_____
f. Drawn at 1"=50' or larger.	_____	_____
g. Size of sheets 22" x 32".	_____	_____
h. No ditto marks used (").	_____	_____
 2. PLAT DETAIL		
a. Name of subdivision (does not duplicate another subdivision in the village).	_____	_____
b. Location by section, range, county and state.	_____	_____
c. Name and address of owner and technician preparing plan.	_____	_____
d. Scale of plan.	_____	_____
e. Date.	_____	_____
f. North point.	_____	_____
g. Location, width, centerline and names of existing and planned streets and public ways.	_____	_____
h. Railroad and utility r/w and easements.	_____	_____
i. Parks and open spaces.	_____	_____

(Preliminary Plan cont...)

	DOES	DOES NOT
j. Permanent buildings.	_____	_____
k. Section, corporation and school boundaries within tract.	_____	_____
l. Sewer, water lines, culverts and utilities shown with sizes, depths and grades and existing easements therefore. Proposed improvements indicated.	_____	_____
m. Names of adjacent subdivisions or owners of adjoining parcels.	_____	_____
n. Survey monuments of adjacent properties.	_____	_____
o. Zoning classification (plats indicated).	_____	_____
p. Existing contours.	_____	_____
q. Natural and man-made physical features shown.	_____	_____
r. High water levels shown where applicable.	_____	_____
s. Boundary of plat indicated.	_____	_____
t. Layout, numbers and dimensions of lots.	_____	_____
u. Dedication or reservation of land indicated.	_____	_____
v. Intended uses of property.	_____	_____
w. Building setback lines shown and located.	_____	_____
x. Proposed deed restriction or statement to contrary.	_____	_____
y. Flood hazard elevation for the area to be subdivided.	_____	_____
z. Soil information.	_____	_____

PRELIMINARY PLAN QUESTIONNAIRE

NAME OF SUBDIVISION: _____ VILLAGE _____

NAME OF OWNER: _____ PHONE: _____

ADDRESS: _____

The following specific questions to this subdivision should be answered and this form included with the presentation of a sketch plan. This form must be included with an application for preliminary plan approval.

- a. Total number of acres in proposed subdivision. _____
- b. Total number of lots anticipated. _____
- c. Will new streets be created? _____
- d. Will any additional right-of-way be dedicated along existing streets? _____
- e. How wide? _____
- f. Name of road. _____
- g. The subdivision will be served by (check one):
Individual wells _____ Public water supply _____
Public sewer system _____ Other _____ (specify)
- h. What type of storm drainage will be used? _____
- i. Is any land other than streets to be dedicated for public use? _____
Describe: _____
- j. Streets are to be dedicated to: Public _____ Use of property owners _____
- k. Will any natural drainage course be affected by the proposed subdivision?
_____ Describe: _____
Have _____ or will _____ soil percolation tests be made? _____
- l. What is the present use of the land? _____
- m. Contemplated use of the land. _____
- n. What is the zoning classification? _____
- o. Other comments. _____

Questionnaire prepared by:

Title

APPLICATION FOR PRELIMINARY PLAN APPROVAL

DATE RECEIVED: _____ APPLICATION #: _____

DATE APPLICATION ACCEPTED FOR COMMISSION ACTION: _____

PLACED ON AGENDA FOR:

Application is hererby made to the Castalia Planning Commission
for approval of the preliminary plan of the below described subdivision.

NAME OF SUBDIVISION: _____

VILLAGE OF: _____

NAME OF PRINCIPAL OWNER(S): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

NAME OF SURVEYOR: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

NAME OF LEGAL REPRESENTATIVE (IF ANY): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____

APPLICATION FOR PRELIMINARY PLAN APPROVAL (cont...)

Accompanying this application is one reproducible copy of the proposed preliminary plan and ten (10) prints of the same. It is further understood by the applicant that said application for the preliminary plan approval must meet the requirements of Castalia Village Subdivision Regulations. Official filing of the application shall not be considered made until these requirements have been met, at which time the application shall be placed on the agenda by the commission.

Signature of Owner or Authorized Agent:

Date:

SECTION 502.5

SUBMISSION OF FINAL PLAT

a. Plat Required

The subdivider, having received the approval of the preliminary plan from the commission, shall submit the final plat of the subdivision along with the required drawings and specifications of improvements. Said final plat shall incorporate all changes in the preliminary plat as required by the commission. Otherwise, it shall conform to the preliminary plan; and it shall constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at the time. The final plat shall be prepared by a qualified registered surveyor and the construction improvements by a qualified registered engineer.

b. Application for Approval of Final Plat

An application for approval of the final plat together with ten (10) copies of the plat and the supplementary information specified hereinafter shall be submitted to the commission.

c. Regulations Governing Improvements

The final plat drawings shall be prepared by a registered surveyor and specifications of improvements shall be a set of construction and utility plans prepared by a registered engineer. Said plans shall be submitted to the responsible officials and agencies as outlined in these regulations.

Prior to the granting of approval of the final plat, the subdivider shall have installed the required improvements or shall have furnished a performance guarantee for the ultimate installation of said improvements. The requirements, approval and length of term for the performance guarantee shall be administered by the mayor, as established by these regulations.

d. Final Plat Form

The final plat shall be legibly prepared in waterproof ink, mylar or other material of equal permanence. It shall be drawn at a scale of not less than one hundred (100) feet to the inch and shall be one or more sheets 22" x 32" in size, with 1/2" border and 1 1/2" binding left edge. If more than one sheet is needed, each sheet shall be numbered and the relation of one sheet to another clearly shown. No ditto marks or abbreviations shall be used on the plat.

e. Filing of the Final Plat

Ten (10) copies of the final plat shall be filed with the Village of Castalia Planning Commission not later than thirty-six (36) months after the date of approval or conditional approval of the preliminary plan; otherwise, it will be considered void unless an extension is requested by the subdivider and granted in writing by the commission. Five (5) copies of the final plat should be circulated to the director of Planning and Development who will forward copies to the county engineer, sanitary engineer, health department and soil & water conservation district. The Department of Planning and Development will prepare a report which will be forwarded to the Village Planning Commission.

The final plat shall be filed at least fourteen (14) days prior to the commission meeting at which said plat is to be reviewed. The final plat shall be considered officially filed on the day it is received and accepted by the commission and shall be so dated.

A fee, as specified in Section 2.06 of these regulations, shall be required for the filing of the final plat.

f. Final Plat Contents

The final plat shall contain the following information:

1. Name of the subdivision, location by section (or great lot), village, county and state.
2. Date, north point and acreage.
3. Name and address of the subdivider, the professional engineer who prepared the improvement plans and the registered surveyor who prepared the plat and the appropriate registration numbers and seals.
4. Primary control points and descriptions or ties to such, to which all dimensions, angles, bearings and similar data on the plat shall be shown when such adjoin or fall within the plat.
5. All plat boundaries, proposed lot lines and bearings to half minutes; property lines of public open spaces and other sites with length of courses to 1/100 of a foot.
6. Centerlines of streets and rights-of-way of streets, alleys, easements with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. Linear dimensions shall be expressed by bearings and distances in feet and hundredths thereof. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within the limit of one in 10,000.
7. Names of existing and proposed streets or other rights-of-way.
8. Location and purpose of easements.

9. Number to identify each lot, site or block. All lots and blocks shall be numbered progressively.
10. Dedication of streets, reserved areas, or other applicable areas within the boundaries of the plat.
11. Excepted parcels or lots which shall be marked "not included in plat;" and the boundaries of which shall be completely described by courses and distances.
12. Minimum building setback lines on all lots and other sites displayed graphically with dimensions from street lines.
13. Accurate location on description of all monuments.
14. Previous lots or blocks and their numbers indicated by relatively thinner lines (in the case of a replat).
15. A copy of any restrictive covenants in form for recording shall be presented with the final plat to the commission.
16. Flood hazard information of the area as required in these regulations.
17. Finish grades and elevations of the subdivision.

g. Certification of Approval

The following certifications shall be placed on the final plat and are mandatory for the final approval and recording of the plat:

1. Certification by a registered surveyor to the effect that plat represents an accurate survey and that all monuments shown thereon actually exist and that their location is shown correctly.
2. Notarized certification of ownership of the land being platted and acknowledgment and adoption of the plat and dedication of streets and open spaces.
3. Certification of approval by the Village of Castalia where new street construction is involved.
4. Certification of approval by the county board of health where sewer and/or water is not available.
5. Certification of approval by the Erie Regional Planning Commission.
6. Certification of approval by the Village of Castalia Planning Commission indicating that a zoning change, if involved, has been granted and is in effect.
7. Certification of approval by the auditor of Erie County stating that all taxes and assessments on the land in the subdivision have been paid and the auditor's certificate of transfer.
8. Certificate of county recorder.
9. Certification by the village administrator, the village engineer, county board of health, and the village council, where the construction of streets and other improvements are required, that the subdivider has complied with one of the following alternatives:

- a. All improvements have been installed in accordance with the requirements of these regulations and in accordance with any other recommendations of the county engineer, the county Board of Health, the sanitary engineer and the Village Planning Commission.
 - b. A bond or certified check has been posted with the proper agency in sufficient amount to ensure completion of all required improvements.
10. A statement shall be placed on the plat and all deeds requiring the future connection to central water and/or sewage facilities when either or both become available as determined by the county Board of Health.
11. Such other certificates, affidavits, endorsements, or dedications as may be required by the commission in the administration of the regulations.
- h. The following checklist will assist the subdivider in meeting the final plat information requirements.

FINAL PLAT CHECKLIST

1. GENERAL	DOES	DOES NOT
a. Submitted within 12 months of approval of conditional approval or preliminary plan or granted extension.	_____	_____
b. Improvements completed or assurance given as required.	_____	_____
c. Application form properly completed.	_____	_____
d. Plat prepared in waterproof ink on tracing cloth or other material of equal permanence at a scale of not less than 1"=100'.	_____	_____
e. Sheets are 22" x 32" or less with 1/2" border and 1 1/2" binding.	_____	_____
f. Improvement plans meeting requirements of responsible official.	_____	_____
 2. PLAT DETAIL		
a. Name of subdivision.	_____	_____
b. Locational description.	_____	_____
c. Owner, surveyor, engineer – names and addresses.	_____	_____
d. Date and scale of plan.	_____	_____
e. North point.	_____	_____
f. Adequate survey data.	_____	_____
g. Names of adjoining owners or subdivisions.	_____	_____
h. All plat, lot lines with bearings to half minutes and courses to 1/100 feet.	_____	_____
i. 1 to 10,000 closure.	_____	_____
j. Name of streets and right-of-way.	_____	_____

FINAL PLAT CHECKLIST (cont...)

	DOES	DOES NOT
k. Location and purpose of easements.	_____	_____
l. Lot and block numbers or letters.	_____	_____
m. Dedication of lots and purpose.	_____	_____
n. Excepted parcel so marked, "not included in this plat."	_____	_____
o. Building setback lines shown and properly located.	_____	_____
p. Location and description of monuments.	_____	_____
q. Previous lot lines in case of replat.	_____	_____
r. Flood hazard elevation of the area to be subdivided.	_____	_____
s. Present zoning classification.	_____	_____
t. Soil information as specified.	_____	_____
3. CERTIFICATIONS		
a. Certificate of surveyor and engineer.	_____	_____
b. Certificate of ownership and dedication.	_____	_____
c. Certificate that all taxes have been paid.	_____	_____
d. Approval of Board of Health where sewer and water is not available.	_____	_____
e. Certificate of approval of the Village Planning Commission.	_____	_____
f. Certificate of the Village Council's acceptance of streets and other public ways.	_____	_____

FINAL PLAT CHECKLIST (cont...)

	DOES	DOES NOT
g. Auditor's certificate of transfer.	_____	_____
h. Certificate of county recorder.	_____	_____
i. Protective covenants, if any.	_____	_____

i. Review and Approval of Final Plat

The commission, at its regular meeting, shall approve, conditionally approve, or disapprove, the final plat within forty-five (45) days after it has been filed. Failure of the commission to act upon the final plat within such time, shall be deemed as approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the commission and a copy of said record shall be forwarded to the subdivider. If conditionally approved, the subdivider shall make the necessary corrections and resubmit the final plat for final approval to the director within ninety (90) days. If approved, the subdivider will be notified in writing and must obtain the signature of the director of the commission within sixty (60) days. Therefore, in all cases, the subdivider shall be informed in writing of the action of the commission.

If the plat is disapproved by the commission, the subdivider of said plat may file a petition within thirty (30) days after such disapproval in the Court of Common Pleas of Erie County to reconsider the action of the commission.

j. Transmittal of Copies

When a final plat has been approved and all conditions for approval have been satisfied, the secretary of the Village Planning Commission shall sign the certificate of approval on the original tracing and return it to the subdivider. The subdivider shall submit a copy of the approved plat at this time. It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the county recorder. After the plat is recorded, the original plat or a mylar reproduction shall be filed with the village administrator.

k. Replats, Subdivision Vacations, Plats of Street, Open Spaces and Easements for Public Utilities

A subdivider proposing the resubdivision of a plat previously recorded in the office of the county recorder shall follow the same procedure as for a new plat, except that a preliminary map may not be required if changes in street alignment or like changes are not included in the proposal.

Proposals of subdivision abandonment; plats of street openings, widenings and extensions; open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm water drainage, or other public utility shall have the same plat requirements as stated above. Provision for the subdivision of land for use by utility companies shall be considered on the basis of the special conditions in each case. Primary consideration of any proposed use shall be that it is not detrimental to the area in which the property is located.

SECTION 502.6

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE SUBDIVISION PLAT

a. Planning Commission's Certificate

The Planning Commission of the Village of Castalia, Ohio, a quorum of which did on the _____ day of _____, 19____, meet and review the site of the proposed subdivision and has found that the street and lot layout and the proposed zoning uses meet the requirements of all current village ordinances and, at a meeting held on the _____ day of _____, 19____, did by majority vote, approve and accept this subdivision as herein platted.

Signed: _____, Chairman
Signed: _____, Secretary

b. Council's Certificate

I hereby certify that an ordinance was passed by the council of the Village of Castalia, Erie County, Ohio, on _____ 19____, providing for the acceptance, confirmation and approval of the plat and the dedication thereof.

c. Surveyor's Certificate

I hereby certify that the within plat conforms to surveys made by me and is correct.

Professional Surveyor

d. Auditor's Certificate

Transferred _____ and fees of \$_____ collected.

Erie County Auditor

e. Owner's Certificate

This is to certify that _____, owner of the land herein platted, does hereby dedicate to public use forever, _____ as shown, for the purpose of construction and maintenance of public utilities.

WITNESSES:

OWNER:

President

Secretary

SECTION 503

SITE IMPROVEMENTS

SECTION 503.1

CONSTRUCTION PLAN; PROFILE; CROSS SECTIONS

Prior to the submission of the plat for approval by the Planning Commission, the owner shall submit a complete construction plan and profile to the village engineer or in the absence of such village engineer, the county and sanitary engineer, at a scale of not smaller than one (1) inch to forty (40) feet horizontally and one (1) inch to four (4) feet vertically, in material suitable to the village engineer 24" x 36", showing the proposed grading, drainage, paving, sanitary sewers and water lines within the subdivision. Such plan shall be accompanied by cross sections of the proposed streets, at a scale of not smaller than one (1) inch to ten (10) feet, in material suitable to the county and sanitary engineers, 24" x 36". Such cross sections shall show the extreme width limits of the streets. Such cross sections shall show the contour of the existing ground and the contour of the proposed pavement, walks and finish grading, and the relative location of the proposed sewers and water lines. Such plan shall include the following information:

- a. Name of proposed subdivision.
- b. North arrow, scale, date and benchmark with elevations above sea level on each sheet.
- c. Typical cross section of the proposed street right-of-way showing in detail the pavement design, sidewalks and the relative location of the proposed water line, sanitary sewer, storm sewer and gas line.

SECTION 503.2

ENGINEERING

It shall be the duty of the owner to employ registered professional engineers, state of Ohio, to prepare the construction plans and to stake out the work in the field in accordance with the approved plans. Grade and line stakes shall be set at intervals not exceeding twenty-five (25) feet for all vertical and horizontal curves, and at fifty (50) foot maximum spacing on tangents. Such stakes shall be protected until their use is no longer needed.

Matters in question regarding the design or stake-out of the work shall be referred to the village engineer for interpretation.

SECTION 503.3

INSPECTION

It shall be the duty of the village engineer or in his absence the county or sanitary engineer to act on behalf of the village to see that all improvements are constructed in accordance with the plans and specifications thereof. No grading, paving or installation of any of the various utilities shall be done without approval of the county sanitary engineer.

SECTION 503.4 GRADING

All streets shall be graded to the full width of the dedicated right-of-way in accordance with the typical cross section and to the approved grade indicated on the profile therefore. In fill areas all sod and topsoil shall be removed and the fill built up in layers not exceeding eight (8) inches in thickness loose measurement. Each layer shall be compacted by making at least four (4) passes over it with a roller exerting a weight of not less than 290 pounds per inch width of roller or approved equal. After the pavement and walks have been completed, the unpaved areas shall be properly shaped and raked free of stone and debris and shall be left in a suitable manner for seeding.

SECTION 503.5 PAVING

All dedicated streets shall be paved according to specifications of the county engineer.

SECTION 503.6 WATER SYSTEM

The owner shall construct all necessary water lines, including valves, fittings, hydrants and house services, according to the standards established by the county sanitary engineer.

The minimum size of any water line shall be eight (8) inches and eight (8) inches in diameter.

SECTION 503.7 SANITARY SEWER SYSTEM

The owner shall construct all necessary sanitary sewers, including manholes, house laterals and other incidentals, according to the standards established by the county sanitary engineer.

No plat showing subdivision of a parcel of land into two (2) or more smaller parcels and intended for residential, commercial or industrial structures which are so located as to require individual sewage disposal systems shall be approved by the village authorities until investigated and approved by the health commissioner or his authorized agent; and no building permit shall be issued until a percolation test has been submitted to and approved by the health commissioner or his authorized agent.

SECTION 503.8 SIDEWALKS

The owner shall construct concrete sidewalks, four (4) feet in width and four (4) inches in thickness, on both sides of the full length of the project, including street intersections. All walks shall be constructed according to village standards and at the location and grade indicated on the approved construction plans.

SECTION 503.9 STORM DRAINAGE

Grading of the entire area of the subdivision shall be done with regard to the natural drainage of the area involved and open ditches, conduits, catch basins, inlets and manholes of adequate size as approved by the county engineer and shall be constructed to provide for such drainage.

Subgrade drainage, as directed by the county engineer, shall provide for the drainage of the subgrade beneath all paved areas.

All storm drains crossing beneath the paved areas shall be of reinforced concrete or an approved equal in strength and durability.

All trenches under the paved areas shall be backfilled with sand, gravel or screenings, unless otherwise directed by the county engineer.

Downspout tile shall be connected to the storm sewers where storm sewers are available. Lot drainage shall be done in accordance with village standards.

SECTION 503.10 GAS, TELEPHONE AND ELECTRIC LINES

All underground gas, telephone and electric lines shall be so designed and constructed as to avoid conflict with the water and sewer lines.

All trenches under the paved areas shall be backfilled with sand gravel or screenings, unless otherwise directed by the county engineer.

Poles for above ground utilities shall be located on rear property lines as near as possible.

SECTION 503.11 STREET NAME SIGNS

The owner shall furnish and erect street name signs at all street intersections within the subdivision. The minimum requirements for signs shall be eighteen (18) gauge, baked enamel, four (4) inches by twenty-four (24) inches, with three (3) inch letters, ground and extending eight (8) feet above ground.

SECTION 503.12 GUARANTEE FOR INSTALLATION OF IMPROVEMENTS

All required improvements shall be completed prior to the granting of the final plat approval. Completed improvement shall be in accordance with an approved preliminary plan and in accordance with the requirements of these regulations. When required improvements are not completed, the subdivider shall ensure their completion with a performance guarantee acceptable to the commission, the Board of County Commissioners and the appropriate county official before

the final plat may be approved. Pertaining thereto for streets and the preparation of subgrade shall be performed in accordance with these specifications, applicable provisions of the Standard Specifications of the State of Ohio, Department of Transportation, latest edition, and any further requirements of the village engineer or county engineer.

SECTION 503.13 TOPOGRAPHIC MAP

Wherever, in the opinion of the mayor, the area of terrain of the subdivision warrants, the owner shall submit a topographic map of the area involved made with material suitable to the village engineer at a scale of not smaller than one (1) inch to one hundred (100) feet, with the following information thereon:

- a. Contours of two (2) foot intervals with the elevation above sea level indicated.
- b. Location of all fixed objects within and without the boundaries of the proposed subdivision that might influence the design of the street and utility layout and the drainage of storm water.
- c. The location of all existing streets and public grounds on or adjacent to the proposed subdivision.
- d. The location of all existing water mains, sanitary sewers and storm sewers.
- e. The names of the owners of the adjoining properties.
- f. A permanent type benchmark with the elevation above sea level indicated.
- g. North arrow, scale, date and name of the subdivision.
- h. The proposed street and drainage layout of the subdivision.

SECTION 504 STREETS AND SIDEWALKS

SECTION 504.1 STREET IMPROVEMENT CONDITIONS

No department of the village shall accept, lay out, open, improve, grade, pave, curb or light any street or other way, unless such street or way shall have been accepted or opened or otherwise shall have received the legal status of a public street or way prior to the effective date of this chapter; or unless such street or way corresponds in location and extent with a street or way shown on a recorded plat which shall have been legally accepted by council.

SECTION 504.2 OPENING PERMIT

- a. Required

No person, other than the street superintendent, village engineer, or their authorized employees or agents shall make any opening in any street, alley, sidewalk, or public way of the village unless a permit to make such opening shall have been obtained prior to commencement of the work.

b. Application and Cash Deposit

Each permit for making such opening shall be confined to a single project and be issued by the street superintendent or his designee. Application shall be made on a form described by council, giving the exact location of the proposed opening, the kind of paving, the area and depth to be excavated and such other facts as may be provided for. To cover the cost of restoration has been posted with the street superintendent or his designee, conditioned upon prompt and satisfactory refilling of excavations and restoration of all surfaced disturbed.

c. Return of Deposit

When any work under any permit is completed to the satisfaction of the street superintendent, he shall certify such in writing to the clerk/treasurer or other proper administrative officer who shall return the deposit or any remaining portion thereof to the permittee at once.

d. Fee

The fee for the permit required in subsection (a) shall be three hundred dollars (\$300.00).

SECTION 504.3 PAVEMENT RESTORATION

- a. The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the street superintendent or his designee and in accordance with rules, regulations and specifications approved by council.
- b. Upon failure or refusal of the permittee to satisfactorily fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or where not specified therein, within a reasonable time after commencement of the work, the village may proceed without notice to make such fill and restoration and the deposit referred to in the preceding section shall be deemed forfeited. Therefore, such deposit shall be paid into the street repair fund, except such part demanded and paid to the permittee as the difference between the deposit and the charges of the village for restoration services performed by it. If the amount of such services performed by the village should exceed the amount of such deposit, the clerk/treasurer or other proper administrative officer shall proceed to collect the remainder due from such permittee.

SECTION 504.4

BARRIERS AND WARNING LIGHTS

a. Barriers Around Excavations

Any person engaged in or employing others in excavating, or opening any street, sidewalk, alley or other public way, shall have such excavation or opening fully barricaded at all times to prevent injury to persons or animals.

b. Warning Lights

Any person engaged in or employing others excavating or otherwise in any manner obstructing a portion or all of any street, sidewalk, alley or other public way, at all times during the night season shall install and maintain at least two (2) illuminated red lamps which shall be securely and conspicuously posted on, at or near each end of such obstruction or excavation and if the space involved shall exceed fifty (50) feet in extent, then at least one (1) additional lamp for each added fifty (50) feet or portion thereof excavated or obstructed.

SECTION 504.5

SIDEWALK CONSTRUCTION

It shall be the duty of the village engineer or, if none exists, the street superintendent, to supervise construction or repair of sidewalks within the village. He shall cause specifications to be prepared for the construction of the various kinds of pavements and transmit the same to council for approval. When approved, council shall advertise for proposals to do all the work which may be ordered by the village in construction and repair of sidewalks and shall contract therefore, for a period not exceeding one (1) year, with the lowest responsible bidder, who shall furnish good and sufficient sureties for the faithful performance of the work. Council, if it deems advisable, may make separate contracts for the different kinds of work with different parties.

SECTION 504.6

NEW SIDEWALKS

It shall be the policy of the Village of Castalia that a notice shall be served upon the owner of any lot or land within the corporate limits of the village to construct sidewalks along the public right-of-way adjacent thereto, where not previously installed or constructed, when it is determined that:

- a. The block in which said lot or land is located, contains sidewalks fronting on fifty percent (50%) or more of the real estate on one or both sides of the street; or
- b. The block in which said lot or land is located, is situated in such a manner that new sidewalks are necessary in order to complete the pattern of sidewalks created by adjacent or nearby blocks having sidewalks; or to complete the pattern of sidewalks necessary to join existing sidewalk patterns with local pedestrian generating facilities; or

- c. It is deemed necessary and advisable to provide a sidewalk pattern between corner intersections having existing sidewalks.
- d. The village engineer or if none exists, the street superintendent shall serve an inspection notice stating an estimate of cost for the construction and the length of time allotted for the construction thereof.
- e. If after the expiration of thirty (30) days from the date of service of the notice, the walk has not been constructed, the village engineer, or if none exists, the street superintendent, shall cause the walk to be constructed and the cost, including the engineering, inspection and other incidental expenses, shall be certified to the county auditor for collection, either in cash or on the taxes, in accordance with the Ohio Revised Code.
- f. Property owners may submit applications for variances to the Board of Appeals. These requests must be submitted within thirty (30) days after receipt of the inspection notice. The Board of Appeals may grant variances where:
 - 1. The character of the neighborhood is such that the installation of sidewalks would not serve any public purpose; or
 - 2. Where unique physical conditions make the installation of sidewalks an undue hardship, and the absence of this installation would not materially affect the public safety and convenience.

In granting a variance, the board may attach such reasonable conditions and safeguards as it deems necessary to protect the public safety and convenience, including the requirement that a bond be posted where appropriate.

SECTION 504.7 CONSTRUCTION AND REPAIR OF SIDEWALKS

The village may require the construction or repair of sidewalks within the municipal corporation by the owners of lots or land abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs or gutters within the time prescribed, may cause such sidewalks, curbs or gutters to be constructed or repaired and assess the total cost thereof against the lots or land abutting thereon.

SECTION 504.8 RESOLUTION OF NECESSITY

When it is deemed necessary by the village to require the construction or repair of sidewalks, curbs or gutters within the municipal corporation by the owners of the lots or lands abutting thereon, the legislative authority of the municipal corporation shall cause plans, specifications, and an estimate of the cost of such construction or repair to be prepared, showing the location and dimensions for the construction or repair thereof, and filed in the office of the clerk of the village. After such plans, specifications and estimate of cost have been filed, as provided

in this section, the village may declare the necessity for the construction or repair of such sidewalks, curbs or gutters by the adoption of a resolution which shall:

- a. Approve the plans, specifications, and estimate of cost of the proposed construction or repair on file as provided by this section;
- b. Describe the lots and lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired by the termini of the improvement or by street address;
- c. Set forth that such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots or lands abutting thereon in accordance with the specifications on file in the office of the clerk of the legislative authority of the municipal corporation;
- d. Set forth the time within which such sidewalks, curbs or gutters shall be constructed or repaired by the owners of the lots and lands abutting thereon, which shall not be less than thirty (30) days from the date of service of notice on the owner of the lots or lands;
- e. State that in the event such sidewalks, curbs or gutters are not constructed or repaired by the owners of the lots and lands abutting thereon in accordance with such plans and specifications and within the time prescribed in this ordinance, the municipal corporation will so construct or repair such sidewalks, curbs or gutters and assess the cost thereof against the lots and lands abutting thereon.

**SECTION 504.9 ASSESSMENT OF COSTS AGAINST OWNER;
BONDS AND NOTES IN ANTICIPATION OF
ASSESSMENT**

Upon the expiration of the time within which sidewalks, curbs and gutters shall be constructed or repaired by the owner of the lots or lands abutting thereon as set forth in the ordinance adopted the sidewalks, curbs or gutters not constructed or repaired by the owners of the lots and lands abutting thereon shall be constructed or repaired by the village in accordance with the ordinance adopted and the legislative authority of the municipal corporation shall, upon the completion of such construction or repair, assess the cost thereof against the lots or lands abutting thereon.

In anticipation of the collection of the cost of the construction or repair of such sidewalks, curbs or gutters from the owners of the lots or lands abutting thereon, the village may provide for the issuance of bonds or notes and the proceeds thereof shall be used to pay for the construction or repair of such sidewalks, curbs or gutters.

SECTION 504.10 SIDEWALK STANDARDS AND SPECIFICATIONS

1. The minimum width for sidewalks shall be four (4) feet, but the village may require a greater width in the vicinity of shopping centers, schools and recreation facilities, or where similar intensive urban uses exist.
2. A minimum transverse slope of two percent (2%) from the property line to the curb shall be maintained where possible to facilitate drainage.
3. In residential areas, sidewalks shall be placed at a suitable distance between curb and property lines, but shall not be placed closer than one (1) foot from the property lines.
4. Sidewalks shall be constructed to the standards established by the street superintendent of the village.

SECTION 504.11 STREET AND SIDEWALK OBSTRUCTION

No person shall obstruct any street, alley, sidewalk or other public way within the village, by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon such public way, shall be deemed a separate offense.

SECTION 504.12 REMOVAL OF ICE AND SNOW

- a. The owner, occupant or person having the care of any building or lot or land bordering on any street with graded or paved sidewalk shall within twenty-four (24) hours after a snowfall of two (2) inches or more, cause the snow to be removed from the sidewalk. Application of this section shall extend to include snow or ice falling from any building.
- b. Whenever the sidewalk or any part thereof shall become encumbered with ice, the owner, occupant or person in control, shall within twenty-four (24) hours after its formation cause the sidewalk to be made safe by removing the ice or sprinkling the sidewalk with salt or some other suitable substance.

SECTION 504.13 PENALTY

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day on which a violation occurs or continues shall be deemed a separate offense.

- a. No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

- b. No person shall allow a cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.
- c. Whoever violates this section is guilty of a minor misdemeanor.

Notice to Fill Lots, Remove Putrid Substances

- a. No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law: To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.
- b. Whoever violates this section is guilty of a minor misdemeanor.

Duty to Keep Sidewalks in Repair and Clean

- a. No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance.
- b. Whoever violates this section is guilty of a minor misdemeanor.

Fences

- a. No person shall erect or maintain any fence charged with electrical current.
- b. No person shall erect or maintain a barber wire fence which abuts or is adjacent to any public street or sidewalk. This subsection does not prevent the placement and use of not more than three (3) strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy two (72) inches from the ground.
- c. Whoever violate this section is guilty of a minor misdemeanor.

Littering and Deposit of Garbage, Rubbish, Junk, Etc.

- a. No person shall, regardless of intent, throw, drop, discard, place or deposit litter or cause litter to be thrown, dropped, discarded, placed or deposited on any public property, on private property not owned by him, or on waters of the state, the municipality or waters not owned by him, unless the person has:
 - 1. Been directed to do so by a public official as part of a litter collection drive.
 - 2. Thrown, dropped, discarded, placed or deposited the litter in a litter receptacle in a manner that prevents it being carried away by the elements; or

3. Been issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or 6111.

SECTION 505 SUBDIVISION STANDARDS

SECTION 505.1 GENERAL STATEMENT

The regulations in section 505.1 and 515.21, inclusive, shall control the manner in which streets, lots and other elements of a subdivision are arranged on the land. These design controls shall help insure convenience and safe streets, the creation of usable lots, the provision of space for public utilities and the reservation of land for recreational uses. The planning of attractive and functional neighborhoods shall be promoted minimizing the undesirable features of unplanned, haphazard growth.

The commission has the responsibility for reviewing the design of each future subdivision early in its design development. The commission shall insure that all of the requirements of sections 3.01 to 3.21, inclusive are met.

SECTION 505.2 CONFORMITY TO DEVELOPMENT PLANS AND ZONING

The arrangement, character and location of all arterial and collector thoroughfares or extensions thereof shall conform with the Major Thoroughfare Plan. Thoroughfares not contained in the aforementioned plan shall conform to the recommendation of the commission based upon the design standards set forth in section 505.3 and 505.13, inclusive. In addition, no final plat of land within the area in which an existing zoning ordinance is in effect shall be approved unless it conforms with such ordinance.

SECTION 505.3 GENERAL LAYOUT OF STREETS

Subcollector, local and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

Residential driveway access shall not be permitted to regional, major or secondary thoroughfares as designated on the Major Thoroughfare Plan for major subdivisions.

Half streets (i.e. streets of less than the full required rights-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to

the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements.

Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available.

SECTION 505.4 SUITABILITY OF LAND

If the commission finds that land proposed to be subdivided is unsuitable for subdivision development considering but not limited to flooding, poor drainage, topography, soils, inadequate water supply or sewage disposal, schools, transportation facilities and other such conditions which may endanger health, life or property and if from investigations conducted by the public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the commission shall not approve the land for subdivision unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

SECTION 505.5 STREET DESIGN

The arrangement, character, extent, width, grade construction and location of all streets shall conform to the Major Thoroughfare Plan. All streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety and the proposed uses of the land to be served by such streets. The circulation pattern shall discourage through traffic in the interior or a subdivision. The subdivider shall provide, within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan. The commission reserves the right to disapprove any street plan which does not insure continuity of existing street systems.

SECTION 505.6 STREET DESIGN STANDARDS FOR CUL-DE-SACS

The arrangement, character, extent, width, grade construction and location of all streets shall conform to the Major Thoroughfare Plan. All streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety and the proposed uses of the land to be served by such streets. The circulation pattern shall discourage through traffic in the interior or a subdivision. The subdivider shall provide, within the boundaries of the subdivision plat, the necessary right-of-way for the widening, continuance, or alignment of such streets in conformity with the Major Thoroughfare Plan. The commission reserves the right to disapprove any street plan which does not insure continuity of existing street systems.

SECTION 505.7**RIGHTS-OF-WAY FOR ALL STREETS**

The rights-of-way for thoroughfares shall be in accordance with the Major Thoroughfare Plan and the minimum requirements shall be as follows:
Refer to figure 1.

<u>STREET TYPE</u>	<u>R/W WIDTH (FEET)</u>
Limited Access Highway	300
Primary Route	120
Secondary Route	100
Arterial Street	80
Local Collector Street	60
Residential Street	40

Special Streets:
Cul-de-sac
Marginal Access Street
Divided Street
Stub Street

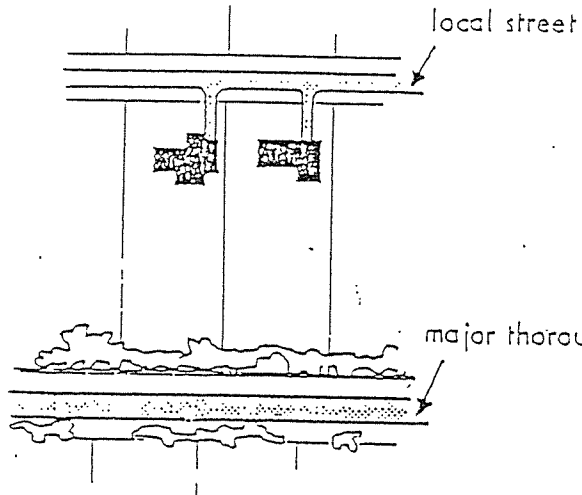
SECTION 505.8**PAVEMENT WIDTH**

STREET TYPE	TRAVEL LANE	PARKING LANE	TOTAL PAVEMENT WIDTH
COLLECTOR	Two 12'	None	24'
SUBCOLLECTOR	a) Two 10'	None	20'
	b) Two 10'	One 8'	28'
	c) Two 10'	Two 16'	36'
LOCAL STREET	a) Two 10'	None	20'
	b) Two 10'	One 8'	28'

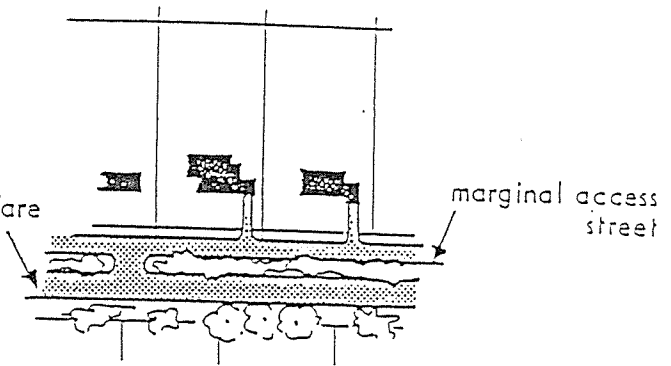
*The number of parking lanes required is based on the intensity of development and the availability of off-street parking.

FIGURE 1

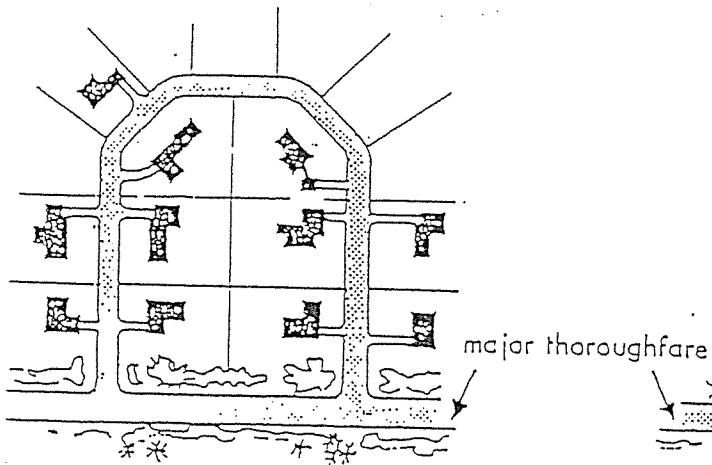
SUBDIVIDING ALONG MAJOR THOROUGHFARES



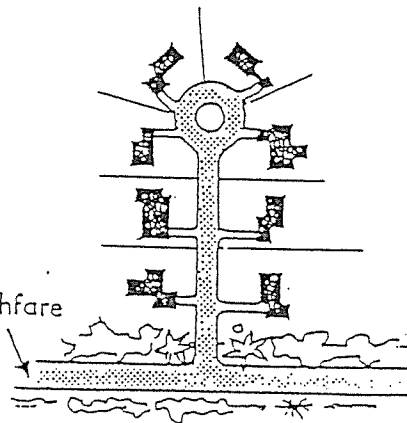
REVERSE FRONTAGE



MARGINAL ACCESS STREET



LOOP STREET



CUL-DE-SAC

SECTION 505.9 HORIZONTAL ALIGNMENT

Horizontal street curves shall have the following minimum radii of centerline curvature:

<u>STREET TYPE</u>	<u>R/W WIDTH (FEET)</u>
Primary and Secondary Routes	500
Arterial and Collector Streets	300
Residential Streets	100

A minimum tangent of at least one hundred (100) feet shall be provided between reversed curves on all residential streets; greater tangential lengths shall be required on collector and arterial streets and other higher order thoroughfares.

The commission may modify the aforementioned minimum standards in the following situations:

1. When a collector or residential street's lines deflect from each other at any point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than two hundred (200) feet or with such greater radius as the commission may deem necessary for the particular situation.
2. For arterial streets, curves with radii adequate to insure longer sight distances may be required by the commission.

SECTION 505.10 VERTICAL ALIGNMENT

Vertical street profiles shall conform to the grades listed below. All deviation shall be approved by the Village Planning Commission concerned and the county engineer.

- | | |
|---|--|
| 1. Arterial Streets | Maximum Grade – 4% |
| 2. Collector and Residential Streets and Alleys | Maximum Grade – 6% |
| 3. Intersection Approaches | Maximum Grade – 4%
(for at least 100 ft.) |
| 4. Rate of Change of Grade | Maximum Grade – 4% |
| 5. Minimum Grade | -0.40% |

SECTION 505.11

INTERSECTION DESIGN STANDARDS

Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit.

No intersection of streets and angles less than sixty (60) degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the commission shall be made in designing the intersection to afford a satisfactory sighting of approaching vehicles from each intersecting street.

Residential street intersections shall be rounded with a thirty (30) foot radius measured at the back of curbs, if such intersections occur at right angles. Under the same condition and measured similarly, all other intersections shall be founded with a radius deemed appropriate by the commission. If an intersection at an angle less than sixty (60) degrees is unavoidable, the radius of curvature shall be such as to allow vehicles, especially trucks and buses, to make right turns and proceed in the proper lane without encroaching upon the high speed lane of a multi-lane thoroughfare or across the centerline of a two-lane thoroughfare.

Street jogs at intersections with centerline offsets shall be avoided. Points of access to a primary or secondary route shall be spaced at a minimum distance of 800 feet.

SECTION 505.12

SPECIAL STREET TYPES

The following requirements shall apply to special street types:

1. Permanent dead end streets shall not be permitted. Temporary dead end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turn around satisfactory to the commission in design. The commission shall reserve the right to limit the length of such a dead end street based on principles of proper planning and the commission may require a street along the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.
2. The dedication of new half streets shall not be permitted. If a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half width street or alley, the other half width of such street or alley falling within the proposed subdivision shall be platted, providing that in the opinion of the commission such right-of-way is necessary for the proper development of the area.
3. Where a subdivision borders on or contains the right-of-way of a railroad or an expressway, the commission may require a street approximately parallel to

and on each side of such right-of-way at a distance which will permit appropriate use of the land situated between such right-of-way and the required parallel streets. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separations. In addition, the commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination of such.

4. Easements or reserve strips controlling access to streets shall be prohibited except where deemed necessary by the commission and where their control is definitely placed with the county.
5. In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one or more access streets to undeveloped land not fronting on an existing street or road shall be incorporated. Said access streets shall be spaced not less than eight hundred (800) feet nor more than one thousand four hundred (1,400) feet apart.
6. Alleys shall not be approved in residential subdivisions except where justified by extreme conditions. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum widths for alleys shall be twenty (20) feet and they shall be dedicated to the public. Alley intersections, sharp changes in alignment and dead ends shall not be permitted unless extreme conditions would warrant such permission.
7. In subdividing land along regional, major or secondary thoroughfares, as designated on the Major Thoroughfare Plan, access should be limited by incorporating one of the following into the design of the subdivision:
 - a. Reverse frontage
 - b. Marginal access streets
 - c. A loop street ordinance
 - d. Cul-de-sac, as shown on figure 1

**SECTION 505.13 STREETS FOR COMMERCIAL AND INDUSTRIAL
SUBDIVISION**

Streets in commercial and industrial subdivisions shall be so planned as to minimize conflict between vehicular and pedestrian movement. Such street shall connect with arterial streets so as not to generate excess traffic on residential streets. The commission may require marginal access streets in such subdivisions to provide maximum safety and convenience.

SECTION 505.14 STREET VACATION

The commission shall not recommend the vacation of any street dedicated to and accepted by the public if such vacation will adversely affect the proper functioning of the existing street system or any future street plans prepared by, or approved by the commission. The procedure to vacate a street or alley may be found in Ohio Revised Code, section 5553.01 et seq.

SECTION 505.15 NAME OF STREETS

Names of streets shall not duplicate or be confusingly similar to the name of any other street in Erie County including all municipalities. New streets which are extensions of, or in alignment with existing streets shall bear the name of the existing streets. All new streets shall be named in the following manner, subject to the approval of the commission:

<u>GENERAL DIRECTION</u>	<u>LONG</u>	<u>SHORT*</u>
North – South	Street	Place
East – West	Avenue	Court
Diagonal	Road	Way
Curving	Drive	Lane or Circle

*Less than one thousand (1,000) feet long, permanent length.

SECTION 505.16 BLOCKS

The following regulations shall govern the design and layout of blocks:

1. The arrangement of blocks shall conform to the street design criteria set forth in sections 505.4 and 505.13, inclusive.
2. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these regulations and any applicable zoning ordinance, to provide for adequate community facilities and to regard the limitations and opportunities of topography.
3. Irregularly shaped blocks, those intended for cul-de-sacs and loop streets and those containing interior park playgrounds may be approved by the commission, if properly designed and located.
4. No block shall be longer than one thousand four hundred (1,400) feet nor less than eight hundred (800) feet (a variance may be considered when loop streets are incorporated into a subdivision design).
5. Where blocks are more than nine hundred (900) feet in length, a crosswalk easement not less than ten (10) feet in width at or near the halfway point of the block may be required.

6. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provisions for parking, loading and delivery services. Such blocks shall not be less than two hundred fifty (250) feet in width nor less than five hundred (500) feet in length.

SECTION 505.17 LOTS

The following regulations shall govern the design and layout of lots:

1. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
2. All lots shall conform to the relevant Village Zoning Ordinance, but must be a minimum of one (1) acre in area if it is not served by public water and sewer.
3. Each lot shall front on a public street.
4. All side lots should be straight lines and should be at right angles to street lines or radial to curved street lines except where the commission determines that a variation would benefit the public interest.
5. Lots with double frontage shall be avoided except where the commission determines that it is essential to overcome specific topographical disadvantages and orientation and location problems due to existing street.
6. Lots fronting on a street upon which no other lots face should be avoided. No rear lot lines should border adjacent side lot lines. Where the rear lot lines of a subdivision border a thoroughfare, the commission may require a screen planting contained in a non-access easement or reservation along said road.

SECTION 505.18 EASEMENTS

Where utilities are located outside street right-of-way lines, easements at least twenty (20) feet in width centered along rear or side lot lines shall be provided. All easement locations shall be approved by the utility company involved; and where necessary, easements of greater width may be required by the commission. Easements shall also be provided along every water course, storm sewer or drainage channel within a subdivision as provided in section 505.18 of these regulations.

SECTION 505.19 STORM DRAINAGE

Design of the storm water management system shall be consistent with general and specific concerns of the Erie County Comprehensive Plan and standards established by the county engineer. Design shall be based on environmentally sound site planning and engineering techniques.

The best available technology shall be used to minimize off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water. Best available, technology may include measures such as retention basins, recharge trenches, porous paving and piping, contour terraces and swales. The subdivider or developer shall provide the necessary means to assure complete drainage in and adjacent to his property.

When necessary, outlet ditches of closed sewers of an approved type and size shall be required as part of the construction. If same is across private property, rights-of-way or easement must be obtained by the subdivider or developer for the construction and future maintenance. These rights-of-way or easements shall be shown on the construction plans. Two copies of the above easement shall be furnished to the Board of Erie County Commissioners.

Upon request by the Erie County Engineer, the subdivider or developer will submit a topographical plan of storm drainage improvement, with all areas shown that are tributary to the improvement.

The preferred runoff pattern shall be towards the street. The design of streets and grading shall be such that runoff from roofs, driveways and other impervious surfaces will be collected in ditches and/or gutters in short runs three hundred (300) feet to four hundred (400) feet in length. The runoff shall then be diverted from the surface into storm sewers or a natural watercourse. Streets shall be located away from watercourses unless storm sewers are to be installed.

The subdivider shall guard against the creation of continuation or swampy areas or stagnant pools. The commission may require fill, swale, and/or channel improvements in order to forestall such problems.

Adequate measures for the protection of open and closed drainage channels shall be provided. Maintenance easements of up to 75 feet from the top of the bank on open channels and up to 50 feet from the centerline of the conduit for closed channels shall be required as determined by the Erie County Engineer.

Open watercourses through the platted subdivision shall be cleaned. The bottom shall be dipped of sediment and a uniform width constructed. The side slopes shall be cleaned of brush and sloped to no steeper than 2:1 and seeded.

The channel downstream of the subdivision shall be improved adequately by the developer to convey the storm runoff from the subdivision and across the adjacent property owner so that damaged from flooding are minimized. Property lines shall be so designed as to follow drainage easements, except that such easements may cross lots larger than one (1) acre.

No watercourse shall be altered in such a way as to change the amount of direction of flow; no fill, building or structure shall be situated in natural

watercourses unless provision is made for the flow of water in a manner satisfactory to the county engineer.

SECTION 505.20 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES

Where a park, playground, school, public access to water frontage or other public uses, which are contained within the Comprehensive Plan are located in whole or in part in a proposed subdivision, the commission shall request the dedication of such area within the subdivision or that provision be made for the acquisition of such area by the proper agency within a period of two (2) years or other mutually acceptable period.

The commission in conjunction with the village council may require land to the amount of three (3) percent of the land included in the plan of the subdivision be conveyed for park purposes, the commission may in conjunction with the village council require the subdivider to pay \$100.00 per lot created by the subdivision to be used for improvements to parkland in the immediate area. Upon the sale of the first lot within the subdivision, the subdivider shall pay the village \$500.00 for the first five (5) lots. The above shall be repeated for each group of five (5) lots or part thereof. If less than five (5) lots are to be developed, the amount to be paid shall be \$100.00 per lot for the total number of lots less than five (5).

Where a large scale subdivision or planned unit development is proposed, the commission may require that consideration be given to sites for schools, parks, playgrounds and other such areas for common use and that provisions be made for such reservation or acquisition by the proper agency.

The commission may reserve the right to deny approval to a subdivision if such a subdivision disregards the preservation of natural features which add value to residential development and the community, such as wooded areas, watercourses, beaches, areas of natural or historical significance and similar irreplaceable assets.

SECTION 505.21 SOIL EROSION REQUIREMENTS

In the development of a subdivision, the developer shall not cause or allow earth disturbing activities on a development area, except to comply by minimizing and/or preventing soil erosion that can impair a public or private surface ditch, subsurface drainage, stream, river or lake: nor shall excessive amounts of sediment be deposited onto an adjoining property. Adequate controls of soil erosion and sedimentation, through the use of best management practices through both temporary and permanent measures, shall be used during all phases of clearing, grading and construction to conserve soil resources and to insure no significant change in water quality.

When a proposed development area consists of five (5) or more acres and earth disturbing activities are proposed for the whole area or any part thereof, the

owner of record shall develop and submit for review a soil erosion and sedimentation control plan. Such a plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be kept to a minimum, both during and after construction.

When a proposed development area involves less than five (5) acres, it is not necessary to submit a soil erosion and sedimentation control plan; however, the responsible person must comply with the above standards (paragraph 1 of this section). Upon request, submittal of specific soil erosion and sedimentation prevention measures to be or being implemented may be required to determine compliance.

Soil erosion and sedimentation control plans shall be certified by a professional engineer registered in the state of Ohio before being submitted to the commission for review and approval.

SECTION 505.22 CURBS AND GUTTERS

Curbing is used for drainage control and for delineation and protection of the pavement edge, but because it is expensive and can aggravate stormwater runoff, the benefits must be weighed against the costs. Many authorities recommend minimizing the use of curbs and using shoulders and swales instead, but municipalities should recognize that swales can be costly in terms of future maintenance. In addition, shoulders and swales may add to right-of-way dimensions.

Curb requirements vary according to the street hierarchy and intensity of development. As one ascends the street hierarchy, speeds increase and at higher travel speeds, curbs are needed to delineate the pavement edge.

The intensity of development is also a factor in curbing requirements. With greater intensity of development, the impervious surface increases which, in turn, increases the problem of stormwater runoff. Curbs and gutters are often needed to manage runoff in these situations. Higher densities are also usually accompanied by a greater number of curb cuts. Frequent curb cuts increase the need for curbs to protect the pavement edge. In addition, on-street parking at higher densities are also usually accompanied by a greater number of curb cuts. Frequent curb cuts increase the need for curbs to protect the pavement edge. In addition, on-street parking at higher densities requires curbs because curbs serve to limit the encroachment of vehicles off the pavement edge and minimize erosion of planted areas.

In residential subdivisions with very large lots or where there is adequate off-street parking, however, curbs are not necessary.

Furthermore, where a specific site permits a natural, open drainage system of swales and recharge or retention basin, curbing may be a hindrance to the stormwater management system.

Shoulders

- a. Shoulders and/or drainage swales may be required instead of curbs with approval of the county engineer and the village council when:
 - 1. Shoulders are required by state law;
 - 2. Soil to topography make the use of shoulders and/or drainage swales preferable;
 - 3. It is in the best interest of the community to serve its rural character by using shoulders and/or drainage swales instead of curbs.
- b. Shoulder requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements.
- c. The width of swales shall be determined by site-specific conditions.
- d. Where curbing is not required, some sort of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling.

APPENDIX A

SAMPLE SUBDIVIDER'S AGREEMENT

This agreement, executed on this ____ day of 19 ____, by and between (name of developer/the subdivider), as evidenced by the plat and the Castalia Village Council, is governed by the following conditions and considerations, to wit:

Said subdivider shall cause no private construction of permanent buildings to be made on the lands within such plat until street construction is started with the approval of the county engineer and all applicable permits are obtained. No house may be occupied until all improvements are accepted unless otherwise allowed by the county engineer, county sanitary engineer and health department.

Said subdivider shall construct, install or otherwise make all improvements shown and set forth to be done and performed by the engineering drawings and specifications, all of which are a part of this agreement. The subdivider shall pay the entire cost and expense of the required improvements.

Prior to county engineer and county sanitary engineer's signatures on the final plat, the subdivider shall execute a performance surety equal to 110% of the estimated cost of the public improvements (street, storm sewer, sanitary sewer and water lines) to insure the faithful performance of this agreement. The subdivider shall also deposit with the Erie County Engineer and Erie County Sanitary Engineer the sum of money estimated to be necessary to pay the cost of inspection. Should the amount of such deposit be insufficient to pay the cost thereof, the subdivider shall immediately, upon demand, deposit such additional sums as are estimated by the engineers to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposit or deposits shall be refunded (all checks may be made payable to the Village of Castalia).

The subdivider shall hold the Erie County Engineer and the Erie County Sanitary Engineer free and harmless from any and all claims for damages of every nature arising or growing out of the construction of such improvements and shall defend, at his or their own cost and expense, each and every lawsuit brought against the Village of Castalia, the Erie County Engineer and the Erie County Sanitary Engineer by reason thereof until the improvement has been accepted by the County Engineer, the County Sanitary Engineer and the Castalia Village Council.

All work is to be performed within a period of two (2) years from the date of this agreement, which is hereby fixed by said village as a reasonable period, but an extension of time may be granted if approved by the Castalia Village Council.

The subdivider further agrees that any violation of noncompliance with any of the provisions and stipulations of this agreement shall constitute a breach of contract and the Erie County Engineer, with the approval of the Village of Castalia, shall have the right to stop the work forthwith and use the surety to complete the work.

This agreement shall be binding on the subdivider and his or her personal representatives, heirs and assigns.

In consideration whereof, Castalia Village hereby grants the subdivider or his agent the right and privilege to make the improvement stipulated herein.

WITNESSED BY:	NAME OF DEVELOPER
_____	_____
	Developer
_____	_____
	Developer

Castalia Mayor	

Approved as to content:

Erie County Engineer: _____

Erie County Sanitary Engineer: _____

Approved as to form: _____

*In the absence of the Village Engineer, the County Engineer would be used.

APPENDIX B

SAMPLE PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we _____ as Principal and _____ as surety, are held and firmly bound unto the Castalia Village, in the sum of \$ _____ dollars, lawful money of the United States, for the payment of which will and truly to be made, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that:

WHEREAS, said principal will make the following improvements. All public improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions of the contract executed between said principal and the Village of Castalia for the development and improvements in _____ subdivision, in Castalia Village, Erie County, Ohio.

NOW THEREFORE, if the said principal shall fully and faithfully perform all the work specified to be done and performed by the contract executed between the principal of this board and the Castalia Village Council and within the time prescribed and in accordance with the plans, specifications and provisions therefore, to which reference is herein made, the same being a part hereof, as if fully incorporated herein; then this obligation shall be void, otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the surety for any or all claims hereunder, shall on event exceed the penal amount of this obligation, as herein stated.

The said surety hereby stipulates and agrees that no modifications, omissions or additions, in or to the terms of said contract or in or to the plans or specifications therefore or any extension of time, shall in any way affect the obligations of said surety on its bond.

WITNESS OUR HANDS THIS _____ day of _____, 19 ____.

PRINCIPAL _____

_____ SURETY

By: _____

APPENDIX C

SAMPLE CERTIFICATE OF DEPOSIT

Castalia Village
Castalia, Ohio

Re: Certificate of Deposit (amount)
(Name of Subdivision)

Gentlemen:

At the request of (Name of Developer), we are holding certificate no _____ in the amount of \$_____.

We understand the purpose of this deposit of \$_____ is to further assure the Village of Castalia that the streets and storm sewers in (the/this phase of) construction for (name of subdivision), located in Erie County, Ohio, will be satisfactorily and faithfully performed; also that this method of deposit is being used in lieu of (name of developer), and until the (name of developer) has faithfully discharged its obligations.

When this subdivision is released, please notify us by letter.

Yours truly,

Signed: (Authorized officer of bank)

APPENDIX D
SAMPLE ESCROW ACCOUNT AGREEMENT

Castalia Village
Castalia, Ohio

Re: (Development)

Gentlemen:

At the request of _____ Development Corporation, we are holding escrow funds under our custody in the amount of \$_____.

The purpose of this deposit of \$_____ is to assure installation of streets, storm sewers, sanitary sewers and water lines located in Castalia Village, Erie County, Ohio, will be faithfully and satisfactorily installed; also, that this escrow agreement will be used in lieu of giving a performance bond.

The escrowed funds will be held by us and disbursed to the contractor monthly on the basis of 90% of the estimate of completion by the contractor and approval by the Erie County Sanitary & Highway Engineer in writing. The final 10% will be disbursed upon acceptance of the subject improvements by the Erie County Sanitary & Highway Engineer and the Castalia Village Council.

Developer and bank do hereby acknowledge and agree that Castalia Village is a third party beneficiary of this agreement and that said board shall be authorized and empowered to sue for specific performance and/or damages in the event of breach of any terms and conditions of this agreement.

APPROVED:

BANK:

BY: _____
Developer

BY: _____
Title

BY: _____
Contractor

BY: _____
Castalia Mayor

APPENDIX E

SAMPLE IRREVOCABLE DOCUMENTARY LETTER OF CREDIT

Name of bank

Date

Advising bank

BENEFICIARY:

CASTALIA VILLAGE

APPLICANT: _____
Subdivider

EXPIRATION DATE FOR NEGOTIATION/PRESENTATION: _____

AMOUNT: _____

Dear Sirs:

We hereby issue in your favor this documentary letter of credit which is available by negotiation of your draft(s) _____ at sight drawn on \$ _____ U.S. bearing the clause "Drawn under documentary credit no. _____, _____ (bank) accompanied by the following documents:

Beneficiary's signed statement that _____ (subdivider) has failed to perform properly under terms of its agreement with Castalia Village relative to improvements of _____ (subdivision improvements).

We hereby engage with the bonafide holders of all drafts drawn and/or documents presented under and in compliance with the terms of this letter of credit that such drafts and/or documents will be duly honored upon presentation to us.

The amount of each drawing must be endorsed on the reverse side of this letter of credit by the negotiating bank.

Yours faithfully,

Bank Name

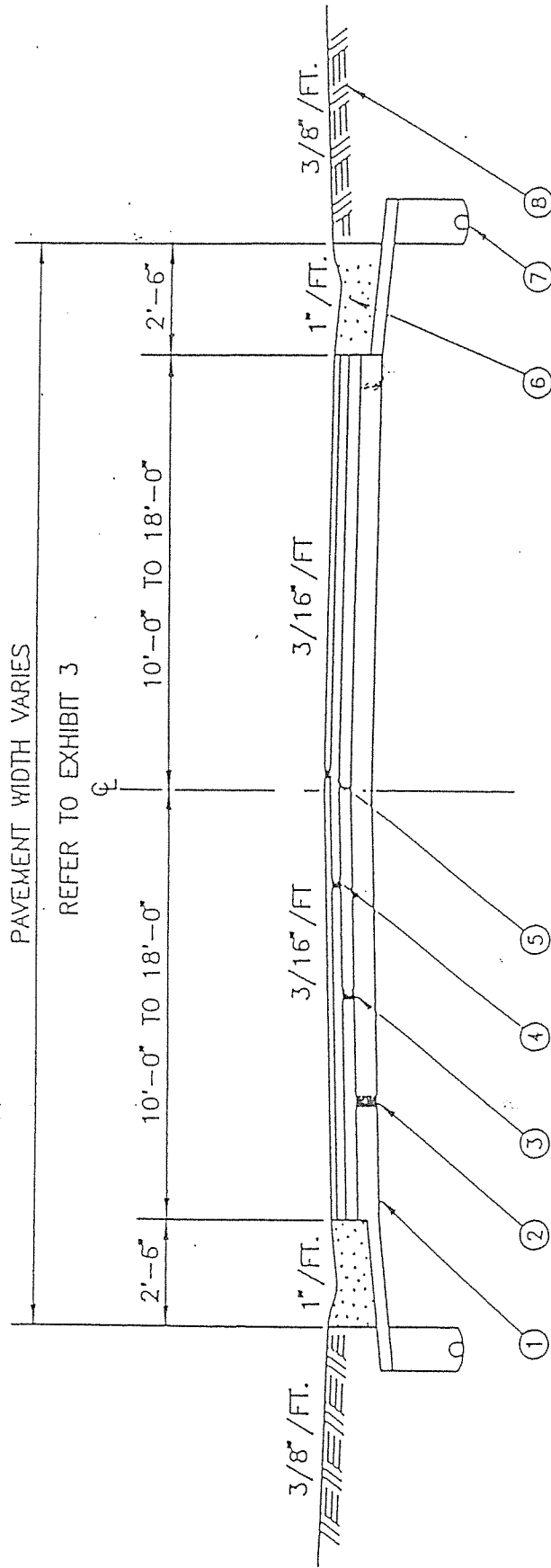
Signature

APPENDIX F

DRAWING #

- 1 Steel Reinforcing for Reinforced Concrete Base and Pavement
- 2 Typical Section Portland Cement Concrete Pavement Type T-70
- 3 Pavement Joints
- 4 Transverse Joints
- 5 Standard Concrete Curbs and Combined Curb and Gutter
- 6 Driveways
- 7 Drains and Sewers
- 8 Standard Manhole
- 9 Standard Sewer Structures
- 10 Catch Basins No. 2-2-A and 2-2-B
- 11 Catch Basin No. 3-A

TYPICAL SECTION-ASPHALT CONCRETE PAVEMENT



- ① ITEM 203 SUBGRADE COMPACTION
- ② ITEM 304 6" AGGREGATE BASE
- ③ ITEM 301 3-1/2" BITUMINOUS AGGREGATE BASE
- ④ ITEM 402 1-1/2" ASPHALT CONCRETE
- ⑤ ITEM 404 1" ASPHALT CONCRETE
- ⑥ ITEM 609 COMBINATION CURB AND GUTTER (TYPE 2 OR 3) OR TYPE 6 CURB
- ⑦ ITEM 605 4" PIPE UNDERDRAINS
- ⑧ ITEM 659 SEEDING AND MULCHING (WITHIN RIGHT-OF WAY)

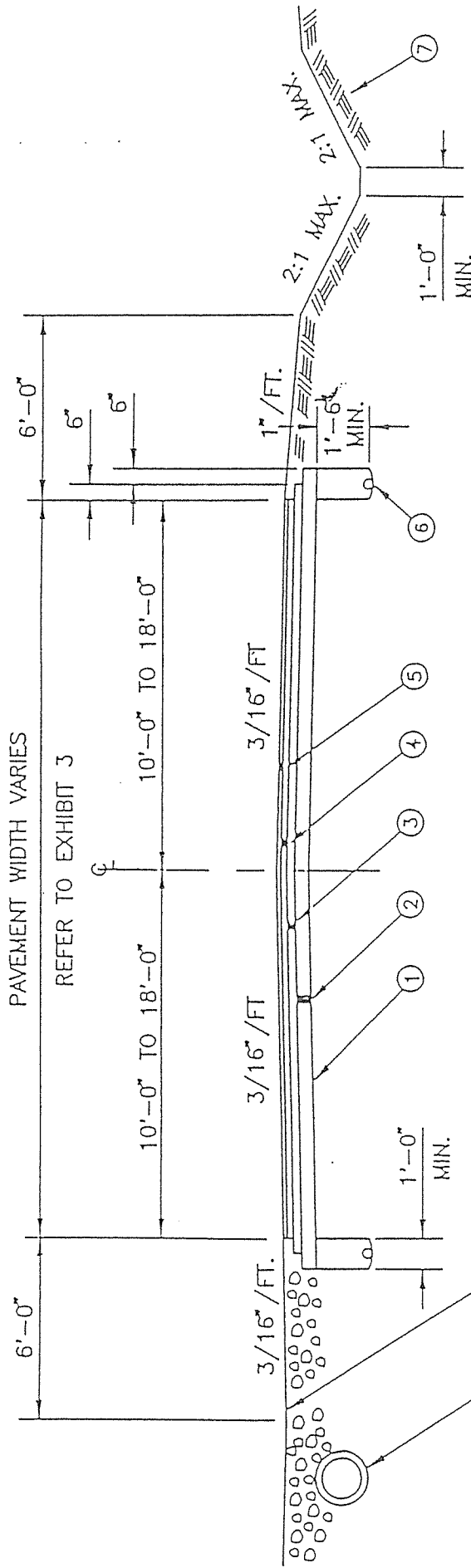
ALL WORK SHALL CONFORM TO THE CURRENT STANDARD DRAWINGS AND SPECIFICATIONS OF THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION EXCEPT AS MODIFIED HEREON.

ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

TYPICAL SECTION - ASPHALT CONCRETE PAVEMENT



DRIVEWAY (STONE OR ASPHALT TO R/W LINE)

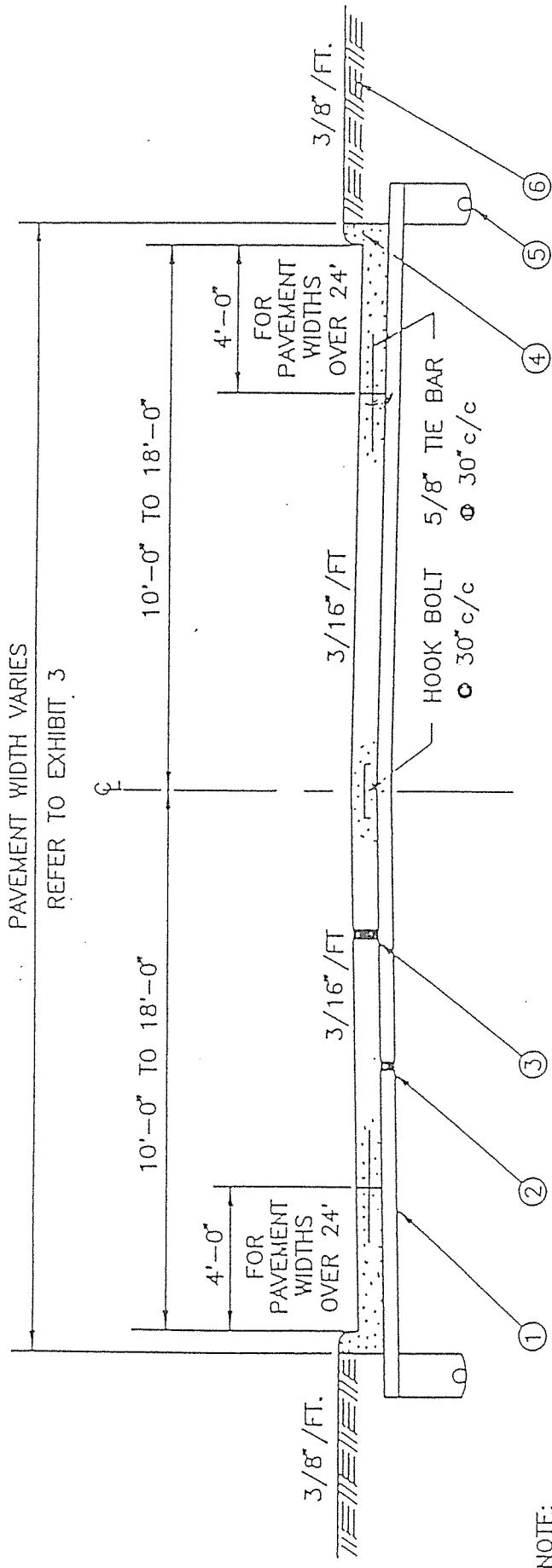
12" REINF. CONCRETE
DRIVEWAY CULVERT (MIN. SIZE)

- ① ITEM 203 SUBGRADE COMPACTION
- ② ITEM 304 6" AGGREGATE BASE
- ③ ITEM 301 3-1/2" BITUMINOUS AGGREGATE BASE
- ④ ITEM 402 1-1/2" ASPHALT CONCRETE
- ⑤ ITEM 404 1" ASPHALT CONCRETE
- ⑥ ITEM 605 4" PIPE UNDERDRAINS
- ⑦ ITEM 659 SEEDING AND MULCHING (WITHIN RIGHT-OF WAY)

ALL WORK SHALL CONFORM TO THE
CURRENT STANDARD DRAWINGS AND
SPECIFICATIONS OF THE STATE OF
OHIO DEPARTMENT OF TRANSPORTATION
EXCEPT AS MODIFIED HEREON.

ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS
EDWARD L. FEICK
COUNTY ENGINEER
PAVEMENT DETAILS

TYPICAL SECTION—PORTLAND CEMENT CONCRETE PAVEMENT



PAVEMENT WIDTH VARIES
REFER TO EXHIBIT 3

10'-0" TO 18'-0" 10'-0" TO 18'-0"

4'-0" FOR PAVEMENT WIDTHS OVER 24'

4'-0" FOR PAVEMENT WIDTHS OVER 24'

3/16" / FT 3/16" / FT

HOOK BOLT 5/8" TIE BAR
⊙ 30" c/c ⊙ 30" c/c

3/8" / FT. 3/8" / FT.

NOTE:

DRAWINGS OF INTERSECTIONS AND CUL-DE-SACS ARE REQUIRED INDICATING JOINT LAYOUT AND DETAILS.

MAXIMUM SPACING BETWEEN TRANSVERSE CONTRACTION JOINTS—17 LIN. FT.

ALL WORK SHALL CONFORM TO THE CURRENT STANDARD DRAWINGS AND SPECIFICATIONS OF THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION EXCEPT AS MODIFIED HEREON.

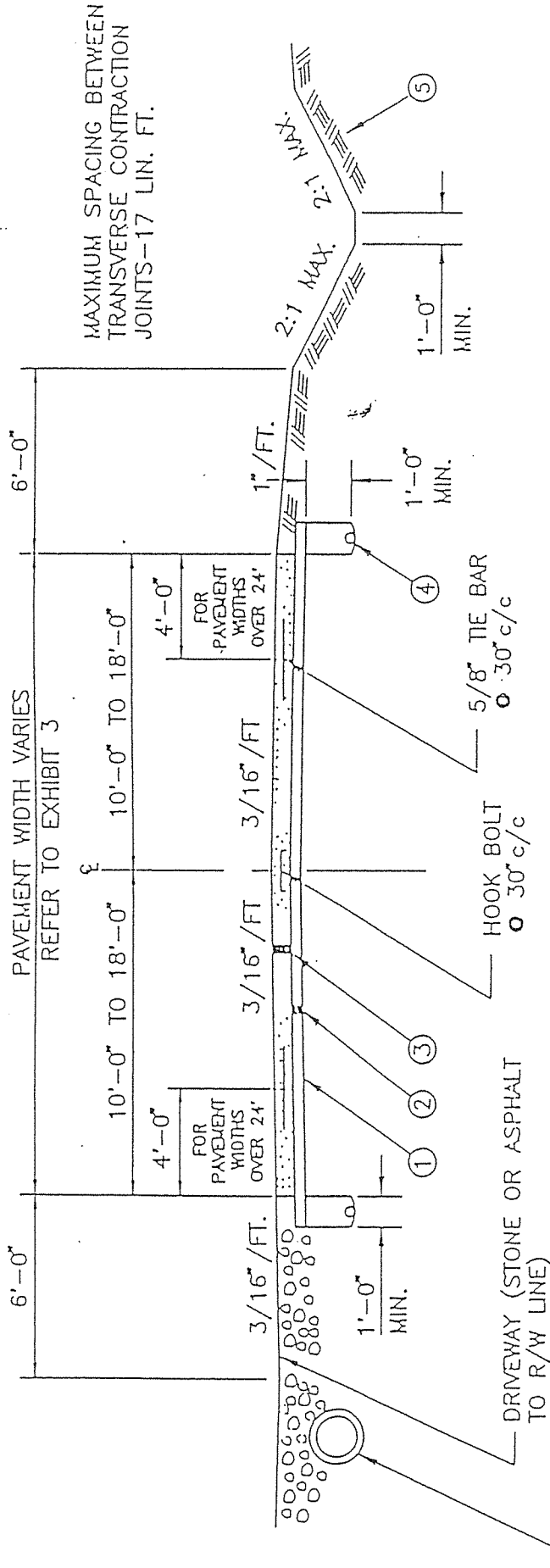
- ① ITEM 203 SUBGRADE COMPACTION
- ② ITEM 411 4" STABILIZED CRUSHED AGGREGATE
- ③ ITEM 452 7" PLAIN PORTLAND CEMENT CONCRETE PAVEMENT
- ④ ITEM 609 INTEGRAL CONCRETE CURB (TYPE 2-A OR 3-A)
- ⑤ ITEM 605 4" PIPE UNDERDRAINS
- ⑥ ITEM 659 SEEDING AND MULCHING (WITHIN RIGHT-OF-WAY)

ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

TYPICAL SECTION—PORTLAND CEMENT CONCRETE PAYEMENT



12" REINF. CONCRETE DRIVEWAY CULVERT (MIN. SIZE)

NOTE:

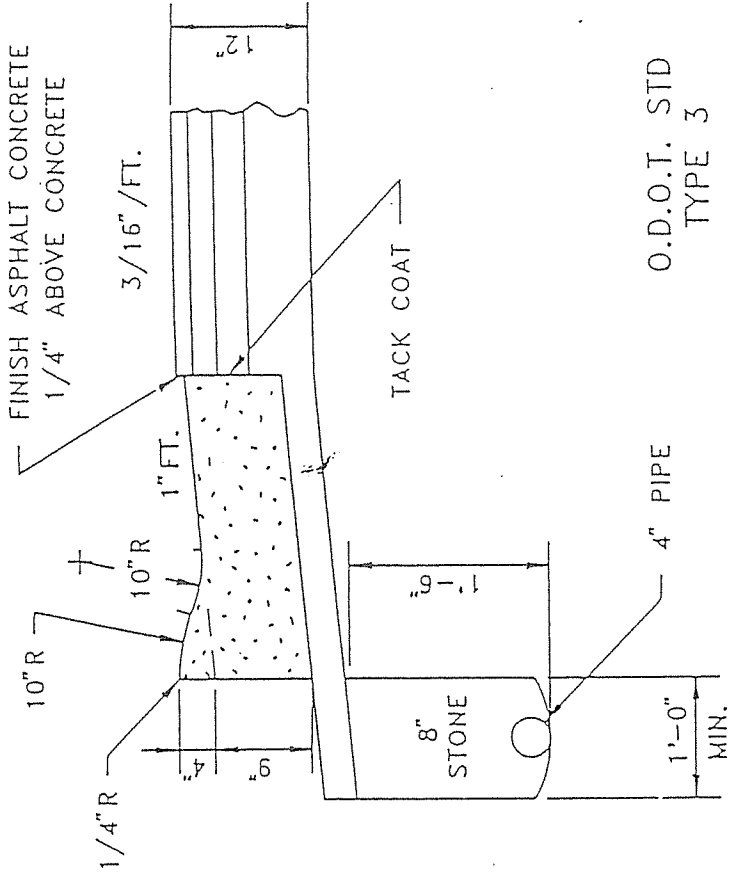
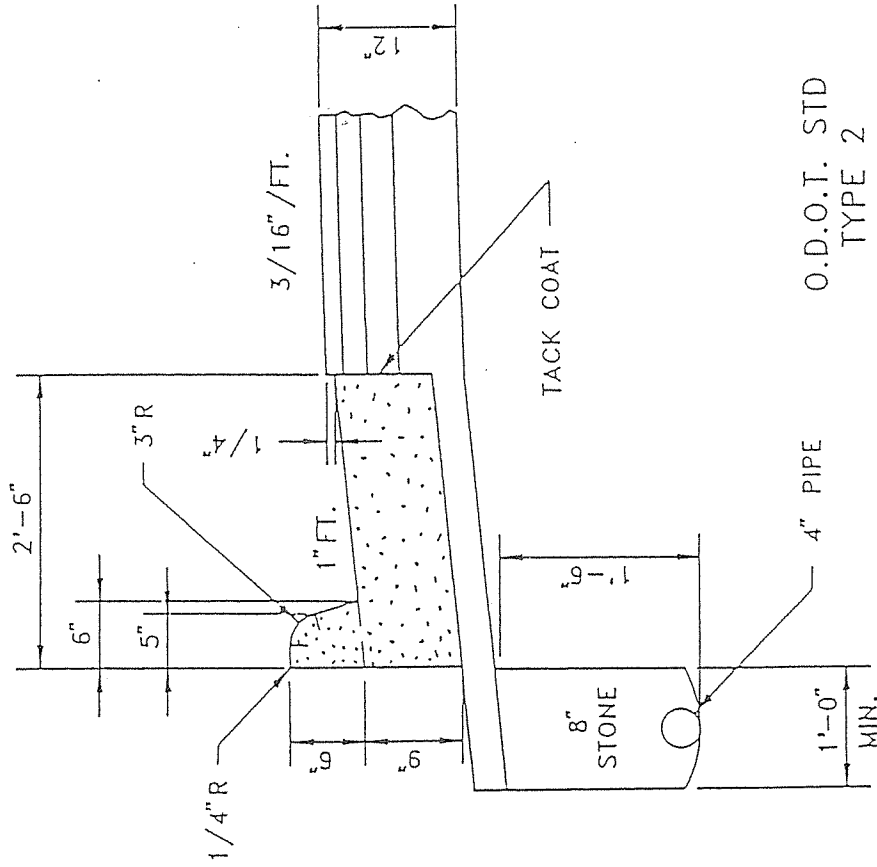
DRAWINGS OF INTERSECTIONS AND CUL-DE-SACS ARE REQUIRED INDICATING JOINT LAYOUT AND DETAILS.

ALL WORK SHALL CONFORM TO THE CURRENT STANDARD DRAWINGS AND SPECIFICATIONS OF THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION EXCEPT AS MODIFIED HEREON.

- ① ITEM 203 SUBGRADE COMPACTION
- ② ITEM 411 4" STABILIZED CRUSHED AGGREGATE
- ③ ITEM 452 7" PLAIN PORTLAND CEMENT CONCRETE PAVEMENT
- ④ ITEM 605 4" PIPE UNDERDRAINS
- ⑤ ITEM 659 SEEDING AND MULCHING (WITHIN RIGHT-OF-WAY)

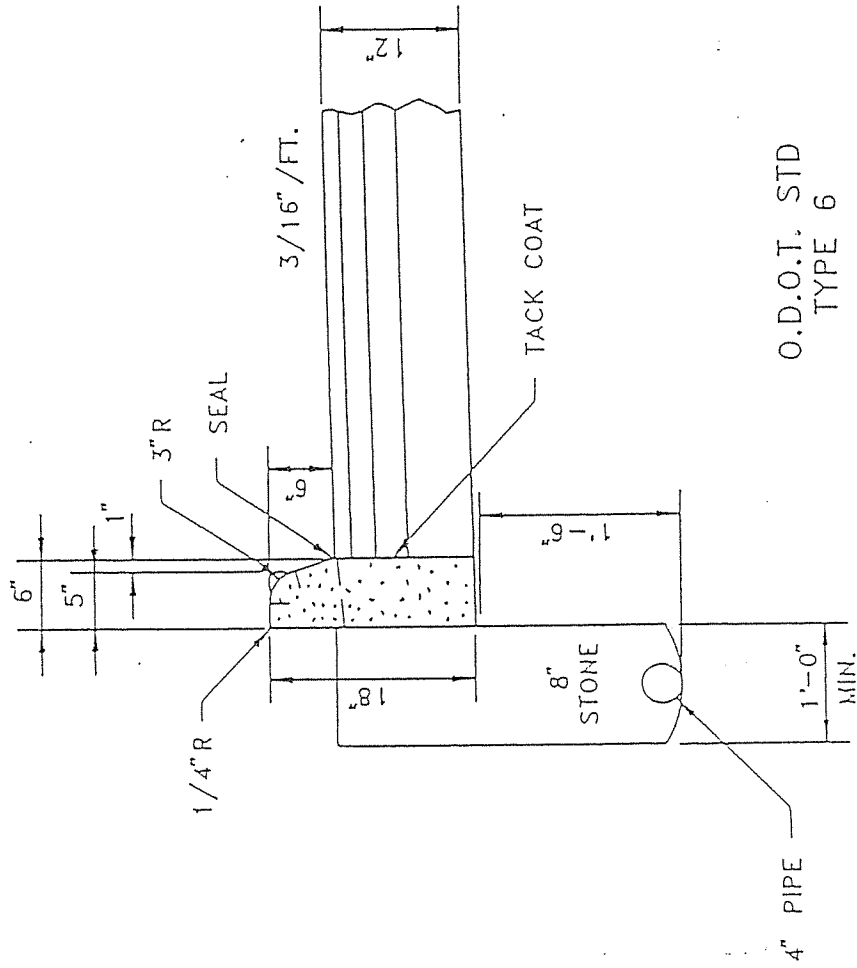
ERIE COUNTY, OHIO
 DEPARTMENT OF HIGHWAYS
 EDWARD L. FEICK
 COUNTY ENGINEER
 PAVEMENT DETAILS

STANDARD COMBINATION CURB AND GUTTER OR STRAIGHT CURB



ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS
EDWARD L. FEICK
COUNTY ENGINEER
PAVEMENT DETAILS

STANDARD COMBINATION CURB AND GUTTER OR STRAIGHT CURB



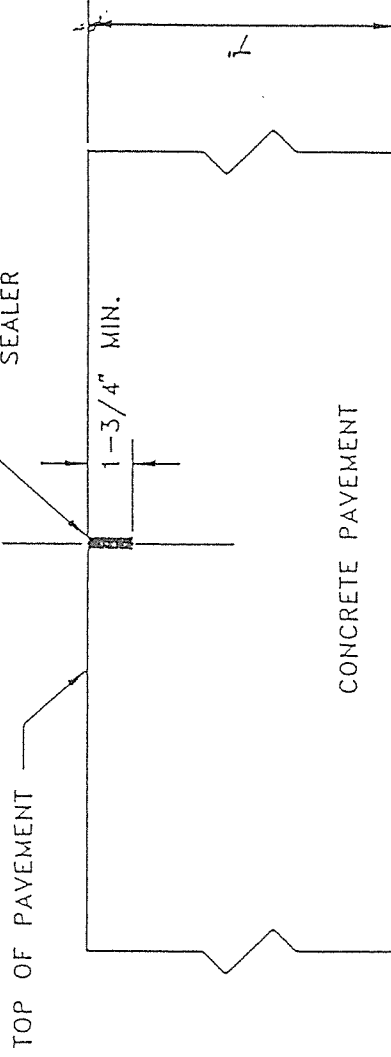
O.D.O.T. STD
TYPE 6

ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS
EDWARD L. FEICK
COUNTY ENGINEER
PAVEMENT DETAILS

TRANSVERSE JOINTS

CONTRACTION JOINT

1/4" ± 1/16" WIDTH SAWED JOINT
WITH 705.01 OR 705.02 JOINT
SEALER

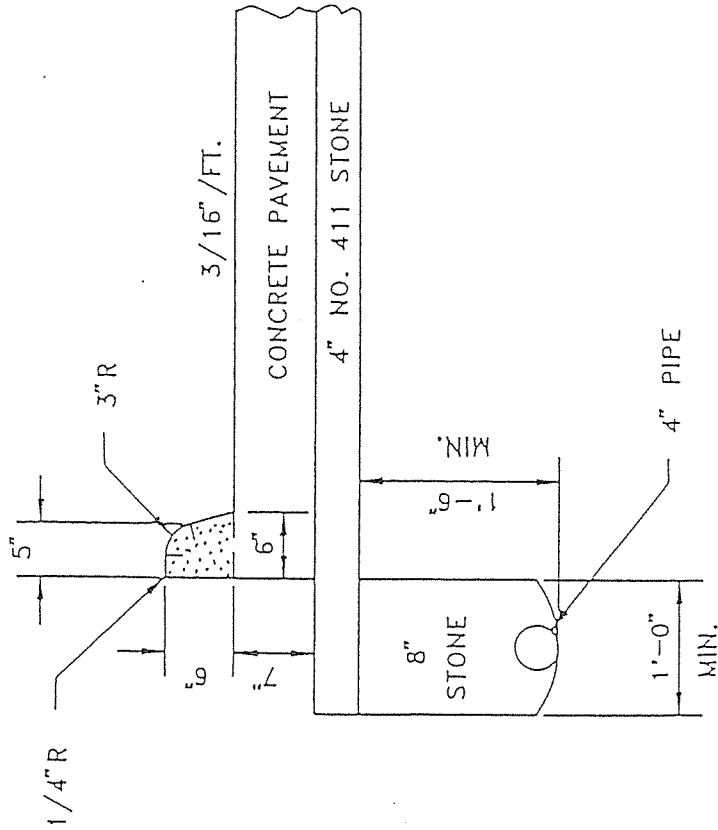


ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

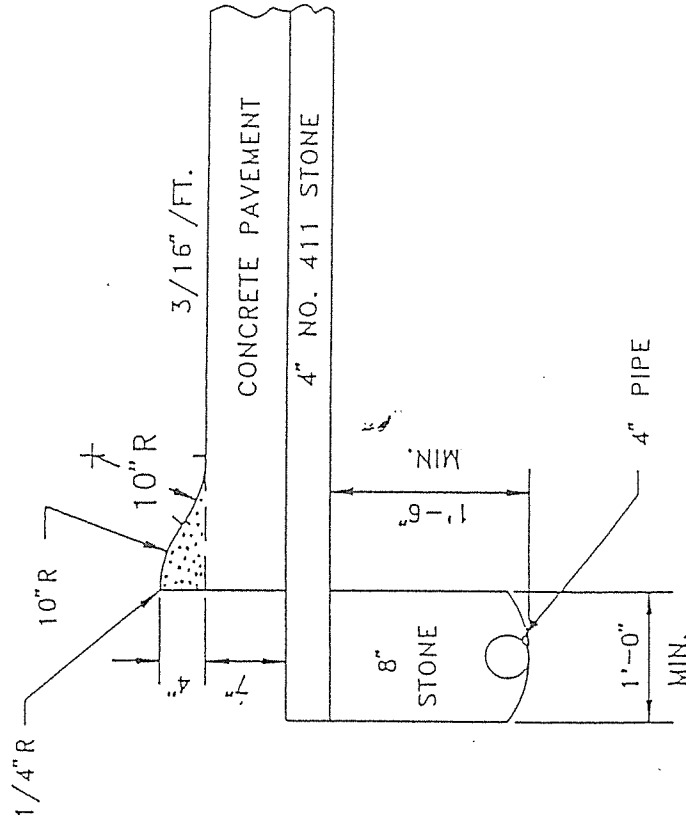
EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

STANDARD INTEGRAL CONCRETE CURBS



O.D.O.I. STD
TYPE 2-A



O.D.O.I. STD
TYPE 3-A

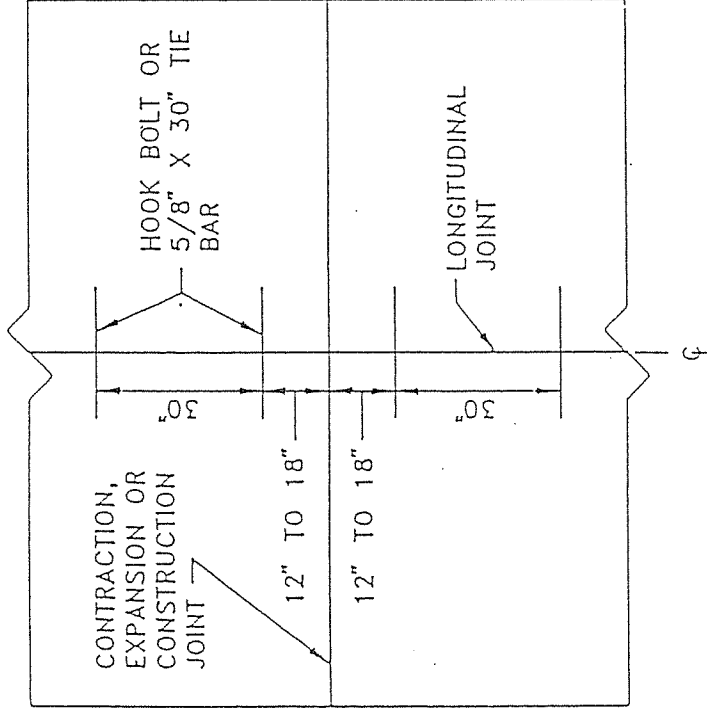
ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

LONGITUDINAL JOINTS

PLAN
TIE BAR OR HOOK BOLT SPACING



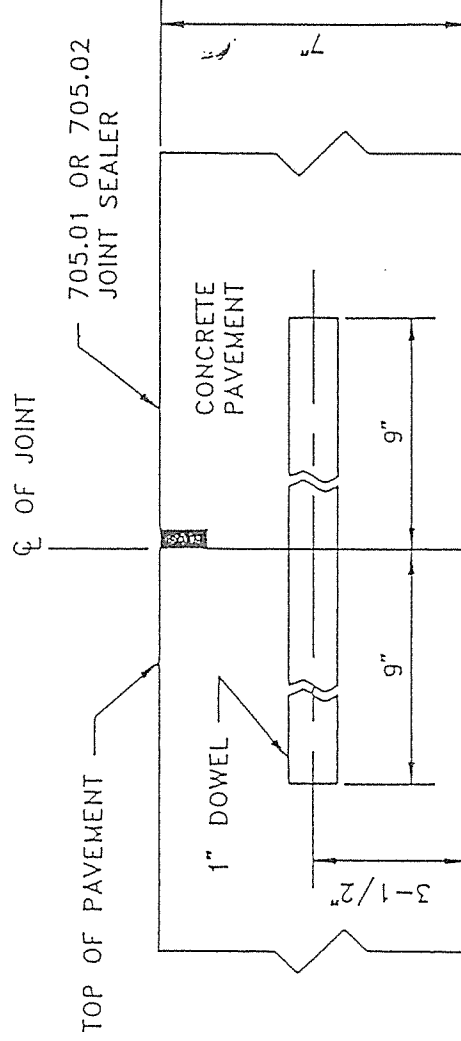
ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

TRANSVERSE JOINTS

CONSTRUCTION JOINT



NOTE:

1" DOWELS SHALL BE SPACED AT 12" c/c BEGINNING 6" FROM LONGITUDINAL JOINT FOR ALL CONSTRUCTION JOINTS.

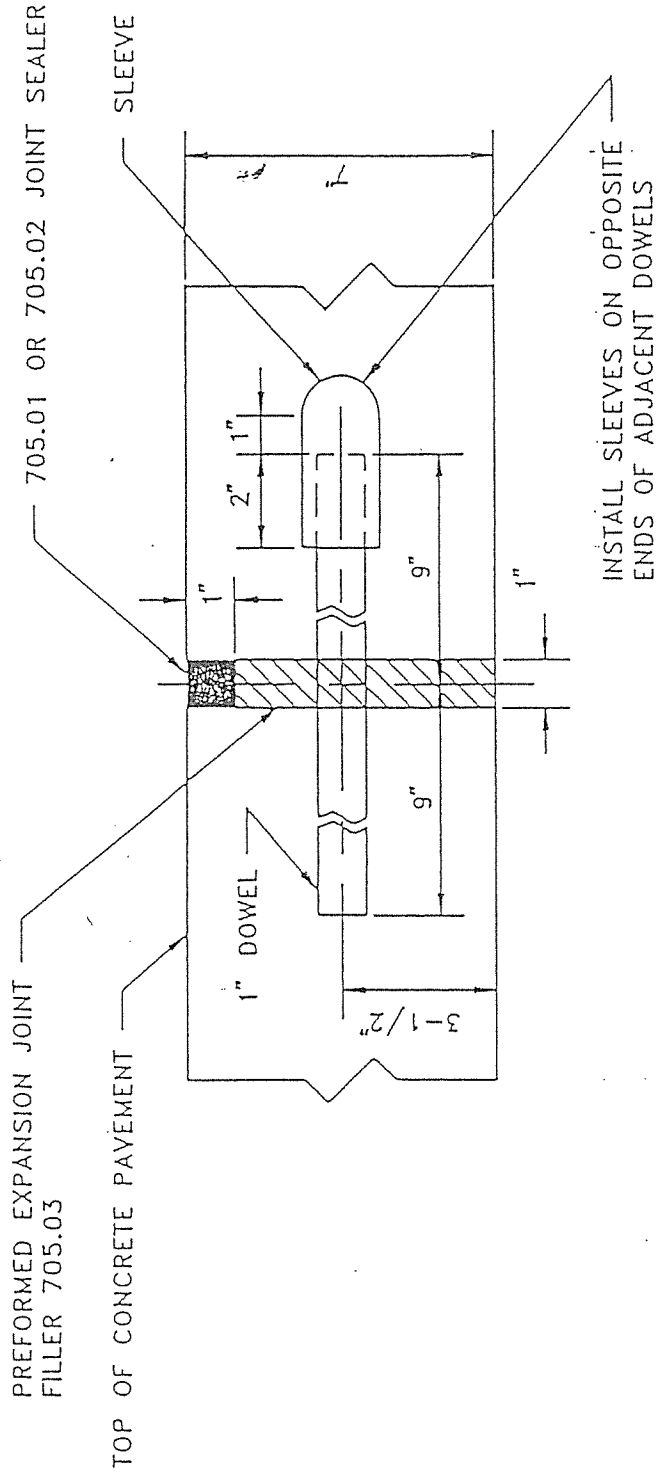
ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

TRANSVERSE JOINTS

EXPANSION JOINT



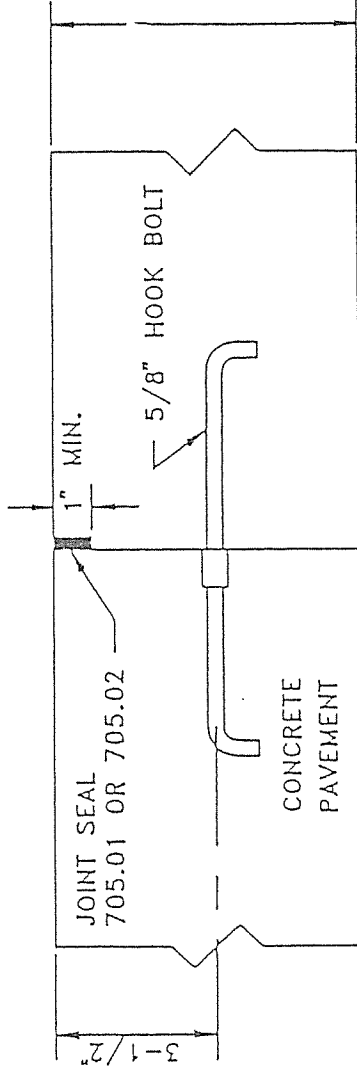
ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS
EDWARD L. FEICK
COUNTY ENGINEER
PAVEMENT DETAILS

NOTE:

1" DOWELS SHALL BE SPACED AT 12" c/c BEGINNING 6" FROM LONGITUDINAL JOINT FOR ALL EXPANSION JOINTS.

LONGITUDINAL JOINTS

BUTT JOINT



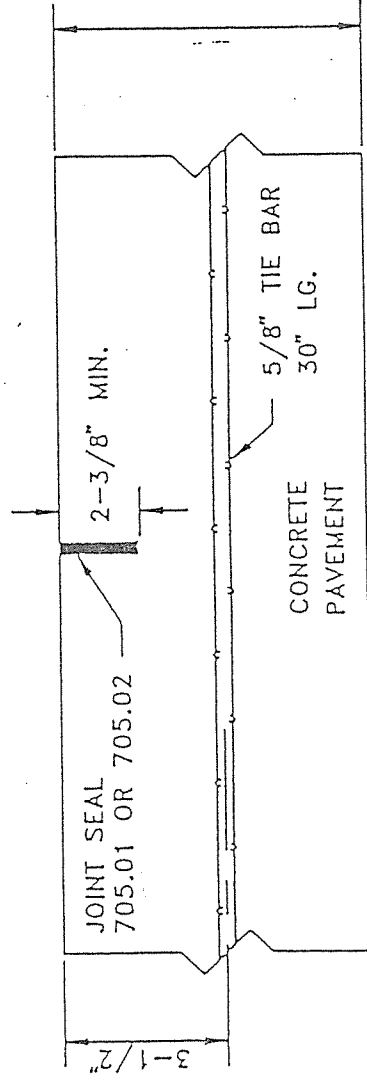
ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

LONGITUDINAL JOINTS

SAWED JOINT



ERIE COUNTY, OHIO
DEPARTMENT OF HIGHWAYS

EDWARD L. FEICK
COUNTY ENGINEER

PAVEMENT DETAILS

ARTICLE VI

NONCONFORMING USES

SECTION 601 PURPOSE

The purpose of this section is to provide for the continuation of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this ordinance.

SECTION 601.1 REGULATIONS

The lawful use of any building or land existing at the effective date of this ordinance may be continued, although such does not conform with the provisions of this ordinance, provided the following conditions are met:

- a. Alterations
A nonconforming building or structure shall not be externally altered, improved or reconstructed, enlarged or extended.
- b. Nonconforming to Nonconforming Use
A nonconforming use may be changed to another nonconforming use provided that the proposed nonconforming use is in less conflict with character and use of the district that the existing nonconforming use as determined by the Board of Zoning Appeals.
- c. Construction Approved Prior to Ordinance
Nothing in this ordinance shall prohibit the completion of construction and use of nonconforming building for which a zoning certificate has been issued prior to the effective date of this ordinance, provided that construction is commenced within ninety (90) days after the issuance of diligently and without interruption for a continuous period in excess of thirty (30) days and that the entire building shall have been completed within two (2) years after the issuance of said zoning certificate.
- d. Displacement
No nonconforming use shall be extended to displace a conforming use.
- e. Discontinuance or Abandonment
Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming use. At the end of that two (2) year period of abandonment and nonconforming use

shall not be re-established and any further use shall be in conformity with the provisions of the ordinance.

f. Unsafe Structures

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority provided such work is not to an extent exceeding in aggregate cost fifty (50) percent of the replacement value of the building or structure, unless the building or structure is changed to conforming use.

g. Nonconforming Use Map

The zoning inspector shall prepare a "Nonconforming Use Map" within sixty (60) days of the effective date of this ordinance, to show the use of property which does not conform to the provisions of the use zone in which the property is located. This provision shall apply only to commercial and industrial uses for which no fee shall be charged.

1. In accordance with the provisions of this section, no use of land, buildings or structures shall be made other than that specified on the "Nonconforming Use Map" unless said use shall be in conformity with the provisions of the use zone in which the property is located.

2. A copy of each "Nonconforming Use Map" shall be filed in the office of the zoning inspector.

h. District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to a nonconforming use existing thereon.

SECTION 601.2

**CONTINUATION OF EXISTING USE
CONDITIONALLY PERMISSIBLE UNDER THE
ORDINANCE**

All uses existing at the time of passage of this ordinance and conditionally permissible in their respective districts under this ordinance, shall be issued conditional zoning certificates within sixty (60) days after the passage of this ordinance. This provision shall apply only to commercial and industrial uses.

The certificates shall be issued by the zoning inspector.

ARTICLE VII

PARKING AND LOADING REGULATIONS

SECTION 701

OFF STREET PARKING

In all districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided as prescribed by this section.

SECTION 701.1

MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

- a. Auditorium, Stadium and Similar Uses
One for each four seats based on maximum seating capacity.
- b. Business and Professional Offices and Banks
One for each two hundred square feet of floor area.
- c. Bowling Alleys
Four for each alley plus one for each two employees.
- d. Churches and School Auditoriums
One for each four seats in principal auditoriums, based on maximum seating capacity.
- e. Clubs and Lodges
One per two hundred square feet of floor area or one per four seating spaces in the assembly room.
- f. Dance Halls, Skating Rinks
One per one hundred square feet of floor area.
- g. Dwellings
Two parking spaces for each dwelling unit except as otherwise provided in section 412.4, f, 7.
- h. Funeral Homes, Mortuaries
Two per chapel room or parlor or one per one hundred (100) square feet of floor area of rooms used or services, whichever is greater.
- i. Hospitals, Health or Medical Centers or Clinics – Bed Establishments
One parking space for each two hundred (200) square feet of floor area.

- j. Hotels
One parking space for each one sleeping room.
- k. Medical and Dental Offices and Clinics
Five for each physician or dentist plus one for each two other employees.
- l. Manufacturing Plants
Two spaces per three employees – the total number being the total number of employees on any two consecutive shifts having the largest number of employees.
- m. Restaurants
One per two seats of seating capacity.
- n. Retail Stores, Supermarkets, etc.
One for each one hundred (100) square feet of floor area.
- o. Theaters
One for each four seats.

SECTION 701.2

SUPPLEMENTARY REGULATIONS

- a. Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area exclusive of access drives or aisles.
- b. Such parking areas shall be of usable shape, and so graded and drained and provided with adequate drainage facilities so that the adjacent properties and rights-of-way shall not be subject to flooding by run-off water from the proposed parking area. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining sources such as the stringing of light bulbs shall be permitted. All parking spaces, except those provided in conjunction with one (1) and two (2) family dwellings, shall be improved with bituminous, concrete or equivalent surfacing.
- c. Wheel guards, including bumper guards as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more; to contain the cars on sloping surfaces; to prevent bumper overhang or other encroachment into the required or specified setback spaces.
- d. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) access ways abutting any streets. Such access ways shall not be less than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of

street. Residential uses may have access ways of not less than eight (8) feet.

e. No off-street parking facilities shall be located in the front yard, as required by this ordinance, except:

1. In Commercial Districts

Off-street parking facilities may be located in front and side yards providing that points of access and related landscaping has been approved by the Planning Commission.

2. In Industrial Districts

Off-street parking facilities may be located in front and side yards provided that points of access and landscaping has been approved by the Planning Commission.

**SECTION 702 LOADING AND UNLOADING SPACE
 REQUIREMENTS**

SECTION 702.1 MINIMUM SPACES REQUIRED

Every building or part thereof erected or occupied for commercial purposes, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise shall provide and maintain on the same premises at least one loading space or unloading space for the first 5,000 to 15,000 square feet of floor area in building and one additional loading space for each 15,000 square feet or fraction thereof of floor area in excess of 15,000 square feet. Each such loading space shall have a minimum dimension of twelve by thirty-five (12 x 35) feet and a vertical clearance of fourteen (14) feet.

ARTICLE VIII

CONDITIONAL ZONING CERTIFICATES

SECTION 801 PURPOSE

Until recent years, the regulation of all uses of land and structure through zoning have been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with conclusive experience regarding some of the older, familiar kinds of uses call for a more flexible and equitable procedure or properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, location of such types of land use activities are many and varied, depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this ordinance for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other public facilities and services required and other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditionally Permissible Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

SECTION 801.1 PROCEDURE FOR MAKING APPLICATION

Any application for a Conditional Zoning Certificate for any land or structure use permitted under this ordinance shall be submitted in accordance with the following procedures:

- a. Application Submitted to Village Planning Commission
Any application shall be submitted to the Village Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee as indicated in the Village Zoning Ordinance.

b. Data Required with Application

1. Form supplied by Planning Commission, completed by applicant.
2. Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the type of buildings and their uses.
3. Complete plans and specifications for all proposed development and construction.
4. A statement supported by substantiating evidence regarding the requirements enumerated by section 801.2 below.

c. Review by Village Planning Commission

The Village Planning Commission shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this ordinance. Such review shall be completed and made public within forty-five (45) days of the first regular monthly meeting of the Planning Commission following the submission of such application. If the application is submitted at a regular monthly meeting of the Planning Commission, then the forty-five (45) day period shall begin with date of submittal.

d. Hearing

After adequate review and study of any application, the Village Planning Commission may hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the village of least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.

e. Issuance and Revocation of Conditional Zoning Certificates, Violation and Penalty

Only upon conclusion of hearing procedures relative to a particular application may the Village Planning Commission issue a conditional zoning certificate. The breach of any condition, safeguard, or requirement shall automatically invalidate the certificate granted and shall constitute a violation of this Zoning Ordinance. Such violation shall be punishable as per section 902.2.

f. Reapplication

No application for a conditional zoning certificate which had been denied wholly or in part by the Village Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Village Planning Commission.

SECTION 801.2 BASIS OF DETERMINATION

The Village Planning Commission shall establish beyond reasonable doubt that the general standards and the scientific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Village Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this ordinance will be observed.

a. General Standards

The Village Planning Commission 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 on the proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Castalia Village Comprehensive Plan, when adopted;
2. 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 a use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

6. Including all structures, roads and utilities shall be in compliance with the Village of Castalia Subdivision Regulations, the board of health standards and the village building code, when adopted;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

SECTION 802 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES AS LISTED IN SECTION 410.3, 411.3, 412.2 AND 421.3

- 101** In the case of group housing or other multi-family dwelling structures, the lot size and frontage requirements may be reduced providing that the net residential population density will not exceed that indicated in the "Purpose" of that district in which the proposed group housing district is to be located.
- 102** All structures, except minor structures such as utility poles and meters and activity areas shall be located at least twenty-five (25) feet from all property lines.
- 103** Loud speakers which cause a hazard or annoyance shall not be permitted.
- 104** Recreational facilities shall be provided as deemed necessary in the opinion of the Village Planning Commission.
- 105** All points of entrance or exit shall be located no closer than one hundred (100) feet from the intersection of two streets.
- 106** There shall be no more than one directional advertisement oriented to each abutting road identifying the activity.
- 107** No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
- 108** The structures designated in Section 410.3, subsection 3, also section 412.3b, should be located adjacent to non-residential uses, such as churches, parks, utility stations, industrial or commercial districts.
- 109** Such use shall not require costly or uneconomic extensions of utility services at the expense of the community.
- 110** All site plans for group housing developments and apartment houses shall be approved by the Village Planning Commission and authorized by the Village Council.

111 All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual or to the community in general.

112 Such uses shall be secondary in importance to the use of the dwelling for dwelling purposes.

- a. Such uses shall be conducted by the occupant with no additional employees.
- b. Such occupations shall be carried on entirely within the dwelling and not in an accessory building, however, the garage may be used providing that the home occupation does not preclude the storage of the number of vehicles for which the garage was designed.
- c. The conducting of the home occupations shall not occupy more than thirty-three (33) percent of the living floor area of any one dwelling unit, except that up to fifty (50) percent of the total floor area may be devoted to the taking of boarders, tourists and lodgers, or the leasing of rooms.

113 Such uses shall be permitted under the following conditions:

- a. Provided that such facilities be located at the extremity of the business district so as not to interfere with the pedestrian interchange between stores in the district and provided further that it would not limit expansion of the pedestrian oriented facilities.
- b. That such facilities shall be for the purpose of servicing motor vehicles under one and one-half (1 ½) ton rates capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires and accessories not requiring a change in the chassis, body or engine of the vehicle and the repairing of flat tires.
- c. That all activities, except those required to be performed at the fuel pumps and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
- d. That no more than two (2) driveway approaches shall be permitted directly from any thoroughfare, each of which shall not exceed thirty (30) feet in width at the property line.

If the property fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable, but in no case shall the driveway be no closer than thirty (30) feet from the right-of-way line of the intersecting street.

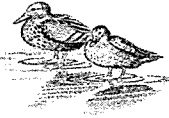
At least a six (6) inch high pedestrian safety curb shall be installed along all street lines except at driveway approaches.

114 Conditions for Trailer Parks

- a. In addition to the other requirements of this section, the application shall include any other data the Planning Commission may require.
- b. Each boundary of the park must be at least two hundred (200) feet from any permanent residential building outside the park, unless separated therefrom by a natural or artificial barrier.
- c. The park shall be graded to be well drained.
- d. Trailer spaces shall be a minimum of four thousand five hundred (4,500) square feet for each space and at least fifty (50) feet wide and clearly defined.
- e. There shall be at least a twenty (20) foot clearance between trailers. No trailer shall be closer than twenty (20) feet from any building within the park of ten (10) feet from any property line bounding the park.
- f. All trailer spaces shall abut upon a driveway of not less than thirty-four (34) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving shall meet the requirements of county street standards and lighted at night with electric lamps of not less than two thousand (2,000) lumens each spaced at intervals of not more than one hundred twenty (120) feet. Lighting shall be shielded so as to direct light onto the roads.
- g. All trailers shall have a minimum width of eight (8) feet and a minimum floor space of three hundred (300) square feet.
- h. Each park may provide service buildings to house laundry, storage facilities and offices. Walkways not less than three (3) feet wide and paved shall be provided from the trailer spaces to the service buildings. A central vehicle parking area shall be provided to supply off-street parking at a ratio of one (1) space for each three (3) trailer spaces.
- i. An electric outlet supplying at least 220 volts shall be provided for each trailer space.
- j. Each trailer space shall be provided a water tap to supply pure and adequate water for drinking and domestic purposes.

- k. Adequate garbage and rubbish cans shall be provided not further than three hundred (300) feet from any trailer space.
- l. An open space recreation area shall be provided within the boundaries of the trailer park. The size of the area shall be one (1) acre for the first ten (10) trailers spaces plus 1/20 of an acre for each additional trailer space in the park.
- m. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the fire prevention officer.
- n. No pet animal shall run at large or commit any nuisance within the limits or any trailer park.
- o. The permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the trailer park, its facilities and equipment in a clean, orderly and sanitary condition and free from any condition that will menace the health or any occupant or the public or constitute a nuisance.

ARTICLE IX



ADMINISTRATION AND ENFORCEMENT

SECTION 901

ADMINISTRATION

The provisions of this ordinance shall be administered by the Castalia Village Planning Commission.

SECTION 901.1

ZONING INSPECTOR

A zoning inspector shall be employed by the Village Planning Commission for the purpose of affecting proper administration of this ordinance. The terms of employment, rate of compensation and other such conditions shall be set by the Planning Commission with approval of the Village Council. For the purposes of affecting this ordinance, the zoning inspector shall have the powers of a police officer.

The administrative and enforcement duties and functions of the zoning inspector are as follows:

- a. Review all applications submitted for a zoning certificate.
- b. Issue a zoning certificate when application is in conformance with this ordinance.
- c. Make one (1) on-site inspection of the construction or usage affected by any zoning certificate, when excavation for foundations have been completed and building lines have been established. It shall be the duty of the holder of every permit to notify the zoning inspector, in writing, as to the time when the construction will be ready for inspection.
- d. Keep an accurate record of all applications and certificates issued or processed.
- e. Maintain the official zoning map and text, keeping an up-to-date record at all times.
- f. Maintain a complete record of nonconforming uses.
- g. Serve as the official to which application for amendments and appeals are made, then forward copies of applications to secretaries of the Appeals Board or Planning Commission, whichever is applicable.

- h. Forward to the county auditor one (1) copy of each zoning certificate issued.
- i. Make decisions strictly as set forth by the Zoning Ordinance.

SECTION 901.2 SUBMISSION OF APPLICATIONS

All applications for zoning certificates shall be submitted to the zoning inspector who may issue zoning certificates when all applicable provisions of this ordinance have been complied with.

SECTION 901.3 ZONING CERTIFICATE REQUIRED

Before constructing, changing the use of, or altering any building, including accessory buildings or changing the use of any premises, application shall be made to the zoning inspector for a zoning certificate. The applications shall include the following information:

- a. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
- b. The location, dimensions, height and bulk of structures to be erected.
- c. The intended use or uses.
- d. The proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
- e. The yard, open area and parking space dimensions.
- f. Evidence of ownership.
- g. Any other pertinent data as may be necessary to determine and provide for the enforcement of this ordinance.

Within ten (10) days after the receipt of application, the zoning inspector shall issue a zoning certificate if the application complies with the requirements of this ordinance and the application is accompanied by the proper fee as indicated in section 901.4.

The zoning certificate shall become void at the expiration of one (1) year after date of issuance, unless construction is started.

If no construction is started or use changed within one (1) year of date of permit, a new permit is required upon proper application.

If the application is for a conditional zoning certificate, the application procedure defined in section 801.1 will be followed in lieu of the above regulations.

SECTION 901.4 PAYMENT OF FEE

- a. Zoning certificate fee is included and collectable in the building permit fee.
- b. The fee for a conditional zoning certificate shall be one hundred (\$100) dollars and in addition, when the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, or when the Planning Commission will deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

SECTION 902 ENFORCEMENT

Every person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the zoning inspector, Board of Appeals, Planning Commission or Village Council issued in pursuance of this ordinance shall be guilty of a misdemeanor.

SECTION 902.1 VIOLATIONS

- a. Violations a Nuisance

Buildings erected, altered, moved, razed or converted or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this ordinance which are observed by any village official shall be reported to the zoning inspector.

- b. Inspection

The zoning inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this ordinance.

- c. Correction Period

All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the zoning inspector in written order. Any violations not corrected within the specified period of time shall be reported to the village solicitor who shall initiate prosecution procedures.

SECTION 902.2 PENALTIES

The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed or shall exist and any tenant or occupant of such building or premises and any architect, builder or contractor who shall assist in the commission of any such violation and any person who shall violate any of the provisions of this ordinance or fail to comply therewith shall for each violation or noncompliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars. Each day such violation or failure to comply shall exist shall constitute a separate offense.

SECTION 902.3 BOND FOR COMPLIANCE

In authorizing any variance or in granting any conditional temporary or special use permit, the Planning Commission or the Board of Appeals may require that a bond of ample sum, but not to exceed five thousand (\$5,000) dollars, be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of temporary use by the stipulated time.

ARTICLE X

BOARD OF ZONING APPEALS

Until such time that a Board of Zoning appeals is appointed, the following duties and regulations shall be assumed by the Village Planning Commission.

SECTION 1001 AUTHORITY

The Board of Zoning Appeals is authorized to act as the administrative board as provided in section 713.11 of the Ohio Revised Code and shall have all the powers and duties prescribed by law and by this Ordinance.

SECTION 1001.1 COMPOSITION AND APPOINTMENT

The board shall consist of five (5) members appointed by the mayor and approved by the council, one of whom shall be a member of council. Each other member shall be appointed for a period of four (4) years, except that one of the initial members shall be appointed for two (2) years and one of the initial members shall be appointed for three (3) years. In the event of death or resignation of a member, the mayor, with the approval of council, shall make the appointment for the duration of the unexpired portion of the term of the number. The term of the council member shall expire on December 31st of the year in which he is appointed.

SECTION 1001.2 ORGANIZATION

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a clerk and shall prescribe rules for the conduct of its affairs.

SECTION 1001.3 QUORUM

The Board of Zoning Appeals shall require a quorum of three (3) members at all its meetings and a concurring vote of three (3) members shall be necessary to affect an order.

SECTION 1001.4 MEETINGS

The Board of Zoning Appeals shall meet at the call of its chairman or two other members and at such other regular times as it may, by ordinance, determine.

SECTION 1001.5 WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the preview of this ordinance.

SECTION 1001.6 POWERS AND DUTIES

- a. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the zoning inspector because of anything contained in this ordinance to issue zoning certificates.
- b. The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the zoning inspector in the administration or enforcement of this ordinance.
- c. The Board of Zoning Appeals may, in individual cases, after public notice and notice to such persons as it deems immediately affected and after hearing in accordance with such notices and subject to such conditions and safeguards as it may establish, permit exceptions to and variations from the district regulations established by this ordinance as follows:
 - 1. Permit the extension of a building or use into a more restricted district immediately adjacent thereto, but not more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.
 - 2. Permit in a district any use deemed by the Board of Zoning Appeals to be in general keeping with the uses authorized in such district.
 - 3. Grant temporary permits for buildings and uses that do not conform to the regulations herein prescribed relative to the uses permitted in the district in which they are located. The permissible time period for such uses shall be set by the Board of Zoning Appeals.
 - 4. Permit such modification of the yard or lot area or width regulations as may be necessary to secure the appropriate improvement of a parcel of land that is too small to appropriately improve without such modification, which parcel was separately owned at the time of passage of this ordinance or is adjacent to buildings that do not conform to the general restrictions applicable to their location.

SECTION 1001.7 PROCEDURE

The Board of Zoning Appeals shall act in accordance with the procedure specified by law including this ordinance. All appeals and applications made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefore. Every appeal or application shall refer to the specified provision of the ordinance involved and shall exactly set forth the interpretation that is claimed,

the use for which the special permit is sought or the details of the variance that is applied for and the grounds on which it may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals by case number under one or another of the following headings: Interpretation, Exceptions, Variances, together with all documents pertaining thereto. All application, except those under section 301-5f, shall include a fee of twenty-five (\$25) dollars. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering or any other expert testimony, such fee shall be raised in order to cover all expenses of such expert testimony.

SECTION 1001.8 NOTICE OF HEARINGS

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing and shall cause notices stating the time, place an object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The board may recess such hearings from time to time and if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Not less than fourteen (14) days prior to the date set for such hearing on appeal, written notice of such hearing shall be cause by the board to be given by mail to any person, firm or corporation owning premises located within five hundred (500) feet of the land to which such appeal or application relates.

SECTION 1001.9 APPEALS

Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer, board or department of the Village of Castalia, deeming himself or itself to be adversely affected by the decision of the administrative official pertaining thereto. Appeals shall be made no later than fifteen (15) calendar days after the date of any adverse decision. The appellant shall post security for the cost of all action required for the hearing of the appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part or modify the order requirement, decision or determination as in its opinion ought to be done and to that end shall have all the powers of the officers from whom the appeal is taken and it may issue or direct the issuance of a permit or certificate. The Board of Zoning Appeals shall

decide all such appeals within forty-five (45) days after date of hearing except that such time may be extended by mutual consent.

ARTICLE XI

AMENDMENTS



The council of the Village of Castalia may, from time to time, amend by ordinance the number, shape or area of districts established on the zoning map or the regulations set forth in this ordinance, but no such amendment shall become effective unless the ordinance proposing same shall first be submitted in writing by the clerk of council to the Village Planning Commission for approval, disapproval or recommended modifications and said commission shall have been allowed a reasonable time, not less than thirty (30) days and not more than forty-five (45) days for consideration and report. The council shall hold a public hearing before the adoption of the proposed amendment. At least thirty (30) days notice of such amendment and of the time and place of the hearing thereon shall be given and including a statement that opportunity will be afforded to any person interested to be heard. Any person or persons desiring an amendment of the zoning map shall accompany the petition for such amendment or the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners of all properties within and contiguous to and directly across the street from the property, the zoning of which would be changed by the proposed amendment if enacted. All applications for a zoning amendment shall include:

1. Evidence that the existing zoning ordinance is unreasonable with respect to the particular property and it deprives the property owner of his lawful and reasonable use of the land; and or
2. Evidence that the proposed amendment would materialize in an equal or better zoning ordinance than that existing.
3. For the purposes of this zoning ordinance, a limitation upon the financial gain from the land in question shall not constitute unreasonable zoning.
4. Any application for an amendment to this zoning ordinance shall include a deposit of one hundred (\$100) dollars to cover expenses of legal notices, advertising, ordinance, amendment, secretarial charges, etc. Money remaining after deduction of expenses shall be refunded within thirty (30) days after final action by the Village Council on the amendment. This fee shall not apply to any amendment introduced by a member of council or the mayor. Whenever an amendment is made to the text of the Zoning Ordinance, the appropriate definitions pertinent to such amendment shall be included in Article II.

ARTICLE XII

VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent, that, if any provision or provisions of this ordinance of the application thereof to any zoning lot, building or other structure, or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this ordinance shall continue to be separate and fully effective and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XIII
REPEALER



All existing Zoning Ordinances and Resolutions of the Village of Castalia, Ohio are hereby repealed.

ARTICLE XIV



EFFECTIVE DATE

This ordinance shall take effect and be in full force and effect from and after the earliest period allowed by law.

Adopted by the Castalia Village Council

Date: August 25, 1964

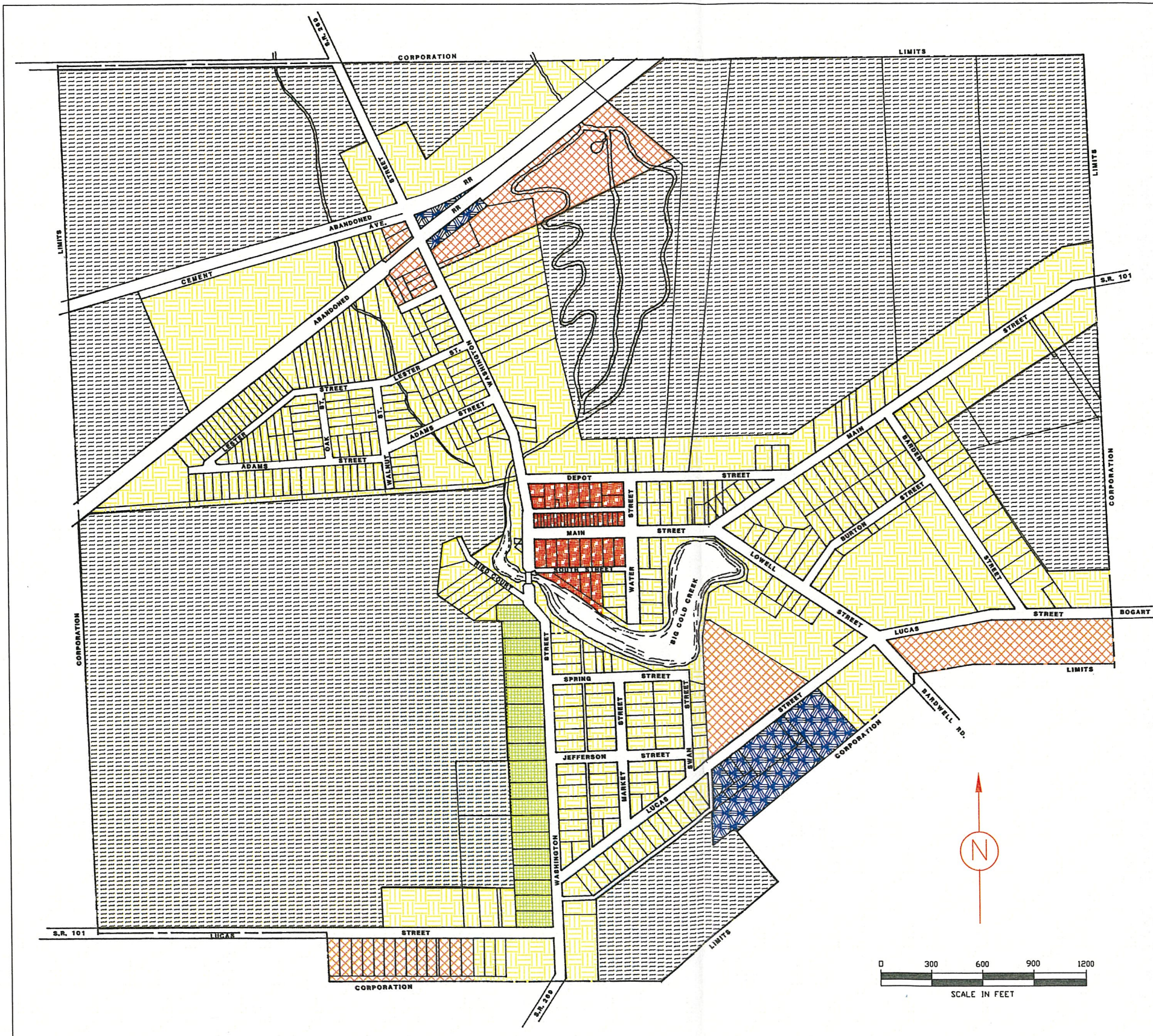
W.B. Howard, mayor

Attest by the Clerk:








Margaret Hauenstein, Clerk

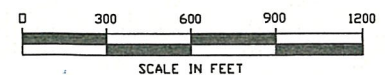
Village of Castalia Zoning

Erie County, Ohio



VILLAGE OF CASTALIA ZONING DISTRICTS

-  R-1 RESIDENTIAL
-  R-2 RESIDENTIAL
-  R-3 RESIDENTIAL
-  R-4 RESIDENTIAL
-  C-1 COMMERCIAL
-  C-2 COMMERCIAL
-  I-1 INDUSTRIAL



Note:
This map is to be used for illustrative purposes only.
For accuracy refer to the original documents. Erie
County, Ohio assumes no liability or responsibility for
any errors or omissions contained herein.

PREPARED BY
ERIE COUNTY DEPT. OF PLANNING & DEVELOPMENT