



Village of Fredericktown, Ohio Subdivision Regulations

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Chapter 801: General Provisions

801.01 Purpose

- (a) It is the purpose of this subdivision regulations to promote and protect the public health, safety, comfort, convenience, and general welfare of the people of Fredericktown through the establishment of minimum regulations governing the harmonious development and subdivision of land. Furthermore, the intent of these regulations is:
- (1) To implement the Fredericktown Strategic Plan and other policies or plans adopted by the Village as they relate to the subdivision of land;
 - (2) To establish standards for the proper arrangement of streets and lots in relation to existing or planned streets to minimize traffic congestion and prevent traffic hazards;
 - (3) To encourage the wise use and management of land and natural resources throughout the Village in order to preserve the integrity, stability, and natural beauty of the community;
 - (4) To ensure that adequate public improvements, facilities, and services are available concurrent with development;
 - (5) To require subdividers to furnish land, install public improvements, pay fees, and establish measures to mitigate development impacts and ensure that development provides its fair share of capital facilities;
 - (6) To provide for convenient open spaces, parks, and other public lands to serve the Village's population;
 - (7) To provide for adequate circulation for vehicular traffic, bicyclists, and pedestrians; and
 - (8) To establish uniform procedures for the surveying of land, preparation and recordation of subdivision plats, and the equitable handling of all subdivision plats.
- (b) The provisions of these regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of buildings, placed upon land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Village.

801.02 Scope and Authority

- (a) **General Authority and Scope**
- (1) The authority for the preparation, adoption, and implementation of these subdivision regulations is derived from Ohio Revised Code (ORC) Chapters 711 and 713, which permit the adoption of uniform rules and regulations governing the subdivision of land.
 - (2) Nothing in these regulations shall be construed to limit the Village Council in the exercise of all of its powers to subdivide land now or hereafter authorized by the Ohio Constitution or Ohio statutes.
- (b) **References to the Ohio Revised Code (ORC) or the Ohio Administrative Code (OAC)**
- Whenever any provision of these regulations refers to or cites a section of the ORC (as amended) or the OAC (as amended), and that section is later amended or superseded, these regulations shall be deemed amended to refer to the amended section, or the section that most nearly corresponds to the superseded section.

801.03 Title

These regulations shall be known, and may be cited and referred to as the "Subdivision Regulations of the Village of Fredericktown, Knox County, Ohio", or may be referred to as the "subdivision regulations," or these "regulations."

801.04 Effective Date

These regulations were originally adopted by the Village Council through Ordinance 1974-48, as amended.

801.05 Applicability

- (a) These regulations shall apply to all subdivisions of land, consolidation of lots, replats, installation of public improvements, and vacation of rights-of-way within the municipal boundaries of Fredericktown.
- (b) The provisions of these regulations are the minimum requirements adopted to meet the purposes of these regulations as established in Section [801.01](#).

801.06 Interpretation and Conflicts

(a) Interpretation of Provisions

The provisions of these regulations shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

(b) Conflict with Other Public Laws, Ordinances, or Regulations

These regulations are intended to complement other Village, State, and Federal regulations that affect the division or platting of land. Unless otherwise specifically stated, these regulations are not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of these regulations are more restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions of these regulations shall govern.

(c) Repeal of Conflicting Ordinance

All ordinances, or parts of ordinances, in conflict with these regulations, or inconsistent with the provisions of these regulations, are hereby repealed to the extent necessary to give these regulations full force and effect.

801.07 Relationship with Third-Party Private Agreements

- (a) These regulations are not intended to interfere with or abrogate any third-party private agreements, including, but not limited to, easements, covenants, or other legal agreements between third parties. However, where these regulations propose a greater restriction or impose higher standards or requirements than such easement, covenant, or other private third-party agreement, then the provisions of these regulations shall govern.
- (b) Nothing in these regulations shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with these regulations.
- (c) In no case shall the Village be obligated to enforce the provisions of any easements, covenants, or other agreements between private parties, even if the Village is a named party in and has been granted the right to enforce the provisions of such agreement.

801.08 Severability

- (a) If any court of competent jurisdiction invalidates any provision of these regulations, then such judgment shall not affect the validity and continued enforcement of any other provision of these regulations.

- (b) If any court of competent jurisdiction invalidates the application of any provision of these regulations to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

801.09 Transitional Rules

(a) Purpose

The purpose of these transitional rules is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, on the effective date of these regulations' amendment.

(b) Violations Continue

- (1) Any violation that existed at the time this amendment became effective shall continue to be a violation under these regulations and is subject to penalties and enforcement under Section [Chapter 804: Enforcement and Penalties](#) unless the subdivision or related activity complies with the provisions of these regulations.
- (2) Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under these regulations.

(c) Processing of Applications Commenced or Approved Under Previous Regulations

(1) Pending Projects

- A. Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of these regulations, shall be reviewed in accordance with the provisions of the regulations in effect on the date the application was deemed complete by the Village.
- B. If a complete application is not filed within the required application filing deadlines in effect prior to the adoption of these regulations, the application shall expire and subsequent applications shall be subject to the requirements of these regulations.
- C. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- D. An applicant with a pending application may waive review available under prior regulations and request review under the provisions of these regulations by requesting such waiver, in writing, to the Planning Commission.

(2) Approved Projects

Approved subdivisions and plats that are valid on the effective date of these regulations shall remain valid until their expiration date, where applicable.

(d) Vested Rights

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

801.10 Use Of Graphics, Tables, Illustrations, Figures, and Cross-References

- (a) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

- (b) In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (c) A table shall be considered text for the purposes of these regulations unless specifically identified as a figure.

801.11 Burden of Proof

- (a) The burden of demonstrating that an application, development, structure, or use of land or structures subject to these regulations complies with applicable review and approval standards is on the applicant.
- (b) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of these regulations.
- (c) The burden is not on the Village or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with these regulations.

Chapter 802: Administration and Procedures

802.01 Purpose

The purpose of this section is to set forth the powers and duties of the Village's various review boards and administrative staff with respect to the administration and enforcement of the provisions of these regulations. This section also sets out the review procedures necessary for the successful administration of the requirements of these regulations.

802.02 Review Authority Names, References, and Delegation

(a) Review Authority Names and References

For the purposes of these regulations, the formal names of the administration and decision-making authorities identified above may also be referred to by abbreviated names as identified below:

- (1) The Fredericktown Village Council may be hereafter referred to as "Village Council" or "Council."
- (2) The Village of Fredericktown Planning Commission may be hereafter referred to as the "Planning Commission" or "Commission."
- (3) The Village of Fredericktown Board of Zoning Appeals may be hereafter referred to as the "Board" or "BZA."
- (4) The Village of Fredericktown Administrator may be hereafter referred to as the "Village Administrator."
- (5) The Village of Fredericktown Engineer may be hereafter referred to as the "Village Engineer" and includes a reference to an employee of the Village who is designated as the Village Engineer or may also reference a consulting firm or person who is designated to act on behalf of the Village, as the Village Engineer.

(b) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Village to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

802.03 Village Council

In addition to any other authority granted to the Village Council by ordinance or State law, the Village Council shall have the following powers and duties, as they relate to these regulations:

- (a) Appoint members to the Planning Commission and the BZA in accordance with the zoning code;
- (b) Review and accept, where appropriate, any proposed dedication of street, utilities, and other public improvements required by these regulations;
- (c) Establish fees for development review and permits; and
- (d) Perform any other duties related to the administration and enforcement of these regulations as authorized by these regulations and the ORC.

802.04 Review Boards

For the purposes of these regulations, there shall be review boards established for the administration and enforcement of these regulations including the Planning Commission and BZA.

(a) General Rules and Regulations for All Review Boards

The general rules and regulations for all review boards, including eligibility for the board and requirements for meetings, quorums, and decisions, shall be as established in Chapter 711 of the Fredericktown Zoning Code.

(b) Organization and Roles of the Planning Commission

(1) Establishment, Membership, and Terms

The Village of Fredericktown Planning Commission is established in Chapter 711 of the Fredericktown Zoning Code and shall have the membership and terms as established in such Code.

(2) Roles and Powers of the Planning Commission

The Planning Commission shall have the following roles and powers:

- A. Review and make decisions on the preliminary plat of major subdivisions as specified in Section [802.09](#);
- B. Review and make decisions on the final plat and improvement drawings of major subdivisions as specified in Section [802.09](#);
- C. Review and make decisions on requests for modifications of certain provisions of these regulations as specified in [802.09\(f\)](#); and
- D. Perform any other duties related to the administration and enforcement of these regulations as authorized by these regulations, by ordinance of the Village Council, and/or by the ORC.

(c) Organization and Roles of the Board of Zoning Appeals (BZA)

(1) Establishment, Membership, and Terms

The Village of Fredericktown Board of Zoning Appeals is established in Chapter 711 of the Fredericktown Zoning Code and shall have the membership and terms as established in such Code.

(2) Roles and Powers of the BZA

The BZA shall have the following roles and powers to:

- A. Hear, review, and decide on appeals of any administrative decision where it is alleged there is an error in any administrative order, requirement, decision, or determination made by the Zoning Inspector or Village Engineer; and
- B. Perform any other duties related to the administration and enforcement of these regulations as authorized by these regulations or the ORC.

(3) Special Provisions for BZA Hearings

- A. The BZA shall make findings and conclusions that support all of its decisions. The findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps administer and enforce the provisions of these regulations, including the application of any review criteria for the subject application.
- B. The BZA shall have the power to subpoena and require the attendance of witnesses, to administer oaths, to compel testimony and to produce reports, findings and other evidence pertinent to any issue referred to it for decision.

- C. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. Comments may also be submitted in writing or verbally to the Zoning Inspector and provided to the BZA in advance of the hearing.
- D. The privilege of cross-examination of witnesses shall be accorded all interested parties or their attorney.

802.05 Zoning Inspector

(a) Establishment

The position of Village of Fredericktown Zoning Inspector shall be established in accordance with Section 711.05 of the Fredericktown Zoning Code and shall be established to aid in the administration and enforcement of these regulations. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct.

(b) Roles and Powers of the Zoning Inspector

In addition to any other authority granted to the Zoning Inspector by ordinance, the Fredericktown Zoning Code, or state law, the Zoning Inspector shall have the following powers and duties related to these regulations:

- (1) Enforce the provisions of these regulations;
- (2) Review and make decisions on minor subdivision applications;
- (3) Accept, review for completeness, and respond to questions regarding review procedure applications established in these regulations;
- (4) Review, assimilate recommendations from other review agencies, and make recommendations to the Planning Commission and Village Council on major subdivision applications;
- (5) Provide such technical and consultation assistance as may be required by the BZA, the Planning Commission, and the Village Council, in the exercise of their duties relating to these regulations;
- (6) Participate in any pre-application conferences as may be encouraged or required by these regulations;
- (7) Refer requests for appeals of decisions to the appropriate decision-making body pursuant to the procedures set forth in these regulations and the zoning code, as applicable;
- (8) Review, inspect property, and make decisions on compliance with the provisions of these regulations;
- (9) Maintain permanent and current records of all subdivision plans and plats, and all applications and decisions on said applications; and
- (10) Investigate complaints and issue citations or other forms of enforcement and penalties for any violations and keep adequate records of all violations;
- (11) Order discontinuance of any illegal work being done;
- (12) Take any other action authorized by these regulations to ensure compliance with or to prevent violation(s) of these regulations;
- (13) Prescribe such rules and forms deemed necessary for the execution of these duties; and
- (14) Undertake any additional work as specified by these regulations or as directed by the review boards or the Village Council.

(c) Decisions of the Zoning Inspector

A decision of the Zoning Inspector may be appealed to the BZA in accordance with Section 711.11 of the zoning code.

802.06 Village Engineer or Village Administrator

In addition to any other authority granted to the Village Engineer or Village Administrator by charter, ordinance, or state law, the Village Engineer and Village Administrator shall have the following powers and duties related to these regulations:

- (a) Develop and recommend the construction standards and other documents as may be approved by the Village Council related to subdivision improvement specifications;
- (b) Review and make recommendations to the Zoning Inspector on minor subdivision applications;
- (c) Review and make recommendations to the Planning Commission and the Village Council on major subdivision applications;
- (d) Participate in any pre-application conferences as may be encouraged or required by these regulations;
- (e) Maintain permanent and current records of all public improvements and improvement drawings that are part of major subdivision applications; and
- (f) Inspect, or cause to be inspected, all construction or installation work related to public improvements as required by these regulations.

802.07 Common Review Requirements

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in these regulations, unless otherwise stated.

(a) Authority to File Applications

Unless otherwise specified in these regulations, applications for development review procedures defined in these regulations may be initiated by

- (1) An owner of the property that is the subject of the application; or
- (2) An agent authorized, in writing, by the owner, which may include a lessee of the property, manager, attorney, or other representative.

(b) Application Submission Schedule

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the Zoning Inspector and made available to the public.

(c) Application Contents

- (1) Applications required under these regulations shall be submitted to the Village offices.
- (2) All applications shall be in a form and in such numbers as established by the Zoning Inspector, and made available to the public as part of application forms.
- (3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by the Village Council pursuant to Section [802.07\(e\)](#).

(4) Complete Application Determination

- A. The Zoning Inspector shall only initiate the review and processing of applications submitted under these regulations if such application is determined to be complete.

- B.** An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The Zoning Inspector may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with these regulations. Such waiver shall be provided to the applicant in writing as part of the record.
- C.** The Zoning Inspector shall make a determination of application completeness within 20 business days of the application filing.
- D.** If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in these regulations.
- E.** If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the Zoning Inspector determines that the application is complete.
- F.** The Village shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
- G.** If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the Zoning Inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The Zoning Inspector may grant one 60-day extension if just cause is shown, upon written request by the applicant.
- H.** No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements of this chapter, submit a new application, and submit a new filing fee.
- I.** If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

(d) Pre-application Conferences or Meetings

- (1)** Prior to filing an application, an applicant may request a meeting with the Zoning Inspector for a pre-application conference to discuss the proposed application or project.
- (2)** An applicant may request a pre-application meeting with the Planning Commission or Village Council for any review procedure in this section. The applicant may request such a meeting by submitting a written request to the Zoning Inspector for placement on the agenda of the next regularly scheduled meeting or any special meeting that the applicable board may call.
- (3)** The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of these regulations and any adopted plans prior to the submission of an application.

- (4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the Village pursuant to the laws and policies of the Village. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or Village review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with Village staff, review boards, any pre-application conferences or meetings, are not binding on the Village and do not constitute official assurances or representations by the Village or its officials regarding any aspects of the plan or application discussed.

(e) Fees

- (1) Any application for a review procedure under these regulations shall be accompanied by such fee as shall be specified from time to time by ordinance of the Village Council. There shall be no fee, however, in the case of applications filed by the Mayor, Village Council, or any of the review boards.
- (2) The fees shall be in addition to any other fees that may be imposed by the Village, State, Knox County, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the Village for investigations, legal advertising, postage, and other expenses resulting from the administration of planning and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by the Village Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the Village determines that the costs on a particular application will exceed the filing fee as established by Village Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the Zoning Inspector is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

(f) General Provisions for Attendance and Decisions

- (1) Whenever a provision of these regulations allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person, may have an authorized representative attend in their place, or may provide the Zoning Inspector with written comments in advance of the meeting or hearing.
- (2) Whenever a provision in these regulations requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

(g) Public Notification for Public Meetings

- (1) For all public meetings required by these regulations, the Village shall comply with these regulations and all applicable State notice requirements.
- (2) Published notice shall be provided in accordance with the ORC. The Village may also provide additional notice by posting the notice in Village buildings or by electronic media, including, but not limited to, posting online at the Village's website.
- (3) The content and form of the published notice shall be consistent with the requirements of this section and State law.

(4) Constructive Notice

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of these regulations, and such finding shall be made available to the decision-making body prior to final action on the request.
- B.** When the records of the Village document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

(h) Withdrawal of Application

- (1)** Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a written request by the applicant prior to action by the review or decision-making body.
- (2)** After request for withdrawal has been received, the Zoning Inspector will then withdraw the application from any agenda and no further action will be taken. Any future request for action will require a new application and fee in accordance with these regulations.

(i) Examination and Copying of Application and Other Documents

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

(j) Effect of any Approvals

- (1)** The issuance of any approval under these regulations shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2)** All approvals shall run with the land or use and shall not be affected by a change in ownership, provided there is no change in use and all conditions of approval continue to be met.

(k) Modifications or Amendments of Approved Applications

- (1)** For any review procedure, the Zoning Inspector is authorized to allow minor changes related to the design of an approved application where the change is insignificant and has minimal impact on the overall design of the development, does not increase density, or is necessary to address minor technical issues. This shall not give the Zoning Inspector the authority to vary the requirements of these regulations or any conditions of approval.
- (2)** Where the Zoning Inspector determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.

(l) Reapplication after Denial of an Application

If an application is denied, the applicant may:

- (1)** Appeal the decision in accordance with the applicable appeals procedure established for the procedure in these regulations, or as granted by State Law; or

- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The Zoning Inspector shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [802.07\(c\)\(4\)](#). If it does not, the Zoning Inspector shall return the application, with reasons for their determination in writing, along with any submitted fees.
- (3) Submit the same application after a 24-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

(m) Subsequent Development

- (1) Development authorized by any approval under this section and these regulations shall not be carried out until the applicant has secured all other approvals required by these regulations or any other applicable provisions of the Village's ordinances.
- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The Village shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Knox County, as applicable, the State, or other agencies having jurisdiction.

(n) Records

The Village shall maintain permanent and current records of all applications and the decisions related to those applications in the Village Offices, in accordance with the ORC.

(o) Computation of Time

- (1) In computing any period of time prescribed or allowed by these regulations, the date of the application, act, decision, or event from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the Village of Fredericktown where the Village administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the Village offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the Village of Fredericktown in which the Village administrative offices are closed for the entire day.
- (4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

802.08 Minor Subdivisions

(a) Purpose

The purposes of the minor subdivision process are to allow for small subdivisions of land, consolidation of lots, or transfers of a portion of a lot to an adjacent lot where there will not be the creation of a new street, dedication of right-of-way, or a need for any public improvements. Such purposes are also intended to be in alignment with the platting allowances established in ORC Chapter 711.

(b) Applicability

- (1) For the purposes of these regulations, a minor subdivision is a lot split, lot consolidation, or transfer of land between adjacent property owners that complies with all of the following requirements:
 - A. The subdivision shall not result in or create more than five lots, including the remainder of the original lot (e.g., four new lots and the remainder of the original lot);
 - B. The subdivision shall be in compliance with all applicable site development standards in these regulations or with any variance approved from such standards;
 - C. All lots resulting from the minor subdivision shall have frontage and access on an existing street and shall not require the construction, expansion, or improvement of any street;
 - D. The subdivision shall not require any public improvements or the dedication of rights-of-way;
 - E. The property has been surveyed and a survey sheet or record plan, in the form provided for in these regulations, and a full legal description of the changes resulting from the subdivision are submitted with the application; and
 - F. No landlocking of parcels shall occur as a result of the minor subdivision.
- (2) A minor subdivision also includes the recombination of land, consolidation of lots, transfer of property from one lot to an adjacent lot, and the dedication of additional land for the widening of existing streets, where no new lots are created.

(c) Minor Subdivision Review Procedure

The review procedure for a minor subdivision shall be as follows:

(1) Step 1 – Application

- A. The applicant shall submit an application in accordance with Section [802.07](#) and with the provisions of this section.
- B. The application shall include a deed, an accurate and current legal description, and a boundary survey map of each proposed new lot.
- C. If the minor subdivision involves the transfer of land area from one lot to an adjacent lot, both property owners shall be required to authorize the application, and instruments of conveyance shall be submitted for both resulting lots.

(2) Step 2 – Review and Comment by Applicable Agencies

- A. Upon determination that the application for a minor subdivision is complete, the Zoning Inspector may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Engineer and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B. Such agencies may supply comments, recommendations, and approvals as applicable, to the Zoning Inspector for consideration prior to the Zoning Inspector's decision (Step 3).

(3) Step 3 – Review and Decision by the Zoning Inspector

- A.** Within 14 days of the determination that the application (Step 1) is complete, or within an extended timeframe approved by the applicant, the Zoning Inspector shall review the application and approve, approve with modifications that will bring the application into compliance with codes, or deny the application for a minor subdivision based on the review criteria established below.
- B.** In reviewing the minor subdivision, the Zoning Inspector, on recommendation of the Village Engineer, may require the addition of easements and/or setbacks as part of a minor subdivision.
- C.** If the application is approved with modifications, the applicant shall be required to revise all documents prior to final signing and recording.
- D.** If the Zoning Inspector denies an application for a minor subdivision, the Zoning Inspector shall provide the applicant with written findings for the denial.

(4) Step 4 – Recording

- A.** If the application is approved, the Zoning Inspector shall sign and date all required deeds in the minor subdivision, or other forms of conveyance allowed by the Knox County Auditor.
- B.** The applicant shall then be responsible for submitting the signed conveyance to the Knox County Auditor, for the transfer of property and to the Knox County Recorder, for the recording of the lots as legal lots of record and providing a copy of said conveyance to the Zoning Inspector, after recording.
- C.** In the case of a transfer of land between two adjacent lots, the recording of the revised lots shall take place simultaneously.

(d) Review Criteria

In order for a minor subdivision to be approved, the Zoning Inspector must determine the following:

- (1)** That the minor subdivision complies with all applicable provisions of these regulations and the zoning code, including, but not limited to, the lot and principal building regulations;
- (2)** That the minor subdivision complies with all other applicable regulations of the Village; and
- (3)** That all valid objections to the minor subdivision raised by Village departments, applicable county agencies, water suppliers, and other utility providers have been or will be satisfactorily resolved by the applicant.

(e) Variances

If the proposed subdivision requires a deviation from the minimum lot or principal building regulations (e.g., lot area, lot width, etc.) or other standards mandated by this zoning code in, the applicant will be required to apply for and receive variance approvals prior to approval of the minor subdivision.

(f) Time Limit

The minor subdivision approval shall expire one year after the Zoning Inspector signs and dates the minor subdivision conveyance unless the minor subdivision is recorded in the office of the Knox County Recorder during said period.

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action with respect to the proposed minor subdivision shall have the right to appeal the decision to the BZA as established in Section 1103.07 of the Fredericktown Zoning Code.

802.09 Major Subdivisions

(a) Purpose

The purpose of the major subdivision process is to provide a method of review for any subdivision that exceeds the scope of a minor subdivision.

(b) Applicability

Any subdivision of land or replat of an existing subdivision that does not meet the applicability requirements of a minor subdivision in Section [802.08\(b\)](#), shall be subject to the requirements of this section.

(c) Major Subdivision Review Procedure

(1) Step 1 – Pre-Application Meeting (Optional)

An applicant may request to have a pre-application meeting with the Planning Commission to informally discuss the application and any concept plans. Furthermore, the purpose of the meeting will be for the Planning Commission to ascertain the locations of proposed major streets, parks, playgrounds, school sites, and other planned projects that may affect the property being considered for subdivision. Such a meeting shall be subject to Section [802.07\(d\)](#).

(2) Step 2 – Application and Filing of the Preliminary Plat

- A.** The applicant shall submit an application, including a preliminary plat, in accordance with Section [802.07](#) and with the provisions of this section.
- B.** The preliminary plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.

(3) Step 3 – Administrative Staff Review and Transmission to the Planning Commission

- A.** Upon determination that the application for a preliminary plat is complete, the Zoning Inspector shall forward the application to the Planning Commission and may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Engineer, Knox Public Health, and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
- B.** The Zoning Inspector may consolidate any comments from the public received in advance of the meeting and comments from the other Village departments or other departments and agencies into a report for the Planning Commission to review as part of Step 4.

(4) Step 4 – Review and Decision on the Preliminary Plat by the Planning Commission

- A.** The Planning Commission shall review the preliminary plat application at its next regularly scheduled meeting, or at a special meeting, after the application is determined to be complete.
- B.** In making its decision, the Planning Commission shall approve, approve with conditions, or deny the preliminary plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily addressed by the applicant.

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- C. The Planning Commission shall make a decision within 45 days of the preliminary plat application being determined to be complete (Step 2) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 45 days or there is no agreement for an extension of time, the application for a preliminary plat will be considered approved.
 - D. If the Planning Commission denies the preliminary plat, the applicant shall not move forward in the review process until a preliminary plat is approved by the Planning Commission.
 - E. In the event the Planning Commission denies the preliminary plat or approves with conditions, the Zoning Inspector, on behalf of the Planning Commission, shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.
 - F. If the applicant proposed to construct the subdivision in phases, the Planning Commission may approve a timeframe for the filing of improvement plans and final plats for each phase.
 - G. Approval of the preliminary plat by the Planning Commission does not constitute approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and improvement plans.
- (5) Step 5 – Submission of Improvement Plans and the Final Plat**
- A. The applicant shall submit a final plat and related improvement plans and specifications in accordance with Section [802.07](#). Such application shall take place within two years following the Planning Commission's approval of the preliminary plat unless the Planning Commission approved an alternative schedule, in which case the applicant shall submit in accordance with the approved schedule. Failure to submit the final plat improvement plans within this time frame shall void the preliminary plat approval, and the subdivider will be required to submit a new application in accordance with these regulations.
 - B. If a preliminary plat has been previously approved, the final plat shall have incorporated all changes from the preliminary plat approval.
 - C. In cases where the applicant proposes to develop the subdivision in phases, the final plat and improvement plans shall be submitted for each individual phase.
 - D. If the applicant proposes to provide a financial guarantee for the public improvements in lieu of installing all public improvements prior to approval of the final plat, the applicant shall be required to provide all information required as part of Section [803.05](#).
 - E. Upon determination by the Zoning Inspector that the final plat has been properly submitted, the final plat shall be accepted as being filed.
 - F. The final plat shall be prepared, signed, and sealed by an engineer or surveyor who is qualified and registered in the State of Ohio.
- (6) Step 6 – Administrative Staff Review of the Final Plat and Improvement Plans**
- A. Upon determination that the submission of the final plat and improvement plans is complete, the Zoning Inspector may transmit copies of the application for review by applicable agencies including, but not limited to, the Village Engineer, Knox Public Health, and any other agencies having authority over streets, water, sewer, gas, or other utilities and other public improvements.
 - B. Such agencies shall supply comments and recommendations to the Zoning Inspector prior to the regularly scheduled Planning Commission meeting where the final plat and improvement plans will be subject to review.

- C. Construction of Improvements**
1. Applicants shall have the choice to construct all public improvements prior to the approval of the final plat, without a financial guarantee, but such public improvements must be completed and then inspected and approved by the Village Engineer before the Village can approve the final plat. The improvements shall be constructed within a reasonable time as determined by the Village Engineer.
 2. All required subdivision improvements shall be maintained in a satisfactory condition by the subdivider during any interim period between their construction and final approval and acceptance of the subdivision by the Village.
 3. If the applicant requests approval of a final plat prior to installation of the public improvements, the applicant shall be required to provide a financial guarantee in accordance with these regulations at the time the final plat is submitted for review.
- (7) Step 7 – Review and Decision on the Final Plat and Improvement Plans by the Planning Commission**
- A. The Planning Commission shall review the final plat and improvement plans at its next regularly scheduled meeting, or at a special meeting, after the final plat is submitted and determined to be complete.
 - B. The Planning Commission shall approve, approve with conditions, or deny the improvement plans and final plat. The Planning Commission may also continue the meeting if questions regarding the plat are not satisfactorily answered by the applicant.
 - C. The Planning Commission shall make a decision within 60 days after the initial review of the final plat and improvement plans (Step 5) unless the Planning Commission and subdivider agree to an extension of this time frame. If the Planning Commission fails to act within the 60 days or there is no agreement for an extension of time, the application for a final plat will be considered approved.
 - D. If the Planning Commission denies the final plat and/or improvement plans, the applicant shall not move forward in the review process until a final plat and the improvement plans are approved by the Planning Commission.
 - E. In the event the Planning Commission denies the final plat and improvement plans or approves with conditions, the Planning Commission shall provide the subdivider with a statement, in writing, setting forth the reasons for the denial or the conditions of approval.
 - F. Approval of the final plat and improvement plans by the Planning Commission shall not be an acceptance by the public of the offer of dedication of any street, or other public ways or open space on the final plat unless they are accepted by the Village Council in the form of the adoption of an ordinance.
 - G. The final plat shall be held until acceptance of all improvements in Step 8. No final plat shall be recorded until all improvements and areas offered for parks, open space, or public rights-of-way have been accepted by Village Council.
 - H. At the completion of construction, and before acceptance of the public improvements, the developer shall furnish the Village a set of record or “as-built” reproducible drawings as well as a digital copy that is compatible with the Village Engineer’s software showing the locations of all public improvements including the sizes and elevations of all underground utilities.

(8) Step 8 – Acceptance of Improvements by Village Council

The Village, through action by the Village Council, shall review the final plat and consider acceptance of public improvements made by a subdivider only after meeting the following conditions:

- A. The public improvements have been made in accordance with the requirements of these regulations, and any other manuals or documents referenced in Section [803.02](#);
- B. Installation of the public improvements has been completed in accordance with the applicable design standards;
- C. All final inspections required by these regulations and the Village have been carried out by the Village, and said public improvements were found to be acceptable by the Village Engineer;
- D. After all public improvements have been installed to the satisfaction of the Village, the subdivider shall submit an original copy of as-built improvement plans (showing how all public improvements were actually installed) to the Village Engineer in a format acceptable to the Village Engineer; and
- E. After all public improvements have been installed in accordance with the subdivision approvals and these regulations, and the subdivider has complied with this section, the Village Council may, by ordinance, accept the public improvements for maintenance with any applicable financial guarantee.

(9) Step 9 – Disposition of Approved Plat and Recordation

- A. All required deeds, agreements, and other required legal instruments shall be submitted to the Zoning Inspector within 60 days from the date of the Planning Commission's approval or such approval shall thereafter be rendered null and void.
- B. Any recorded plat that has not been approved according to the regulations in this chapter shall be considered invalid.
- C. The subdivider shall then be responsible for submitting the signed plat to the Knox County Recorder, for the recording of the lots as legal lots of record and providing a copy of said plat to the Village after recording.
- D. The approval of a plat shall expire within 120 days after Village Council approval is effective unless the plat has been duly filed and recorded by the applicant as required by law, and the original tracing of the plat has been filed with the Zoning Inspector.

(d) Review Criteria

In order to approve a major subdivision, the Planning Commission shall determine the following:

- (1) That the major subdivision complies with all applicable provisions of these regulations and the Fredericktown Zoning Code;
- (2) That the major subdivision does not conflict with other regulations, plans, or policies of the Village;
- (3) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or is in keeping with the intended character of such area;
- (4) That the proposed streets are in accordance with approved plans and have been coordinated with existing streets, and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;
- (5) That the proposed subdivision will not adversely affect the delivery of governmental services;

- (6) That applicable review agencies have no objections that cannot be resolved by the applicant; and
- (7) That the final plat and improvement plans conform to the approved preliminary plat, if submitted and approved.

(e) Amendments of Application

- (1) No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after final approval has been given by the Planning Commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the Planning Commission.
- (2) If the applicant finds, in the process of preparing improvement plans, that the approved preliminary plat, if submitted, is not workable and changes in layout are required, the applicant shall inform the Village Engineer. The Village Engineer may require that a revised preliminary plat be submitted for re-approval following the review procedure in Section [802.09\(c\)\(4\)](#) If the changes significantly alter the design of the subdivision, including changes to the number of lots, modification of street layouts, or other substantial changes. If the proposed changes are technical or minor and do not substantively alter the approved preliminary plat, the Village Engineer may approve the revisions. Failure to submit and receive approval of a revised preliminary plat shall void approval of the preliminary plat, and any new submission shall be subject to a new application.
- (3) During the final plat process, the Village Engineer is authorized to allow minor changes related to the public improvements or design where there is minimal impact to the overall design of the subdivision. This limited authority shall not give the Village Engineer the authority to vary the requirements of these regulations.
- (4) If during the course of construction, any changes or modifications are encountered that are not in conformance with the original approved improvement plans, the subdivider shall submit the modified improvement plans (which have now become as-built drawings) to the Village Engineer, who, if in agreement with such modifications, shall sign these drawings to indicate approval of the modifications. If the Village Engineer does not approve the modifications, the applicant shall be required to bring the improvements into compliance with the approved improvement plans or the Village may utilize the financial guarantee to correct the issue.

(f) Subdivision Modifications

(1) Purpose

The purpose of a subdivision modification is to provide limited relief from standards that apply to the subdivision of land, including standards for improvements. Subdivision modifications are intended for those cases where strict application of a particular requirement will create a practical difficulty or extraordinary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that modifications be approved merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners or subdividers in general.

(2) Applicability

- A. If the proposed subdivision requires a deviation from the minimum lot and principal building regulations (e.g., lot area, lot width, etc.) or other standards identified in Section 1105.05 of the zoning code, the applicant will be required to apply for and receive all the necessary variance approvals (See Section 1103.07 of the zoning code.) prior to approval of a preliminary plat.

- B. If the applicant seeks a modification of the standards required by [Chapter 803: Subdivision Design Standards](#), then the request for a modification shall be accomplished through the procedure outlined in this section.

(2) Subdivision Modification Review

- A. A request for a subdivision modification shall be reviewed as part of the preliminary plat review procedure.
- B. In reviewing the application, the Planning Commission shall, at a minimum, consider the review criteria of this section.
- C. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request to modify any or all of the requested modifications.
- D. In approving a modification, the Planning Commission may impose conditions on the approval as it determines are required to ensure compliance with the provisions and purposes of these regulations.
- E. If the preliminary plat is denied or if the approval of the preliminary plat expires, so does the approval of the subdivision modification. Any future request for preliminary plat approval that includes the same modifications shall require a new review and decision on the request for modifications.

(3) Review Criteria

The review criteria for a subdivision modification shall be the same as those for a variance, as established in Section 711.08 of the Zoning Code.

(g) Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall have the right to appeal the decision to the court of common pleas of the applicable county, as provided in ORC Chapters 2505 and 2506.

802.10 Interpretation of these Regulations

It is the intent of these regulations that all questions of interpretation related to the administration and enforcement of these regulations shall be first presented to the Zoning Inspector, and that such questions shall be presented to the BZA only on appeal from the decision of the Zoning Inspector. Such appeals shall be in accordance with Section 711.11 of the Fredericktown Zoning Code.

Chapter 803: Subdivision Design Standards

803.01 Applicability

- (a) The developer of a subdivision, or the developer of a multi-family development or nonresidential development requiring public improvements, shall dedicate all land required for rights-of-way and shall furnish and install all required improvements serving the subdivision or development in accordance with the provisions of this chapter.
- (b) All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with adopted plans or policies of the Village of Fredericktown.

803.02 Conformity to Development Plans, Zoning, and Engineering Standards

- (a) The arrangement, character, extent, width, grade, and location of all streets and improvements shall conform to adopted plans or policies related to public improvements. These plans shall be considered in their relation to existing and planned streets, topographical conditions, public convenience, and safety, as well as in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on adopted plans, the arrangement and other design standards of streets shall conform to this chapter.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the Village's standard drawings and specifications, and any subsequent amendments.
- (c) Where specifications have not been identified for public improvements, such public improvements shall be subject to the applicable standards and rules:
 - (1) For streets, subdivisions shall comply with any applicable standards in the Ohio Department of Transportation's manual and design standards; and
 - (2) For all other public improvements, subdivisions shall comply with any other design manual or standards as identified by the Village Engineer.

803.03 Sale of Land in Subdivisions, Start of Construction, and Permitting

- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of, or by the use of a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations.
- (b) Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (c) The Zoning Inspector shall not issue zoning permits or certificates for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.
- (d) No owner, or agent of the owner, of any land shall be entitled to a permit for the installation of wells or septic tanks upon any lots in a subdivision for which a plat has not been approved, certified, and recorded in the manner prescribed in these regulations.

803.04 Responsibility and Timing for Public Improvements

- (a) All public improvements shown on the subdivision plats are the responsibility of the subdivider, unless otherwise expressly indicated, and shall be installed in accordance with this chapter.

- (b) The subdivider shall be required to construct the public improvements prior to the recording of the final plat. In lieu of actual construction of the physical improvements, the subdivider may assure completion of construction by furnishing a financial guarantee in accordance with Section [803.05](#) in an amount equal to the Village Engineer's estimate of the cost of the construction of the physical improvements within the portion of the subdivision submitted for recording. Actual construction shall be as shown on the public improvement plans and in accordance with this chapter.
- (c) **Protection of Streets, Utilities, and Other Installations**

 - (1) The subdivider shall provide the Village Engineer with a plan for the routing of construction equipment and traffic with the objective of alleviating any need to traverse adjacent off-site residential streets.
 - (2) The subdivider and their contractors shall protect the pavement against all damage prior to final acceptance of the work, including damage created by the contractor's construction equipment and vehicles, as well as general traffic. As soon as curing and sealing are completed, the contractor shall clean the pavement free of all debris and construction equipment.
 - (3) The subdivider and their contractors shall at all times protect and mark all utilities constructed by the subdivider and their contractors until as-built drawings are submitted to and approved by the Village Engineer.
 - (4) The subdivider and their contractors shall at all times take proper precautions for the protection of utility lines, the presence of which can be determined by contacting the Ohio Utilities Protection Service (OUPS). The subdivider shall be financially responsible for the repair of any damage to such utility lines.

803.05 Financial Guarantees for Public Improvements

- (a) The subdivider or developer shall execute financial guarantees and shall file such financial guarantees with the Village prior to approval of a zoning permit or certification of a final plat, if the applicant does not propose to construct the required public improvements or private streets prior to receiving certification of the final plat or approval of the zoning permit. Such financial guarantee shall take any form allowed in Section 803.05(g).
- (b) The financial guarantee shall be an obligation for the faithful performance of any and all work and the construction and installation of all public improvements required to be done by the subdivider, together with all engineering and inspection costs and fees incurred by the Village.
- (c) When, in the judgment of the Village Engineer, public improvements have been completed in accordance with the improvement plans as approved by the Village, the Village Council shall, at the recommendation of the Village Engineer, accept such improvements and authorize the full or partial release of the financial guarantee.
- (d) The terms of such financial guarantees shall be determined by the Village's Legal Counsel, with confirmation by the Village Engineer.
- (e) Financial guarantees shall be made payable to the Village of Fredericktown and shall be acceptable to the Village Engineer, the Village's Legal Counsel, and the Village Administrator.
- (f) Incomplete public improvements that the Village Engineer determines will constitute a safety hazard or maintenance issue, or will prevent the effective functioning of the public improvements, shall be required to be completed prior to the approval of a final plat.
- (g) **Types of Financial Guarantees**

The following are the types of financial guarantees allowed by the Village. The standards for each type of guarantee shall apply to any situation where a financial guarantee is required, regardless if it is related to a subdivision application or not.

(1) Certified Check or Wire Transfer

The following standards shall apply if cash is utilized as a financial guarantee:

- A.** The subdivider shall provide a certified check or wire transfer for the amount of the guarantee, payable to the Village of Fredericktown and posted with the Village Administrator.
- B.** When the public improvements are complete, the Village shall issue a check for the released amount based on this subsection.
- C.** The Village shall not be responsible for paying interest for the period of time the Village retains the guarantee.

(2) Irrevocable Letter of Credit

The following standards shall apply if an irrevocable letter of credit is utilized as a financial guarantee:

- A.** The subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual, subject to the approval of the Village's Legal Counsel and Village Engineer.
- B.** The letter shall be deposited with the Village and shall certify the following:
 - 1.** The creditor guarantees funds in an amount equal to the cost, as estimated in accordance with Section [803.05](#), for completion all required public improvements.
 - 2.** In the case of failure on the part of the subdivider to complete the specified public improvements within the required time period, the creditor shall pay to the Village immediately and without further action such funds as are necessary to finance the completion of those public improvements, up to the limit of credit stated in the letter.
 - 3.** This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the Village Engineer in accordance with this chapter.

(3) Bonds

The following standards shall apply if a bond is utilized as a financial guarantee:

- A.** A bond in the amount determined in accordance with this section shall be posted with the Village Administrator.
- B.** The bond may be in the form of a surety bond or a cash bond of the kind approved by law for securing deposits of public money.
- C.** The bond shall be executed by the subdivider as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the State of Ohio.
- D.** The bond shall provide that it cannot be terminated or canceled without the approval of the Village, and shall remain in force until such improvements have been accepted by the Village Council.

803.06 General Design Requirements

(a) General Suitability of Land for Development

If the Planning Commission and Village Council find that land proposed to be subdivided is unsuitable for subdivision development due to flooding, poor drainage, topography or inadequate water supply, wastewater treatment facilities, transportation facilities, or such other conditions as 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 subdivision proposed, the Planning Commission and Village Council shall not approve the land for the purpose unless adequate methods are advanced by the subdivider for solving the problems that will be created by the development of the land.

(b) Topography, Floodplain Areas, Wetlands, and Natural Areas

- (1)** Natural amenities (including views, creeks, riparian corridors, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2)** All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the Village's participation in the National Flood Insurance Program.
- (3)** Whenever any stream or important surface drainage course is located in the area being subdivided and open drainage is permitted, the owner shall provide an adequate easement for benefit of the proper political subdivision along each side of the stream or open drainage course for the purpose of widening, deepening, relocating, improving or protecting the stream or open drainage course for drainage or water control.
- (4)** Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of State and Federal Jurisdictional Waters or Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the Planning Commission and upon advice of the Village Engineer.
- (5)** The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.
- (6)** Floor elevations of all buildings shall be carefully studied in relation to existing topography, proposed street grades, existing trees and other pertinent site features.
- (7)** The Village reserves the right to disapprove any subdivision which is subject to periodic flooding or which contains extremely poor drainage facilities. However, if the owner agrees to make such improvements as will make the area completely safe for residential occupancy, the subdivision may be approved, subject, however, to the approval by Knox Public Health.

(c) Subdivision Names

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically, the name of any other subdivision in the Village or Knox County. The Village shall have final authority to designate the name of the subdivision.

(d) Traffic Control Devices

The subdivider shall provide all traffic control devices for the proposed development, including, but not limited to, traffic signals, signs, pavement markings, and the like. This shall include the provision of any traffic control devices needed temporarily during construction. Refer to the Ohio Manual of Uniform Traffic Control Devices (OMUTC) for details of the devices to be used, and, in some cases, warrants for their use.

(e) Debris and Waste

No cut trees, diseased trees, timber, debris, earth, rocks, stones, soil, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the zoning compliance inspection. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of dedication of public improvements.

(f) Survey Monuments

Survey monuments shall be installed in accordance with the Ohio Administrative Code Section 4733-37-03.

(g) Condominiums**(1) Applicability**

The requirements of this section shall apply whenever a condominium development, as defined in Chapter 5311 of the ORC, is proposed within the Village.

(2) Standards

- A. Any condominium development shall comply with the requirements of Chapter 5311 of the ORC.
- B. Condominiums shall be reviewed in accordance with the major subdivision procedure, as established in Section [802.09](#).
- C. If multiple condominium properties are proposed within the same subdivision application, then the entirety of the area containing condominium properties shall be reviewed as one subdivision, subject to all applicable standards, regardless if the individual condominium properties will be platted in phases.
- D. Any addition or expansion of approved condominiums shall require a new major subdivision application.

(3) Conveyance

- A. No interest in a unit shall be conveyed until the declaration, bylaws, and drawings have been filed for record with the Zoning Inspector and a permit issued by the Zoning Inspector.
- B. Errors or omissions in the declaration, bylaws, or drawings, or failure to file the same for the record, shall not, however, affect the title of a grantee of a unit.

803.07 Blocks

- (a) The arrangement of blocks shall be such as to conform to the street planning criteria set forth in Section [803.09](#) and shall be arranged to accommodate lots and building sites of the size and character required for the zoning district as set forth in these regulations.
- (b) Subdivisions shall be designed with blocks of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a limited access highway, arterial street, or railroad right-of-way.
- (c) Irregularly shaped blocks, including superblocks, indented by cul-de-sacs, containing interior parks or playgrounds and adequate parking spaces, will be acceptable when properly designed and covered by agreements as to the maintenance of any common areas.

- (d) Blocks shall have a minimum length of 600 feet and a maximum length of 1,600 feet. In reviewing the subdivision plat, the Planning Commission can modify these requirements for blocks that will be located adjacent to nonresidential uses or where there are unusual topographic or natural features.
- (e) Blocks intended for business or industry shall be of such length as may be considered most suitable for their prospective use, including adequate provision for parking and deliveries.
- (f) Where a subdivision adjoins a major thoroughfare, the block shall be oriented so that there will be the fewest points of direct ingress and egress along such major thoroughfare as possible.

803.08 Lots

- (a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites that can accommodate a structure and required setbacks in the applicable zoning district. Lots shall also be arranged so that all lots will have frontage on a public street or road and will provide building sites properly related to topography and the character of surrounding development.
- (b) The lots shall be generally rectangular in form. Triangular, elongated, or other shapes that restrict its use as a building site shall be avoided to the maximum extent feasible unless the applicant can demonstrate special circumstances requiring irregular lots to the Planning Commission.
- (c) All side lot lines shall be at right angles to street lines and radial to curved street lines except where the Planning Commission determines that a variation to this rule will provide a better street and subplot layout.
- (d) Lots shall be subject to design requirements established in the zoning code and shall be of sufficient width to permit the required building setbacks. This includes compliance with minimum lot areas, lot widths, and lot depths, as may be applicable.
- (e) Excessive length in relation to width shall be avoided.
- (f) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.
- (g) Where compliance with the site development standards of the zoning code will result in a requirement for a greater lot area or width than the standards set forth herein, the more restrictive requirement shall take precedence and shall be required.
- (h) Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare. To ensure that lots will be located only where they will provide flood-free house sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house sites will be completely free from the danger of flooding.

803.09 Street Design

(a) General Street Design

- (1) The arrangement, character, width, grade, construction, and location of all streets shall conform to any adopted plans of the Village that are in effect at the time of final plat submission.
- (2) The street layout shall provide access to all lots and parcels of land within the subdivision.

- (3) Access control at major arterials and highways shall be taken into consideration in the design of the subdivision plat. The Village or ODOT has the right to define and limit access along major arterials or highways.
- (4) 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 any adopted plans of the Village.
- (5) The class of streets in a new subdivision shall be not less than the minimum class established in these regulations. The street and alley arrangement shall not cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (6) Residential minor streets shall be designed to discourage through traffic, but offset streets shall be avoided whenever possible.
- (7) Where practical, the arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
- (8) A street that is not constructed to Village standards will not be accepted by the Village for dedication as a public street.
- (9) **Extensions**
 - A. The street layout of the proposed subdivision shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.
 - B. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with turn-around having a radius of at least 40 feet of paved surface area.
 - C. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(b) Street Names, Signs, and Numbering

- (1) The developer shall be required to install durable street name signs according to Village standards and bearing approved street names at all intersections as well as all other appropriate signs for adequate traffic control.
- (2) Street names shall be selected that will not duplicate or be confused with the names of existing streets in the Village of Fredericktown and in Knox County, irrespective of modifying terms such as street, avenue, boulevard, etc. Streets that are or will eventually be continuations of existing or platted streets shall be named the same. Street names shall be included on the preliminary plat and final plat.
- (3) When a new street is a direct extension of an existing street, the name shall remain the same.
- (4) Address numbers shall be assigned by the County in accordance with the current numbering system.
- (5) The developer, at their expense, shall install traffic control devices within the subdivision and where subdivision streets connect with existing streets. These devices shall meet all applicable standards as established by the Village.

(c) Grading of Streets

- (1) All streets, roads, and alleys shall be graded to their full widths by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Planning Commission.
- (2) Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled, and uniformly compacted to conform to the accepted cross-section and grades.
- (3) In cuts, all tree stumps, boulders, organic materials, soft clay, spongy material, and other objectionable materials shall be removed to a depth of at least two feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least 12 inches below the graded surface.
- (4) In fills, all tree stumps, boulders, organic materials, soft clay, spongy materials, and other objectionable materials shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.
- (5) Adequate underdrainage shall be provided wherever good engineering practice dictates.

(d) Street Types

- (1) The dedication of the right-of-way for new streets shall meet the minimum right-of-way widths and pavement widths in [Table 803-1](#).

TABLE 803-1: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS		
Street Type	Minimum Right-of-Way Width	Minimum Pavement Width
Arterial	80 feet	40 feet
Collector	66 feet	24 feet
Minor	60 feet	24 feet
Marginal Access	50 feet	24 feet

- (2) All points of access streets shall be as approved by the Planning Commission. Marginal access streets may be required by the Commission for subdivisions fronting on arterial streets or railroads.
- (3) Through proposed business areas, street widths shall be increased 10 feet on each side if needed to provide parking without interfering with normal traffic movements.
- (4) Where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser right-of-way width than that indicated in this section.
- (5) Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in [Table 803-1](#).
- (6) The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the centerline of the existing roadway, shall be dedicated.
- (7) **Cul-de-Sacs**
 - A. The maximum length of a cul-de-sac shall be 600 feet unless necessitated by topography or other circumstances beyond the subdivider's control. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of 50 feet.

- B. Cul-de-sacs shall have a minimum pavement width of 40 as the minimum diameter at the turn around.
- (8) **Half Streets**
The dedication of half streets shall not be permitted except in special situations. Where there exists a dedicated or platted half street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary by the Planning Commission.
- (9) **Private Streets and Reserve Strips**
A. There shall be no private streets platted within a subdivision unless authorized by the Planning Commission due to unique circumstances of a proposed subdivision that would prevent the reasonable construction of a public street.
B. There shall be no reserve strips in a subdivision except where their control is definitely vested in the Village or County under conditions approved by the Planning Commission as authorized in these regulations.
- (10) **Alleys**
Alleys may be permitted for subdivisions in nonresidential zoning districts and Planned Neighborhood Developments, if approved by the Planning Commission as part of the subdivision plat. Each alley shall have a minimum pavement width of 14 feet.
- (11) **Dead-End Streets**
A. Permanent dead-end streets are prohibited unless they include a turnaround (cul-de-sac) in accordance with this subsection.
B. Temporary dead-end streets shall be permitted only where there are future plans to continue the street into another phase of the subdivision or into an adjacent, future subdivision. In such cases, a temporary turnaround shall be provided with a design approved by the Village Engineer.
C. Provisions for maintenance and the removal of the temporary dead-end street shall be required of any additional plat approvals.
D. Temporary dead-end streets longer than 600 feet are prohibited.
E. A "T" turnaround (temporary only) may be permitted in lieu of a cul-de-sac that is required for permanent dead-end streets. Such turnarounds shall be designed to allow vehicles to turn around with only one backing-up movement. See [Figure 803-A](#). The turnaround area shall be the same width as the street it abuts and shall be at least 75 feet long.

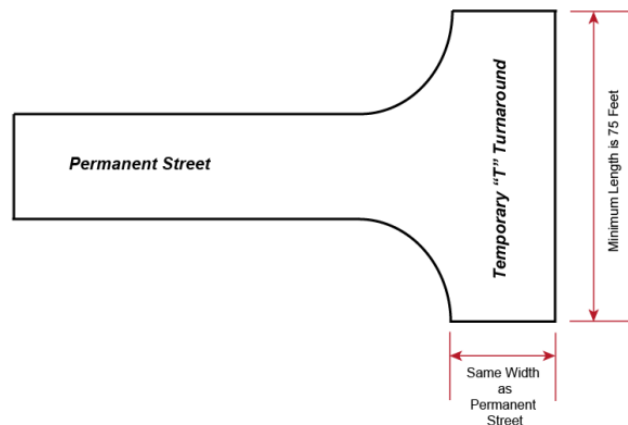


Figure 803-A: Illustrative example of a temporary "T" turnaround.

- F. If a temporary dead-end street extends one lot depth or less past a street intersection, a “T” turnaround will not be required.

(e) **Street Grades and Elevations**

- (1) Street grades shall conform to [Table 803-2](#):

TABLE 803-2: MAXIMUM GRADE	
Street Type	Maximum Grade
Arterial Street	8 percent
Collector Street	12 percent
Minor Street	14 percent

- (2) All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half of one percent.
- (3) The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.
- (4) Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby unduly increase flood heights.

(f) **Intersections**

- (1) Streets shall intersect as nearly as possible at right angles unless the intersection contains a roundabout design as approved by the Village Engineer.



Figure 803-B: Streets should intersect as nearly as possible at right angles (right image) with the exception of approved roundabouts.

- (2) Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than sixty degrees, the Planning Commission shall require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction.
- (3) No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut or other means of access to an arterial street within 75 feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.
- (4) Street jogs are prohibited.

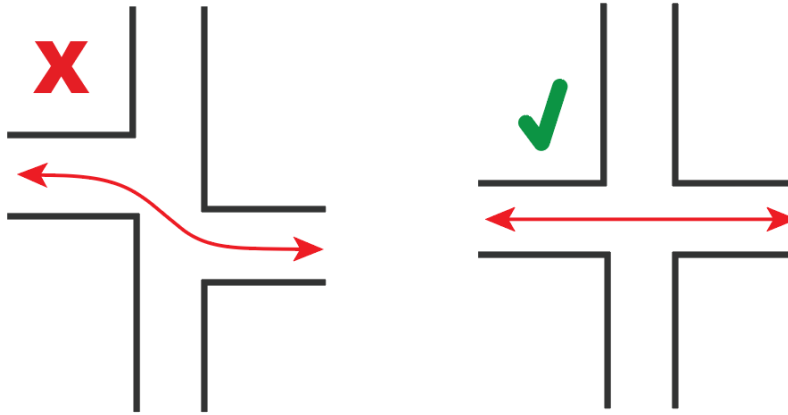


Figure 803-C: Street jogs (left image) are prohibited with straight travel through a four-way intersection (right image) the appropriate intersection type unless a roundabout is approved.

(g) Vertical and Horizontal Alignment

- (1) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

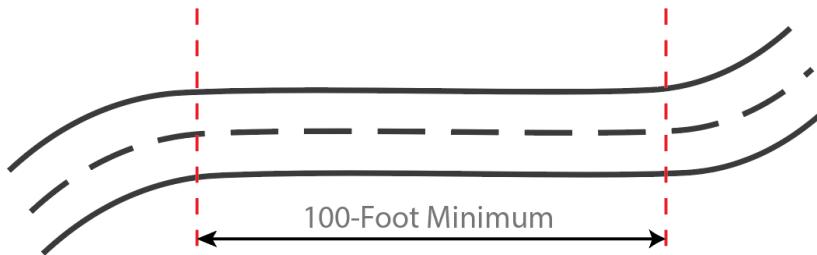


Figure 803-D: Illustration of the minimum 100-foot tangent required between reverse curves.

- (2) Where there is a deflection angle of more than 10 degrees in the alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. The minimum radii of curves shall be as established in [Table 803-3](#):

TABLE 803-3: MINIMUM STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS	
Street Type	Minimum Curve Radius (Feet)
Arterial Street	500
Collector Street	300
Minor Street	100

(h) Curbs and Gutters

- (1) The requirements for curbs and gutters will vary according to the character of the area and the density of development.
- (2) Curbs and gutters shall be constructed in conformance with the current Construction and Material Specifications of the Ohio Department of Transportation unless otherwise waived or modified by the Village Engineer and approved by the Planning Commission.

803.10 Sidewalks and Crosswalks

- (B) Sidewalks shall be constructed on each side of the street in all subdivisions.
- (C) The sidewalk requirements of these regulations shall not be waived unless the Planning Commission determines that, due to unique features of the site or use, sidewalks would not be feasible.
- (D) Sidewalks shall have a minimum pavement width and thickness as established in Section 709.09 of the Fredericktown Zoning Code.
- (E) Crosswalks shall have a minimum width of six feet.
- (F) Handicap ramps shall be provided that are compliant with the Americans with Disabilities Act (ADA) and the Public Right-of-Way Accessibility Guidelines (PROWAG) on all corners unless the Planning Commission waives a requirement for crosswalk connections on a corner.

803.11 Utilities

(a) General Requirements for Utilities and Underground Facilities

- (1) All public and common electric, cable, and telephone lines and other utilities shall be located underground in all residential, office, commercial, and industrial subdivisions and districts, and shall be placed in their own easement, shown on the final or record plat. These underground utility requirements shall also apply to any lines required to serve the new development that extend outside the boundary of the development. The conduits or cables shall be located within easements or public rights-of-way in separate trenches, in a manner that will not conflict with other underground services.
- (2) In industrial subdivisions where the electric power provider advises the Village that the power load requirements are sufficiently large as to make underground service impractical or unfeasible, electric, cable, and telephone lines may be installed overhead along rear lot lines with the approval of the Village Engineer. Should the Village Engineer approve an overhead distribution system, all connections to it shall be made underground. All facilities are to be constructed on one side of the road without overhead crossovers.
- (3) Where cable, fiber optic, television, or similar services or conduit is or will be in operation, the applicant shall install cable or conduit for such service simultaneously with and in the same manner as electric and telephone cables are installed, both within the right-of-way and to individual building connections.
- (4) All sewer and utility pipelines shall preferably be placed outside the limits of the pavement. All excavations for public utilities made under paved areas shall be properly backfilled with approved granular materials thoroughly compacted in place and subject to approval by the Village Engineer.
- (5) All storm drainage grates shall be constructed to allow bicycles to pass over the grate safely and shall have the words "No Dumping, Drains to Stream" or similar cast into the grate.

(b) Sanitary Sewers

The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate existing public wastewater treatment system is reasonably accessible, in the determination of the Village Engineer, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio Environmental Protection Agency and Village standards.
- (2) Combinations of sanitary sewers and storm sewers shall be prohibited.

- (3) Sanitary sewers shall be extended through all lots and rights-of-way within the approved plat.

(c) Public Water Supply

The following shall govern water supply improvements:

- (1) The subdivider or subdivider shall construct a system of water mains and appurtenances and connect them with the public water supply and provide a connection for each lot.
- (2) The type, size, and location of water lines shall be approved by the Village Engineer.
- (3) Water mains shall be extended through all lots and rights-of-way within the approved plat.

(d) Electric, Telephone, Cable, and Fiber Optic

- (1) Electric service and telephone service shall be provided within each subdivision.
- (2) Gas service and fiber optics shall be required where reasonably accessible.
- (3) All electric, telephone, cable, fiber optic, and similar transmission lines shall be designed and installed in compliance with the applicable standards of these regulations and the authority having jurisdiction.

(e) Soil Erosion and Sedimentation Control Systems

- (1) All soil and water management measures necessary to prevent excessive soil and sedimentation during and after development shall be installed by the developer.
- (2) These measures shall include, but are not limited to, grass waterways, lined open channels (concrete or stone), drop structures, storm sewers, debris basins, temporary and permanent seedings, and stockpiling of topsoil for later distribution.

(G) Stormwater Management Systems

- (1) An adequate stormwater management system shall be provided for the proper drainage of all surface water. The system may include a combination of underground pipes, manholes, inlets, catch basins and other appurtenances, as well as above ground features. The system shall also provide for the maintenance of any natural and constructed drainage courses.
- (2) All storm sewers shall be designed and constructed in accordance with Village standards.

803.12 Easements

- (a) Except where alleys are permitted for such purpose, the Planning Commission shall require easements at least 15 feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains and other utility facilities. Where necessary or advisable, in the opinion of the Planning Commission, similar easements shall be provided alongside lot lines or across lots.
- (b) Where a subdivision is traversed by a water course, drainageway, channel, or stream, a stormwater easement or drainage right-of-way shall be provided that has a minimum width of 20 feet, conforming substantially with the centerlines of such water course.
- (c) If the Planning Commission deems it necessary, pedestrian easements or dedications of not less than 10 feet shall be required in order to provide access to parks and recreational facilities, open space, schools, shopping centers, or other community facilities.

803.13 Green Infrastructure

- (a) The Village encourages the use of green infrastructure techniques because of their connection to sustainable development practices and environmental quality. The proper use of green infrastructure can dramatically improve storm water runoff quality, decrease runoff volume, protect downstream streams and rivers, and create more interesting places to live.
- (b) The following green infrastructure techniques may be incorporated into new subdivisions with approval from the Village Engineer, or engineering consultants to the Village, as applicable, provided that the applicant submits documentation that the proposed green infrastructure technique is effective and will equal or exceed the function of traditional infrastructure techniques and meet the requirements of these regulations:
 - (1) Narrower pavement widths;
 - (2) Narrower right-of-way widths;
 - (3) Grassy swales and shoulders without curb and gutter;
 - (4) Pedestrian walkways that do not constitute the sidewalks required by these regulations;
 - (5) Bioretention swales;
 - (6) Planter boxes;
 - (7) Curb extensions; or
 - (8) Other techniques.

(c) Criteria for Green Infrastructure Waivers

The Village Engineer, or engineering consultants to the Village, as applicable, may grant a green infrastructure waiver for use of the green infrastructure techniques provided:

- (1) The techniques will utilize the landscape or nature's ability to reduce, slow, filter, and/or absorb storm water runoff from streets, parking lots, and buildings in a method that equals or exceeds the existing infrastructure requirements of the Village;
- (2) The techniques are consistent with best management practices;
- (3) Covenants or other agreements have been presented to the Village, in a format acceptable by the Legal Counsel, that provide for the long-term maintenance of any approved green infrastructure;
- (4) The technique has been designed by a professional engineer and is accompanied by documentation stating that the proposed technique does not pose a threat to public safety;
- (5) Site geotechnical reports with infiltration rates are provided;
- (6) A draft operation and maintenance manual with expected costs is provided; and
- (7) The entity responsible for the operation and maintenance is established.

Chapter 804: Enforcement and Penalties

(a) Enforcement by the Zoning Inspector

- (1) The Zoning Inspector is hereby designated as the enforcing officer of these regulations.
- (2) The Zoning Inspector is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of these regulations.
- (3) The Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance of other Village officials. In addition, the Zoning Inspector may delegate, at their discretion, the administration of these regulations and the building permit process to other Village officials.

(b) Records

The Zoning Inspector shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. They shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection, at reasonable hours, but shall not be removed from the office of the Zoning Inspector.

(c) Violations

- (1) It shall be unlawful to:
 - A. Subdivide land in a manner contrary to the standards and requirements contained these regulations;
 - B. Sell land that has not been subdivided in accordance with these regulations;
 - C. Violate or fail to perform any condition, stipulation or safeguard set forth in any approval issued pursuant to these regulations;
 - D. Continue construction or improvements contrary to a stop work order or notice of violation; or
 - E. Knowingly make any materially false statement of fact in an application to the Zoning Inspector for any approvals required by these regulations.
- (2) Each day's continuation of a violation of this section may be deemed a separate offense.

(d) Complaints Regarding Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a complaint. Such written or verbal complaints shall fully state the causes and basis of the complaint and shall be filed with the Village.

(e) Inspection of Property

The Zoning Inspector may inspect any building erected, altered, moved, razed or converted, and any use of land or premises carried on in alleged violation of any of the provisions of these regulations.

(f) Injunction

No person may erect, construct, alter, repair or maintain any building or structure, or use any land in violation of these regulations or the regulations enacted pursuant thereto. In the event of any such violation, or imminent threat thereof, upon the request of the Mayor or Village Council, the Village's legal counsel, on behalf of the Zoning Inspector, shall institute a suit for injunction to prevent or terminate such violation.

(g) Notice of Violation

Upon finding a violation, the Zoning Inspector shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of these regulations. After such a notice is served, no work, except to correct the violation or comply with the notice, shall proceed on any building or premises included in the violation.

(h) Penalties

- (1)** If the Knox County Recorder records a plat in violation of any of the provisions of this code, they shall be fined not less than 100 dollars nor more than 500 dollars, as provided in Ohio R.C. 711.12, to be recovered with costs in a civil action by the prosecuting attorney in the name and for the use of the county.
- (2)** Whoever transfers or negotiates to transfer any lot in a subdivision before the final plat of such subdivision has been approved by the MPC and recorded in the Knox County Recorder's office, or attempts the description of land by metes and bounds in violation of this code, shall be fined not less than 10 dollars nor more than 1,000 dollars.
- (3)** Any person, firm, or corporation, violating any of the provisions of these regulations, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than 500 dollars; each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, shall be deemed to be a separate offense.

(i) Remedies

- (1)** In case any subdivision or construction of improvements occurs in violation of these regulations, or any amendment thereto, Village Council, the Village's legal counsel, the Zoning Inspector, the Village Engineer, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful activity.
- (2)** The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(j) Affected Parties

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

(k) Other Actions

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 805: Definitions

805.01 General Rules of Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of these regulations.

(a) Meanings and Intent

All provisions, terms, phrases, and expressions contained in these regulations shall be interpreted in accordance with the general purposes set forth in Section [801.01](#), and the specific purpose statements set forth throughout these regulations. When a specific section of these regulations gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.

(b) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(c) References to Other Regulations or Publications

Whenever reference is made to a code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such code, statute, regulation, or document, unless otherwise specifically stated.

(d) Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(e) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Village of Fredericktown, unless otherwise indicated.

(f) Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

(g) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** “And” indicates that all connected items, conditions, provisions or events apply; and
- (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

(h) Tenses, Plurals, and Pronouns

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Where a pronoun is used (he, she, they, it, etc.), such pronoun shall mean any pronoun unless the context of the particular usage clearly indicates otherwise.

(i) **Terms Not Defined**

If a term used in these regulations is not defined in this chapter, the Zoning Inspector shall have the authority to utilize a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

805.02 Definitions

Access

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

Alley

A minor, service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by these regulations.

Appeal

A review procedure by which a person may call into question a decision related to these regulations as outlined in Section 711.11 of the Fredericktown Zoning Code.

Applicant

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for subdivision review pursuant to these regulations.

Application

The process by which the applicant submits a request for any type of development review or approval identified in these regulations. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the Village.

Block

The property lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the Village.

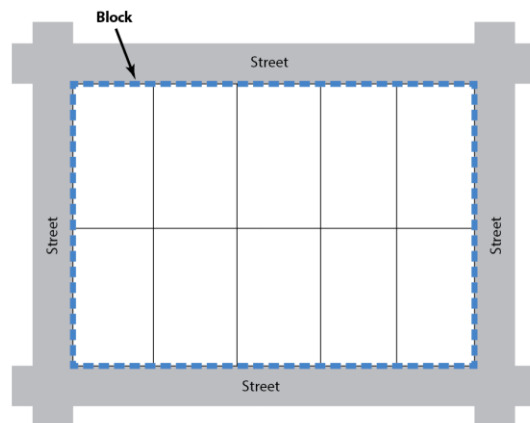


Figure 805-A: Illustration of block

Board of Zoning Appeals

The Village of Fredericktown Board of Zoning Appeals. The Board of Zoning Appeals may be referred to as the "Board" or the "BZA" in these regulations.

Building

Any structure, of more or less permanent construction, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property. When separated by party walls, each portion of such building shall be considered a separate structure.

Completed Application

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

County

Knox County, Ohio

Developer

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or other legal entity commencing proceedings under these regulations to affect the development of land for himself or herself or for another.

Development

Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

Driveway

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

Easement

A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

Frontage

All of the property abutting on one side of a street or places (crossing or terminating) or, if the street or place is dead-ended, then all of the property abutting on one side between an intersecting street or place and the dead end of the street or place.

Legal Counsel

An attorney representing the Village of Fredericktown

Lot Area

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section 702.07(a) of the Fredericktown Zoning Code for the lot area requirements and measurements.

Lot Depth

The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

Lot Line

The boundary line defining the limits of the lot. Lot line is synonymous with "property line." See the Fredericktown Zoning Code for the specific definitions of front lot line, side lot line, and rear lot line.

Lot Width

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line. See Section 702.07(a) of the Fredericktown Zoning Code for the lot width requirements and measurements.

Lot, Corner

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 805-B](#).

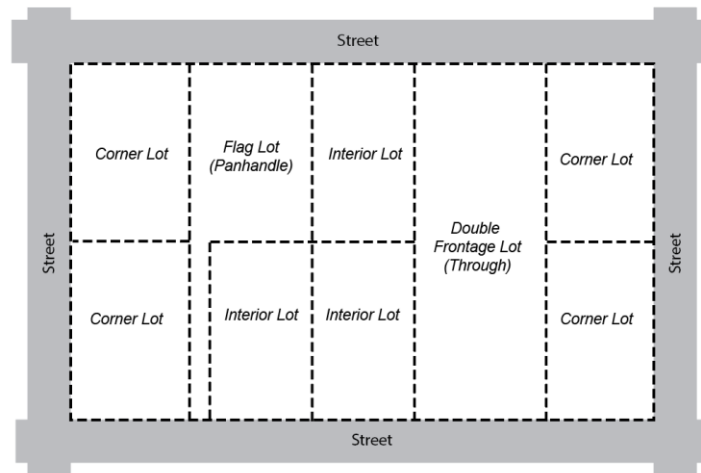


Figure 805-B: Illustration of typical lot types.

Lot, Curved or Cul-De-Sac

A lot with frontage along a curved street or cul-de-sac.

Lot, Double Frontage (Through)

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure 805-B](#).

Lot, Interior

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Figure 805-B](#).

Lot, Panhandle (Flag)

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See [Figure 805-B](#).

ORC

Ohio Revised Code

Ordinance

Any legislative action, however denominated, of a local government which has the full force of law, including any amendment or repeal of any ordinance.

Owner

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land.

Person

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Knox County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Planned Neighborhood Development

A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

Planning Commission

The Planning Commission of the Village of Fredericktown, Ohio. The Planning Commission may be referred to as the "Commission" in these regulations.

Public Utilities

Structures and land used for storage, transmission, or recovery facility for water, sewerage, telephone, electric or gas and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission (PUCO). Such uses may also include salt storage or other outdoor activities necessary for the efficient operations of the local, State, or Federal Government.

Right-of-Way

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

Road

See definition of “street.”

Sidewalk

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public.

Street

A right-of-way dedicated or deeded and accepted for public use, which provides for vehicular and pedestrian traffic. A street will typically include:

- The paved area, or cartway, principally for use by motorized vehicles, and usually bordered with curbs and gutter;
- A sidewalk between the paved area and right-of-way line principally for use by pedestrians; and
- A landscaped area between the sidewalk and paved area which is often called a “treelawn”.

Streets may be referred to as roads or thoroughfares.

Street Grade

The roadway elevation established by construction or usage and measured at the roadway centerline in front of the lot.

Street, Arterial

Streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the Village.

Street, Collector

A road intended to move traffic from local roads to secondary arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

Street, Cul-de-Sac

A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Street, Dead-End

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

Street, Marginal Access

A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. Marginal access streets are often referred to as frontage streets or frontage drives.

Street, Minor

A street designed primarily for providing access to residential, commercial or other abutting property through driveways or other access points.

Street, Private

An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the Village and that is not maintained by the Village.

Street, Public

A street that has been dedicated or deeded to the public for public use and which affords principal access to abutting property.

Subdivider

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to affect a subdivision of land hereunder for himself or for another.

Subdivision

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, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and 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 public facilities, shall be exempted.

Subdivision Modification

A modification to any of the public improvement or subdivision design standards of [Chapter 803: Subdivision Design Standards](#), as authorized by the Planning Commission in accordance with Section [802.09\(f\)](#).

Subdivision, Major

A subdivision that is not classified as a minor subdivision.

Subdivision, Minor

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [802.08\(b\)](#).

Village

The Village of Fredericktown, Ohio in Knox County, Ohio

Village Administrator

The administrative officer of the Village of Fredericktown, and shall have such powers and duties as are assigned by the Village Council and by law.

Village Council

The Village Council of the Village of Fredericktown, Ohio. The Village Council may be referred to as the "Council" in these regulations.

Violation

The failure of a structure or other development to be fully compliant with the regulations of these regulations.

Zoning District

An area within the Village limits for which the regulations and requirements governing use are uniform as defined in the Fredericktown Zoning Code.

Zoning Inspector

The Zoning Inspector of the Village of Fredericktown, Ohio. The individual designated to administer and enforce these regulations, unless otherwise stated.