The Village of Seville Zoning Ordinance Code Book

Last update: February 10, 2020

ARTICLE I TITLE, AUTHORIZATION, PURPOSE AND ENACTMENT....1
SECTION 101 TITLE.... 1
SECTION 102 AUTHORIZATION....1
SECTION 103 PURPOSE....1
SECTION 104 ENACTMENT.... 2
SECTION 105 EFFECTIVE DATE....2
ARTICLE II ADMINISTRATION, ENFORCEMENT AND PENALTY....3
SECTION 201 INTERPRETATIONS, APPLICATION AND ENFORCEMENT.... 3
SECTION 202 INTENT: CONFLICTS OF LAW....3
SECTION 203 SEPARABILITY....4
ARTICLE III RULES OF CONSTUCTION AND DEFINITIONS.... 5
SECTION 301 RULES OF CONSTRUCTION.... 5
SECTION 302 DEFINITIONS.... 5
ARTICLE IV GENERAL REGULATIONS....22
SECTION 401 PURPOSE....22
SECTION 402 PERMITTED USES.... 22
402.01.... 22
402.02.... 22
402.03.... 23
402.04.... 23
SECTION 403 REGULATION OF LOTS.... 23
403.01 Lot Area....23
403.02 Substandard Lots.... 23
403.03 Street Frontage.... 24
SECTION 404 GENERAL REGULATIONS OF YARDS.... 24
404.01 Open Area.... 24
404.02 Yard Measurements....24
404.03 Visibility at Intersections....25
404.04 Fences, Hedges and Walls....25
SECTION 405 DETERMINATION OF SIMILAR USE.... 26
405.01 Accessory Buildings....27
405.02 Lot Storage.... 28
SECTION 406 GENERAL PROVISIONS OF STRUCTURES & CONSTRUCTION.... 28
406.01 Required Compliance....28
406.02 Building under Construction Prior to the Ordinance.... 29
406.03 Temporary Buildings/Temporary Dwelling Units....30
406.04 Grading and Seeding.... 30
406.05 Temporary Parking....31

406.06 Restoring Unsafe Buildings..... 31
SECTION 407 HOME OCCUPATIONS..... 31
SECTION 408 SWIMMING POOLS..... 32
408.01..... 32
408.02..... 32
408.03..... 32
408.04..... 33
408.05..... 33
SECTION 409 NUISANCES, UNSAFE AND SUBSTANDARD BUILDINGS AND/OR STRUCTURES..... 33
409.01 Definitions..... 33
409.02 Unsafe or Substandard Buildings as Nuisances..... 35
409.03 Investigation Procedures; Report by Zoning Inspector..... 35
409.04 Hearing Procedures..... 36
409.05 Action by Council Re Substandard Buildings..... 37
409.06 Action by Council Re Unsafe Buildings..... 37
409.07 Amendments to Findings or Orders..... 38
409.08 Standards for Repair, Vacation or Demolition..... 38
409.09 Enforcement Procedures; Posting of Notice..... 38
409.10 Discretion of Council..... 39
409.11 Demolition of Buildings..... 40
409.12..... 40
409.13..... 40
409.14..... 40
409.15..... 41
409.16 Penalty..... 41
SECTION 410 DRIVEWAYS AND SIDEWALKS..... 42
410.01..... 42
410.02..... 42
410.03..... 42
410.04 Common Driveways..... 43
SECTION 411 ANNEXATIONS..... 43
SECTION 412 REGULATIONS FOR SATELLITE DISHES..... 43
412.01..... 43
412.02 Permit..... 43
412.03 Application for Permit..... 44

412.04 Location of Satellite Dish Antennas..... 44
SECTION 413 REGULATIONS FOR PONDS AND LAKES..... 44
413.01..... 44
413.02..... 44
413.03..... 45
413.04..... 45
SECTION 414 BED AND BREAKFAST INNS..... 45
414.01 Purpose..... 45
414.02 Conditional Use Permit Required..... 45
414.03 Development Standards..... 46
414.04 General Development Standards..... 46
SECTION 415 SHORT TERM RENTALS ("STRS")..... 49
415.01 Purpose..... 49
415.02 Conditional Use Permit Required..... 49
SECTION 416 ALTERNATIVE ENERGY SYSTEMS..... 52
416.01 Purpose..... 52
416.02 Wind Energy Systems..... 54
416.03 General Standards..... 54
416.04 Procedure for Review..... 59
416.05 Decommission..... 60
416.06 Temporary Anemometer..... 61
416.07 Violation..... 62
416.08 Variance Provisions..... 62
ARTICLE V DISTRICTS AND THEIR BOUNDARIES..... 63
SECTION 501 ESTABLISHMENT OF DISTRICTS OR ZONES..... 63
SECTION 502 UNIFORMITY OF REGULATIONS..... 63
SECTION 503 MAP OF ZONING DISTRICTS..... 63
SECTION 504 INTERPRETATION OF DISTRICT BOUNDARIES..... 64
504.01 Where Boundaries Approximately Follow Streets, Alleys, or Highways..... 64
504.02 Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines..... 64
504.03 Where Boundaries Approximately Follow Lot Lines..... 64
504.04 Vacation of Public Ways..... 64
ARTICLE VI DISTRICT REGULATIONS..... 65
SECTION 601 FLOOD DAMAGE PROTECTION OVERLAY DISTRICT..... 65
601.01 Definitions..... 65
601.02 General Provisions..... 69

601.03 Administration..... 71
601.04 Provisions or Flood Hazard Reduction..... 76
601.05 Variance Procedure.....84
SECTION 602 R-1 LOW DENSITY RESIDENTIAL DISTRICT..... 88
602.01 Purpose..... 88
602.02 Uses.....88
602.03 Area and Height Regulations..... 89
602.04 Area Regulations on Accessory Buildings or Structures.....90
602.05 Minimum Floor Area.....90
SECTION 603 R-2 SUBURBAN RESIDENTIAL DISTRICT..... 90
603.01 Purpose..... 90
603.02 Uses..... 91
603.03 Area and Height Regulations..... 91
603.04 Area Regulations on Accessory Buildings or Structures.....92
603.05 Minimum Floor Area.....92
SECTION 604 R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT..... 93
604.01` Purpose..... 93
604.02 Uses.....93
604.03 Area and Height Regulations..... 94
604.04 Area Regulations on Accessory Buildings or Structures.....95
604.05 Minimum Floor Area.....95
SECTION 605 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.....96
605.01 Purpose..... 96
605.02 Uses..... 96
605.03 Area Regulations.....97
605.04 Minimum Floor Areas..... 97
605.05 Maintenance of Common Areas and Facilities..... 98
605.06 Parking..... 98
SECTION 606 LOCAL COMMERCIAL “LC” DISTRICT.....99
606.01 Purpose..... 99
606.02 Uses..... 99
606.03 Area and Height Regulations..... 101
606.04 Supplementary Regulations.....102
SECTION 607 HC - HIGHWAY SERVICE COMMERCIAL DISTRICT..... 103
607.01 Purpose..... 103

607.02 Uses 103
607.03 Area and Yard Requirements 106
607.04 Supplementary Regulations 107
SECTION 608 DOWNTOWN/HISTORIC MIXED USE OVERLAY DISTRICT (DMU) 108
608.01 Purpose 108
608.02 Permitted Uses 108
608.03 Conditional Uses 109
608.04 Accessory Uses and Structures 111
608.05 Site Plan Review 112
608.06 Design Principles 112
SECTION 609 INDUSTRIAL DISTRICT 118
609.01 Purpose 118
609.02 Uses 118
609.03 Area and Lot Requirements 120
609.04 Site Plan Review and Conformance 121
SECTION 610 INDUSTRIAL PARK DISTRICT (IPD) 122
610.01 Intent and Purpose 122
610.02 Permitted Uses 122
610.03 Accessory Uses 123
610.04 Conditional Uses 123
610.05 Area and Height Regulations for Industrial Park Developments 123
610.06 Site Plan Review and Conformance 125
SECTION 611 MIXED USE OVERLAY DISTRICT (MU) 126
611.01 Purpose 126
611.02 Establishment of District 126
611.03 Permitted Uses 127
611.04 Conditional Uses 130
611.05 Site Plan Review 133
611.06 Design Principals 133
611.07 Performance Standards 138
611.08 Flood Hazard Areas 138
ARTICLE VII SIGN REGULATIONS 139
SECTION 701 PURPOSE 139
SECTION 702 COMPLIANCE 140
SECTION 703 LIMITATIONS 140

703.00 Official Signs excluded from Regulation..... 140
703.01 ODOT Permits..... 140
703.02 Outdoor Advertising..... 140
SECTION 704 ZONING PERMIT REQUIREMENTS..... 141
SECTION 705 ZONING PERMIT EXCEPTIONS..... 141
SECTION 706 GENERAL REQUIREMENTS..... 142
706.01 Illumination..... 142
706.02 Movement..... 142
706.03 Right-of-Way..... 142
706.04 Projecting Signs..... 142
706.05 Roof Signs..... 142
706.06 Location..... 142
706.07 Similarity to Traffic Control Devices..... 143
706.08 Satellite Dishes..... 143
SECTION 707 AREA OF A SIGN..... 143
SECTION 708 PROHIBITED SIGNS..... 144
SECTION 709 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS..... 146
SECTION 710 SIGNS PERMITTED IN THE HC, LC, I AND IDP DISTRICTS..... 148
SECTION 711 NON-ACCESSORY SIGNS (BILLBOARDS)..... 151
SECTION 712 ENFORCEMENT..... 151
712.01 Maintenance..... 151
712.02 Removal of Unsafe Signs..... 151
SECTION 713 VIOLATIONS..... 152
SECTION 714 NON-CONFORMING SIGNS..... 152
ARTICLE VIII PARKING AND LOADING REQUIREMENTS..... 153
SECTION 801 GENERAL REQUIREMENTS..... 153
SECTION 802 PARKING SPACE REQUIREMENTS..... 153
802.01 Residential (R1, R2, R3 and R4 Districts)..... 153
802.02 Recreation or Entertainment..... 153
802.02 Commercial..... 154
802.03 Industrial..... 155
802.03 Institutional..... 155
SECTION 803 LOADING SPACE REQUIREMENTS..... 155
803.01 Spaces Required..... 155
803.02 Access..... 156
SECTION 804 OTHER USES..... 156
SECTION 805 PARKING AREA DIMENSIONS..... 156
SECTION 806 PARKING AREA DESIGN..... 156

SECTION 807 ENTRANCES AND EXITS....157
SECTION 808 YARD RESTRICTIONS.... 158
ARTICLE IX CONDITIONAL ZONING CERTIFICATES.... 161
SECTION 901 PURPOSE....161
SECTION 902 PROCEDURES FOR MAKING APPLICATION.... 161
902.01 Application Submitted to the Planning and Zoning Commission....161
902.02 Hearing Notice.... 162
902.03 Notice to Parties in Interest.... 162
902.04 Review by Planning and Zoning Commission....163
902.05 Issuance and Revocation of Conditional Zoning Certificate....163
902.06 Re-application.... 163
SECTION 903 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES....163
SECTION 904 GENERAL REQUIREMENTS....164
SECTION 905 SPECIFIC DEVELOPMENT REQUIREMENTS.... 165
ARTICLE X SITE PLAN REVIEW.... 196
SECTION 1001 INTENT....196
SECTION 1002 SITE PLAN REVIEW REQUIRED.... 197
SECTION 1003 SITE PLAN REVIEW PROCESS....197
SECTION 1004 PROCEDURE....200
SECTION 1005 SITE PLAN SUBMISSION REQUIREMENTS.... 200
1005.01 Preliminary Site Plan....200
1005.02 Final Site Plan Submittal Requirements....201
SECTION 1006 LANDSCAPE PLAN REQUIREMENTS.... 202
1006.01 Purpose.... 202
1006.02 Applicability.... 202
1006.03 Landscaping Plan Submission Requirements....203
1006.04 Landscaping Along Streets in Commercial Districts....204
1006.05 Interior Parking Lot Landscaping.... 205
1006.06 Screening of loading areas, outside storage areas and other service areas....206
1006.07 Building Façade Landscaping.... 206
SECTION 1007 CONFORMANCE WITH SITE PLAN....207
SECTION 1008 LANDSCAPE MAINTENANCE.... 207
ARTICLE XI NON-CONFORMING USES, STRUCTURES AND LOTS....209
SECTION 1101 PURPOSE....209
SECTION 1102 NONCONFORMING USE....209
1102.01 Continuance of Lawful Nonconforming Use.... 209
1102.02 Discontinuance or Abandonment.... 209
1102.03 Displacement.... 210

1102.04 Enlargement of Use..... 210
1102.05 Non-Conforming To Other Non-Conforming Use..... 210
SECTION 1103 NONCONFORMING STRUCTURE..... 210
1103.01 Alterations or Enlargements..... 210
1103.02 Restoration of Damaged Structure..... 211
1103.03 Repairs and Maintenance..... 211
SECTION 1104 NONCONFORMING LOT..... 211
SECTION 1105 COMPLETION OF APPROVED CONSTRUCTION..... 211
SECTION 1106 NON-CONFORMING SIGNS..... 212
ARTICLE XII AMENDMENTS..... 214
SECTION 1201 GENERAL..... 214
SECTION 1202 INITIATION OF ZONING AMENDMENTS..... 214
SECTION 1203 CONTENTS OF APPLICATION..... 215
SECTION 1204 TRANSMITTAL TO PLANNING COMMISSION..... 216
SECTION 1205 RECOMMENDATION BY PLANNING and ZONING COMMISSION..... 216
SECTION 1206 PUBLIC HEARING BY VILLAGE COUNCIL..... 216
SECTION 1207 NOTICE OF PUBLIC HEARING IN NEWSPAPER..... 216
SECTION 1208 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL..... 217
SECTION 1209 ACTION BY VILLAGE COUNCIL..... 217
ARTICLE XIII ADMINISTRATION AND ENFORCEMENT..... 218
SECTION 1301 ZONING INSPECTOR..... 218
1301.01 General..... 218
1301.02 Bond..... 218
SECTION 1302 BOARD OF ZONING APPEALS..... 219
SECTION 1303 PLANNING AND ZONING COMMISSION..... 219
1303.01 Members..... 219
1303.02 Terms..... 219
1303.03 Procedures..... 219
1303.04 Quorum..... 220
1303.05 Powers and Duties of the Commission..... 220
SECTION 1304 ZONING CERTIFICATE (PERMIT); APPLICATION AND ISSUANCE..... 222
1304.01..... 222
1304.02 Time for Issuance..... 223
1304.03 Term of Permit..... 223
1304.04 Application for Conditional Zoning Permit..... 223
SECTION 1305 SCHEDULE OF FEES, CHARGES, AND EXPENSES..... 223
SECTION 1306 VIOLATIONS..... 223
SECTION 1307 INSPECTION AND CORRECTION OF VIOLATIONS..... 224
SECTION 1308 CORRECTION PERIOD..... 224

SECTION 1309 PENALTIES....224
SECTION 1310 COMPLAINTS REGARDING VIOLATIONS.... 224
ARTICLE XIV BOARD OF ZONING APPEALS....225
SECTION 1401 GENERAL....225
SECTION 1402 COMPOSITION AND APPOINTMENT....225
SECTION 1403 ORGANIZATION.... 225
1403.01 Officers, Rules.... 225
1403.02.... 225
1403.03.... 226
1403.04.... 226
1403.05.... 226
SECTION 1404 POWERS....226
1404.01 Appeals.... 226
SECTION 1405 ADMINISTRATIVE APPEALS....226
SECTION 1406 VARIANCE APPEALS.... 227
1406.01 General.... 227
1406.02 Findings by the Board.... 227
1406.04 Supplementary Conditions.... 229
SECTION 1407 PROCEDURE FOR ADMINISTRATIVE AND VARIANCE APPEALS....229
1407.01 General.... 229
1407.02 Stay of Proceedings....229
1407.03 Public Hearings and Notices.... 230
1407.04 Assistance.... 230
1407.05 Decisions.... 230
ARTICLE XV SEXUALLY ORIENTED BUSINESSES.... 231
SECTION 1501 PURPOSE....231
SECTION 1502 DEFINITIONS.... 231
SECTION 1503 LOCATION.... 237
SECTION 1504 RESTRICTIONS....238
SECTION 1505 SUPPLEMENTAL PROVISION.... 239
1505.01 Prevalence of Conforming Use:.... 239
ARTICLE XVI WIRELESS TELECOMMUNICATIONS REGULATIONS....240
SECTION 1601 PURPOSE....240
SECTION 1602 DEFINITIONS.... 241
SECTION 1603 APPLICABILITY....243
SECTION 1604 USE REGULATIONS....243
SECTION 1605 MINIMUM STANDARDS FOR CONSTRUCTION, ERECTION, MAINTENANCE AND REMOVAL 246
SECTION 1606 FEES.... 253

SECTION 1607 EXEMPTION OF CERTAIN VILLAGE PROPERTY..... 254
SECTION 1608 WAIVER.....254
ARTICLE XVII MARIJUANA ENTITIES..... 256
SECTION 1701.01 256

Updates:

February, 10, 2020	Ordinance 2019-64	
December 9, 2019	Ordinance 2019-59	
June 10, 2019	Ordinance 2019-20	Ordinance 2019-05
April 4, 2018	Ordinances 2018-06	Ordinance 2018-07
July 10, 2017	Ordinance 2017-33	
February 13, 2017	Ordinance 2016-72	
October 11, 2016	Ordinance 2016-41	Ordinance 2016-36
November 12, 2015	Ordinance 2015-46	
June 8, 2015	Ordinance 2015-30	
October 24, 2013	Ordinance 2013-39	Ordinance 2013-38
	Ordinance 2013-37	
September 27, 2012	Ordinance 2011-40	Ordinance 2011-33
	Ordinance 2011-23	Ordinance 2010-50
	Ordinance 2010-25	

ARTICLE I
TITLE, AUTHORIZATION, PURPOSE AND ENACTMENT

Section 101 Title
Section 102 Authorization
Section 103 Purpose
Section 104 Enactment Clause
Section 105 Effective Date

SECTION 101 TITLE

This ordinance shall be known as the "Zoning Ordinance of Seville, Ohio" (hereinafter referred to as "this Ordinance"), and repeals the existing Zoning Ordinance effective January 1, 1990, as amended and any other ordinances of the Village of Seville or parts thereof, in conflict herewith.

SECTION 102 AUTHORIZATION

This Ordinance is authorized by the Ohio Constitution and the Ohio Revised Code.

SECTION 103 PURPOSE

This ordinance is enacted to promote and protect the public health, safety, convenience, comfort, prosperity, and general welfare by:

A. Encouraging and facilitating orderly, efficient, and appropriate growth and development;

B. Establishing population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewerage systems, streets and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services;

C. Dividing the incorporated areas of the Village into districts or zones.

D. Regulating the location, height, number of stories and size of buildings and other structures.

E. Securing safety from fire, floods, traffic hazards, and other damages.

F. Fostering well planned industrial and commercial development to strengthen the Village economic base.

G. Stabilizing and improving property values.

H. Ensuring compatibility between land uses.

SECTION 104 ENACTMENT

WHEREAS, there has been created under and by virtue of the laws of the State of Ohio, the Planning Commission for the Village of Seville, Ohio and;

WHEREAS, said Planning Commission has submitted to the Village Council of Seville, Ohio, a plan for the zoning of the Village according to the uses of premises, buildings and other structures;

NOW THEREFORE, be it ordained that the Zoning Map and Text contained herein is hereby adopted.

SECTION 105 EFFECTIVE DATE

This Ordinance is effective on _____.

ARTICLE II
ADMINISTRATION, ENFORCEMENT AND PENALTY

Section 201 Interpretation, Application and Enforcement
Section 202 Intent: Conflicts of Law
Section 203 Separability

SECTION 201 INTERPRETATIONS, APPLICATION AND ENFORCEMENT

A. Interpretation and Application In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare of the citizens of the Village of Seville. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, prevent overcrowding of lots, provide ample parking facilities, and control traffic.

B. Enforcement.

(1) Except under the most unusual circumstances, Council desires that every requirement outlined in this Ordinance be strictly enforced.

(2) The enforcement of the terms of this Ordinance shall apply to every requirement, including, but not limited to, those specific requirements for streets and sidewalks.

(3) This subsection (b) is not intended to amend this Ordinance in any manner, but merely to establish the fact that any past waivers concerning this Ordinance or any prior version were not intended to establish any precedent or standardize waivers in connection with construction activities within the Village.

SECTION 202 INTENT: CONFLICTS OF LAW

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

SECTION 203 SEPARABILITY

Should a court of competent jurisdiction declare any section or part of a section or provision of this Ordinance invalid or unconstitutional, this shall not affect the validity of any other section, part of section, or provision of this Ordinance, or the Ordinance as a whole, other than the part so declared to be invalid or unconstitutional.

ARTICLE III
RULES OF CONSTUCTION AND DEFINITIONS

Section 301 Rules of Construction **Section 302 Definitions**

SECTION 301 RULES OF CONSTRUCTION

For the purpose of this Ordinance, certain words and terms are defined. Words and terms not herein defined should be interpreted in accord with their normal dictionary meanings and customary usage.

The present tense shall include the future tense; the singular number shall include the plural; the plural shall include the singular; the word "building" shall include "structure"; the word "lot" shall include the word "plot", "tract", or "parcel" of land, as the sense may require it. The word "shall" and "must" are always mandatory and not directory. The word "erected" means constructed, altered, moved, or repaired. The word "used" or "occupies" as applied to any land or building shall be construed to include the words "intended", "arranged," or "designed to be used or occupied"; the word "district" is synonymous with the word zone.

SECTION 302 DEFINITIONS

Accessory Structure or Use - A structure or use customarily incidental and subordinate to the principal use or building located on the same lot or premises as the principal use or building. Accessory structures include, but are not limited to: fences, signs, storage sheds, swimming pools, satellite disks. Accessory uses include, but are not limited to: home occupations, parking, and storage of home maintenance equipment.

Adult Day Care Facility - A day care center that during any part of the normal business day provides supervised educational, recreational and social activities to elderly and/or handicapped adults, but not including persons suffering from acute or chronic alcoholism or other drug dependency and persons who regularly require restraint. See also "Day Care Center".

Administrative Official - Municipal officers or persons who are by lawful procedure appointed or assigned to the enforcement or administration of this Ordinance.

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

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

Apartment House - A multi-family dwelling for three or more families, living independently of each other and performing their cooking upon the premises.

Assisted Living Facility - Assisted living facilities are residential care facilities that provide housing, meals, personal care and supportive services to older persons and disabled adults who are unable to live independently.

Automobile Service Station - see "Gasoline Service Station".

Awning - A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. See Figure 1.

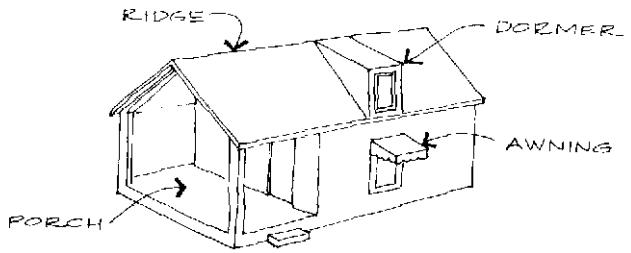


Figure 1

Comment: Awnings are temporary or portable devices. Once they become permanent, incapable of being retracted, then all setbacks should be measured from the end of the awning.

Basement - That portion of a building, having more than one half (½) of its height below the average grade.

Bed and Breakfast Inn - A private residence, several rooms of which are set aside for overnight guests whose paid accommodations include breakfast.

Billboard - See "Sign, Off-Premises".

Buffer - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate one use or property from another so as to visually shield and/or block noise, lights, or other nuisances.

Buildable Area - The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met. See Figure 2.

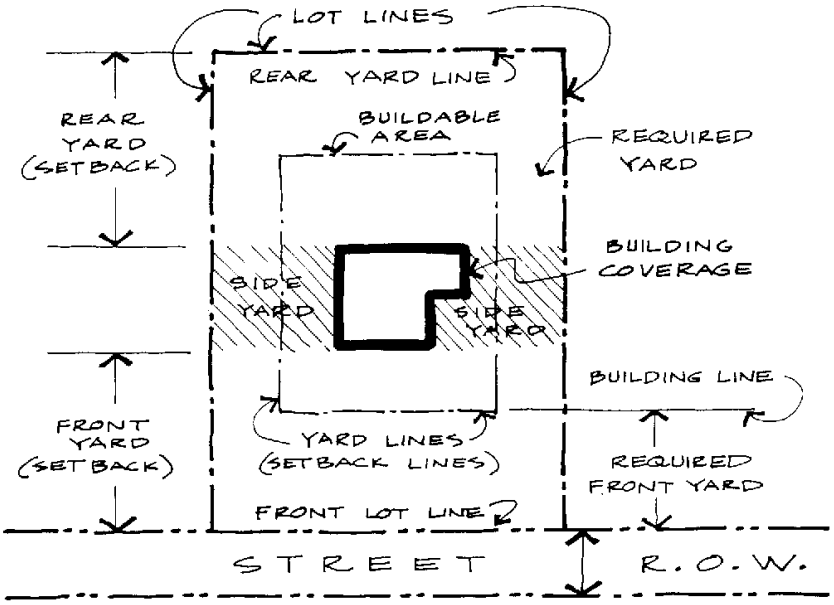
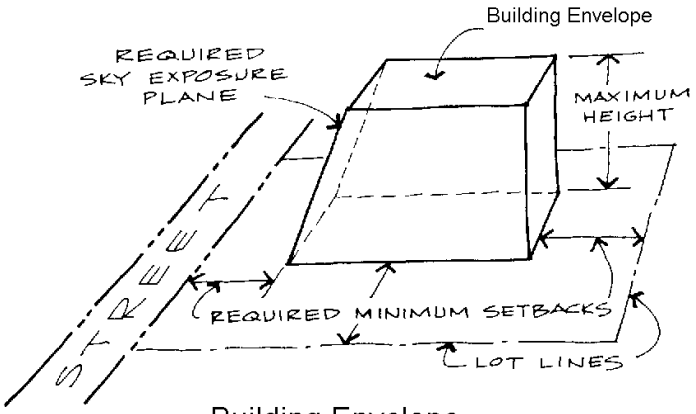


Figure 2

Building - Any structure having a roof supported by columns or by walls, and intended for the shelter, support, or enclosure of persons, animals, chattels, or materials of any kind.

Building, Accessory - A subordinate building used for purposes incidental to those of the principal building on the same lot.

Building Envelope - The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by minimum height regulations and minimum yard setbacks. See Figure 3.



Building Envelope

Figure

Building Height - The vertical distance from grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Building Inspector - See "Zoning Inspector".

Building Line - A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

Building, Principal - A building in which is conducted the main or principal use of the lot on which the building is situated.

Building Setback Line - See "Minimum Building Setback Line".

Child Day Care - Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home. See also "Day Care Center".

Church or Place of Worship - A building or structure, or groups of buildings or structures, intended for conducting organized religious services and accessory uses.

Clinic - Any building or other structure devoted to the health, medical, and dental diagnosis, treatment, and care of outpatients.

Club - A building, or portion thereof, or premises owned or operated by a corporation, association, person or persons, for social, literary, political, educational, or recreational purpose, primarily for the exclusive use of members and their guests.

Cluster Development - A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots that would be permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas or agriculture**.**

Commercial Vehicle - Any motor vehicle designed and used for carrying merchandise or freight, or used as a commercial tractor for drawing other vehicles designed and used for carrying freight, or are drawn by other motor vehicles.

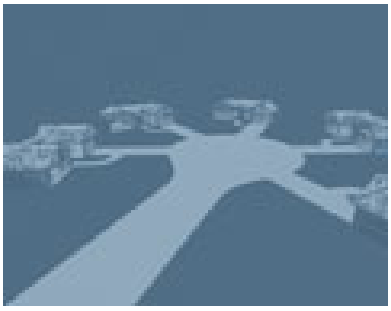
Conditional Use - See "Use Conditionally Permitted".

Condominiums - a building or group of buildings, in which the units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Property is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Association - The community association which administers and maintains the common property and common elements of a condominium.

Convalescent Home - A rest home or boarding home for the aged or mentally or physically infirm conducted within any building, institutional residence or home used for the reception and care, for a consideration, for three or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five (65) years of age or over, and for which a license has been issued by the Department of Public Welfare of the State.

Cul-de-sac - A circular turn-around at the end of a dead-end street.



Residential Cul-de-Sac
Figure 4

Cul-de-sac Street - A street with a single common ingress and egress with a circular turn-around at the end**.**

Day Care Center - Any place other than a family day care home in which day care is provided for either adults or children. See also "Adult Day Care Facility" and "Child Day Care".

Density - A unit of measurement; the number of dwelling units per acre of land.

Density, Gross - The number of dwelling units per acre of the total land to be developed.

Density, Net - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

District - An area of the Village within which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations. Boundaries of the districts are shown on the Zoning District Map, which is a part of this Ordinance.

Dwelling - Any building or portion thereof, designed or used exclusively for residential purpose.

Dwelling Unit - One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, One-Family - A building designed for, or occupied exclusively by, one family.

Dwelling, Two-Family - A building on a single lot containing two dwelling units.

Dwelling, Multi-Family - A building on a single lot containing three or more dwelling units.

Family - One or more persons, including household employees, occupying a dwelling, and living as a single housekeeping unit.

Family Day Care Home, Type B: - A permanent residence of the provider in which child day care or child day care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings, nor does it include any child day camp.

FEMA - The Federal Emergency Management Agency.

Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of streams and rivers. (2) The unusual and rapid accumulation of runoff of surface water from any source.

Flood, Base - A flood having a one percent chance of being equaled or exceeded in any given year.

Flood Plain - That land, including the flood fringes and the floodway, subject to inundation by the regional flood.

Flood, Regional - Large floods, which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one-hundred-year recurrence interval flood.

Flood Boundary And Floodway Map - A floodplain management map issued by FEMA that shows, based on detailed and approximate analyses, the boundaries of the 100-year and 500-year floodplains and the 100-year floodway.

Flood Hazard Boundary Map (FHBM) - The initial insurance map issued by FEMA that identifies approximate areas of 100-year flood hazard in a community.

Flood Insurance Rate Map (FIRM) - The insurance and floodplain management map issued by FEMA that identifies areas of 100-year flood hazard in a community. In some areas, the map also shows base flood elevations and 500-year floodplain boundaries and occasionally, regulatory floodway boundaries**.**

Flood Prone Area – Land subject to flooding as shown on the Flood Insurance Rate Map referenced in Section 601.2 and generalized on the FPD map. Where 100-year flood plains are indicated by USGS or HUD, these areas are shown on the Flood Plain District Map. Otherwise, flood areas are shown as indicated in the Soil Survey of Medina County, Ohio.

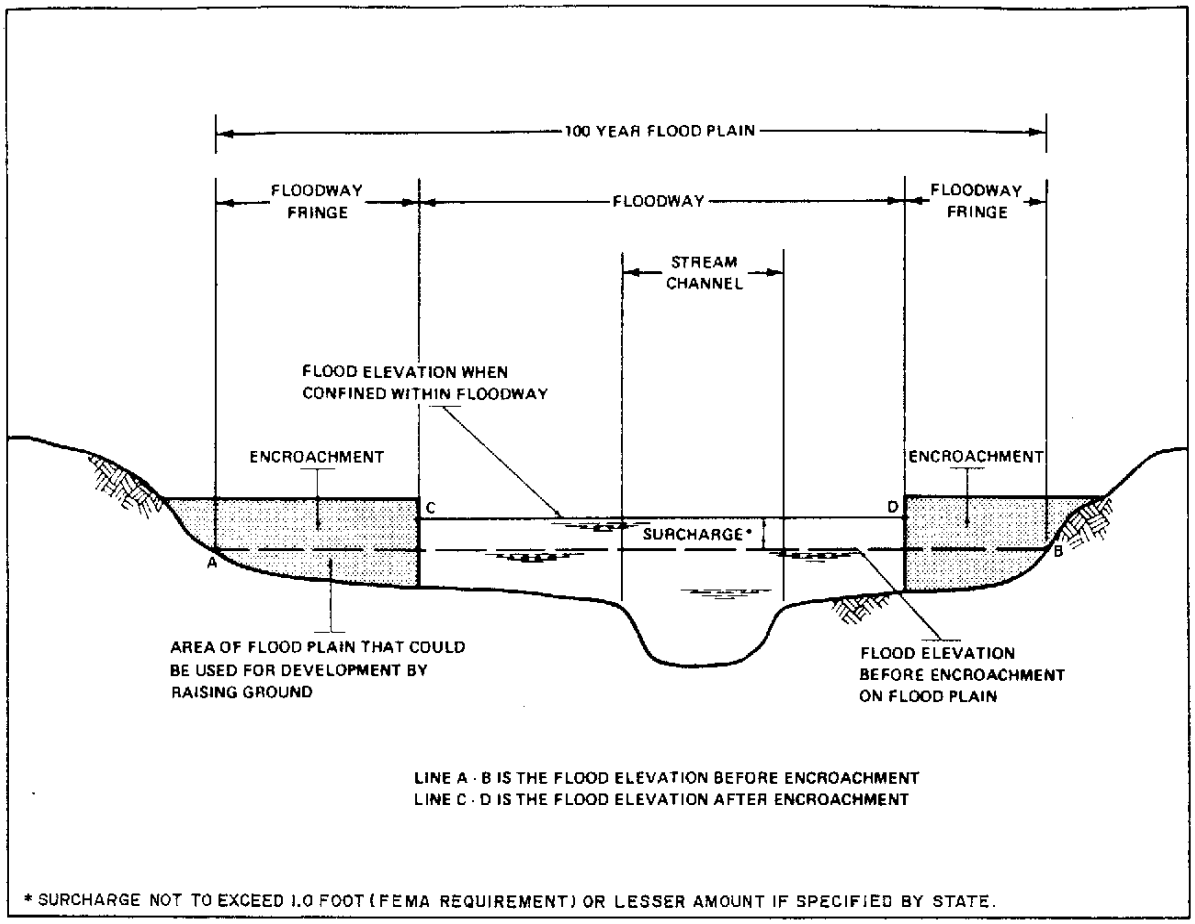


Figure 5

Floodway

- That portion of the flood plain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway, regulatory - The stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the 1-percent-annual-chance flood without increasing flood levels by more than 1.0 foot as adopted into the Village of Seville's floodplain management ordinance.

Floor Area, Commercial - "Floor Area" in offices, merchandising and service types of uses means the area used for service to the public and excludes areas used principally for non-public purposes such as storage, incidental repair, processing, show windows, rest rooms and dressing rooms. In measurement for parking space, fractions of required floor area over one half shall require one parking space.

Floor Area for Living Purposes - The floor area for living purposes consists of living room, bedroom, bathroom, dining room, kitchen, den, library, and family room, but exclusive of porches, basements, terraces and garages.

Frontage - The property line abutting the principal street.

Garage, Detached Private- An accessory building, designed or used for storage of motor-driven vehicles or travel trailers and/or boats of the occupants of the premises in a Residential District.

Garage, Public - A principal or accessory building, or part thereof, other than a private garage, used for temporary storage of motor driven vehicles to which no service shall be provided.

Gasoline Service Station - A building, or part of a building, or structure; or space for the retail sale of gasoline, lubricants, and motor vehicle accessories and for minor services and repairs but not including major repair work such as motor replacement, body and fender repair or spray painting,

Grade - The average level of the finished surface of the ground adjoining a building.

Hazardous Substance – Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise

coming into contact with such material or substance.

Height - See "Building Height".

Home Occupation - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof.

Institution - A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling, or other correctional services. Also includes a non-profit organization or non-profit establishment for public use.

Junk - Any worn out, cast off, litter or debris or discarded article or material which is ready for destruction or has been collected or stored a**s** salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard - Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

Landscaping - The use of natural materials (stones, shrubs, trees, etc.) in a planned fashion to enhance the visual appeal of a property.

Loading Space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot - A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot, Calculation of Minimum Area - The area of a lot is computed exclusive of any portion of any right-of-way existing or planned for any public or private road.

Lot, Corner - A lot abutting on two (2) or more streets at their intersection provided the interior angle formed thereby is less than one-hundred thirty-five (135) degrees.

Lot, Depth - The mean horizontal distance between the front and rear lot lines.

Lot, Interior - A lot other than a corner lot.

Lot Lines - Lines bounding a lot.

Lot Width - The horizontal distance measured between the side lot lines along the minimum building setback line.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of the County; or a parcel of land, the deed to which was of record on or prior to actual date of this Ordinance.

Lot, Residential – A parcel of land occupied or intended for occupancy by one (1) principal building together with an accessory building and customary incidental uses. It shall have its principal frontage on a street.

Manufactured home - A dwelling unit with a pitched roof and a permanent foundation, fabricated at an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42USC5401 et seq.).

Minimum Building Setback Line - A line parallel to the street right-of-way line at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way is not established, i.e. a private street, the point of measurement shall be twenty-five feet from the centerline of the road.

Mobile Home - Any non-self-propelled vehicle designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways.

Mobile Home Park - A plot of ground upon which mobile homes, occupied for dwelling or sleeping purposes, are located.

Modular Home - See "manufactured home".

Nonconformity - A lot, use of land, building, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Ordinance or its amendments, which do not conform to the regulations of the district or zone in which it is situated.

A. **Nonconforming Building or Structure**: A building or structure existing when this Zoning Ordinance or any amendment thereto became effective, which does not conform to the regulations governing buildings of the district in which it is located.

B. **Nonconforming Lot:** A lot lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which does not conform to the lot area, width or frontage requirements of the district in which it is located.

C. **Nonconforming Site Condition:** Any structure lawfully existing on the effective date of this Zoning Ordinance or any amendment thereto, which does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is located.

D. **Non-Conforming Use** - Any building or land lawfully occupied by a use on the effective date of this Zoning Ordinance or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.

Noxious Weeds - Noxious weeds are especially problematic weeds. They possess one or more of the following attributes:

- aggressive competition with cultivated plants
- toxicity to livestock
- natural habitat degradation
- threat to public health, safety or navigation

Off Road Parking Facility - An off-street parking area for the exclusive use of the property owner.

Open Space, Common - Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests and may

include such complementary structures and improvements as necessary and appropriate.

Open Space, Restricted - That portion of the open space within an open space development or cluster development that is of sufficient size and shape to meet the minimum zoning requirement, and on which further development is restricted.

Outdoor Advertising Billboard - See "Sign, Off Premises".

Parking Space - A permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street, and permitted ingress and egress of an automobile.

Pond, Lake - An inland water body fed by springs or surrounding runoff.

Public Utility - As used in this chapter, "public utility" includes every corporation, company, co-partnership, person, or association, their lessees, trustees, or receivers, defined in Section 4905.03 of the Ohio Revised Code, including all public utilities that operate their utilities not-for- profit, except the following:

- Electric light companies that operate their utilities not for profit;
- Public utilities, other than telephone companies, that are owned and operated exclusively by and solely for the utilities' customers, including any consumer or group of consumers purchasing, delivering, storing, or transporting, or seeking to purchase, deliver, store, or transport, natural gas exclusively by and solely for the consumer's or consumers' own intended use as the end user or end users and not- for- profit;
- Public utilities that are owned or operated by any municipal corporation;
- Railroads as defined in Sections 4907.02 and 4907.03 of the Ohio Revised Code.

Right-of-Way - A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features, (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and/or bridges.

Riparian Buffer –

A vegetated buffer strip along a watercourse that filters storm water and provides wildlife habitat**.**

Rooming House - Any dwelling in which individuals or families are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a "rooming house".

Screening - The use of natural or man-made barrier to partially or completely obstruct the view between adjacent properties.

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

Short Term Rental ("STR") – A private residence, several rooms of which are set aside for overnight paid guests for a period of between one (1) and fourteen (14) consecutive days.

Sight Distance Triangle – A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

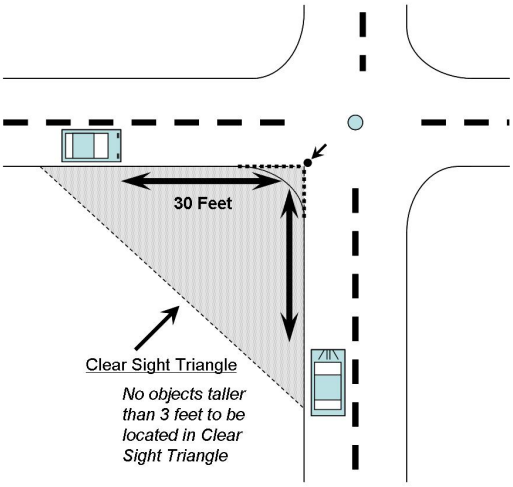


Figure 6

Sign, Free Standing - A sign not attached to a building.

Sign, Off Premises - Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

Sign, On Premises - Any sign related to a business or profession conducted upon, or a commodity or service sold or offered upon the premises where such sign is located.

Story - That portion of a building included between the surface of any floor and surface of the floor next above it; or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, half - A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

Street - A publicly or privately owned strip of land fifty (50) feet or more in width between property lines, which provides or is intended to provide public vehicular and pedestrian access to adjacent properties.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground, including signs, fences, walls, buildings, lakes, ponds, swimming pools, satellite dishes, communication towers, and billboards.

Usable Open Space - The required portion of a lot excluding the required front yard area, which is unoccupied by principal or accessory buildings and available to all occupants of the buildings for the use for recreational and other leisure activities normally carried on outdoors. This space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space and no dimension shall be less than twenty (20) feet.

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

Use, Conditionally Permitted - Uses which may be permitted by issuance of a Conditional Zoning Certificate by the Planning Commission provided that the Planning Commission finds that the proposed conditional use is listed in the conditional uses in the district and that the conduct of the use meets both the general and specific requirements listed in Article IX.

Variance -

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle, Motor - A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

Vehicle, Motor Vehicle, Off-Road (ORV) - Vehicles designed for use on a variety of non-improved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes**.**

Vehicle, Passenger - A motor vehicle with no more than two axles and/or four wheels, not more than 4,500 pounds in gross weight, and designed primarily for the transport of persons**.**

Vehicle, Recreational - A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes**.**

Yard - A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, however, that accessories, ornaments, and furniture may be permitted in any yard; subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - A yard extending between lot lines across the front of a lot and from front lot line to the front of the primary building.

Yard, Rear - A yard extending between lot lines across the rear of the lot and from rear lot line to the rear of the primary building.

Yard, Side - A yard extending from the principal building to the side lot lines on both sides of the principal building between the lines establishing the front and rear yards.

Zone - Synonymous with “District”

Zoning District Map - The map or maps that are duly adopted by the Village as part of the zoning ordinance which delineate the boundaries of the zoning districts.

Zoning Permit - A document issued by the Village Zoning Inspector (or Zoning and Planning Commission) authorizing the use of lots, structures, use of land and structures, and characteristics of the use. Same as Zoning Certificate.

Zoning Ordinance - A composite of the zoning text which describes the specific regulations for both private and public uses within each use district, and Zoning Districts Map which indicates graphically and precisely the location and extent of district or zone boundaries.

Zoning Inspector - The person employed to enforce this Zoning Ordinance in accordance with administrative provisions herein set forth.

ARTICLE IV
GENERAL REGULATIONS

Section 401 Purpose
Section 402 Permitted Uses
Section 403 Regulation of Lots
Section 404 General Regulation of Yards
Section 405 Determination of Similar Use
Section 406 General Provisions of Structure and Construction
Section 407 Home Occupations
Section 408 Swimming Pools
Section 409 Nuisances, Unsafe and Substandard Buildings and/or Structures
Section 410 Driveways and Sidewalks
Section 411 Annexation
Section 412 Regulations for Satellite Dishes
Section 413 Regulations for Ponds and Lakes
Section 414 Bed and Breakfast Inns
Section 415 Short Term Rentals ("STR")

SECTION 401 PURPOSE

General regulations apply to all Zoning Districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

SECTION 402 PERMITTED USES

402.01

No building shall be erected, reconstructed, enlarged, structurally altered, or moved, in such manner as to evade conformity with height, bulk, yard, lot area, and other regulations for the district wherein such building is located.

402.02

No building or land shall be used or intended for any use other than those permitted in the district wherein such building or land is located.

402.03

Every building hereafter erected, reconstructed, enlarged, structurally altered, or moved shall be located on a lot as herein defined, and in no case shall there be more than one (1) principal building on one (1) lot. The one (1) principal building on one (1) lot limitation shall apply only to residential zoning districts R-1, R-2 and R-3.

402.04

Uses, which are omitted from this Ordinance, as not being specifically permitted, shall be considered prohibited until the Ordinance is amended to specifically include the use.

SECTION 403 REGULATION OF LOTS

403.01 Lot Area

No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the zoning district in which such land is situated, except as otherwise permitted in the Ordinance.

403.02 Substandard Lots

A. A parcel of land which contains no residential structure and which was a lot of record on the plat records of the County Recorder at the time of the adoption of the Ordinance and which fails to meet the size and area requirements of this Ordinance for residential structures, may nevertheless be used as a site for a residence. Such parcel, either alone or when combined with all or part of an adjoining parcel, shall comply with the front, rear, and side yard setbacks required in that district.

B. When any parcel of land containing a residence complies with the area, setback and frontage requirements of this Ordinance by virtue of the fact that there are other vacant parcels of land adjacent or adjoining it and standing in common ownership, then such parcel of land and such adjoining or adjacent parcels, or as much land as may be required to meet the current area, setback and frontage provisions of the Ordinance shall be considered to be a single residential lot.

1. No property owner shall sell or convey a parcel of land which is substandard in size and contains a residential structure without also selling or conveying such vacant, adjoining or adjacent parcels of land standing in common ownership.

2. Nor shall the property owner sell or convey any part of the property if, by so doing it reduces the total area, the frontage or the setback lines that are required by the provisions of this Ordinance.

403.03 Street Frontage

No principle building shall be erected on a lot, which does not abut on at least one public or private street. Lots abutted by two or more streets shall meet the required frontage on each street for the zoning district in which it is located.

SECTION 404 GENERAL REGULATIONS OF YARDS

404.01 Open Area

Except as herein provided, every yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this ordinance. No required yard or other open space around one building shall be considered as a yard or open space for any other building, and no required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be created or established.

404.02 Yard Measurements

A. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the minimum building setback line. All front and side street yards shall be measured from the right-of-way lines so established. For private streets, setbacks shall be measured on the perpendicular from the edge of pavement

B. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest

point of any structure on the lot.

404.03 Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed planted, or allowed to grow in such a manner as to materially impede vision between a height of three vertical feet above the established street grade of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and line joining points along said street lines thirty feet from the point of intersection forming a "sight distance triangle".

404.04 Fences, Hedges and Walls

A. In all districts, fences, hedges and walls may be constructed/grown to a maximum height of six (6) feet in any required side or rear yard behind the front building line, and to a height of four (4) feet in any required yard abutting a street, and/or in front of the front building line.

B. In residential districts:

1. Any fence constructed in front of the front building line shall be fifty percent (50%) open.

2. No fence in any required yard, other than a rear yard, shall be constructed of chain link, wire mesh or stockade fencing material. Concrete or cinder block walls shall not be permitted unless the wall face is improved with brick, natural cut stone or similar façade treatments.

3. No barbed wire in residential districts.

C. Fences or walls required to surround and enclose public utility installations are not limited as to height in any zoning district. The Planning Commission may require higher fences or walls in a commercial or industrial district in cases where such higher screening is necessary.

D. The finished side of a fence or wall shall face outward from the property on which the fence or wall is located. [The finished side is the side that does not contain the frame/poles.]

E. Fences and walls shall be designed and be of such materials that are compatible and harmonious with the design of the principle building or structure.

F. No fence, wall or hedge shall interfere with the sight distance triangle required by Section 404.03 of this Ordinance.

G. All fences and walls shall be maintained in good condition and structurally sound at all times.

H. No fence shall be erected prior to obtaining a permit from the Zoning Inspector.

SECTION 405 DETERMINATION OF SIMILAR USE

The Planning Commission, with the approval of Village Council, shall have the power to permit any use comparable in character to any of the uses specifically listed under the permitted or conditionally permitted uses section of any district.

A. The determination as to whether a primary or accessory use is similar to uses permitted by right shall be considered as an expansion of the use regulations of the district and not as a variance applying to a particular situation.

1. Any primary use found similar shall thereafter be included in the enumeration of uses permitted by right.

2. Any conditional use found similar shall thereafter be included in the enumeration of conditionally permitted uses and such use shall proceed through the conditional use process as detailed in Section 902.

3. In the case of an accessory use, the accessory use shall thereafter be permitted as accessory by right in the district for the primary use to which it is accessory.

B. Application for similar use shall be made to the Planning and Zoning Commission by submitting a site plan as set forth in Article X. The Planning and Zoning Commission shall grant or deny the similar use permit utilizing the following standards:

1. Such use is not listed in any other district as a permitted use; or

in the case of an accessory use, that the use is not listed as an accessory use to the primary use in any other district;

2. Such use conforms to the basic characteristics of the district to which it is to be added, and is more appropriate thereto than to any other district;

3. The use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences to an extent greater than normally resulting from other permitted uses listed in the district to which it is to be added;

4. Such use does not create traffic to a greater extent than the other permitted uses listed in the district to which it is to be added.

C. Village Council shall approve or disapprove the findings of the Planning and Zoning Commission.

405.01 Accessory Buildings

A. In residential districts, detached garages or other accessory buildings shall be located at least five (5) feet from side and rear property lines and located in back of the principle building.

B. No accessory building/structure shall be located less than fifteen feet (15′) from the principle building.

C. Maximum height - 25 feet.

D. In Commercial and Industrial Districts, accessory buildings shall be of compatible construction material and design with the principle building or buildings.

E. In residential districts accessory buildings shall be limited to a detached garage plus one additional accessory building.

1. Maximum size for a detached garage shall be 10% of the rear yard building area.

2. Maximum size for the accessory building other than a garage shall be 300 square feet.

3. Any accessory building greater than 64 square feet or with a foundation shall require a permit.

405.02 Lot Storage

A. Motor Vehicles - Vehicles that do not have valid license plates and/or are not operational, shall not be left on any private property for more than 72 hours [three (3) business days], unless parked in an enclosed structure. These vehicles shall not be limited to cars, trucks, farm tractors, or garden tractors

B. Motor Vehicle Parts - Vehicle parts from any vehicle including but not limited to, cars, trucks, farm tractors, garden tractors or any other motor vehicle, shall not be permitted to be left outdoors in the open on private property for more than 72 hours [three business days].

C. Trash - Any item or items no longer usable that would tend to cause the attraction of any type of animal or person shall not be permitted on any private property. Any garbage, rubbish and refuse must be removed from the premises. Trash must be stored in a suitable container in a manner as not to be unsightly. Trash and/or garbage or containers holding such items for regularly scheduled pick-up shall not be placed at the assigned location for pick-up more than 24 hours in advance of the pick-up.

SECTION 406 GENERAL PROVISIONS OF STRUCTURES & CONSTRUCTION

406.01 Required Compliance

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to:

A. Exceed the maximum height permitted in the district in which it is located;

B. Accommodate a prohibited use, or house a greater number of

dwellings than are specified herein for the district in which such dwellings are located;

C. Have narrower or smaller rear, front, or side yards than are specified herein for the district in which such building is located.

406.02 Building under Construction Prior to the Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction, or designated uses of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and provided further that such building shall be completed within one (1) year from the date of passage of this Ordinance. If not completed within one (1) year, applicant must reapply at a cost of $100.00. Applicant may be granted an extension of six (6) months. Each six (6) month extension will require a reapplication fee of $100.00.

406.03 Temporary Buildings/Temporary Dwelling Units

A. Construction trailers and/or temporary buildings constructed for uses incidental to construction work shall be permitted. Temporary Dwelling Unit buildings for use as a dwelling unit shall also be permitted during the reconstruction or rehabilitation of an unsafe or substandard permanent Dwelling provided such buildings shall not be continued as permanent structures after construction has been completed.

B. A permit shall be obtained prior to erection of the temporary building or Temporary Dwelling Unit building and shall be valid for one (1) year after which time it may be renewed.

C. Temporary sales offices shall be permitted until such time as a permanent structure is built.

D. In no case shall a temporary building/trailer for the purpose of construction or sales be permitted after the completion of construction.

E. Portable moving and storage containers shall be permitted for up to two weeks.

1. Storage container must be located entirely within the lot and shall not encroach into the ROW.

2. Container must be closed, and locked, when not being loaded or unloaded.

406.04 Grading and Seeding

Proper grading and seeding from the street pavement shall be required of all residential, commercial, and industrial lots. In the case of a grade of greater than one (1) foot for twenty-five (25) feet of distance from existing pavement, a suitable drain shall be provided, subject to approval by the Board of Public Affairs.

406.05 Temporary Parking

A. Off-street parking facilities shall be installed within twenty-four (24) hours, after foundation or footer digging has been completed.

B. Temporary parking facilities shall not require hard surface or permanent material, but may consist of gravel, stone, or other suitable material, which may be later used as base for a permanent driveway, or may be later removed.

C. Such temporary parking facilities may be located at any suitable place within the side-line and back-line setback of the property, and shall not interfere with the natural drainage nor be injurious to adjacent property owners.

406.06 Restoring Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of structures or part thereof declared unsafe by the Zoning Inspector.

SECTION 407 HOME OCCUPATIONS

A. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.

B. The use shall be conducted by the occupant with a maximum of one (1) additional employee.

C. The use shall be carried on entirely within the dwelling and not in an accessory building.

D. The home occupation shall not occupy more than twenty (20%) percent of the floor area of the dwelling.

E. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted.

1. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from wherever any public way or adjacent property.

2. The proposed use shall not generate noise, odor, dust, smoke or vehicular or pedestrian traffic in an amount, which would depreciate the residential character of the neighborhood in which the proposed use, is located.

3. There shall be no outside storage of any kind related to the home occupation.

SECTION 408 SWIMMING POOLS

All public or private, commercial or family, in ground or above ground, swimming, wading or other pools with a capacity for water depth in excess of three (3) feet shall require building and zoning permits.

408.01

Such swimming pools shall not be located in front or side yards and shall conform to all required setback lines.

408.02

The construction, plumbing, electrical requirements, inspection and safety facilities shall be regulated by the Village of Seville in the same manner as any other structure is presently regulated by the Village of Seville.

408.03

Every pool shall be completely surrounded by a fence or wall not less than four (4) feet in height; such fence shall be constructed so as to have no openings, holes, or gaps larger than three (3) inches in any dimension, except with suitable locking devices to prevent intrusion.

408.04

An accessory building may be incorporated in or as part of the fence or wall enclosure required in 408.03

408.05

Pools above ground having vertical surfaces of at least four (4) feet in height shall have fences and gates only where access, such as stairway or ladder may be had to the pool.

SECTION 409 NUISANCES, UNSAFE AND SUBSTANDARD BUILDINGS AND/OR STRUCTURES

409.01 Definitions

As used in this chapter:

A. "Building" and "structure" include any building or structure in its entirety, or any part, portion or land thereof.

B. "Unsafe building" means a building or structure in its entirety, or any part, portion or land thereof, that:

1. Has been damaged by fire, wind or other cause so as to be dangerous to the life, safety, morals, or the general health and welfare of the occupants thereof or the people of the Village of Seville; or

2. Have parts thereof that are so attached that they might fall and injure members of the public or adjoining property.

C. Substandard building" means any building or structure in its entirety, or any part, portion or land thereof, that:

1. By reason of deterioration of materials or lack of repair or maintenance, is or will become a blighting or deteriorating factor in the neighborhood, or will impair or adversely affect the value of neighboring property; or

2. By reason of lack of adequate garbage and/or rubbish storage or removal from the premises, is or will become blighting or deteriorating factors in the neighborhood, or will impair or adversely affect the value of neighboring property.

3. By reason of permitting noxious weeds to grow or remain on the premises.

4. By reason of sweeping grass trimmings, leaves, dirt or anything else that could or would cause an obstruction in the storm sewers into the streets.

5. By reason of keeping poultry or livestock upon the premises, except as is permitted under Section 409.14.

6. By reason of permitting, erecting, allowing or placing nuisances or unsightly objects on the premises.

7. By reason of using the premises in any way or for any purpose that may endanger the health or unreasonably disturb the peace and quiet of adjoining premises.

8. By reason of the following:

   (a) Any tree, plant or shrub upon any street or public place or so near thereto as to permit the roots of the tree, plant or shrub to penetrate through or to disrupt the surface.
   (b) Any tree, plant or shrub, wherever located within the Village, infected with any parasite, insect, fungus or pest, which may be communicated to any other tree, plant or shrub.
   (c) Any tree, plant or shrub which has fallen or is in such condition as is likely to fall on any public or private property, including the property upon which it is situated.
   (d) Any tree, plant or shrubs, including hedges, whose branches, foliage or trunk obstruct visibility on any street or public way.

409.02 Unsafe or Substandard Buildings as Nuisances

All unsafe or substandard buildings are hereby declared to be public nuisances and shall be removed, repaired, vacated or demolished as hereinafter provided.

409.03 Investigation Procedures; Report by Zoning Inspector

A. Whenever it is reported, in writing by a formal complaint, to any Village official or police officer that there is cause for believing that any building or structure, completed or in the process of construction, is in an unsafe or substandard condition, such official or officer having knowledge thereof shall report the same to the Chairperson of the Village of Seville Planning Commission.

B. The Chairperson of the Seville Planning Commission shall immediately cause an investigation and an examination to be made of such building or structure. Such investigation and examination shall be made by the Village of Seville Zoning Inspector. If, in the course of said investigation, additional expertise is needed from other Village officials, the Zoning Inspector may request such assistance from the Village Mayor. The Village Mayor may assign any Village official to assist in the investigation.

C. Such Zoning Inspector shall make a careful and thorough investigation and examination of the building or structure alleged to be in an unsafe or substandard condition and make a written report to the Village Council within forty days (unless the time for filing such report is extended by the Chairperson of the Seville Planning Commission), indicating such findings.

D. If the investigation finds that such building or structure, or part or land thereof, is unsafe or substandard, the Zoning Inspector shall specify the details or the condition upon which the findings are based, and the report shall indicate whether, in the judgment of the Zoning Inspector, the building or structure, or part or land thereof, is capable of being properly abated, repaired or whether it should be removed as unsafe structure.

409.04 Hearing Procedures

A. **Substandard Structures** - Upon receipt of the Zoning Inspector's report, pursuant to Section 409.03, stating that, in his or her opinion, the structure is in substandard condition, the Village Council shall:

1. Direct the Chairperson of the Village Planning Commission to give written notice to all persons known to have an interest in such building or structure, including the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the official records of the Medina County Tax Map Department and the Seville Village Board of Public Affairs office. Such notice will instruct such persons as herein specified to appear before the Seville Village Council at the time, date and place specified in the notice to show cause why the building or structure reported to be in substandard condition should not be repaired and/or nuisance abated.

2. Hold one or more hearings at the time specified in the notice given pursuant to paragraph (a)(1) hereof and hear such testimony as the owner, occupant, mortgagee, lessee or any other party in interest offers relative to the building or structure or land in question. Such hearings may be adjourned, continued or postponed one or more times for cause shown, at the discretion of the Mayor, without the giving of a new written notice, provided that the public announcement of such adjournment, postponement or continuance is made at the time and place of any regularly scheduled hearing or adjourned hearing.

B. **Unsafe Structures** - Upon receipt of the Zoning Inspector's report, pursuant to Section 409.03, stating that, in his or her opinion, the structure is in an unsafe condition, the Village Council shall;

1. Direct the Chairperson of the Village Planning Commission to give written notice to all persons known to have an interest in such building or structure, including the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the official

records of the Medina County Tax Map Department and the Seville Village Board of Public Affairs office. Such notice will instruct such persons as herein specified to appear before the Seville Village Council at the time, date and place specified in the notice to show cause why the building or structure reported to be in an unsafe condition should not be repaired, vacated or demolished.

2. Hold one or more hearings at the time specified in the notice given pursuant to paragraph (b)(l) hereof and hear such testimony as the owner, occupant, mortgagee, lessee or any other party in interest offers relative to the building or structure or land in question. Such hearings may be adjourned, continued or postponed one or more times for cause shown, at the discretion of the Mayor, without the giving of a new written notice, provided that the public announcement of such adjournment, postponement or continuance is made at the time and place of any regularly scheduled hearing or adjourned hearing.

409.05 Action by Council Re Substandard Buildings

A. If, after completion of the hearings as prescribed in Section 409.04, the Village Council finds the structure in question to be a substandard building, its findings shall specify the removal of the nuisance and/or repairs needed to rehabilitate said building.

B. Council shall issue a removal and/or repair order based on findings of fact made pursuant to this chapter. Such order shall require the owner, occupant, mortgagee, lessee, agent or any other person known to have an interest in such building or land to make the required abatement of the nuisance and/or repairs to such building. Such repair order shall specify the date on which all required abatement and/or repairs must be completed.

409.06 Action by Council Re Unsafe Buildings

A. If, after completion of hearings as prescribed in Section 409.04, the Village Council finds the structure in question to be an unsafe building, its findings shall specify if such building should be repaired, vacated or demolished.

B. Council shall issue an order to repair, vacate or demolish buildings determined to be unsafe. Such order, based on findings of fact made pursuant to this chapter, shall notify the owner, occupant, mortgagee, lessee, agent or any other person known to have an interest in such building or land.

409.07 Amendments to Findings or Orders

Any finding of fact or order of the Seville Village Council made pursuant to Sections 409.05 and 409.06 may be amended from time to time to the end that such finding or order may conform to changes in circumstance or later discovered evidence.

409.08 Standards for Repair, Vacation or Demolition

The following standards shall be followed in substance by the Seville Village Council in ordering the repair, vacation or demolition of an unsafe building.

A. If the unsafe building can be repaired, as determined by the Seville Village Council, so that it will no longer exist in violation of the provisions of this chapter, it shall be ordered repaired.

B. If the unsafe building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, if any, such occupants shall be ordered to vacate any such building.

C. In any case where a dangerous building cannot reasonably be repaired, as determined by the Seville Village Council after a hearing pursuant to Section 409.04, it shall be ordered demolished.

409.09 Enforcement Procedures; Posting of Notice

If, after a hearing, the Seville Village Council finds any building or structure to be unsafe or substandard, according to the criteria set forth in Section 409.04, the Seville Village Council shall forthwith direct the Village Mayor to cause written notice to be served upon all persons known to have an interest in such building, including the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building as shown by the official records of the Medina County Tax Map Department or the Seville Board of Public Affairs pertaining to such building.

A. The notice required by this section shall be served personally by the Zoning Inspector, or a Seville police officer, on the owner of an unsafe or substandard building and all other persons known to have an interest therein who are residents of Seville. If personal service cannot be obtained, or if the owner or any other party in interest resides outside the Village, such notice shall be sent by certified mail to his or her last known address.

B. Such notice shall be accompanied by a copy of the findings of fact and the order of Council made pursuant to Sections 409.05 and 409.06.

C. Such notice shall require any person notified to abate the nuisance and/or repair any substandard building and to commence and complete the work required by such notice within such time period as determined by Council and specified in such notice. Such time period may be extended by Council for good and sufficient cause.

D. Such notice shall require any person notified to repair, vacate or demolish any unsafe building, to commence and complete the work required by such notice within such time period as determined by Council and specified hi such notice. Such time period may be extended by Council for good and sufficient cause.

Council shall direct the Village Mayor to cause to be placed on all buildings, determined by Council to be unsafe buildings, a notice reading substantially as follows:

This building has been found to be an unsafe building by the Village of Seville Council.

This notice is to remain on said building until it is repaired, vacated, or demolished in accordance with the order of Council and the notice which has been given to the owner, occupant, lessee, mortgagee or agent of said building. It is unlawful to remove said notice until there has been compliance with the order of the Village Council and the aforementioned notice.

409.10 Discretion of Council

Anything herein contained to the contrary notwithstanding, nothing in this chapter shall obligate Council to cause the repair, vacation or demolition of any unsafe building

or the removal or repair of any substandard building if, in the judgment of Council, the cost of such action would be prohibitively excessive, or if for any other reason such use would not be in the best interest of the Village of Seville.

409.11 Demolition of Buildings

If the owner, occupant, mortgagee, lessee or other person having an interest in an unsafe building, as shown in the official records, fails to comply with any notice or order to repair, vacate or demolish any said building within thirty days, Council may take appropriate action to demolish and remove an unsafe structure pursuant to Ohio R.C. 715.261, or may advise the Village Solicitor of the facts in the case, who, in turn, may institute an appropriate action in court to cause the correction of such structure pending rehabilitation. Costs shall be levied as a special assessment against such property and/or recovered pursuant to Ohio R.C. 715.26

An owner, occupant, mortgagee, lessee or other person having an interest in an unsafe or substandard building, as shown in the official records, may waive, in writing, the notice and hearing requirements set forth in Section 409 of the Seville Village Zoning Code and Ohio R. C. 715.261 to permit the Village to remove, abate and/or demolish said unsafe or substandard building. Costs shall be levied as a special assessment against such property and/or recovered pursuant to Ohio R. C. 715.261

409.12

No noxious weeds shall be permitted to grow or remain on lands in the Village of Seville. Violations shall be abated in accordance with Ohio Revised Code Section 731.51 et seq.

409.13

All garbage, rubbish and refuse must be removed from the premises.

409.14

(A) No poultry or livestock is to be kept on land within the Village except as follows:

(1) Upon receipt of a zoning permit, not more than 6 Hens (Gallus Domesticus) may be kept upon lots within all zones of the Village for personal use. Neither Hens nor their products may be sold within the Village.

(2) Roosters shall not be permitted with the Village.

(3) Hens shall at all times be kept in sanitary pens or

coops which provide humane, sanitary and inoffensive quarters for such Hens.

(4) Pens or coops are only permitted in rear or side yards no less than 10 feet from the rear or side lot line, and 15 feet from the dwelling on said lot.

(5) Pens or coops may not cover an area greater than 48 square feet.

(6) Pens or coops must not be visible from the public street on which the property fronts, and must be screened from abutting properties with landscaping, fencing, and/or a wall not to exceed 6 feet in height.

(7) No nuisances or unsightly objects shall be permitted, erected or placed or allowed to remain on any property within the Village, nor shall any property be used in any way or for any purpose that may endanger the health or unreasonably disturb the peace and quiet of adjoining premises.

409.15

No grass trimmings, leaves, dirt or anything else that would block up the storm sewers shall be swept into the streets.

409.16 Penalty

A. Whoever fails to comply with any order of council to cause the removal or repair of a substandard building shall be guilty of a misdemeanor of the fourth degree and shall be confined to the County Jail for a definite term of not more than 30 days and shall be fined not more than $250.00 for each offense. A separate offense shall be deemed committed on the first calendar day of each month on which a noncompliance occurs or continues.

B. Whoever fails to comply with any order of Council to cause to repair, vacate or demolish, or to cause the repair, vacation or demolition of, any unsafe building, shall be guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a noncompliance occurs or continues.

C. Whoever removes the notice provided for in Section 409.09 shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars ($100.00).

SECTION 410 DRIVEWAYS AND SIDEWALKS

410.01

Driveways shall be constructed of asphalt or concrete.

A. Asphalt driveways shall have a compacted fill, six (6) inch granular sub-base, at least two (2) inches base material and at least one (1) inch top material.

B. Concrete driveways shall have compacted fill not less than three (3) inches thick utilizing minimum four (4) inch thick reinforced concrete.

C. Professional curb-cuts shall be mandatory

Driveways shall be mandatory for all new home construction and the sidewalk and apron areas of the driveway shall have six (6) inches thick concrete.

410.02

Sidewalks shall be constructed of concrete only and shall have a minimum thickness of four (4) inches, a minimum width of four (4) feet, and shall correspond to established street grade requirements in accordance with standards approved by the Village of Seville. Sidewalks shall be mandatory for all new construction. For any area that adjoins a sidewalk, sidewalks shall be installed.

410.03

Driveways shall be a minimum of nine (9) feet in width, shall be located a minimum of two feet (2) from side lot lines, and shall extend from the street to the garage.

410.04 Common Driveways

Common driveways serving two or more residential lots shall not be

permitted.

SECTION 411 ANNEXATIONS

Section omitted; Annexation is regulated by Ohio Revised Code Section 709.03.

SECTION 412 REGULATIONS FOR SATELLITE DISHES

412.01

Satellite Dish-Type Signal-Receiving antennas, also referred to as "earth-stations" or "ground stations" shall mean one, or a combination of two or more of the following:

A. A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extraterrestrial sources.

B. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

C. A. Coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

412.02 Permit

Required for any satellite dish antenna over 24″ in diameter.

No person, firm, partnership, corporation, trust, or other legal entity shall construct a satellite dish antenna of 24″ or more in diameter without a permit, nor shall construction commence before a permit is issued in accordance with Section 412.03.

412.03 Application for Permit

The owner, or occupant, with written permission from the owner of any

lot, premises, or land parcel within the Village of Seville, who desires to construct a satellite dish antenna on said lot, premises or land parcel, must first obtain a permit to do so from the Village of Seville Zoning Inspector. The applicant shall submit with each application a fee as outlined in Section 1305 of Article XIII.

412.04 Location of Satellite Dish Antennas

A. No satellite dish antenna shall be constructed in any front yard, but shall be constructed to the side or rear of the residence or main structure, with set back the same as, or equal to the house or main structure.

B. No satellite dish antenna, including its concrete base slab or other substructure, shall be constructed less than fifteen (15) feet from any property line or easement.

C. There shall be no advertising on the satellite dish antenna.

D. All electrical hook-ups shall be in accordance with the Medina County Electric Code.

SECTION 413 REGULATIONS FOR PONDS AND LAKES

413.01

Public or private ponds or lakes containing over one and one half (1 ½) feet of water depth shall be considered as structures for the purpose of permits, and shall conform to all required setback lines.

413.02

In no case shall a pond or lake be located closer than twenty-five (25) feet from a main building.

413.03

Ponds or lakes shall meet standards and specifications of the Medina

County Soil and Water Conservation District and/or Chapter 1521 of the Ohio Revised Code.

413.04

Upon making application for a zoning permit, the applicant will be required to submit to the zoning inspector a copy of the proposed pond and/or lake plans, which have been reviewed and stamped by the Medina County Soil and Water Conservation District.

SECTION 414 BED AND BREAKFAST INNS

414.01 Purpose

Bed and breakfast inns are unique, semi-commercial operations that adapt a residential environment into a lodging concept limited in scope and operation. The regulations presented here provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. Bed and breakfast inns shall be subordinate to the principal use of a single-family dwelling. The intent is not to provide an opportunity for the establishment of an intensive commercial lodging business, which would be considered appropriate within an intensive commercial, or highway commercial zoning district.

414.02 Conditional Use Permit Required

A bed and breakfast inn is classified as a conditional use in those zoning districts where noted in the Zoning Ordinance. The corresponding standards and requirements of Article IX thereby apply. Such conditional use permit shall be voided upon a change of ownership of the property. In submitting an application for conditional use permit, the applicant shall provide to the Planning and Zoning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, and any additional information required by the Commission.

414.03 Development Standards

The following development standards apply to bed and breakfast inns

that are conditional uses:

A. **Guest rooms** - A bed and breakfast inn shall have no more than four (4) guest rooms if it is located within a residential district or more than eight (8) guest rooms within a local commercial district. Each guest room shall contain no less than one hundred twenty (120) square feet of living space, not including closets, for two (2) guests, and thirty (30) square feet for each additional guest up to a total of four (4) guests per room.

B. **Parking** - One (1) off street parking space shall be provided for each guest room and one (1) off street parking space for the dwelling unit. Such off-street parking spaces shall not be provided in any front yard.

C. **Signage** - One (1) on premise sign shall be permitted for each bed and breakfast inn not to exceed five (5) square feet in area and four (4) feet in height. The sign shall not be illuminated. Signs may not be placed in any minimum set back areas and applicable standards of Article VI shall apply unless otherwise superseded by this section.

414.04 General Development Standards

A. **Single-family detached dwelling** - Bed and Breakfast inns shall only be permitted with a conditional use permit in single-family detached dwellings.

B. **Owner/Operator** - The owner/operator of the bed and breakfast shall live full time on the inn's premises. Such owner/operator shall be the record owner of no less than fifty percent (50%) interest of the property in question.

C. **Design Review** - All new construction and exterior alterations associated with the bed and breakfast inn, including nonstructural improvements, shall be reviewed by and require the approval of the Planning and Zoning Commission. All such improvements shall be completed prior to issuance of a zoning permit.

D. **Certificate of Required Officers** - Certificates of Fire, Building, Zoning and Health Officials shall be required for each conditional

use permit requesting approval for a bed and breakfast inn.

Each dwelling shall also contain the following:

1) One (1) ABC Dry Chemical extinguisher of not less than ten (10) lbs. in the Kitchen/Cooking area. The Extinguisher must be mounted in accordance with 2018 version of NFPA 10.
2) If, the dwelling has an attached garage, one (1) ABC Dry Chemical extinguisher of not less than ten (10) lbs. shall be placed in the garage space. The extinguisher must be mounted in accordance with 2018 version of NFPA 10.
3) One (1) approved UL217) smoke detector must be mounted at ceiling level in accordance to Ohio Building Code (2017) Section 907.2.11.2.
   a. 907.2.11.2 Groups R-2, R-3, R-4 and I-1. Single or multi station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all the following locations:
      1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
      2. In each room used for sleeping purposes.
      3. In each story within a swelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
   4) One (1) Carbon Monoxide (CO) detector must be mounted on every floor which has a sleeping area. The CO detector is only required if the dwelling has the use of any fuel-burning appliance and/or fuel –burning forced-air furnace.
   5. Emergency notification information located within two (2) feet from land-line phone. (Such as, “Emergency, dial 911” sticker or sign).

6. No sleeping area will be allowed in the basement of the dwelling. No premises shall be utilized for a bed and breakfast inn unless there are at least two (2) separate exits to the outdoors in the remaining stories of the dwelling. Exception: The basement sleeping area has two (2) exits. Each exit in the basement shall be marked and laminated per Ohio Fire Code Section 1013.1 Signage and Section 1008.1 Illumination.

E. **Meals** - Meals shall be served only to registered guests of the bed and breakfast inn and the bed and breakfast inn's owners and employees. The sale and consumption of alcoholic beverages to paying guests is strictly prohibited.

F. **Consecutive Nights** - Each paying guest may stay at a bed and breakfast inn for not more than fourteen (14) consecutive nights at any single visit or more than a total of twenty-eight (28) nights in any given calendar year.

G. **Kitchen Facilities** - Only one (1) kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.

H. **Bathrooms** - A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every two (2) guest rooms to be available for the exclusive use of bed and breakfast paying guests. Bed and breakfast inns shall be served by public sanitary sewer and water service.

I. **Guest Register** - A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner/manager and shall be made available for inspection by Village Officials.

J. **Special Gatherings** - Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.

K. **Business License** - All applicable permits and other documents required to operate a Bed and Breakfast must be obtained prior to issuance of a zoning permit.

L. **Public Nuisance** - Bed and breakfast inns shall not be permitted and a conditional use permit shall be revoked or suspended whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

SECTION 415 SHORT TERM RENTALS ("STRS")

415.01 Purpose

STR uses are unique, semi-commercial operations that adapt a residential environment into a lodging concept limited in scope and operation. The regulations presented here provide a systematic set of requirements to ensure that such operations, if appropriate for a residential or commercial area, shall not adversely impact adjacent uses as a result of the commercial aspects of the structure and property. STR uses shall be subordinate to the principal use of a single-family dwelling. The intent is not to provide an opportunity for the establishment of intensive commercial lodging business, which would be considered appropriate within an intensive commercial, or highway commercial zoning district.

415.02 Conditional Use Permit Required

STR use is classified as a conditional use in those zoning districts where noted in the Zoning Ordinance. The corresponding standards and requirements of Article IX thereby apply. Such conditional use permit shall be voided upon a change of ownership of the property. In submitting an application for conditional use permit, the applicant shall provide to the Planning and Zoning Commission a floor plan illustrating the proposed operation, a site plan indicating all on-site improvement, and any additional information required by the Commission.

415.03 Development Standards

The following development standards apply to STRs that are conditional uses:

A. **Accommodations -** STRs shall be a conforming or legal non-conforming dwelling unit that includes cooking, living, sanitary and sleeping facilities within one (1) dwelling unit, to be rented for a period of between one (1) and fourteen (14) days.

B. **Parking -** One (1) off street parking space shall be provided for each dwelling unit. Such off-street parking spaces shall not be provided in any front yard.

C. **Signage –** No signs are permitted except signs permitted in residential districts pursuant to Section 709.

415.04 General Development Standards

A. **Single-family detached dwelling -** STRs shall only be permitted with a conditional use permit in single-family dwellings.

B. **Owner/Operator** - Such owner/operator shall be the record owner of no less than fifty percent (50%) interest of the property in question.

C. **Design Review** - All new construction and exterior alterations associated with the STR, including nonstructural improvements, shall be reviewed by and require the approval of the Planning and Zoning Commission. All such improvements shall be completed prior to issuance of a zoning permit.

D. **Certificate of Required Officers -** Certificates of Fire, Building, Zoning and Health Officials shall be required for each conditional use permit requesting approval for a STR. Each dwelling shall also contain the following:

(1) One (1) ABC Dry Chemical extinguisher of not less than ten (10) lbs. in the Kitchen/Cooking area. The extinguisher must be mounted in accordance with 2018 version of NFPA 10.
(2) If, the dwelling has an attached garage, one (1) ABC Dry Chemical extinguisher of not less than ten (10) lbs. shall be placed in the garage space. The extinguisher must be mounted in accordance with 2018 version of NFPA 10.

(3) One (1) approved (UL217) smoke detector must be mounted at ceiling level in accordance to Ohio Building Code (2017) Section 907.2.11.2.

a. 907.2.11.2 Groups R-2, R-3, R-4 and I-1

Single or multi station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwelling or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(4) One (1) Carbon Monoxide (CO) detector must be mounted on every floor which has a sleeping area. The CO detector is only required if the dwelling has the use of any fuel-burning appliance and/or fuel-burning forced-air furnace.

(5) Emergency notification information located within two (2) feet from land-line phone. (Such as, "Emergency, dial 911" sticker or sign).

(6) All sleeping areas in any STR must be approved by the Fire Code Official. No sleeping area will be permitted in the basement of the dwelling. Exception: The basement sleeping area has two (2) exits. Each exit in the basement shall be marked and illuminated per Ohio Fire Code Section 1013.1 Signage and Section 1008.1 Illumination.

E. **Meals** - Meals shall not be served by the owner/operator to registered guests of the STR. The sale of alcoholic beverages to paying guests is strictly prohibited.

F. **Consecutive Nights** - Each paying guest may stay at a STR for not more than fourteen (14) consecutive nights at any single visit or more than a total of twenty-eight (28) nights in any given calendar year.

G. **Kitchen Facilities** – A minimum of one (1) kitchen facility shall be required per dwelling for which a conditional use permit is granted to operate a STR.

H. **Bathrooms** - A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every STR dwelling to be available for the exclusive use of the STR guests. STRs shall be served by public sanitary sewer and water service

I. **Guest Register** - A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by Village Officials.

J. **Special Gatherings** - Rental of the STR for special gatherings such as receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.

K. **Business License** - All applicable permits and other documents required to operate a STR must be obtained prior to issuance of a zoning permit.

L. **Public Nuisance** - STRs shall not be permitted and a conditional use permit shall be revoked or suspended whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

SECTION 416 ALTERNATIVE ENERGY SYSTEMS

416.01 Purpose

The purpose of this section is to accommodate alternative energy systems, including solar panels/systems and small wind energy systems and outdoor wood fired boilers in appropriate locations, while minimizing any adverse

visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

A. **Permitted Uses**

1. Solar Energy Panel/System

a. Solar panels may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height exceptions in the applicable district in which the structure is located as is set forth in Article VI.

b. Solar Panels may be installed as a free-standing array, provided the array meets all requirements for accessory structures in the applicable district in which the structure is located as is set forth in Article VI.

c. Solar panels or systems shall be installed so the glare onto adjacent properties or right-of-way is minimize and does not create a Nuisance Element.

d. Documentation shall be provided regarding the approval of the Board of Trustees of Public Affairs regarding the applicant's installation of a solar energy system if the solar energy system will be connected to the power grid.

B. Conditionally Permitted Uses

416.02 Wind Energy Systems

The purpose of this section is to accommodate small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein. Small wind farms designed for or capable operation at an aggregate capacity of less than five (5) megawatts may be permitted under the following regulations.

1. Wind energy systems shall be conditionally permitted pursuant to Article XI in all zoning districts and no wind energy system shall be erected, constructed, installed or modified without first receiving a conditional use permit pursuant to Section 701.

2. No wind energy system shall be erected, constructed, installed or modified without first receiving zoning compliance pursuant to Article XI.

3. No wind energy system shall be erected, constructed, installed or modified without first receiving a building permit in accordance with the State of Ohio Building Code.

416.03 General Standards

A. Wind energy systems shall be evaluated for compliance to the following standards:

1. Minimum Setback

a. A wind energy system shall have a minimum setback at least one hundred ten percent (110%) of the total height from:

i. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

ii. Any future road right-of-way pursuant to the Medina County Thoroughfare Plan or thoroughfare plan of adjacent jurisdictions, where appropriate, unless written permission is granted by the governmental entity with jurisdiction over the proposed right of way.

iii. Any overhead utility lines.

iv. All property lines, unless the affected land owner provides written permission through a recorded easement allowing the wind energy system′s minimum setback to overlap with the abutting property.

v. The minimum setback area for accessory structures in the applicable district in which the structure is located as is set forth in Article VI.

b. A wind energy system shall have a minimum setback at least three hundred percent (300%) of the total height from any occupied building not located on the property served by the wind energy system.

c. For self-supporting systems, the minimum setback shall be measured to the center of the system′s base.

d. For systems requiring guy-wire support, the minimum setback distance will be measured from the outermost location of the guy-wires, instead of the center of the system′s base.

2. Height:

a. The Total Height of a system shall not exceed 60 (sixty) feet in height and shall be measured from the system base.

b. The applicant shall provide evidence that the proposed tower height of a tower mounted wind energy system does not exceed the height recommended by the manufacturer of the wind energy system.

3. Sound Level:

a. Operation of wind energy systems shall not exceed forty-five (45) decibels, except during short-term events such as severe wind storms and utility outages. This information shall be obtained from the manufacturer of the wind energy system, and all readings shall be taken from the nearest neighboring property line not located within the defined property block. In the case of structure-mounted systems, the sound level shall not exceed the greater of 45 decibels or the sound level of other equipment (such as HVAC) also located on the structure.

4. Signs:

a. All signs, both temporary and permanent, are prohibited on wind energy systems, except as follows:

i. Manufacturer's or installer's identification on the wind energy system, not to exceed two (2) square feet, unlighted and a maximum of five (5) feet high. One per location.
ii. Warning signs and placards, not to exceed two (2) square feet, unlighted and a maximum of five (5) feet high. One per location.

5. Code Compliance:

a. Wind energy systems shall comply with all applicable sections of the State of Ohio Building Code.

6. Aviation:

a. Wind energy systems shall be built to comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the application.

7. Impacts:

It is inherent that wind energy systems may pose some impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.

a. The applicant shall demonstrate through project site planning and proposed mitigation that a wind energy system's visual impacts will be minimalized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind energy system design or appearance, buffering, and screening of ground mounted electrical and control equipment.

b. The color of wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. The applicant must demonstrate that all reasonable attempts to avoid potential for shadow flicker and/or signal interference will be taken.

c. Wind energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the wind energy system. Approval of the lighting system by the Board of Zoning Appeals is a condition of approval.

8. Utility Connection:

a. Wind energy systems proposed to be connected to the power grid through net metering shall adhere to Ohio Revised Code Section 4928.67, the Ordinances and Resolutions of the Village of Seville and the Regulations of the Trustees of the Board of Public Affairs of the Village of Seville.

9. Access:

a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. Ground mounted systems shall have either:

i.Tower climbing apparatus located no closer than fifteen (15) feet to the ground level at the base of the structure;
ii.A locked anti-climb devise installed on the tower; or

iii.Shall be completely enclosed with a locked fence within twenty (20) feet of the tower and at least six (6) feet in height to prevent uncontrolled access from unauthorized personnel. Fences shall comply with Section 404.04.

10. Wiring and electrical apparatuses:

a. All wires and electrical apparatuses associated with the operation of a ground mounted wind energy system shall be located underground.

11. Maintenance:

a. All wind energy systems shall be maintained in good working order.

b. Any physical modification to the wind energy system that alters the mechanical load, mechanical load path, or major electrical components shall require reapplication for conditional use under this section. Like kind replacements shall not require re-application. Prior to making any physical modification (other than like-kind replacement), the owner or operator shall request, in writing, a determination from the Zoning Inspector whether the physical modification requires reapplication for conditional use permit.

12. Multiple Wind Energy Systems:

a. Multiple wind energy systems are allowed on a single property block so long as the owners/operators comply with all regulations set forth in Section 416.

b. The minimum distance between tower mounted wind energy systems shall be equivalent to one hundred ten percent (110%) of the total height of the taller system.

13. Controls and Brakes

a. All wind energy systems shall be equipped with a redundant braking system which must include:

i. Aerodynamic over-speed controls which include variable pitch, tip and other similar systems and;
ii. Mechanical brakes which must be operated in fail-safe mode.

b. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

416.04 Procedure for Review

A. In accordance with Article IX of the Seville Village Zoning Ordinance, a wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof.

B. The issuance of a conditional use permit shall abide with the following requirements:

1. Site Plan Review: Prior to issuance of a zoning certificate, a site plan shall be submitted to the Planning and Zoning Commission for review. The following items shall be the minimum requirements for a completed application. The site plan shall include the following in addition to the site plan requirements of Article X:

a. Property lines and physical dimensions of the subject property block.

b. Location, dimensions, and types of existing structures on the property block.

c. Location of the proposed wind energy system(s), foundations, guy wires and associated equipment.

d. Minimum Setback area depicted as a radius around the center of the tower for a tower mounted wind energy system.

e. Any rights-of-way or proposed rights-of-way according to the Medina County Thoroughfare Plan of any public roads that are contiguous with the property block.

f. Any overhead utility lines.

g. Wind energy system specifications, including manufacturer, model, in addition to height, type and blade length, where applicable.

h. Documentation shall be provided regarding the approval of the Board of Trustees of Public Affairs regarding the applicant's installation of a wind energy system if the wind energy system will be connected to the power grid.

i. Foundation blueprints or drawings.

j. Elevation blueprints or drawings.

k. Sound level analysis prepared by the wind energy system manufacturer or qualified engineer.

l. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

m. The site plan must be stamped by a professional engineer or surveyor licensed to practice in the state of Ohio.

n. Map identifying all properties located within fifteen hundred (1500) feet of proposed system.

C. Building Permit

1. Before commencement of construction, a Building Permit must be obtained in accordance with the State of Ohio Building Code.

416.05 Decommission

A. At such time that a wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

B. Upon decommission or discontinuation of use, the owner shall physically remove the wind energy system within ninety (90) days from the date of decommission or discontinuation of use. This period may be

extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:

1. Removal of the wind energy system.

2. Removal of any tower and other related above ground or rooftop structure.

3. Restoration of the location of the wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

C. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two-year period. After two (2) years of inoperability, the Zoning Inspector may issue a Notice of Abandonment to the owner of the wind energy system. The owner shall have the right to respond to the Notice of Decommission within 30 days from Notice receipt date. The Zoning Inspector shall withdraw the Notice of Decommission and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been decommissioned.

D. If the owner fails to respond to the Notice of Decommission or if after review by Zoning Inspector it is determined that the wind energy system has been decommissioned or discontinued, the owner of the wind energy system shall remove the wind energy system, tower and other related above ground structures at the owner's sole expense within three (3) months of receipt of the Notice of Decommission.

416.06 Temporary Anemometer

A. The construction of a Temporary Anemometer tower for the purpose of collecting data to develop a wind energy system, shall abide with the following requirements.

1. The construction, installation or modification of a Temporary Anemometer tower shall require a zoning certificate and shall conform to all applicable sections of the state of Ohio Building Code.

2. Temporary Anemometer towers shall be permitted on a temporary basis not to exceed eighteen (18) months.

3. Temporary Anemometer towers shall adhere to the wind energy system standards as described in Section 416.03 and shall be shown on the Site Plan.

416.07 Violation

A. It is unlawful for any person to construct, install, or operate a wind energy system or meteorological tower that in not in compliance with these regulations or with any condition contained in the site plan review issued pursuant to these regulations. Wind energy systems or meteorological towers installed prior to the adoption of this ordinance are exempt.

416.08 Variance Provisions

A. The Board of Zoning Appeals may waive the height and/or sound level requirement in cases where the applicant can demonstrate unique property circumstances, such as large land area, substantial setbacks and greater distances to occupied structures not located on the property block served by the wind energy system. Variances for heights over 120′ or sound levels over 45 dB, but not to exceed 55 dB should only be granted in cases where exceptionally unique property circumstances can be demonstrated.

ARTICLE V
DISTRICTS AND THEIR BOUNDARIES

Section 501 Establishment of Districts
Section 502 Uniformity of Regulations District
Section 503 Map of Zoning Districts
Section 504 Interpretation of

SECTION 501 ESTABLISHMENT OF DISTRICTS OR ZONES

The Village of Seville, Medina County, Ohio, is hereby divided into districts or zones as follows:

FPD	Flood Damage Prevention Overlay District
R-1	Low Density Residential District
R-2	Suburban Residential District
R-3	Medium Density Residential
R-4	Multi-Family Urban Residential District
LC	Local Commercial District
HC	Highway Service Commercial District
DMU	Downtown/Historic Mixed Use Overlay District
I	Industrial District
IPD	Industrial Park District
MU	Mixed Use Overlay District

SECTION 502 UNIFORMITY OF REGULATIONS

All regulations shall be uniform for each class or kind of building or other structure, or use, throughout each district or zone.

SECTION 503 MAP OF ZONING DISTRICTS

The districts or zones and their boundary lines are indicated upon a map entitled "Zoning District Map of Seville, Ohio", a copy of which, together with all notations, references, and other matters shown thereon is hereby attached to and made a part of this Ordinance. The zoning map shall be maintained in the Office of the Village Mayor and shall be updated to show all amendments or changes.

Questions as to the exact location of district boundaries shall be determined by the Village of Seville Zoning Inspector with further appeals to the Board of Zoning Appeals.

SECTION 504 INTERPRETATION OF DISTRICT BOUNDARIES

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

504.01 Where Boundaries Approximately Follow Streets, Alleys, or Highways

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

504.02 Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines

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

504.03 Where Boundaries Approximately Follow Lot Lines

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

504.04 Vacation of Public Ways

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

ARTICLE VI
DISTRICT REGULATIONS

SECTION 601 FLOOD DAMAGE PROTECTION OVERLAY DISTRICT

601.01 Definitions

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

Appeal - means a request for review of the Zoning Inspector's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding - means a designated A0 or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard - means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, A0, AI-3D, and A99.

Base flood - means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.

Basement - means any area of the building having its floor sub grade (below ground level) on all sides.

Development - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Federal Emergency Management Agency (FEMA) - means the agency with the overall responsibility for administering the National Flood Insurance Program.

Flood" or "flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) - means an official map on which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Study - means the official report in which the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

Historic structure - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.

New construction - means structures for which the "start of construction" commenced on or after the initial effective date of the Village of Seville's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

Recreational vehicle - means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground, including signs, fences, walls, buildings, lakes, ponds, swimming pools, satellite dishes, communication towers, and billboards.

Substantial damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a l0-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(3) Any improvement to a structure which is considered new construction.

Variance - means a grant of relief from the standards of this ordinance consistent with the variance conditions herein.

Violation - means the failure of a structure or other development to be fully compliant with this ordinance.

601.02 General Provisions

601.02.1 Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Village of Seville, Ohio, as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development referenced in Section 3.2, including any additional areas of special flood hazard annexed by the Village of Seville.

601.02.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard have been identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development in a scientific and engineering report entitled "Flood Insurance Study for the Village of Seville." This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated April 15, 1986, and, for areas annexed by the Village of Seville, the "Flood Insurance Study for Medina County", with accompanying Flood boundary and Floodway Maps and/or Flood Insurance Rate Maps dated August 15, 1983, and any revisions thereto is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Office of the Mayor, Seville Municipal Hall 120 Royal Crest Drive, Seville, Ohio 44273.

601.02.3 Compliance

No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this ordinance and all other applicable regulations which apply to uses within the jurisdiction of this ordinance, unless specifically exempted from filing for a development permit as stated in Section 601.03.2, Exemption from Filing a Development Permit.

601.02.4 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

601.02.5 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this ordinance may be in conflict with a state law, such state law shall take precedence over the ordinance

601.02.6 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create liability on the part of the Village of Seville, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made hereunder.

601.02.7 Violations and Penalties

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates this ordinance or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the Village of Seville. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Seville from taking such other lawful action as is necessary to prevent or remedy any violation. The Village of Seville shall prosecute any violation of this ordinance in accordance with the penalties stated herein.

601.02.8 Severability

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

601.03 Administration

601.03.1 Establishment of Development Permit

A Development Permit shall be obtained from the Zoning Inspector of the Village of Seville before construction or development begins within any area of special flood hazard established in Section 601.02.2, Basis for Establishing the Areas of Special Flood Hazard. Application for a Development Permit shall be made on forms furnished by the Zoning Inspector and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

(1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;

(2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be flood-proofed in accordance with Section 601.04.2-2(1) where base flood elevation data are utilized from any source;

(3) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 601.04.2-2(1) where base flood elevation data are utilized from any source;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or flood-proofed elevation.

601.03.2 Exemption from Filing a Development Permit

An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than $1,000.00. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this ordinance.

601.03.3 Designation of the Flood Damage Prevention Ordinance Administrator

The Zoning Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

601.03.4 Duties and Responsibilities of the Zoning Inspector

The duties and responsibilities of the Zoning Inspector shall include but are not limited to:

601.03.4-1 Permit Review

(1) Review all development permit applications to determine that the permit requirements of this ordinance have been satisfied.

(2) Review all development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

(3) Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 601.04.3-1 is met.

(4) Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this ordinance.

601.03.4-2 Use of Other Base Flood Elevation and Floodway Data

Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 601.02.2, Basis for Establishing the Areas of Special Flood Hazard, are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Zoning Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 601.04.2-6, Specific Standards, Subdivisions and Large Developments, in order to administer Section 601.04.2-1, Specific Standards, Residential Construction; 601.04.2-2, Specific Standards, Nonresidential Construction; and where floodway data are available, administer Section 601.04.3, Floodways.

601.03.4-3 Information to be Obtained and Maintained by the Village of Seville

Where base flood elevation data are utilized within areas of special flood hazard on the Village of Seville I s Flood Insurance Rate Map, regardless of the source of such data, the Zoning Inspector shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;

2. For all new or substantially-improved flood-proofed nonresidential structures:

    a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed; and,

b. Maintain the flood-proofing certifications required in Section 601.03.1-3.

3. Maintain for public inspection all records pertaining to the provisions of this ordinance, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.

601.03.4-4 Alteration of Watercourses

1. Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

2. Maintain engineering documentation required in Section 3.1 (4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

3. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.

601.03.4-5 Interpretation of Flood Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable

opportunity to appeal the interpretation as provided in Section 601.05, Variance Procedure.

601.03.4-6 Alteration of Community Boundaries

Upon occurrence, notify FEMA in writing whenever the boundaries of the Village of Seville have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Village of Seville's Flood Insurance Rate Map accurately represent the Village of Seville's boundaries, include within such notification a copy of a map of the Village of Seville suitable for reproduction, clearly delineating the new corporate limits or the new area for which the Village of Seville has assumed or relinquished floodplain management regulatory authority.

601.04 Provisions or Flood Hazard Reduction

601.04.1 General Standards

The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to or above the base flood level, the requirements for Section 601.04.1-1, Anchoring, and Section 601.04.1-2, Construction Materials and Methods, are satisfied.

601.04.1-1 Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

601.04.1-2 Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

601.04.1-3 Utilities

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

2. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

601.04.1-4 Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. All subdivision proposals shall meet the specific standards of Section 601.04.2-6, Subdivisions and Large Developments.

601.04.1-5 Standards in Areas of Special Flood Hazard without Base Flood Elevation Data

In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 601.03.4-2, the following provisions apply:

1. New construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

601.04.2 Specific Standards

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Section 601.02.2, Basis For Establishing The Areas Of Special Flood Hazard; Section 601.03.4-2, Use Of Other Base Flood Elevation And Floodway Data; or Section 601.04.2-6, Subdivisions And Large Developments, the following additional provisions are required.

601.04.2-1 Residential Construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

2. In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the Village of Seville's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

601.04.2-2 Nonresidential Construction

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

    a. be flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be flood-proofed at least one foot above the base flood elevation;

    b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

    c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 601.03.1-3.

2. In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the Village of Seville's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be flood-proofed to that level consistent with the flood-proofing standards of Section 601.04.2-2(1)(1), (ii), (iii), and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

601.04.2-3 Accessory Structures

1. A relief to the elevation or dry flood-proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than $1000.00 dollars. Such structures must meet the encroachment provisions of Section 601.05.3, Floodways, and the following additional standards:

    a. they shall not be used for human habitation;

    b. they shall be constructed of flood resistant materials;

    c. they shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

    d. they shall be firmly anchored to prevent flotation;

    e. service facilities such as electrical and heating equipment shall be elevated or flood-proofed to or above the level of the base flood elevation; and,

f. they shall meet the opening requirements of Section 601.04.2-5.

601.04.2-4 Recreational Vehicles

The following standards shall apply to all recreational vehicles that are either:

i. located on sites for 180 days or more, or

ii. are not fully licensed and ready for highway use.

(1) Recreational Vehicles shall be anchored in accordance with Section 601.04.1-1(2).

(2) Recreational vehicles shall be elevated on a permanent foundation such that the lowest floor of the recreational vehicle is at or above the base flood elevation.

601.04.2-5 Enclosures below the Lowest Floor

The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. Fully enclosed areas below the lowest ·floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:

(1) Be certified by a registered professional engineer or architect; or,

(2) Must meet or exceed the following criteria:

(i).a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii)the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

601.04.2-6 Subdivisions and Large Developments

In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 601.02.2, Basis For Establishing The Areas Of Special Flood Hazard or Section 601.03.4-2, Use Of Other Base Flood Elevation Data, the following standards apply to all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres (whichever is less):

(1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;

(2) If Section 601.04.2-6(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 601.04.1, General Standards, and Section 601.04.2, Specific Standards.

601.04.3 Floodways

601.04.3-1 Areas with Floodways

The Flood Insurance Study referenced in Section 601.02.2 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 601.03.4-2. The flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If Section 601.04.3-1(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 601.04.2, Specific Standards.

(3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Zoning Inspector to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

601.04.3-2 Areas without Floodways

In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set

forth in Section 601.02.2, but no flood ways have been designated, the following provisions apply:

(1) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1.0 (one) foot at any point.

(2) If Section 601.04.3-2(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 601.05, Provisions for Flood Hazard Reduction.

601.05 Variance Procedure

601.05.1-1 Appeal Board

(1) The Village of Seville Board of Zoning Appeals ("BZA") as established by law and the Village of Seville shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The BZA shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the BZA in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the BZA may appeal such decision to the Medina County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

(4) In passing upon such applications, the BZA shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

a. the danger that materials may be swept onto other lands to the injury of others;

b. the danger to life and property due to flooding or erosion damage;

c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. the importance of the services provided by the proposed facility to the community;

e. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

f. the necessity to the facility of a waterfront location, where applicable;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(5) Upon consideration of the factors of Section 601.05.1-1(4) and the purposes of this ordinance, the BZA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Zoning Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

601.05.1-2 Conditions for Variances

(1) Variances shall only be issued upon:

a. a showing of good and sufficient cause where due to physical characteristics of the property compliance with the requirements of this ordinance creates an exceptional hardship.

   Increased cost or inconvenience of meeting the requirements of this ordinance do not constitute an exceptional hardship;

b. a determination that failure to grant the variance would result in exceptional hardship to the applicant;

c. a determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this ordinance, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in Section 601.05.1-1 (4), or conflict with existing local laws or ordinances; and,

d. a determination that the structure or other development is protected by methods to minimize flood damages.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 6.1-1 (4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation

SECTION 602 R-1 LOW DENSITY RESIDENTIAL DISTRICT

602.01 Purpose

This district is established to provide for one-family dwellings on residential lots with largest size and setback requirements provided by this Ordinance, and to accommodate residential development in areas that cannot be reasonably serviced by central water and sewer systems. The overall density permitted in an R-1district shall not exceed two (2) dwelling units per net acre for areas serviced by central water and sewer, nor exceed one (1) dwelling unit per net acre for areas without central water and sewer.

602.02 Uses

A. Permitted Uses

a. One-Family Dwellings

b. Accessory Uses:

i. Parking as regulated by Article VIII.

ii. Signs as regulated in Article VII

iii. Home Occupations, as defined herein.

B. Conditionally Permitted Uses

a. Government owned or operated parks, buildings or facilities

b. Cemetery

c. Churches and other buildings for the purpose of religious worship

d. Open Space Development subject to Section 905 F.

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and applicable Subsections of 905.

602.03 Area and Height Regulations

A. Minimum Lot Area – 20,000 square feet with central water and sewer, and one (1) acre without central water and/or sewer unless a larger lot is required by the Medina County Health Department to adequately accommodate individual sanitary sewerage disposal systems

B. Minimum Lot Width at Minimum Set Back Line – one hundred (100) feet, one hundred twenty-five (125) feet without centralized water and sewer.

C. Minimum Lot Frontage at Street Right-of-Way – one hundred (100) feet, one hundred twenty-five (125) feet without centralized water and sewer.

D. Minimum Lot Frontage on a cul-de-sac shall be sixty (60) feet.

E. Minimum Front Yard Depth – fifty (50) feet from the street right-of-way line, or fifty (50) feet from the edge of pavement for private streets.

F. Minimum Side Yard Depth – twenty (20) feet.

G. Minimum Rear Yard Depth - fifty (50) feet

H. Minimum Side Yard on Corner Lots – thirty-five (35) feet from the street right-of –way line or 25 from the edge of pavement on a private street

I. Maximum Building Height – 2 ½ stories, or 35 feet in height, whichever is greater.

602.04 Area Regulations on Accessory Buildings or Structures

A. Minimum Rear or Side Yard Setback – 5 feet, providing further that it will not be less than fifteen (15) feet from any existing building on the same lot.

B. Maximum size for accessory buildings shall be 300 square feet. If used for licensed vehicles, there must be a drive from the main drive with a paved or gravel surface.

C. Accessory buildings greater than 300 square feet may be approved as a conditional use. Such accessory building must have a drive from the main drive to the accessory building with a paved or gravel surface.

602.05 Minimum Floor Area

Every dwelling or residence in this district shall have floor space designed and used for living quarters, exclusive of porches, garages, breezeways or terraces, as follows:

A. Floor areas for a single-story dwelling shall contain at least 1800 square feet.

B. Floor areas shall be a minimum of 2000 square feet for a one and one half story dwelling and 2200 square feet for a two-story dwelling, and the area of the second floor shall not be less than fifty percent (50%) of the area of the first floor.

C. Every residence shall include an attached garage for a minimum of two cars.

SECTION 603 R-2 SUBURBAN RESIDENTIAL DISTRICT

603.01 Purpose

This district is established to provide for single-family residential use at a density not to exceed three (3) dwelling units per acre. This density is intended to prevent:

A. Excessive demands on sewer and water systems;

B. Congestion of traffic on street and highways;

C. Overloading the capacity of schools and other community facilities.

The R-2 District is intended to provide suitable locations for development in the village at densities typical for suburban residential areas.

603.02 Uses

A. Permitted uses

1. One-Family Dwellings

2. Accessory Uses

a. Parking as regulated by Article VIII.

b. Signs as regulated in Article VII.

c. Home Occupations, as defined herein

B. Conditionally Permitted Uses

1. Government owned or operated parks, buildings or facilities

2. Cemetery

3. Churches and other buildings for the purpose of religious worship

4. Cluster homes subject to Section 905 E.

5. Open Space Development subject to Section 905 F.

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and the Subsections of 905.

603.03 Area and Height Regulations

A. Minimum Lot Area –13,500 square feet

B. Minimum Lot Width at Minimum Set Back Line – eighty-five (85) feet.

C. Minimum Lot Frontage at Street Right-of-Way – eighty-five (85) feet.

D. Minimum Lot Frontage on a cul-de-sac – sixty (60) feet

E. Minimum Front Yard Depth – forty (40) feet from the street right-of-way line, or thirty (30) feet from the edge of pavement on a private street.

F. Minimum Side Yard Depth – fifteen (15) feet.

G. Minimum Rear Yard Depth – thirty-five (35) feet

H. Minimum Side Yard on Corner Lots – thirty-five (35) feet from the street right-of -way or twenty-five (25) feet from the edge of pavement on a private street.

I. Maximum Building Height – 2 ½ stories, or thirty-five (35) feet in height whichever is greater.

603.04 Area Regulations on Accessory Buildings or Structures

Minimum Rear or Side Yard Depth – 5 feet, provided that it will not be less than fifteen (15) feet from any existing building on the same lot.

603.05 Minimum Floor Area

Every dwelling or residence in this district shall have floor space designed and used for living quarters, exclusive of porches, garages, breezeways or terraces, as follows:

A. Floor areas for a single-story dwelling shall contain at least 1,400 square feet.

B. Floor areas shall be a minimum of 1,600 square feet for a one and one half story dwelling and 1,800 square feet for a two-story dwelling, and the area of the second floor shall not be less than fifty percent (50%) of the area of the first floor.

C. Every residence shall include an attached garage for a minimum of two cars.

SECTION 604 R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

604.01` Purpose

This district is established for one-family dwellings and two-family dwellings, for the purpose of providing suburban type residential development in those areas of Seville, which have central sewer and central water systems available. The overall density permitted in an R-3 district shall not exceed 4.0 dwelling units per (net) acre

604.02 Uses

A. Principal Permitted uses:

1. One-family dwellings

2. Two-family dwellings

B. Accessory uses/structures incidental to the principle use, which do not include any activity conducted as a separate business:

1. Signs as regulated in Article VII.

2. Parking as regulated in Article VIII.

3. Home Occupations as defined herein.

C. Conditionally permitted uses

1. Government owned and/or operated park, playground, or golf course excluding miniature golf courses and commercial amusement parks.

2. Cemetery.

3. Church and other buildings for the purpose of religious worship.

4. Government owned and/or operated building or facility.

5. Institutions for human medical care; clinics convalescent homes; nursing homes, homes for the aged and philanthropic institutions.

6. Cluster homes subject to Section 905 E.

7. Bed and Breakfast Inn subject to Section 905.C.

8. Open Space Development subject to Section 905.F.

9. STR subject to Section 905.C.

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and applicable Subsections of 905.

604.03 Area and Height Regulations

A. Minimum Lot Area – 10,200 square feet.

B. Minimum Lot width at Building set back line – eighty-five (85) feet.

C. Minimum Lot Frontage at street right-of-way – eighty-five (85) feet.

D. Minimum Front Yard Depth – thirty-five (35) feet from street right-of-way line.

E. Minimum Side Yard Depth – fifteen (15) feet; thirty-five (35) feet on corner lots from the street right-of-way or twenty-five (25) feet from the pavement edge on private streets.

F. Minimum Rear Yard Depth – twenty-five (25) feet.

G. Maximum Building Height – thirty-five (35) feet or 2 ½ stories from the ground level in height.

H. Minimum Lot Area for 2 family dwelling – 18,000 square feet.

I. Minimum Width at Building Set Back Line for two-family dwelling – one hundred fifty (150) feet.

J. Minimum lot frontage at the street right-of-way for two-family dwelling – one hundred fifty (150) feet.

K. Minimum Front Yard Depth from street right-of-way for two-family dwelling – thirty-five (35) feet.

L. Minimum Rear Yard Depth – twenty (20) feet for two-family dwelling.

604.04 Area Regulations on Accessory Buildings or Structures

A. Minimum side or rear yard depth – 5 feet, providing further that it will not be less than fifteen (15) feet distance from any existing building on the same lot.

B. Maximum of 300 square feet or ten percent (10%) of the buildable rear yard, whichever is less.

604.05 Minimum Floor Area

Every dwelling or residence in this district shall have floor space designed and used for living quarters, exclusive of porches, garages, breezeways or terraces, as follows:

A. Floor areas for a single story dwelling shall contain at least 1,200 square feet per unit.

B. Floor areas shall be a minimum of fourteen hundred (1400) square feet for a one and one half story (1 ½) dwelling or sixteen hundred square feet for a two (2) - story dwelling, and the area of the second floor shall not be less than fifty percent (50%) of the area of the first floor.

C. Each dwelling unit shall include a minimum of a two-car attached garage.

SECTION 605 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

605.01 Purpose

The purpose of this district is to promote residential development at densities up to) eight (8) dwelling units per acre.

605.02 Uses

A. Permitted Uses:

1. One-family dwelling.

2. Two-family dwelling.

3. Multi-family dwellings.

B. Accessory Uses:

Accessory Uses/structures incidental to the principle use, which do not include any activity conducted as a separate business.

1. Signs as regulated in Article VII.

2. Parking as regulated in Article VIII.

3. Home Occupations as defined herein.

C. Conditionally Permitted Uses:

1. Bed and Breakfast Inns as regulated by Section 905 C.

2. Cluster home as regulated by Section 905 E.

3. Government owned and/or operated buildings or facilities.

4. Cemetery.

5. Churches and other buildings for the purpose of religious worship.

6. Government owned and/or operated park, playground or golf course excluding miniature golf courses and amusement parks.

7. Open Space Development subject to Section 905 F.

8. Institutions for human medical care; clinics, convalescent homes, nursing homes, homes for the aged and philanthropic institutions.

9. STR subject to Section 905.C.

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and applicable Subsections of 905.

605.03 Area Regulations

A. Minimum Lot Area – 8,000 square feet, plus an additional lot area of 2,000 square feet for each additional dwelling unit above one, providing the parcel is served by municipal water and sewer lines. Twenty percent (20%) of the developed area must be devoted to usable open space.

B. Minimum Front Yard Depth– fifty (50) feet from the right-of-way and twenty-five (25) feet from the edge of pavement on a private street.

C. Minimum Rear Yard Depth - twenty (20) feet plus one foot for each two feet in height when the building exceeds two stories. When adjacent to an R1, R2 or R3 Residential District, the Rear Yard Depth shall be the same depth as the adjacent residential district.

D. Minimum Side yard – fifteen (15) feet when adjacent to an R1, R2 or R3 Residential District, the Side Yard shall be the same distance as the adjacent residential district.

605.04 Minimum Floor Areas

Minimum floor area of eight hundred (800) square feet shall be required for each self-contained one-bedroom apartment in multi-family dwellings.

An additional 150 square feet of floor space shall be required for each additional bedroom in each self-contained apartment.

605.05 Maintenance of Common Areas and Facilities

Maintenance of common areas and facilities must be described in writing, submitted with the site plan and approved by the Village Solicitor.

605.06 Parking

There shall be a minimum of one covered and one open parking space for each dwelling unit. Additionally, there shall be one guest parking space for each two units.

SECTION 606 LOCAL COMMERCIAL "LC" DISTRICT

606.01 Purpose

The purpose of this district is to provide for a variety of retail, service and administrative establishments in unified groupings to serve the needs of the residents of the Village of Seville. The "LC" District Regulations are designed to provide for limited commercial development that can be located in relatively close proximity to residential uses.

606.02 Uses

A. Permitted Uses – A building or lot shall be used only for the following purposes:

1. Establishments engaged in providing a variety of services to individuals and business establishments, such as:

   a. Personal services such as barber, beauty shop, tailor shop, shoe repair, laundries, and dry cleaning (drop off and pick up only)

   b. Outpatient medical services, real estate services, insurance, accounting, engineering and architectural services, legal services, and any other service dealing with intangibles.

   c. Funeral homes.

   d. Electronic equipment repair shops.

   e. Banks and other financial services.

   f. Business and Professional Offices

   g. Sexually Oriented Businesses as regulated by Article XVI.

2. Establishments engaged in retail trade, such as:

a. Drug stores.

b. Florists shops.

c. Antique shops.

d. Restaurants excluding drive-ins, fast food or take out restaurants

e. Food stores including supermarkets.

f. Hardware stores.

3. Accessory uses:

a. Signs as regulated by Article VII.

b. Parking and loading as regulated by Article VIII.

B. Conditionally Permitted Uses – The Planning Commission may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Section 904 and applicable subsections of Section 905:

1. Churches and other building for the purpose of religious worship

2. Government owned and/or operated buildings and

3. Clubs, lodges, fraternal, charitable, or social organizations.

4. Drive-in, fast food, and take-out restaurants subject to Section 905 A.

5. Gasoline service stations and repair shops subject to Section 905 B.

6. Nursing homes, including independent living and assisted living facilities.

7. Motels or hotels

8. Bed and Breakfast Establishments subject to Section 905 C.

(i) Self-storage facilities subject to Section 905 D.

(ii) Day Care Center, Child or Adult

(iii) Educational Facilities

9. Amusement Arcades as defined in Village of Seville Ordinance 2011-22.

10. STR subject to Section 905.C.

606.03 Area and Height Regulations

A. Minimum Lot Width at building setback line – 100 feet

B. Minimum Lot Frontage at street right-of-way – 100 feet

C. Minimum Front Yard Depth – 50 feet, 100 feet along SR 3. The required front yard may be used for parking except for a landscaped strip 25 feet in width adjacent to the right-of-way and running the entire frontage of the parcel.

D. Minimum Side Yard Depth – 15 feet

E. Minimum Rear Yard Depth – 20 feet

F. Maximum Building Height – 35 feet

G. Minimum setback adjacent to a residential district:

1. Side Yard – 50 feet. When adjacent to a residential district, the minimum side yard (facing the residential district) shall be fifty (50) feet with a landscaped and planted buffer strip 25 feet in width and running the full length of the side yard. An obscuring fence, hedge or wall, at least six (6) feet in height may also be used running the length of the side yard. The side

area inside the landscaped buffer strip may be used for off-street parking or loading.

2. Rear Yard – 50 feet. When adjacent to residential district, the rear yard shall be fifty (50) feet in depth with a landscaped and planted buffer strip 25 feet in width and running the entire length of the rear yard. An obscuring fence, hedge or wall at least six (6) feet in height may also be used running the entire length of the rear yard. The rear area inside the landscaped buffer strip may be used for off-street parking or loading.

606.04 Supplementary Regulations

A. Site Plan Review - All uses specified under Section 606.2 shall be permitted only after the review and approval of the Site Plans by the Planning and Zoning Commission and Medina County Soil and Water, and upon a finding by the Planning and Zoning Commission that the specific standards set forth in this article and the requirements of Article X are met.

B. Refuse Storage – All outdoor refuse storage areas shall be located to the rear of the front building line and opaquely screened from view from adjacent properties. All refuse shall be stored in rodent proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents or other pests.

SECTION 607 HC - HIGHWAY SERVICE COMMERCIAL DISTRICT

607.01 Purpose

The purpose of the Highway Service Commercial District is to provide locations for establishments offering accommodations and services primarily to through automobile and truck traffic on US 224/I-76, and I-71. The location of these uses shall be limited to sites offering convenient access to and from these major highways such that adjacent zoning districts will not be disturbed with the external effects of these uses. Central water and sewer service are required.

607.02 Uses

A. Permitted Uses:

1. Restaurants and eating places

2. Motels and hotels

3. Gasoline Service Stations subject to the following:

   a. The use shall be for the purpose of servicing motor vehicles under 1½ tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle.

   b. All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.

   c. No more than two (2) curb cuts shall be permitted directly from any road each of which shall not exceed thirty (30) feet in width at the property line. On corner lots, curb cuts shall be limited to one (1) per road

d. The property of the facility shall be maintained in a neat, orderly fashion to ensure the health, safety and appearance of the community and to minimize visual blight.

4. Garage and automobile repair shops, excluding body and paint shops, and automobile sales. Automobiles waiting for or under repair must be stored within the building or be to the rear of the building and screened.

5. Business and Professional Offices

6. Sexually Oriented Businesses as regulated by Article XVI.

7. Accessory uses:

a. Signs as regulated by Article VII.

b. Parking and loading as regulated by Article VIII.

c. Wireless telecommunication antenna(s) on existing buildings or structures as regulated by Article XVII.

8. Amusement Arcades as defined in Village of Seville Ordinance 2011-22.

B. Conditionally Permitted Uses

The Planning Commission may issue Conditional Zoning Certificates for uses in the HC District as described in Section 605.02 (B), subject to the general requirements of Section 904.

1. Local Commercial uses (permitted and conditional) pursuant to Section 606.02 (A) and (B).

2. Churches and other buildings for the purpose of religious worship.

3. Government owned and/or operated buildings and facilities.

4. Self-Service storage facilities subject to Section 905 D.

5. Automobile body and paint shops. Automobiles waiting for or under repair must be stored within the building or to the rear of the building and screened.

6. Servicing motor vehicles of greater than 1½ ton rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle. Motor vehicles of greater than 1½ ton rated capacity waiting for or under repair must be stored within the building or to the rear of the building and screened.

7. Wireless Telecommunication Tower as regulated by Article XVII.

8. New and/or Used Car and/or Truck Sales Establishments – Except that outdoor sales space for new and/or used car and/or truck sales is only permitted if carried on in conjunction with a new and/or used car and/or truck sales and/or service agency which is housed in a permanent building upon the same or an adjacent lot.

   Section 405.06(A) of the Seville Village Zoning code is not applicable to validly permitted New and/or used and/or Truck Sales Establishments in Section 607.02(B)(8).

   Section 808 of the Seville Village Zoning code is not applicable to validly permitted New and/or Used Car and/or Truck Sales Establishments in Section 607.02 (B)(8).

   Outdoor sales space for a validly permitted New and/or Used Car and/or Truck Sales Establishments in section 607.02(B) (8) is subject to the area and yard requirements set forth in Section 607.03 and the outdoor display plan of New and/or Used Car and/or Trucks shall be included in the site plan review required by Section 607.04(A).

All of the conditionally approved uses in this section are subject to provisions of Section 904 and applicable Subsections of 905.

607.03 Area and Yard Requirements

A. Minimum Lot Area – 30,000 square feet

B. Minimum Lot Frontage – 150 feet

C. Minimum Lot Depth – 200 feet

D. Minimum Setback from Right-of-way – 50 feet, 100 feet along SR 3.

E. The required front yard may be used for parking except for a landscaped strip 25 feet in width adjacent to the right-of-way and running the entire frontage of the parcel.

F. Side Yard – 25 feet, except when adjacent to a residential district.

Side Yards Adjacent to Residential District – Side yards when adjacent to a residential district shall be 50 feet wide and shall consist of a twenty-five foot (25′) wide landscaped and planted buffer strip for their entire length adjacent to the residential district.

G. Rear Yard – 50 feet, and when adjacent to a residential district there shall be a twenty-five foot (25′) landscaped and planted buffer strip for the entire length adjacent to the residential district.

H. Limited Access Right-of-way – When a parcel is adjacent to a limited access right-of-way to which the parcel has no direct access, such right-of-way shall not be defined as lot frontage for the purpose of Section 406.3 (B). The yard adjacent to such limited access right-of-way shall be defined as a side yard.

I. Maximum Building Height – 35 feet or 2 ½ stories in height, whichever is greater.

607.04 Supplementary Regulations

A. Site Plan Review – All uses permitted in the HC District shall be issued zoning certificates only after review and approval of the site plans by the Planning and Zoning Commission according to the procedures and requirements of Article X.

B. Refuse Storage – All outdoor refuse storage areas shall be located behind the front building line and opaquely screened from view from adjacent properties. All refuse shall be stored in rodent proof containers or enclosures. Refuse storage areas shall be maintained in a neat and orderly fashion so as not to attract insects, rodents, or other pests.

C. Pump Islands – Gasoline pump islands need to comply with the required front yard setback.

D. Water and Sewer – Central water and sewer services are required for all uses in the HC District.

E. No petroleum products shall be stored above ground.

SECTION 608 DOWNTOWN/HISTORIC MIXED USE OVERLAY DISTRICT (DMU)

608.01 Purpose

The purpose of this district is to encourage a mix of retail, service, office, housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to a community. Downtown/Historic Mixed Use Overlay Districts can serve both local and regional commercial needs, while reflecting the scale and character of the Village of Seville in a manner that protects adjacent areas from any adverse effects.

608.02 Permitted Uses

The following are permitted uses in the DMU Downtown/Historic Mixed Use Overlay District, pursuant to any additional standards set forth herein.

A. First Floor

1. Art galleries and artist studios, provided that the area devoted to public display and retail sales of products is not less than 50% of the floor area of such use.

2. Business services, including but not limited to copying, desktop publishing, photographic services, and other similar uses.

3. Public space.

4. Restaurants carry-out.

5. Restaurants, sit-down.

6. Retail sales, including but not limited to food and beverage stores, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores, furniture and home furnishings, books, periodicals, music, office supplies, hardware, video stores, sporting goods and hobbies, gift shops, and other similar uses.

7. Service establishments, including but not limited to laundry and dry cleaning pick-up and drop-off facilities, beauty salons

and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

8. Government offices (other than fire or police station), libraries, and museums.

B. Above the First Floor

1. Any use permitted pursuant to Section 1. Permitted Uses above.

2. Dwelling units.

3. Medical offices and clinics for the treatment and aid of humans.

4. Offices.

608.03 Conditional Uses

A. Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Article IX Conditional Uses. General standards for conditional use permits are found in Section 904, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Section 905 Conditional Uses or elsewhere as referenced herein.

B. All conditional uses must meet the design principles in Article X as well as other conditional use standards.

C. In order to control the mixture and locations of uses in this district, the following may be permitted only as Conditional Uses in the (DMU) Downtown/Historic Mixed Use Overlay District:

1. Assisted Living Facilities,

2. Automatic Teller Machines (ATM) provided that when ATM′s are a part of a drive through facility, they shall be regulated as part of such a facility pursuant to Section 905A.

3. Band Shells and Amphitheaters,

4. Convalescent, Nursing or Rest Homes,

5. Day Care Centers, Adult.

6. Day Care Centers, Child.

7. Drive-through Facilities, pursuant to Section 905A.

8. Fire and police stations,

9. Hotels and motels.

10. Offices on the first floor.

11. Libraries.

12. Medical Offices and clinics for the treatment and aid of humans on the first floor.

13. Museums.

14. Recreational facilities, indoor, public or private.

15. Schools, Specialized Instructional,

16. Theaters and Assembly Halls.

17. Utilities (including substations, transmission facilities and related facilities).

18. Similar uses approved by the Planning and Zoning Commission and Village Council pursuant to Section 405.

608.04 Accessory Uses and Structures

A. The following are permitted Accessory Uses and Structures in the (DMU) Downtown/Historic Mixed Use Overlay District:

1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).

2. Antennae, master radio, television and other telecommunications equipment,

3. Antennae, single, roof-mounted or in rear yard only

4. Entertainment, live, accessory to a permitted use.

5. Fences and Walls.

6. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed.

8. Outdoor Dining, accessory to a sit-down restaurant.

9. Parking, off-street, and Driveways, pursuant to Article VIII, Off-Street Parking Regulations.

10. Parking Structures.

11. Recreational Structures, accessory to a Child Day Care Center, in rear yard only.

12. Signage, pursuant to Article VII, Sign Regulations.

608.05 Site Plan Review

No building permit may be issued without first adhering to the site plan review process set forth in Article X, Site Plan Review. The Design Principles and Standards contained in Section F below shall guide the Architectural Review Committee and the Planning and Zoning Commission in its review of a site plan in this district. The standards in Article X shall also be considered for DMU Downtown/Historic Mixed Use Overlay District reviews; however, the standards and principles in this Section shall take precedence in the instance of any conflicts.

608.06 Design Principles

The following Design Principles shall guide the Village in reviewing site plans pursuant to this Section X, along with the specific standards that follow this section.

A. Building and Site Design

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.

2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.

3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture.

4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be

subdivided and proportioned using features such as windows, entrances, arcades, awnings, or other such features.

5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.

6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions. Ground level facades facing streets or pedestrian ways should incorporate large amounts of windows that permit views into the interior of the building, or display windows.

7. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face streets on which they are located.

8. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.

9. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are to be integrated into the building architecture.

B. Building Materials

1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials. Vinyl and aluminum siding may be used in limited situations if

specifically approved by the Village Zoning and Planning Commission.

C. Vehicular Circulation and Access

1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.

2. Street designs are encouraged to incorporate traffic calming devices and techniques.

3. Common or shared access points are encouraged.

4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.

5. Safe and adequate site distance shall be provided at all intersections.

D. Pedestrian Access and Circulation

1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.

3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

4. Decorative sidewalks, such as brick pavers, shall be provided at key intersections or streets.

5. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.

6. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas with a goal of no less than 20% of the site area.

E. Parking Lot Design and Layout

1. Adequate parking shall be provided, but excessive parking is discouraged. The standards contained in Article VIII shall be used as a guide, but those standards may be modified based upon other considerations, such as shared parking options as provided in that chapter.

2. The visual impact of parking shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.

3. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences.

F. Landscaping and Screening

1. Landscaping shall be provided as part of a site master landscape plan. The standards contained in Article X are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.

2. A year-round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.

3. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.

4. All landscaping plans shall be reviewed by the Village Forester who shall prepare a recommendation to the Planning and Zoning Commission. If there is no Village Forester, then it shall be reviewed by the Planning and Zoning Commission. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences.

G. Streetscape Improvements

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.

2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.

3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming that pedestrian scale.

4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be addressed in the Streetscape Plan.

H. Service Area and Mechanical Screening

1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.

2. Services areas and mechanical equipment shall be screened from public view.

I. Signage

A master sign plan shall be prepared illustrating the location, type, size, and materials of all signage.

J. Lighting

1. A lighting plan shall be prepared.

2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

SECTION 609 INDUSTRIAL DISTRICT

609.01 Purpose

The purpose of this district is to provide in appropriate and convenient locations, sufficient areas for industrial and manufacturing activities and the distribution of goods. Permitted uses shall have no detectable effects or cause electro-magnetic interference outside the "I" District. Central water and sewer facilities are required.

609.02 Uses

A. Permitted Uses: The following uses, if conducted within an enclosed building or buildings shall be permitted:

1. Gasoline service station

2. Automobile and truck service and repair shop

3. Warehousing, industrially related wholesale establishment, and trucking facility.

4. Yards of general contractors engaged in building or heavy construction.

5. Building materials storage and sales

6. Administrative, executive, financial, accounting, clerical and drafting offices.

7. Amusement Arcades as defined in Village of Seville Ordinance 2011.22

B. Accessory Uses:

1. Parking and loading as regulated in Article VIII.

2. Signs as regulated in Article VII.

3. Commercial service activities that are accessory to the main use/building and located within the same building

4. Day Care Center (Child or Adult) located within a principal building.

5. Wireless telecommunication antenna(s) on existing building or structures. Subject to Article XVII.

C. Conditional Uses:

1. Self-service storage facilities subject to Section 905 E.

2. Outdoor storage shall be located in the rear yard and screened.

3. The manufacture, compounding, processing, packaging, or treatment of such products as; bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tools, die gauge, and machine shops.

4. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as; canvas, cellophane, cloth, cork, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

5. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by suitable fuel.

6. The manufacture of toys, novelties, and other similar products of metal, plastic, or rubber.

7. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

8. Laboratories – experimental, film, testing.

9. Day Care Center (Child or Adult) as a freestanding building.

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and applicable Subsections of 905.

609.03 Area and Lot Requirements

A. Minimum Lot size – 32,000 square feet.

B. Minimum Lot Width at Building Setback Line –150 feet

C. Minimum Lot Frontage at street right-of-way – 150 feet

D. Minimum Front Yard – 50 feet. A landscaped strip with a minimum width of 10 feet shall be maintained adjacent to the street right-of-way.

E. Minimum Side Yard – 25 feet.

F. Minimum Rear Yard – 25 feet

G. Maximum Building Height – 35 feet or 2 ½ stories in height, whichever is greater.

H. Adjacent to Residential District – When adjacent to a residential district, the minimum side yard (facing the R district) and the rear yard depth shall be 50 feet. An obscuring fence, wall, or solid hedge, at least six (6) feet in height shall be located along all side or rear lines adjacent to a residential district. The side or rear yard areas within the wall, fence or hedge may be used for off street parking or loading.

I. Adjacent to I-76 – When adjacent to I-76, the minimum side yard and the rear yard depth shall be 75 feet. Landscaping including mounding shall be within the first twenty-five (25) feet from the Interstate right-of-way. The other fifty- (50) feet may be used for off -street parking or loading

609.04 Site Plan Review and Conformance

All industrial uses specified under Section 609.02 shall be permitted only after the review and approval of the Site Plans by the Planning and Zoning Commission and upon finding by the Planning and Zoning Commission that the specific standards set forth in the article and the requirements of Article X will be met.

SECTION 610 INDUSTRIAL PARK DISTRICT (IPD)

610.01 Intent and Purpose

The Industrial Park District (IPD) is established to:

A. Provide in appropriate and convenient locations, sufficient areas for light industrial and manufacturing activities and the distribution of goods;

B. Provide for and accommodate a growing number of businesses and industries seeking to develop separate facilities for management headquarters, training areas, research and development operations and offices.

C. Facilities are encouraged to be grouped together in order to provide common amenities, such as adequate and convenient parking, utilities and a park-like atmosphere.

610.02 Permitted Uses

The following uses, if conducted within an enclosed building or buildings shall be permitted:

A. Light manufacturing, processing or fabrication of commodities, except those uses that are listed as permitted uses in the I-Industrial District or have impacts similar to uses permitted in the I-Industrial District.

B. Research and development facility.

C. Business and professional offices.

D. Medical and dental offices, clinics, emergency facilities, and hospitals.

E. Laboratories, except those that emit noxious noise, dust, fumes or odor.

F. Daycare Facility (Child and Adult)

G. Other similar light industrial uses that are not more detrimental to the highest and best use of the land permitted above.

610.03 Accessory Uses

A. Parking and loading as regulated in Article VIII

B. Signs as regulated in Article VII

C. Daycare Facility located within the same building of the principal use.

D. Commercial service activities that are accessory to the principal use/building and located within the same building.

610.04 Conditional Uses

A. Health and Fitness/Recreation or Fitness Facilities

B. Bank and/or Automated Teller Machine (ATM)

All of the conditionally approved uses in this section are subject to the provisions of Section 904 and applicable Subsections of 905.

610.05 Area and Height Regulations for Industrial Park Developments

A. Minimum IPD area size shall be thirty (30) acres

B. A perimeter transitional yard of not less than sixty (60) feet in depth shall be maintained along all the project boundary lines defining the perimeter of the gross site area of the entire IP District. Only landscaping and access drives approved by the Planning and Zoning Commission shall be permitted within the perimeter transitional yard. Adjacent to SR 3, the perimeter transition yard shall be 100 feet from the ROW line.

C. Not more than 25% of the IPD shall be buildings or structures (not including parking lots).

D. Minimum Lot Width at Building Setback Line – 250 feet

E. Minimum Lot Frontage at street right-of-way – 300 feet

F. An IPD need not utilize lots, but in those Industrial Park Districts where the developer proposes to utilize lots, the minimum lot areas and yard standards shall be as follows:

1. Minimum lot area – There shall be no minimum lot area for an IPD use.

2. Minimum lot frontage measured at the ROW line – 100 continuous feet.

3. Minimum lot width at the building line – 100 continuous feet

4. Minimum Front Yard – 60 feet.

5. Minimum Side Yard when adjoining non-residential property – 40 feet.

6. Minimum Side Yard when adjoining residential property – 100 feet.

7. Minimum Rear Yard when adjoining non-residential property – 60 feet.

8. Minimum Rear Yard when adjoining residential property – 100 feet.

G. Maximum Building Height - 35 feet or 2 ½ stories in height, whichever is greater. A maximum height of 45 feet may be permitted if the building has a sprinkler system, and with the approval of the Fire Marshall.

H. Buildings and other improvements shall be placed so that the existing topography and landscape shall be disturbed as little as possible, and so that the maximum number of desirable trees and other natural features will be preserved.

I. Adjacent to I-76 – When adjacent to I-76, the minimum side yard and the rear yard depth shall be 75 feet. Landscaping including mounding shall be within the first twenty-five (25) feet from the Interstate right-of-way. The other fifty- (50) feet may be used for off -street parking or loading.

610.06 Site Plan Review and Conformance

All industrial park uses specified under Section 610.02 shall be permitted only after the review and approval of the Site Plans by the Planning Commission and upon finding by the Planning Commission that the specific standards set forth in the article and the requirements of Article X will be met.

SECTION 611 MIXED USE OVERLAY DISTRICT (MU)

611.01 Purpose

The purpose of this district is to encourage a mix of industrial, retail, service, office, high density housing and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to a community. Mixed Use Overlay Districts can serve both local and regional industrial and commercial needs, while reflecting the scale and character of the Village of Seville in a manner that protects adjacent areas from any adverse effects.

611.02 Establishment of District

The following shall govern the establishment of the Mixed Use Overlay District:

A. No MU shall be established except subsequent to petition by the owner(s) of land located within the MU District, or the Motion of The Seville Planning Commission or the Motion of Village Council. The area proposed to be developed shall be held in single ownership, or if in multiple ownership, the application shall be filed jointly by all owners of the properties included in the proposed development.

B. No MU shall be created unless a development plan is in conformance with the provisions hereof.

C. All development within the MU shall be served by the Village of Seville's public electric system, public water supply system and public sanitary sewer system. The retention of as much storm water as possible is encouraged to promote proper drainage.

D. No MU shall be established which does not protect sensitive environmental areas.

E. The MU shall be developed in conformance with a site plan, which has been reviewed and approved by the Village of Seville Zoning Commission in accordance with the provisions of Article X of the Seville Village Zoning Code.

F. Until such time as a property owner applies for and receives final approval for development of the MU as provided herein, the underlying provisions of the current zoning classification shall apply.

G. Upon approval by the Village of Seville Zoning Commission and Seville Village Council of a MU overlay application and plan, a notation shall be placed on the Village of Seville Zoning District Map to reflect such approval and that the provisions of the current zoning classification no longer apply to land contained within the MU overlay. Such land may only be developed in accordance with the approved MU or may revert back to its original zoning upon application by property owner or through referendum by the Village of Seville.

611.03 Permitted Uses

The following are permitted uses in the MU District, pursuant to any additional standards set forth herein:

A. Residential Uses – Up to eight (8) dwelling units per acre.

1. One-family dwelling.

2. Two-family dwelling.

3. Multi-family dwellings.

B. Residential Accessory Uses:

Accessory Uses/structures incidental to the principle use, which do not include any activity conducted as a separate business.

1. Signs as regulated in Article VII.

2. Parking as regulated in Article VIII.

3. Home Occupations as defined herein.

C. Commercial Permitted Uses:

1. First Floor

i. Art galleries and artist studios, and retail sales of artwork and related products.

ii. Business services, including but not limited to copying, desktop publishing, photographic services, and other similar uses.

iii. Public space.

iv. Restaurants, carry-out.

v. Restaurants, sit-down.

vi. Retail sales, including but not limited to food and beverage stores, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores, furniture and home furnishings, books, periodicals, music, office supplies, hardware, video stores, sporting goods and hobbies, gift shops, and other similar uses.

vii. Service establishments, including but not limited to laundry and dry-cleaning pick-up and drop-off facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.

viii. Government offices (other than fire or police station), libraries, and museums.

2. Above the First Floor

i. Any Commercial permitted use above

ii. Dwelling units.

iii. Medical offices and clinics for the treatment and aid of humans.

iv. Offices.

D. Commercial Accessory Uses

1. Amusement devices, as defined by the Business Regulation Code, limited to two (2).

2. Antennae, master radio, television and other telecommunications equipment,

3. Antennae, single, roof-mounted or in rear yard only

4. Entertainment, live, accessory to a permitted use.

5. Fences and Walls.

6. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).

7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed.

8. Outdoor Dining, accessory to a sit-down restaurant.

9. Parking, off-street, and Driveways, pursuant to Article VIII, Off-Street Parking Regulations.

10. Parking Structures.

11. Recreational Structures, accessory to a Child Day Care Center, in rear yard only.

12. Signage, pursuant to Article VII, Sign Regulations.

E. Industrial Permitted Uses:

1. Gasoline service station

2. Automobile and truck service and repair shop

3. Warehousing, industrially related wholesale establishment, and trucking facility.

4. General Contractors engaged in building or heavy construction.

5. Building materials storage and sales

6. Administrative, executive, financial, accounting, clerical and drafting offices.

F. Industrial Accessory Uses:

1. Parking and loading as regulated in Article VIII.

2. Signs as regulated in Article VII.

3. Commercial service activities that are accessory to the main use/building and located within the same building

4. Day Care Center (Child or Adult) located within a principal building.

5. Wireless telecommunication antenna(s) on existing building or structures. Subject to Article XVII.

6. Yards of general contractors engaged in building or heavy construction.

7. Yards of building materials storage and sales.

611.04 Conditional Uses

A. Conditionally Permitted Uses

1. Government owned and/or operated park, playground, or golf course excluding miniature golf courses and commercial amusement parks.

2. Cemetery.

3. Church and other buildings for the purpose of religious worship.

4. Government owned and/or operated building or facility.

5. Institutions for human medical care; clinics convalescent homes; nursing homes, homes for the aged and philanthropic institutions.

6. Cluster homes subject to Section 905 E.

7. Bed and Breakfast Inn subject to Section 905 C.

8. Open Space Development subject to Section 905 F.

9. Assisted Living Facilities,

10. Automatic Teller Machines (ATM) provided that when ATM′s are a part of a drive through facility, they shall be regulated as part of such a facility pursuant to Section 905A.

11. Band Shells and Amphitheaters,

12. Day Care Centers as a freestanding building, Adult or child.

13. Drive-through Facilities, pursuant to Section 905A.

14. Fire and police stations,

15. Hotels and motels.

16. Offices on the first floor.

17. Medical Offices and clinics for the treatment and aid of humans on the first floor.

18. Recreational facilities, indoor, public or private.

19. Schools, Specialized Instructional.

20. Theaters and Assembly Halls.

21. Utilities (including substations, transmission facilities and related facilities).

22. Self-service storage facilities subject to Section 905 E.

23. Outdoor storage shall be located in the side and/or rear yard and appropriately screened.

24. The manufacture, compounding, processing, packaging, or treatment of such products as; bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tools, die gauge, and machine shops.

25. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as; canvas, cellophane, cloth, cork, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

26. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by suitable fuel.

27. The manufacture of toys, novelties, and other similar products of metal, plastic, or rubber.

28. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

29. Laboratories – experimental, film, testing.

30. Similar uses approved by the Planning and Zoning Commission and Village Council pursuant to Section 405.

31. STR subject to Section 905.C.

All of these conditionally permitted uses in this section are subject to the provisions of Section 904 and applicable subsections of Section 905.

611.05 Site Plan Review

No building permit may be issued without first adhering to the site plan review process set forth in Article X, Site Plan Review. The standards in Article X shall also be considered for MU Overlay District reviews; however, the standards and principles in this Section shall take precedence in the instance of any conflicts.

611.06 Design Principals

The following Design Principles shall guide the Village in reviewing site plans pursuant to this Section X, along with the specific standards that follow this section.

A. Building and Site Design

1. Buildings and sites are encouraged to accommodate a mixture of uses permitted in this district. A mixture of uses is encouraged not just within the overall district, but on individual parcels and within individual buildings. High activity uses such as retail are encouraged on the first floor, with uses such as offices and residential encouraged on second floors.

2. Buildings shall be designed to respect the street context, to form street walls where appropriate, and to respect or create view corridors.

3. Buildings and sites shall be designed to emphasize pedestrian scale, human scale architecture, and landscaping, while avoiding large expanses of paved areas, large featureless buildings, and monotonous or franchise-style architecture.

4. All sides of a building open to view by the public shall display a similar level of architectural quality, and shall be subdivided and proportioned using features such as

windows, entrances, arcades, awnings, or other such features.

5. Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long monotonous walls and roof plane surfaces are prohibited.

6. Each building facade shall incorporate design elements for each 20 horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivides the wall into human scale proportions. Ground level facades facing streets or pedestrian ways should incorporate large amounts of windows that permit views into the interior of the building, or display windows.

7. Building facades shall have highly visible customer service entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face streets on which they are located.

8. Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the district.

9. Sloping roofs, where used, shall have one or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are be integrated into the building architecture.

B. Building Materials

1. Building materials shall be limited to brick, masonry, stucco, wood, fiber cement siding, wood shingle, wood siding, cultured stone, or other similar materials. Vinyl and aluminum siding may be used in limited situations if specifically approved by the Village Zoning and Planning Commission.

C. Vehicular Circulation and Access

1. Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.

2. Street designs are encouraged to incorporate traffic calming devices and techniques.

3. Common or shared access points are encouraged.

4. To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.

5. Safe and adequate site distance shall be provided at all intersections.

D. Pedestrian Access and Circulation

1. A coordinated pedestrian system shall be provided throughout the development, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

2. The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.

3. Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the development, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

4. Decorative sidewalks, such as brick pavers shall be provided at key intersections or streets.

5. Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.

6. Open and public space should be provided as a mixture of green space landscaping and hardscape pedestrian areas with a goal of no less than 20% of the site area.

E. Parking Lot Design and Layout

1. Adequate parking shall be provided, but excessive parking is discouraged. The standards contained in Article VIII shall be used as a guide, but those standards may be modified based upon other considerations, such as shared parking options as provided in that chapter.

2. The visual impact of parking shall be minimized through the use of interior landscaped islands, and through dividing parking spaces into groupings.

3. The edges of parking lots shall be screened through landscaping or other methods such as decorative fences.

F. Landscaping and Screening

1. Landscaping shall be provided as part of a site master landscape plan. The standards contained in Article X are considered to be minimum standards for this district, with additional landscaping provided where needed to mitigate off-site visual impacts or to improve the internal landscaping on the site.

2. A year round visual screen shall be provided between the site and any adjacent single family uses, except where planned pedestrian connections are provided.

3. Entryways shall be planted with ornamental plant materials such as ornamental trees, flowering shrubs, and perennials, and ground covers.

4. All landscaping plans shall be reviewed by the Village Forester who shall prepare a recommendation to the Planning and Zoning Commission. If there is no Village

Forester, then it shall be reviewed by the Planning and Zoning Commission.

G. Streetscape Improvements

1. A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.

2. The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.

3. Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming that pedestrian scale.

4. Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be addressed in the Streetscape Plan.

H. Service Area and Mechanical Screening

1. The location of service areas and mechanical equipment shall be considered as part of the overall site design.

2. Services areas and mechanical equipment shall be screened from public view.

I. Signage

A master sign plan shall be prepared illustrating the location, type, size, and materials of all signage.

J. Lighting

1. A lighting plan shall be prepared.

2. Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

K. Adjacent to Residential Area

When adjacent to a residential area within the MU, the minimum side yard and/or rear yard depth shall be 50 feet adjacent to the residential area. An obscuring fence, wall, or solid hedge, at least six (6) feet in height shall be located along all side or rear lines adjacent to a residential area. The side or rear yard areas within the wall, fence or hedge may be used for off street parking or loading only specifically approved upon site plan approval.

611.07 Performance Standards

The following provisions shall apply to all uses within this district:

A. There shall be no storage or handling of hazardous, explosive, or highly flammable materials, which would cause fire, explosion or safety hazards, except for materials used in the maintenance of or incidental to the operations of that on-site.

B. There shall be no production of noise at any MU Overlay District boundary of any use in excess of the average intensity of street and traffic noise found in the adjacent area.

C. There shall be no production of heat, glare or vibration perceptible beyond any MU Overlay District boundary.

D. There shall be no off-site release to soil or surface drainage ways of water borne or liquid pollutants.

611.08 Flood Hazard Areas

Areas within the Floodplain District are also subject to the requirements of Section 601 of the Seville Village Zoning Code.

ARTICLE VII
SIGN REGULATIONS

Section 701 Purpose
Section 702 Compliance
Section 703 Limitations
Section 704 Zoning Permit Requirement
Section 705 Zoning Permit Exceptions
Section 706 General Requirements
Section 707 Area Requirements
Section 708 Prohibited Signs
Section 709 Signs Permitted in Residential Districts
Section 710 Signs Permitted in LC, HC & I Districts
Section 711 Non-Accessory Signs (Billboards)
Section 712 Enforcement
Section 713 Violations
Section 714 Non-Conforming Signs
Section 715 Sign Types Illustrated

SECTION 701 PURPOSE

This article is to provide for the, type, design, size, location, illumination and maintenance of signs throughout the Village to achieve, among others, the following purposes:

A. To promote and maintain attractive residential districts;

B. To provide for reasonable and appropriate methods and conditions for advertising goods and services in commercial districts;

C. To provide for appropriate and harmonious identification of uses and services within industrial districts;

D. To protect property values;

E. To promote the public health, safety and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and minimizing visual distractions and confusion; and

F. To protect and preserve the aesthetic quality and physical appearance of the Village.

SECTION 702 COMPLIANCE

All signs shall be designed, erected, painted, repainted, posted, reposted, placed, replaced, hung, displayed, altered, reconstructed, moved or maintained, in whole or in part, only in accordance with the provisions as set forth in this Article.

SECTION 703 LIMITATIONS

703.00 Official Signs excluded from Regulation

All signs erected and maintained pursuant to any governmental function and necessary to the public safety and welfare are exempt from regulation under this Article.

703.01 ODOT Permits

All signs within six hundred sixty (660) feet of the right-of-way of Interstates 71 and 76; and Routes 3 and 224 are also subject to regulation by the ODOT under Ohio Revised Code Chapter 5516 and the regulations adopted pursuant to Chapter 5516. Zoning certificates for signs within 660 feet of these right-of-ways shall not be issued without evidence that a permit has first been issued by the ODOT confirming that a state permit is not necessary.

703.02 Outdoor Advertising

Section 519.20 of the Ohio Revised Code states that for the purpose of Village zoning, "outdoor advertising shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade or lands used for agricultural purposes". Such signs are further subject to the regulations established herein.

SECTION 704 ZONING PERMIT REQUIREMENTS

A Zoning Permit issued by the Zoning Inspector, pursuant to the provisions of Article XIII shall be required prior to the erection, display, relocation, replacement, reinstallation, or alteration of any sign, including temporary signs, except as otherwise specifically exempted in Section 705. In addition to the standard requirements of Article XIII regarding applications for Zoning Permits, applications for signs shall also be accompanied by detailed information regarding the design of the sign, including dimensions, materials, method of attachment or support, source of illumination, and the relationship to any building or structure to which it is or is proposed to be installed or affixed.

SECTION 705 ZONING PERMIT EXCEPTIONS

No Zoning Permit shall be required for:

A. Periodic repair, repainting, or maintenance which does not alter the sign including, but not limited to, the sign face, design, or structure;

B. Changing the lettering, graphic, or information on a sign specifically approved as a changeable copy sign, whether automatic or manual; and changing the face of any sign (provided such change does not alter the dimensions of the sign);

C. Legal notices, warnings, regulatory, informational, or directional signs erected by any public agency or utility;

D. Signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property, such as signs designating handicapped parking, reserved parking, visitor parking, and loading areas, provided that such signs do not bear advertising or logo material;

E. Wall signs not exceeding three (3) square feet in area that cannot be seen from a public street or right-of-way or from adjacent properties;

F. Up to three temporary signs, each not exceeding four (4) square feet in area, per lot or parcel;

G. Holiday decorations.

SECTION 706 GENERAL REQUIREMENTS

The regulations in this section shall apply to all signs in all zoning districts.

706.01 Illumination

Any illuminated sign shall only emit light of constant intensity. No sign shall be illuminated by or contain flashing, intermittent, rotating or moving light, except as a permitted Changeable Electronic Sign, as set forth in Section 710 (C). Any illuminated sign shall be shielded so as to prevent direct light or glare from being cast into any adjoining residence or residential district or upon any public right-of-way.

706.02 Movement

No sign shall employ any parts or elements, which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, except as a permitted Changeable Electronic Sign, as set forth in Section 710 (C).

706.03 Right-of-Way

No sign shall be placed in or shall extend into any public right-of-way except governmental signs as described in Section 703 above.

706.04 Projecting Signs

No projecting sign shall be erected or maintained from the front or face of a building a distance of more than eighteen (18) inches, including those projecting from the face of a marquee.

706.05 Roof Signs

No sign shall be placed on a roof of any building except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

706.06 Location

Signs shall be erected so as not to obstruct traffic sight lines or traffic control lights at road intersections.

706.07 Similarity to Traffic Control Devices

Signs visible from a road shall not contain any words or symbols that would cause confusion because of their resemblance to highway traffic control or directional signals.

706.08 Satellite Dishes

Satellite dishes containing printing large enough to be visible from any roadway shall be considered a sign for the purpose of this Ordinance and must meet all appropriate sign regulations.

SECTION 707 AREA OF A SIGN

A. The total area of all signs permitted on a lot in accordance with regulations set forth in the following sections shall include the area of all of the sign faces visible from a public right-of-way, but shall not include the area of signs placed upon the surface of windows or doors up to fifty percent (50%) of the surface of the windows and doors, signs not exceeding two (2) square feet in area directing and guiding traffic and parking on private property as provided in Section 8 or any signs which cannot be seen from a public street, right-of-way, or adjacent properties.

B. The area of a sign shall be measured within a continuous perimeter enclosing the extreme limits of such sign including all text and graphics and any device used to attract attention provided, however, that structural elements lying outside the limits of such sign and not forming an integral part of the display shall not be included as sign area.

1. The area of a sign attached to, painted on, or part of a building shall include the background color of the sign if it varies from the main color of the building.

2. The portion of a solid sign base that is mostly screened by landscaping, up to a height of two (2) feet, shall not be calculated as sign area.

C. The height of a free-standing sign shall be measured from the average natural finished grade at the base of the sign to the highest point or element of the sign. A ground sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to addition of the sign.

SECTION 708 PROHIBITED SIGNS

Unless otherwise specifically permitted herein, the following signs are prohibited in all districts:

A. Pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;

B. Mobile, portable, or wheeled signs;

C. Signs placed on parked vehicles or trailers for the purpose of advertising a product or business located on the same or adjacent property, excepting an identification sign which is affixed to a vehicle regularly operated in the pursuance of day-to-day business or activity of an enterprise provided such vehicle is not parked in the front yard or a side yard abutting a right-of-way;

D. Signs placed, inscribed or supported upon a roof or upon any structure which extends above the roof line of any building;

E. Inflatable images;

F. Signs containing flashing, moving, intermittent, or running lights or which imitate traffic control devices, except as a permitted Changeable Electronic Sign, as set forth in Section 710 (C).

G. Signs which employ any part or element which revolves, rotates, whirls, spins or otherwise makes use of motion to attract attention, except as a permitted Changeable Electronic Sign, as set forth in Section 710 (C).

H. Beacons or searchlights;

I. Signs which hang less than eight and one-half (8.5) feet above a

pedestrian walkway or less than fourteen (14) feet above a vehicular path.

SECTION 709 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following signs shall be allowed, with a permit, in the R1, R2, R3 and R4 Residential Districts and shall conform to the regulations set forth herein:

A. Permanent Signs.

1. One sign, which may be a wall or window sign, not exceeding four (4) square feet in area may be permitted for each lot or parcel.

2. A residential development containing more than fifty (50) dwelling units may be permitted two (2) free-standing signs, one at each entrance to the development provided that each sign does not exceed twenty-five (25) square feet in area, does not exceed six (6) feet in height, is constructed exclusively of natural material, is spot lit and is located at least fifteen (15) feet from any street right-of-way or property line. The base and foundation of each such sign shall be landscaped with no fewer than five (5) evergreen shrubs.

3. In lieu of the signs permitted in Subsections 1 - 2 above, approved conditional uses of lots and structures may be permitted such signs as may be established by the Planning and Zoning Commission and specified as part of the site plan for the conditional zoning permit. Signs approved under this provision may reflect reasonable modification of the requirements for signs in this district taking into account the scale and intensity of the use or uses and other comparisons relative to permitted uses of the district.

B. Temporary signs.

One free-standing sign may be erected on a site during construction or reconstruction of a building for which a valid building permit has been obtained. Such sign shall not exceed thirty-two (32) square feet in area or eight (8) feet in height. Each such sign shall be located a minimum of fifteen (15) feet from any street right-of-way or property line and shall be removed within fourteen (14) days after permanent occupancy of the lot or building.

C. Changeable Electronic Signs as set forth in Section 710 (C) are not permitted in the R1, R2, R3 and R4 Residential Districts.

SECTION 710 SIGNS PERMITTED IN THE HC, LC, I AND IDP DISTRICTS

The following signs shall be permitted in the HC Highway Service Commercial, LC Local Commercial, I Industrial and IPD Industrial Park Districts and shall conform to the regulations set forth herein:

A. Area of Signs. The total area of all permanent signs (but not including the area of a high rise sign permitted in Section B.3.) for each use, parcel, building, or land under common ownership or control shall not exceed one and one half (1.5) square foot for each one (1) lineal foot of the building wall which is most parallel to the frontage of the lot on which the building is located.

B. Permanent Signs. Total permanent sign area may be allocated to any or all of the following sign types subject to the restrictions and requirements set forth herein:

1. Wall Signs shall not be larger than eighty (80) square feet or ten percent (10%) of the area of the surface of the building of which the sign is located, whichever sign area is smaller. In addition, a wall sign shall not project from the face of the wall more than eighteen (18) inches and shall not extend above or beyond the building wall. Buildings facing more than one (1) adjacent right-of-way may have one (1) wall sign facing each adjacent right-of-way.

2. Free-standing Signs. Each use, parcel, building, or land under common ownership or control shall be permitted the signs provided in either (a) or (b) below:

a. One (1) free-standing sign which shall not exceed thirty (30) square feet in area or twenty (20) feet in height. Parcels, which have frontage on two or more streets, may have a second free-standing sign provided that the second free-standing sign is located on a different street and does not exceed thirty (30) square feet in area nor six (6) feet in height. Minimum setback from right-of-way shall be ten (10) feet and from all other property lines shall be twenty (20) feet.

b. One (1) monument sign, which shall not exceed thirty (30) square feet in area or six (6) feet in height. Parcels which have frontage on two or more streets may have a second monument sign provided that the second monument sign is located on a different street. Minimum setback from right-of-way shall be ten (10) feet and from all other property lines shall be twenty (20) feet.

c. On a lot on which are located three or more businesses operating independently in three or more separate spaces or buildings, one (1) freestanding sign which shall not exceed ninety-six (96) square feet in area nor twenty (20) feet in height. Minimum setback from right-of-way shall be twenty (20) feet and from all other property lines shall be forty (40) feet.

3. High Rise Sign. Each lot in the HC and I District may have one (1) pole type high rise accessory sign that is designed to be seen from Interstate 71 or 76 and US 224. Such sign shall be located within 660 feet of the interstate right-of-way. Such signs shall have a maximum height of 100 feet and a maximum area of 300 square feet. High Rise Signs are a Conditional Use and approval is subject to the requirements of Article IX.

4. Window signs. Window signs shall not obscure more than fifty percent (50%) of the glazed surface of any window.

5. Awning signs shall not be larger than eighty (80) square feet or ten percent (10%) of the area of the surface of the building on which said sign is located. In addition, no awning sign shall project from the face of a wall more than thirty-six (36) inches and shall not extend beyond the building wall.

C. Changeable Electronic Signs. Changeable Electronic Signs shall be permitted based on the following regulations:

1. Changeable Electronic Signs are subject to all regulations set forth in Article VII of the Seville Zoning Code.

2. Standards for electronic sign copy and images

a. Only one (1) contiguous changeable electronic copy area is allowed on a sign face.

b. A changeable electronic sign may not change or move more often than once every fifteen (15) seconds.

c. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.

d. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

e. Changeable Electronic Signs must be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions. The sign owner must immediately stop the dynamic displays when notified by the Village Zoning Inspector that it is not complying with the standards of the Section.

f. Operation of any Changeable Electronic Sign not in compliance with Changeable Electronic Sign standards will require the Changeable Electronic Sign owner or operator to turn off the display within one (1) hour of written and or verbal notification from the Village Zoning Inspector, and make adjustments to meet all requirements of this Section. The sign may not be turned back on until all operating adjustments have approval by the Village Zoning Inspector.

SECTION 711 NON-ACCESSORY SIGNS (BILLBOARDS)

Non-accessory signs (billboards) shall be permitted only in a commercial or industrial district and upon lands used for agricultural purposes, as required by Section 519.20 Ohio Revised Code, and shall require a zoning certificate. Such signs shall be located so as to maintain the same minimum front, side, and rear yard requirements if located closer than five hundred (500) feet to a dwelling. The maximum area for said individual billboard shall be three hundred (300) square feet and a maximum height of thirty-five (35) feet. Such signs visible to approaching traffic on either or both sides of a right-of-way shall have minimum spacing of two hundred fifty (250) feet.

SECTION 712 ENFORCEMENT

712.01 Maintenance

The Zoning Inspector of the Village of Seville shall enforce the before mentioned provisions, as well as request and/or order any sign to be painted or refurbished at least once every two (2) years, if needed, to keep the sign(s) in a neat and safe condition. All supports, guys, braces, and anchors for such sign shall be maintained in safe condition. The Zoning Inspector may order removal of any such sign that is not so maintained, and it shall be unlawful for the owners or the persons in charge of such sign(s) not to remove the same after receiving notice from the Zoning Inspector to do so.

712.02 Removal of Unsafe Signs

If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, notice shall be given in writing by the Zoning Inspector to the owner, agent or person having the beneficial use of such sign who shall thereafter immediately correct the condition for which said notice was given.

SECTION 713 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with the Ordinance. Failure to comply with any of the provisions of the article shall be deemed a violation and shall be punishable under Article XIII of this Ordinance.

SECTION 714 NON-CONFORMING SIGNS

See Article XI.

ARTICLE VIII
PARKING AND LOADING REQUIREMENTS

Section 801 General Requirements
Section 802 Parking Space Requirements
Section 803 Loading Space Requirements
Section 804 Other Uses
Section 805 Parking Area Dimensions
Section 806 Parking Area Design
Section 807 Entrances and Exits
Section 808 Yard Restrictions

SECTION 801 GENERAL REQUIREMENTS

No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any existing building or structure.

SECTION 802 PARKING SPACE REQUIREMENTS

For the purpose of the Ordinance the following parking space requirements shall apply.

802.01 Residential (R1, R2, R3 and R4 Districts)

A minimum four (4) spaces per dwelling unit, including two (2) spaces in the garage.

802.02 Recreation or Entertainment

A. Dining rooms, restaurants, taverns, nightclubs, etc. - One (1) for each 100 square feet of floor space.

B. Restaurants - fast food, drive-in, or take-out. One (1) for each fifty (50) square feet of floor area.

C. Bowling Alleys - Four (4) for each alley or lane plus one (1) additional space for each 100 square feet of the areas used of restaurant, cocktail lounge or similar use.

D. Outdoor Swimming Pools - One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each 30 square feet floor area used for seating purposes, whichever is greater.

E. Auditoriums, sport arenas, theaters, and similar uses - One (1) for each four (4) seats.

F. Libraries and Museums - One (1) for each 500 square feet of floor area.

802.02 Commercial

A. Automobile service stations, which also repair - Two (2) for each gasoline pump and four (4) for each service bay.

B. Hotels, motels - One (1) per each sleeping room plus one (1) space for each two (2) employees.

C. Funeral Parlors, mortuaries and similar type uses - One (1) for each 100 square feet of floor area in viewing rooms, parlors or service rooms.

D. Retail stores - One (1) for each 200 square feet of floor area.

E. Banks, financial institutions and similar uses - One (1) for each 250 square feet of floor area.

F. Offices, public or professional administration or service buildings - One (1) for each 400 square feet of floor area.

G. All other types of business or commercial uses - One (1) for each 300 square feet of floor area.

H. Shopping Centers - Five (5) spaces for each 1,000 square feet of floor area.

I. Beauty parlors and Barber Shops - Three (3) for each chair.

J. Laundromats - One (1) for every two (2) washing machines.

802.03 Industrial

A. All types of manufacturing, storage and wholesale uses permitted in any industrial district - One (1) for each employee (on largest shift for which the building is designed) plus one (1) for each motor vehicle used in the business.

B. Cartage, express, parcel delivery and freight terminals - One (1) for each employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

802.03 Institutional

A. Churches and School Auditoriums - One (1) for each four (4) seats of seating capacity in principal auditorium.

B. Medical and dental offices and clinics - Five (5) for each physician or dentist, and one for every other employee.

C. Nursing Homes - One (1) for every two beds.

SECTION 803 LOADING SPACE REQUIREMENTS

803.01 Spaces Required

Every building used for non-residential purposes, which customarily receives or distributes goods by motor vehicle, shall provide sufficient space on the premises for all loading and service purposes. Every building having over 5,000 square feet of gross floor area shall be provided with at least one (1) truck loading and unloading space not less than 12 feet in width, 40 feet in length and 14 feet clearance. An additional truck space of these dimensions shall be provided for every additional 20,000 square feet of floor area in the building.

803.02 Access

Access to truck loading and unloading space shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and that will permit the orderly and safe movement of such trucks.

SECTION 804 OTHER USES

Where the off-road parking and loading requirements for a use are not specifically defined herein, the parking and loading facilities for such use shall be developed so as to be sufficient to meet all the parking and loading needs of the proposed use.

SECTION 805 PARKING AREA DIMENSIONS

Off road accessory-parking areas shall provide parking spaces, each of which shall not be less than 200 square feet in area exclusive of access drives or aisles. Aisles servicing individual parking spaces shall have widths not less than the following:

A. 90 degree parking - 25 feet

B. 60 degree parking - 17 ½ feet

C. 45 degree parking - 13 feet

D. parallel parking - 12 feet

SECTION 806 PARKING AREA DESIGN

A. All parking areas used by the public shall be striped between stalls to facilitate the movement into and out of the parking stalls. Such parking areas shall be of usable shape paved with bituminous, concrete or equivalent surfacing, graded and drained to dispose of all surface water in a manner designed to minimize adverse effects on abutting properties, streams and public roads.

B. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or roads, and no open light sources shall be permitted.

C. Landscaping:

1. For any parking area designed to accommodate 40 or more vehicles, a minimum of 5% of the interior of parking lots shall be planted with landscaped islands. Each island must have:

   a. A minimum of 9 feet for each horizontal dimension.

   b. At least one deciduous tree approved by the Village Forester.

   c. Shrubs or low spreading plant material may be planted within the required landscape islands provided visibility of motorists or pedestrians is not impaired.

2. Parking lots shall be screened from the street.

   a. Screening must effectively screen a minimum of 50% of the parking lot area.

   b. This should be accomplished using vegetation, trees, mounds or walls with a minimum height of 3 feet.

   c. This shall apply to any lot with 5 or more parking spaces when the lot is located in a front yard or side yard.

SECTION 807 ENTRANCES AND EXITS

Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at road intersection corners. There shall not be more than two (2) curb cuts on any one road as per the site plan unless further restricted along S.R. 3 which shall have no additional curb cuts between I-76 and Greenwich Road.

SECTION 808 YARD RESTRICTIONS

A. Off-road parking facilities shall not occupy any part of any front yard in all R Districts. In all C Districts and I Districts, open off-road parking facilities may occupy the required rear yard providing that such use meets all the appropriate side and rear yard requirements of that district. Off-road parking facilities existing in side yards in R Districts must be screened and landscaped. Screening may consist of dense foliage or other natural features up to two-thirds of the height of the vehicles parked thereon. If fencing is used, it must comply with the requirements set forth in section 404.04.

B. Vehicles parked or stored within residential property which are not recreational vehicles as defined in section D of this section shall be limited to the following:

1. A maximum of 1.5 ton capacity; and

2. A maximum of 26 feet in length.

3. (a) No major recreational vehicles shall be parked or stored in any front yard of any property located in an R zoning district for more than 72 hours unless the lot owner or owner of the recreational vehicle(s) has first obtained a permit for said parking and said permit is valid at the time the recreational vehicle is parked or stored in the front yard

(b). For the purpose of these regulations, recreational vehicle is as defined Vehicles not used for commercial use and as further defined by Seville Zoning Ordinance Section 808 (D).

(c). Any person desiring to park or store a recreational vehicle in any front yard of any lot located at least partially in any R district must first obtain a permit by making application to the Village Zoning Inspector.

(d). For the purposes of this section “front yard” shall mean all areas of the relevant lot which are between the front line of the dwelling unit or main structure on the lot and the street right of way. If the subject lot exists on the corner of two or more streets, then in such event the front yard shall be the

area which exists between the right of way of any street and the line of the front of the main structure on said lot.

(e). The Village of Zoning Inspector shall issue a Permit for front yard parking or storage of a recreational vehicle if the following conditions are met by the applicant and under the following terms:

(i) The Applicant has made application by the approved form and has paid the application fee of Thirty Dollars ($30.00).

(ii) The recreational vehicle will be parked or stored on one of the following hard surfaces: concrete or asphalt.

(iii) The parking of the recreational vehicle in the area designated by the applicant does not violate any existing side yard setback requirements for structures in that zoning district or when parked in the area designated by the applicant is at least six (6) feet in from the property line.

(iv) The applicant has not received a permit for front yard recreational vehicle parking or storage within the immediately preceding six month period.

(v) The recreational vehicle is in good repair and it or any trailer it sits upon has a current valid license plate.

(vi) No permit issued shall be valid for more than 180 days after the date it is issued.

(vii) No more than one such permit shall be issued at any time for any lot.

D. The term ‘Recreational Vehicle’ shall include: a self-propelled vehicle constructed with facilities for cold storage, cooking food, consumption or sleeping that must be licensed by any state Department of Motor Vehicles or similar agency in order to operate on highways and roads; boats and boat trailers; travel trailers; campers or coaches designed to be towed by or mounted on an automotive vehicle; any motorized dwelling; tent trailers; trailers used for transporting recreational equipment whether or not occupied by such equipment; any trailer with is a non-self-propelled vehicle that must be licensed by any state Department of Motor Vehicles, or similar agency in order to operate on public highways and roads and that can be transported only via attachment to a motorized vehicle.

ARTICLE IX
CONDITIONAL ZONING CERTIFICATES

Section 901 Purpose
Section 902 Procedures for Making Application
Section 903 Standards and Requirements for Conditional Uses
Section 904 General Requirements
Section 905 Specific Requirements

SECTION 901 PURPOSE

Certain kinds of uses need to be reasonably controlled by specific requirements that provide practical latitude for the investor but at the same time maintain adequate provisions for the security of the health, safety, convenience, prosperity, or general welfare of the community's inhabitants.

To accomplish such dual objectives, provision is made in this Ordinance for a more detailed consideration of each conditionally permitted use as it relates to location, design, intensity, configuration and compatibility with adjacent land uses, as it affects the volume of traffic generated, and the kinds of public facilities and services it requires.

Land or structure-uses possessing these unique characteristics are designated as Conditionally Permitted through the issuance of a Conditional Zoning Certificate with conditions and safeguards attached as may be deemed necessary for the public welfare.

SECTION 902 PROCEDURES FOR MAKING APPLICATION

902.01 Application Submitted to the Planning and Zoning Commission

A conditional zoning certificate shall be required for any use listed in this Ordinance as a conditionally permitted use. Applications for conditional zoning permits shall be submitted, reviewed and acted upon in accordance with the following procedures and standards:

A. Application Submitted to Planning and Zoning Commission

1. An application shall be submitted to the Planning and Zoning Commission on a special form for that purpose, supplied by the Planning and Zoning Commission.

2. A fee, which fee shall not be refundable, shall accompany each application. The fee for Conditional Certificates shall be as established per Appendix A, Fee Schedule.

3. The Planning and Zoning Commission may refer the plan to qualified consultants when it deems expert advice necessary, and applicant shall pay the cost of said expert service.

B. Data Required with Application:

1. A preliminary site plan, in accordance with Article X, of this Ordinance.

2. A statement supported by substantiating evidence regarding the requirements enumerated in Section 904.

902.02 Hearing Notice

Within thirty-five (35) days of submission of the application, the Planning and Zoning Commission shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

902.03 Notice to Parties in Interest

Before holding the public hearing required in Section 902.02, written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties of interest including adjacent property owners. With the application, the applicant shall provide a list of adjacent property owners and their addresses. The notice shall contain the same information as required of notices published in newspapers as required in Section 902.02.

902.04 Review by Planning and Zoning Commission

The Planning and Zoning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. Such review shall be completed within thirty (30) days of the public hearing. The Planning and Zoning Commission may approve, approve with modifications, or deny the application. In approving an application, the Planning and Zoning Commission shall issue a Conditional Zoning Certificate listing the required conditions.

902.05 Issuance and Revocation of Conditional Zoning Certificate

Only upon conclusion of hearing procedures relative to a particular application may the Planning and Zoning Commission issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall constitute a violation of the Zoning Ordinance. Such violation shall be punishable as specified in Section 1309.

902.06 Re-application

No application for a Conditional Zoning Certificate which had been denied wholly or in part by the Planning and Zoning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Planning and Zoning Commission.

SECTION 903 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES

The Planning and Zoning Commission shall establish that the general standards in Section 904 and the specific requirements in Section 905 pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use. The safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objective of this Ordinance will be observed.

SECTION 904 GENERAL REQUIREMENTS

The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use on the proposed location:

A. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan.

B. Will be designed, constructed, operated, and maintained so as to be harmonious with the existing or intended character of the general vicinity.

C. Will not be hazardous or disturbing to existing or future neighboring uses.

D. Will not be detrimental to property in the immediate vicinity or to the community as a whole.

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, schools, etc.

F. Will be in compliance with the subdivision regulations, Board of Health Standards, and building codes.

G. Will allow vehicular approaches to the property so as not to create interference with traffic on surrounding streets.

The Planning and Zoning Commission may require as conditions of approval any other requirements, including guarantees that conditions will be fulfilled, that it deems necessary to fulfill the purposes and intent of this Ordinance.

SECTION 905 SPECIFIC DEVELOPMENT REQUIREMENTS

The following are specific conditions, standards and regulations for certain conditional uses and are in addition to the criteria and standards set forth in Section 903-904

A. Drive-through Facilities

1. All structures, except minor structures such as utility poles and meters, and activity areas shall be located at least fifty (50) feet from the street ROW

2. Loud speakers, which cause a hazard or annoyance, shall not be permitted.

3. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two major streets and no closer than one hundred (100) feet from the intersection of a major street and a minor street, or two minor streets

4. There shall be no more than two directional identifying signs oriented to each abutting road identifying the activity.

5. No lighting shall constitute a nuisance and shall in any way impair safe movement of traffic on any street or highway.

6. The use should be located on major thoroughfares or at the intersections of major and/or secondary thoroughfares.

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

8. Adequate stacking space shall be provided on site.

"Home Occupations" is now Section 407 within Article 4 General Regulations

B. Service Stations:

Service stations in local commercial districts shall be permitted under the following conditions:

1. The use shall be for the purpose of servicing motor vehicles under 1½ tons rated capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle.

2. All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.

3. No more than two (2) curb cuts shall be permitted directly from any road each of which shall not exceed thirty (30) feet in width at the property line. On corner lots, curb cuts shall be limited to one (1) per road

4. The property of the facility shall be maintained in a neat, orderly fashion to ensure the health, safety and appearance of the community and to minimize visual blight.

C. Bed and Breakfast Inns:

1. Such use shall remain secondary to the principle residential use and shall be occupied and managed by the property owner.

2. Development Standards

The following development standards apply to bed and breakfast inns that are conditional uses:

g. Guest rooms - A bed and breakfast inn shall have no more than four (4) guest rooms if located within a residential district, or more than eight (8) guest rooms within a local

commercial district. Each guest room shall contain no less than one hundred (100) square feet of living space, not including closets, for two (2) guests, and thirty (30) square feet for each additional guest up to a total of four (4) guests per room.

h. Parking - One (1) off street parking space shall be provided for each guest room and one (1) off street parking space for the dwelling unit. Such off-street parking spaces shall not be provided in any front yard.

i. Signage - One (1) on premises sign shall be permitted for each bed and breakfast inn not to exceed five (5) square feet in area. The sign shall not be illuminated. Signs may not be placed in any minimum set back areas and applicable standards of Article VII shall apply unless otherwise superseded by this section.

3. General Development Standards

a. Single family detached dwelling - Bed and Breakfast inns shall only be permitted with a conditional use permit in single-family detached dwellings.

b. Owner/Operator - The owner/operator of the bed and breakfast shall live full time on the inn's premises. Such owner/operator shall be the record owner of no less than fifty percent (50%) interest of the property in question.

c. Design Review - All new construction and exterior alterations associated with the bed and breakfast inn, including nonstructural improvements, shall be reviewed by and require the approval of the Planning Commission. All such improvements shall be completed prior to issuance of an occupancy permit.

d. Certificate of Required Officers - Certificates of Fire, Building, Zoning and Health Officers shall be required for each conditional use permit requesting approval for

a bed and breakfast inn. Each guest room shall contain a separate installed smoke detector alarm approved by the Fire Officer. No premises shall be utilized for a bed and breakfast inn unless there are at least two (2) separate exits to the outdoors.

e. Meals - Meals shall be served only to registered guests of the bed and breakfast inn and the bed and breakfast inn's owners and employees. The sale and consumption of alcoholic beverages to paying guests is strictly prohibited.

f. Consecutive Nights - Each paying guest may stay at a bed and breakfast inn for not more than fourteen (14) consecutive nights at any single visit or more than a total of twenty-eight (28) nights in any given calendar year.

g. Kitchen Facilities - Only one (1) kitchen facility shall be permitted per structure for which a conditional use permit is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.

h. Bathrooms - A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every two (2) guest rooms to be available for the exclusive use of bed and breakfast paying guests. Bed and breakfast inns shall be served by public sanitary sewer and water service.

i. Guest Register - A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner/manager and shall be made available for inspection by Village Officials.

j. Special Gatherings - Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning

districts or properties adjacent to a residential zoning district.

k. Business License – All applicable permits and other documents required to operate a Bed and Breakfast must be obtained prior to issuance of a zoning permit.

D. Self-service Storage Facilities:

1. All storage shall be within an enclosed building; however, vehicle storage may be permitted within the rear of the lot.

2. Vehicle storage must be screened and heavily landscaped in accordance with an approved plan.

3. An on-site leasing office and/or custodian apartment may be provided.

4. All drives, parking, loading and unloading areas shall be paved with asphalt or concrete and in accordance with an approved plan.

5. Sufficient space shall be provided serving the storage units to accommodate on-site movement of vehicles and the parking and loading/unloading of such vehicles.

6. Fencing on the perimeter shall be provided as determined by the Planning and Zoning Commission in a manner, which promotes security and presents an appropriate appearance to adjacent properties.

7. Fencing along all street sides shall be decorative [no chain link].

8. The applicant shall submit a site plan in accordance with the requirements of Article X Site Plan Review, which shall include a landscape plan and a site lighting plan.

9. The leases for all self-storage units shall include clauses prohibiting the following:

a. The storage of hazardous substances

b. The use of the property for storage of live animals or plants and perishable food products.

c. Outdoor storage except as permitted under D1 and D2 above.

E. Cluster Homes

1. Purpose

a. The purpose of the cluster home subdivision is to permit a procedure for alternative residential development that will:

i. Promote imaginative, well designed subdivisions and assure that the best possible relationship between development and the land is achieved through diversity and originality in lot layout; and

ii. Preserve desirable and proper open space for recreational, scenic and/or public service purposes, and other purposes related thereto, and ensure that the suitability of common open space, intended for scenic value and purposes is determined by its visibility from a significant number of units or buildings or length of public or private streets; and

iii. Preserve the physical qualities of the land while preserving natural resources such as trees, ravines and natural landscaping; and

iv. Ensure that the individual lots, buildings, units and parking areas are arranged and situated to relate to surrounding properties, to improve the view from and the view of the buildings, to

lessen the land area devoted to motor vehicles access, and to avoid the adverse effects of shadows, noise and traffic on the residents of the cluster home subdivision or adjacent residents.

b. To achieve these goals:

i. A variety of architectural styles will be encouraged.

ii. In each residential district, lot width, lot coverage and yard requirements may be modified on individual lots or building sites and zero lot line and/or footprint lots shall be permitted to reflect sites in a group of one to three, but not more than four dwellings designed and developed as a unit coordinated with the surrounding area and terrain.

iii. The group of single family, two-family or multi-family dwellings as permitted by the given Zoning District shall be allowed if the difference between the lot area requirements of the district and the areas of the lots created is designated as common open space by covenants to be permanently in effect and binding upon the owners of each dwelling unit within the cluster home subdivision.

iv. Common open space shall be preserved and maintained for its scenic value for recreation or conservation purposes, or related uses. Common open space shall be made available for the use of all residents of the cluster home subdivision unless the Planning Commission finds that the size, location, type of development or maintenance of such common open space would make use of such space undesirable or unnecessary.

v. A cluster home subdivision plan shall be prepared and reviewed in accordance with Article X - Site Plan Review. If the Planning and Zoning Commission does not approve the preliminary or final plat of a cluster home subdivision, conditional use approval of the cluster home concept is also revoked.

2. Land Areas, Density

The minimum land area required for a cluster home subdivision shall be ten (10) acres, and a cluster home subdivision is specifically distinguished from a planned unit development.

3. Permitted Dwelling Types

a. In R-2 Districts:

i. Single-family detached dwellings with a minimum of 1,400 square feet of living space per dwelling shall be permitted only.

ii. Each dwelling shall have a minimum of a two-car attached garage for each unit.

b. In R-3 Districts:

i. Attached and detached single family and detached two family dwellings with a minimum of 1200 square feet per dwelling unit shall be permitted.

ii. Attached two family dwellings with a minimum of 1000 square feet per dwelling unit shall be permitted.

iii. Each dwelling shall have a minimum of a two-car attached garage per each unit.

c. In R-4 Multi Family Urban Residential Districts:

i. Attached and detached single-family dwellings shall be permitted and detached two-family dwellings shall be permitted.

ii. Attached multi-family dwellings shall be comprised of not more than four (4) dwelling units in a single attached building unit, if attached by common party walls.

iii. Each unit shall have a minimum of 800 square feet of living space.

iv. Each dwelling shall have a minimum of one covered and one uncovered car space for each unit.

4. Required Open Space

The total open space/common area shall not be less than the following minimum percentages of the gross area of the entire development:

a. In R-2 and R-3Districts, thirty percent (30%) open space/common area.

b. In R-4 District, twenty percent (20%) open space/common area.

c. Open space/common areas shall be exclusive of all public right-of-way, private streets, parking lots, driveways, dwellings and non-recreational buildings.

5. Minimum Lot Area

The minimum size of a lot of record within a cluster home subdivision may be reduced to not less than 3,000 square feet per unit in R-2 and R-3 Districts, and not less than 2,000 square feet per unit in an R-4 District, provided that the Planning and

Zoning Commission may approve smaller lot sizes, no smaller than the actual footprint of a dwelling unit, containing and meeting the minimum square footage requirements in a given district, if the entire development otherwise complies with the density requirements of the applicable Zoning District and the open space requirements mentioned above have been met and dedicated to the homeowners association.

6. Lot Width, Coverage and Yard Requirements

a. Although modification and variation of lot width, lot coverage and yard requirements may be permitted by the Planning Commission, in no case shall any lot have less than twenty-five (25) feet of frontage on a public or private street except for 1.) Open space/common area lots which are not required to have any frontage on a public or private street but must provide for pedestrian easements or access to them, or 2.) Lots which have such access by easement over commonly owned areas such as to individual footprints for individual dwelling units. Such modification and variation must be shown on any cluster home subdivision plan and approved by the Planning Commission.

b. Such group of attached dwellings shall be considered as one building for the purpose of determining front, side, and rear yard requirements, with the understanding that the minimum side line set backs between individual units shall be ten (10) feet and the minimum set back from adjacent land shall be a minimum of twenty (20) feet with appropriate landscaping buffers in the form of trees, fences, and/or mounding to insure harmony with the surrounding area. Such modification and variation must be shown on any cluster home subdivision plan and approved by the Planning Commission.

c. There shall be a minimum of eighty-five (85) feet between the nearest cluster home dwelling unit to any lot line of an adjoining residential lot, which is not part of a cluster home subdivision.

7. Cluster Home Subdivision Approval

a. To receive approval of a cluster home subdivision, the applicant must present evidence to the Planning Commission that establishes the following:

i. That the proposed building or use complies with all applicable regulations of the Seville Village Zoning Code and Subdivision Regulations.

ii. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare. That the density does not exceed the district's requirement in which the cluster home subdivision is being built.

iii. That the proposed cluster home development will be constructed arranged and operated so as not to interfere with the development and use of neighboring property, and to minimize the impact on any adjacent property, in accordance with the applicable zoning district regulations.

iv. That the proposed cluster home development will be served adequately by parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequate areas for such services to be provided.

v. That the proposed cluster home development will not result in the destruction, loss or damage to any natural, scenic or historic feature of significant importance to the land, and will attempt to preserve all natural assets.

d. When acting on a proposed cluster home subdivision plan, the Planning Commission shall give particular consideration to the following criteria:

i. That individual lots, buildings, streets and parking areas will be designed and situated to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings.

ii. That a riparian buffer of at least twenty-five (25) feet in width will be provided on both sides of all stream beds.

iii. That usability of common open space intended for a recreation or public use will be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.

iv. That the common open space will include irreplaceable natural features located in the tract, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcroppings.

v. That common open space for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly and any persons contemplated to occupy the individual units.

F. Open Space Development

1. Purpose

The purpose of Open Space Development is to allow for creative residential developments that are consistent with and maintain the Village's small town character while maximizing the preservation of open space, wetlands, woodlands and other natural resources. The provisions will encourage the application of flexible land development techniques in the arrangement and construction of dwelling units and roads, and the permanent dedication of open space.

2. Objectives

The following are objectives for an Open Space Development:

a. To provide an enhanced residential environment by maintaining natural characteristics (open fields, stands of trees, hedgerows, natural vegetation, ponds, slopes and streams);

b. To maximize the protection of the Village′s natural resources by avoiding development on and destruction of sensitive natural resource areas;

c. To establish development review criteria, which promote creative design solutions in a manner which best conserves the area's resources;

3. Establishment of Open Space Development

Open Space Development is established as a conditional use within the R-1, R-2 and R-3 Residential Districts. All property within the district intended to be developed as an Open Space Development Subdivision shall comply with the provisions of this Section. Open Space Development cannot be applied to minor subdivisions or single lots.

4. Permitted Uses:

a. Detached single-family dwellings

b. Single-family dwellings clustered

c. Single family attached dwellings

d. Recreation facilities for use by residents

e. Restricted open space as required in Subsection 6a.

f. All other uses permitted in the R-1, R-2, and R-3 Districts.

5. Minimum Project Area

The minimum land area required for an Open Space Development shall be 15 contiguous acres. The area proposed to be developed shall be held in single ownership, or if in multiple ownership, the application shall be filed jointly by all owners of the properties included in the proposed development. Smaller land areas may be considered on their basis to satisfy the objectives of this section.

6. Open Space and Density Standards

a. Minimum Restricted Open Space: At least 30% of the total project area shall be devoted to restricted open space.

b. Maximum Density: The density of an Open Space Development shall not exceed the density of the underlying zoning district. The maximum number of dwelling units permitted for a particular site shall be calculated by deducting the following from the total project area:

i. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and

ii. Fifty percent (50%) of the area of land within a floodway, designated wetland, or existing water body that exceeds the minimum acreage required for restricted open space. Where floodways and wetlands overlap, they shall be counted only once.

7. Development and Site Planning Standards

The following specific development standards shall be adhered to in the design and layout of any Open Space Development.

a. Lot Requirements

Units are not required to be on lots; however, the arrangement of dwelling units shall comply with the spacing requirements of this section and the requirements of the Medina County Health Department, if applicable. Where public sanitary sewer facilities are not available, the minimum lot size shall be designed in accordance with County Health Department and Ohio EPA requirements for household sewage disposal and waste treatment systems.

b. Minimum Setbacks

All buildings, structures, parking lots and other similar pavement areas and streets shall comply with the minimum setbacks set forth below:

i. Setback from existing right of way – 50 ft.

ii. Setback from S. R. 3 – 100 ft.

iii. Setback from property boundary - 50 ft.

iv. Setback from interior street

(a) Public ROW – 25 ft.

(b) Private street –edge of pavement – 25 ft.

c. Sewage Disposal

Development shall be served by individual or public sewage disposal structures consistent with the Village and Medina County requirements. Individual sewage disposal systems shall comply with all applicable regulations of the Medina County Health Department and may be located within the common open space areas when approved by the Village and the Medina County Health Department.

8. Restricted Open Space Requirements

Restricted open space shall comply with the following:

a. The types of restricted open space, uses, function, location and design shall be approved by the Planning Commission and shall:

i. Be sufficiently aggregated to create large areas of planned open space;

iii. Conserve significant natural, historical and cultural features located on the site to the extent feasible;

iv. Be easily accessible to residents of the Open Space Development;

v. Be not less than 50 feet in width at any point;

vi. Be interconnected with open space areas on abutting parcels wherever possible.

b. Land area devoted to the following shall not be included as part of the restricted open space requirement:

i. Parking areas, access ways and driveways;

ii. Required setbacks between buildings, parking areas and project boundaries; and between buildings and public or private streets unless the required setback is contiguous to or part of a larger area of common open space;

iii. Required spacing between buildings and between buildings and parking areas;

iv. Private yards within subdivided lots.

v. Private roads and public road right of ways.

c. Areas designated for restricted open space purposes may be:

i. Preserved in its natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar Conservation-oriented area; or

ii. Used for active or passive recreation; or

iii. Used for sewage service, storm water management and/or water supply facilities.

iv. Used for agricultural purposes when authorized in an Open Space easement or in the Homeowners Association covenants and restrictions.

d. Any restricted open space intended to be devoted to parks and recreational activities shall be of usable size and shape for the intended purposes, as determined by the Planning and Zoning Commission. Where deemed appropriate by the Planning and Zoning Commission, parks and recreation areas shall be provided with sufficient parking and appropriate access the maximum percentage of restricted open space that can be used for active recreation areas shall be fifty percent (50%).

e. When facilities for sewage service, storm water management and/or water supply facilities are located in the restricted open space, easements satisfactory to the Planning and Zoning Commission and Village Solicitor shall be recorded showing their location. Restrictive covenants shall provide for access, maintenance and upkeep of facilities located in restricted open space. All facilities shall be operated in compliance with state and local regulations.

f. Legal instruments setting forth the ownership of the required restricted open space and providing for the perpetual maintenance of the restricted open space shall be submitted to the Village Solicitor for review and approval. Restricted open space may be owned by an association, the village, a land trust, or by a similar entity, or may remain in private ownership. Method of ownership and maintenance shall be approved by the Planning Commission. First priority in ownership shall be dedication to the public.

g. Offer of Dedication: The Village may, but shall not be required to accept dedication in the form of fee simple ownership of the restricted open space.

h. Association: (Also see Section 6) Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common, or may be held in common by a Homeowners Association, Community Association, or other similar entity.

i. Transfer of Open Space Easements: With the permission of the Village, the owner(s) of the restricted open space may, in accordance with the provisions of ORC 5301.67-70, grant an Open Space easement to any of the entities listed in ORC 5301.68, provided that:

i. The entity is acceptable to the Village;

v. The provisions of the Open Space easement are acceptable to the Village; and

vi. The conveyance contains appropriate provision for assignment of the Open Space easement to another entity authorized to hold Open Space easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the Open Space easement.

j. Private Ownership of Restricted Space: Planning Commission may allow restricted open space to be retained in ownership by the applicant subject to all standards and criteria for restricted open space herein including its preclusion from being developed. However, the minimum amount of land area suitable for parks and playgrounds as prescribed by the Village Subdivision Regulations must be accessible for use by all the residents of the subdivision. Any transfer of ownership of the restricted open space shall be only to the Homeowners Association or dedicated to the public. Any other form of ownership shall be approved by the Village Planning Commission and must be consistent with the intent of these regulations.

k. All restricted open space areas shall be restricted from further subdivision or development by deed restriction, Open Space easement, or other agreement in a form acceptable to the Village Solicitor and duly recorded in the office of the Recorder of Medina County.

l. The restricted open space, including any facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

m. Applicants must also coordinate requirements of this Chapter with the Seville Village Subdivision Regulations.

9. Homeowners' Associations

As part of an Open Space development, a homeowner's association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the common open space and any private streets or common drives. At the time of general development plan approval, the applicant shall provide the Village Solicitor with copies of the Declaration, Articles of Incorporation, either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association, et al). No general development plan shall be approved without a written opinion by the Village Solicitor that these submitted documents demonstrate full compliance with the provisions of this section and contain appropriate provisions implementing all of the following requirements:

a. Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium. The conditions and timing of transfer of control from the developer to lot or unit owners shall be either as provided for by statute (Condominium Association) or as specified in the Association's Declaration or Code of Regulations (Homeowners' Association et al.)

b. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common open space without (1) an affirmative vote of seventy-five (75) percent of its members, (2) having established a

successor entity to take over said property pursuant to the Village's Zoning Code, and (3) the approval of the Planning Commission.

c. The Association shall:

i. Be responsible for the maintenance, control and insurance of common areas, including required open space;

ii. Impose assessments on members for the maintenance control and insurance of common open space, and have the power to place liens against individual properties for failure to pay assessments as provided for by statute (Condominium Association) or in the Code of Regulations (Homeowners' Association et al.); and

iii. Have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, and payments of assessments for maintenance, control and insurance of, common open space by such means as reasonable monetary fines, suspension of the right to vote and the right to use any recreational facilities in the common area, the right to suspend any services provided by the Association to any owner, and the right to exercise self-help to cure violations.

d. The Association shall convey to the Village and other appropriate government bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonconformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In

addition, the Village shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

10. Development Design Guidelines

The following guidelines apply to Open Space Subdivision developments with regard to the layout of open space and building lots. The Planning Commission will utilize the following guidelines in evaluating whether the design is appropriate to the site's natural, historic and cultural features. Creativity in site design and lot layout shall be encouraged to achieve the best possible relationship between the residential and open space areas.

a. Open Space of Water Resource

i. The development should protect and conserve all floodplains, wetlands and steep slopes from clearing, grading, filling or construction (except as may be approved by the Village for essential infrastructure or passive recreation amenities).

ii. Riparian buffers at least twenty-five (25) feet in width must be provided on both sides of all stream beds.

iii. Impervious surfaces should be utilized to the minimum extent necessary.

iv. Alteration of or construction within natural drainage ways should be avoided.

v. Low impact storm water management techniques, such as grassy swales, should be utilized.

b. Open Space of Existing Scenic Vistas and Visual Quality of the Environment

i. Buildings should be located so as to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.

ii. Development should not front directly onto existing public roads so that rural roadside character is conserved and public safety and vehicle carrying capacity is maintained.

iii. Buffer zones should be established along scenic corridors of rural roads.

iv. Building setbacks along the project boundary should be sufficient to provide protection for existing residences adjoining the Open Space development. Buffers should be adequate along the perimeter of the project so that uses on adjacent parcels are not visually impacted by the proposed development in a more intensive manner than if the proposed development were a standard single-family development.

v. Varied and pitched roof lines and traditional materials and colors should be utilized.

c. Access to Restricted Open Space

Restricted open space shall be directly accessible to the largest number of lots that is practical.

d. General Street Design Criteria

i. Street alignments should follow natural contours and be designed to conserve natural features.

ii. Locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.

iii. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

iv. The street design should incorporate commons or ovals rather than cul-de-sacs as much as possible. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Village and to facilitate easy access to and from homes in different parts of the property and on adjoining parcels.

e. Open Space of Woodlands and Other Vegetation

i. The development should conserve and maintain mature woodlands and/or orchards.

ii. Trees with a DBH of 10 inches or greater should be conserved to the extent practicable and removal of such trees should be permitted only in the following areas, upon review and approval by the Village Forester:

a. Within the area to be occupied by a permanent structure together with fifteen feet on all sides, subject to the approval of the location of the structure.

d. Within the area occupied by access roads, parking areas, accessory buildings, sidewalks, utility installations and similar necessary development subject to the approval of the location of said improvements.

iii. When any woodland is developed, great care should be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife habitats to the fullest extent that is practicable.

iv. The development should incorporate existing hedgerows and tree lines between fields or meadows in the development layout, especially those containing significant wildlife habitats.

f. Open Space of Wildlife Habitat

Wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources shall be protected.

g. Open Space of Cultural Resources

Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, earth mounds, burial grounds, family cemeteries, etc.

11. Project Review Procedures

All Open Space Developments are subject to the procedures and requirements of Article X, Site Plan Review. The following requirements are in addition to those of Article X.

a. Development Plan shall include but not be limited to:

i. Contour map required of Article X shall also include rock outcroppings, ridges highlighted and any other significant topographical features.

ii. Location of wetlands and potential wetlands, the floodway boundary and floodway elevation as delineated by FEMA, rivers and streams and their related river or stream bank, ponds and watercourses.

iii. Location of riparian buffers.

iv. Existing soil classifications.

v. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.

vi. Delineation of existing drainage patterns on the property, existing wells and well sites.

vii. Description of significant vegetation by type of species, health, quality, etc.

viii. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary.

ix. Description of all structures and areas of known or potential historical significance.

x. Existing view sheds and identification of unique vistas.

xi. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved.

xii. The layout of the standard single-family lots, if any.

xiii. The location of the restricted open space and any proposed recreational facilities or improvements.

xiv. Natural features to be conserved and any required buffer areas.

xv. Natural features to be altered or impacted by the development.

xvi. The exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed.

b. The application shall also include:

i. The method and structure to perpetually preserve the required restricted open space which indicates:

a) The structure of the Association, membership requirements, financial responsibilities;

b) The Declaration, Articles of Incorporation and either By-Laws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association); and

c) Any other final covenants and restrictions and maintenance agreements to be imposed on all the uses of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.

ii. The relationship of the entity to public agencies having responsibilities related to the project.

ii. Any conditions imposed by other regulatory agencies.

iii. A description of the project phasing, including phased construction of open space improvements.

iv. The extent of environmental Open Space and the exact location of all no cut/no disturb zones.

G. Marijuana Entities

1. No Marijuana Entity shall be located within 500 feet of a school, church, public park, public playground or public library, consistent with State of Ohio spacing requirements, as provided in ORC 3796.09 and 3796.10 and the analogous provisions in the Ohio Administrative Code.

2. Prohibited location: No Marijuana Entity shall be located in a residentially zoned area with the exception of the Mixed Use Districts (“MU”).

3. In addition to the general standards applicable to all conditional uses under Sections 903 and 904, the planning staff, the Village Planning Commission and the Council, when studying a petition for a conditional use, shall consider the following criteria:

a. The impact of the proposed use on public safety in the surrounding community.

b. The impact of the proposed use on the economic welfare of the surrounding community.

c. The impact of the proposed use on the general welfare of the surrounding community in regard to any odor emanating from the proposed use.

d. The impact of the proposed use on any disproportional concentration of marijuana cultivation facilities,

processing facilities, testing laboratories or dispensaries in the surrounding community.

e. Regarding marijuana dispensaries, the location of the proposed use in relation to medical or pharmaceutical facilities of a complimentary nature (e.g. pharmacies, physician offices, etc.)

4. The petitioner shall comply with all local and state laws pertaining to Marijuana Entities for cultivation, processing, dispensing and/or testing, including all local and state licensing requirements. If the petitioner has not obtained a state provisional license within one year of council granting a conditional use, the conditional use shall expire at that time.

H Short Term Rentals ("STR")

1. Such use shall remain secondary to the principle use and shall be occupied and managed by the property owner.

2. Development Standards

The following development standards apply to STRs that are conditional uses:

a. Accommodations - STRs shall be a conforming or legal non-conforming dwelling unit that includes cooking, living, sanitary and sleeping facilities within one (1) dwelling unit, to be rented for a period of between one (1) and fourteen (14) days.

b. Parking - One (1) off street parking space shall be provided for each dwelling unit. Such off-street parking spaces shall not be provided in any front yard.

c. Signage – No signs are permitted except signs permitted in residential districts pursuant to Section 709.

3. General Development Standards

a. Single-family detached dwelling - STRs shall only be permitted with a conditional use permit in single-family dwellings.

b. Owner/Operator - The owner/operator of the STR shall live _____ % of the time on the STR's premises, unless the dwelling unit is part of a principal commercial property whereby the owner/operator is the full-time owner/operator of the commercial use on the property. Such owner/operator shall be the record owner of no less than fifty percent (50%) interest of the property in question.

c. Design Review - All new construction and exterior alterations associated with the STR, including nonstructural improvements, shall be reviewed by and require the approval of the Planning and Zoning Commission. All such improvements shall be completed prior to issuance of a zoning permit.

d. Certificate of Required Officers - Certificates of Fire, Building, Zoning and Health Officials shall be required for each conditional use permit requesting approval for a STR. Each dwelling shall contain a separate installed smoke detector alarm approved by the Fire Marshall.

e. Meals - Meals shall not be served by the owner/operator to registered guests of the STR. The sale of alcoholic beverages to paying guests is strictly prohibited.

f. Consecutive Nights - Each paying guest may stay at a STR for not more than fourteen (14) consecutive nights at any single visit or more than a total of twenty-eight (28) nights in any given calendar year.

g. Kitchen Facilities – A minimum of one (1) kitchen facility shall be required per dwelling for which a conditional use permit is granted to operate a STR.

h. Bathrooms - A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every STR dwelling to be available for the exclusive use of the STR guests. STRs shall be served by public sanitary sewer and water service.

i. Guest Register - A guest register listing the name, address and phone number of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by Village Officials.

j. Special Gatherings - Rental of the STR for special gatherings such as receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.

k. Business License - All applicable permits and other documents required to operate a STR must be obtained prior to issuance of a zoning permit.

l. Public Nuisance - STRs shall not be permitted and a conditional use permit shall be revoked or suspended whenever the operation endangers, offends or interferes with the safety or rights of others so as to constitute a nuisance.

ARTICLE X
SITE PLAN REVIEW

Section 1001 Intent
Section 1002 Site Plan Review Required
Section 1003 Site Plan Review Process
Section 1004 Site Plan Review Procedure
Section 1005 Site Plan Submission Requirements
Section 1006 Landscape Plan Requirements
Section 1007 Conformance with Site Plan
Section 1008 Landscape Maintenance

SECTION 1001 INTENT

The purpose of this Article is to provide adequate review of proposed developments where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and welfare of the Village. Having prepared and adopted the Village of Seville Comprehensive Development Plan and established specific design standards, site plan review criteria are hereby established to achieve, among others, the following specific purposes:

A. To provide for the planning of land and the design of buildings as a coordinated process.

B. To provide for the integration of new developments with the surrounding environment.

C. To provide a system of site development controls to ensure that all developments are consistent with the Seville Village Zoning Ordinance.

D. To ensure that a single development or one built in progressive stages will be constructed in accordance with the approved design.

E. To ensure the proposals will be developed in accordance with the objectives and policies of the Village of Seville Comprehensive Development Plan.

SECTION 1002 SITE PLAN REVIEW REQUIRED

All applications for Zoning Permits in R4**,** LC, HC, I, IP and Historic Village districts require a site plan, as well as any conditional use in any zoning district; all overlay zones and any development within the S.R. 3 Corridor. Site plans shall be prepared by a registered engineer and/or architect. Review and approval of the site plans shall be made by the Planning and Zoning Commission. The Planning and Zoning Commission shall approve the site plan if it is consistent with the purposes and general requirements of this Ordinance, the specific requirements set forth in Article IV, and the following general standards. The Planning Commission may seek expert advice or cause special studies to be made, the cost of which shall be borne by the applicant. The cost shall be deposited with the Village Zoning Inspector upon request of the Commission.

SECTION 1003 SITE PLAN REVIEW PROCESS

A. Informal review of proposal encouraged.

It is recommended that, prior to going to the expense of preparing and submitting a detailed site plan review application for approval, a prospective applicant meet for informal review with the Zoning Inspector, or his/her designated representative, or the Planning and Zoning Commission.

1. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within.

2. To aid the discussion, the applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, locations of buildings and parking areas, internal circulation pattern, proposed sizes of buildings, and proposed uses to be included in the development.

3. Requests for informal review by the Planning and Zoning Commission that are made at least seven days prior to the next meeting of the Zoning Commission will be placed on the agenda of such meeting.

4. No action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the informal review meeting shall be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.

B. Preliminary Site Plan

The preliminary site plan shall show topographical features of the lot, building placement and a description of the proposed development or operation.

1. The preliminary plan shall be drawn at a scale of 1:100, or greater.

2. The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.

3. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas shall be so located and related as to minimize the possibility of the adverse effects upon adjacent development.

4. Elevations of the building(s) must be submitted indicating the exterior materials to be used and the architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern, and character.

5. Building location and placement shall be developed with consideration given to minimizing removal of trees and/or changing topography.

6. Proper design and use of building materials and landscaping shall be provided to ensure the maximum possible visual and auditory privacy for surrounding properties and occupants.

7. In parking areas of more than 25 spaces, visual relief shall be provided through the use of planted trees and landscaped dividers, islands, and walkways.

8. A Preliminary Landscape Plan shall be submitted as part of the Preliminary Site Plan review. This plan shall be reviewed by the Village Forester and a recommendation made to the Planning and Zoning Commission.

9. Screening of parking areas and service areas from surrounding properties shall be provided through landscaping and/or walls or fences where necessary to promote harmony with adjacent properties.

10. On-site traffic control shall be designed to provide adequate fire and police protection.

11. In the case of industrial uses, adequate provision shall be made for the disposal of industrial waste. Waste containing poisonous, corrosive, flammable, explosive, or otherwise hazardous solids, oil, liquid or gases shall not be discharged into the sanitary or storm sewers. Waste areas shall be adequately screened by solid fencing capable of being secured against unauthorized entry.

12. Parking and loading provisions shall meet the requirement of Article VIII.

13. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets and to minimize the possibility of erosion. The Commission may require that such grading plans be reviewed by the Village engineer with any costs borne by the developer. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to the development shall be borne by the developer of the property causing the problem.

14. Private streets, driveways, and parking areas may be permitted as part of the site plan.

SECTION 1004 PROCEDURE

Applications for both the preliminary and final site plan review shall be submitted to the Zoning Inspector for review by the Planning and Zoning Commission. Site plans shall be reviewed by the Planning Commission at one or more of its public meetings. Within thirty (30) days after the first meeting at which the respective site plan is reviewed, the Planning Commission shall approve, approve with modifications, or disapprove the site plan.

SECTION 1005 SITE PLAN SUBMISSION REQUIREMENTS.

1005.01 Preliminary Site Plan

A. An application for preliminary site plan review shall include a plan for the entire area of the proposed project.

B. The application may be filed by the developer on behalf of the landowner, or by a group of owners of the land within the development area acting jointly upon receipt of written approval by property owner(s)

C. Fifteen (15) sets of the site plan (6 full-size and 9 11′ x 17′) plus the application and the application fee shall be submitted to the Zoning Inspector.

D. Application for preliminary site plan review shall disclose all uses and their general locations proposed for the development and shall include the following maps, plans, designs and supplementary documents, unless specific item(s) are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector:

1. A property location map.
2. The location of existing structures within the development area and access points;
3. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;
4. A topographic survey of the proposed development area, with contours lines at two-foot intervals.

1005.02 Final Site Plan Submittal Requirements

A. In addition to the requirements for the Preliminary Site Plan, the Final Site Plan shall include the following:

1. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;

2. Location of all public rights-of-way, private streets and common drives;

3. The design and construction standards of all private streets and any public improvements shall conform to the provisions of the Medina County Engineering Code for Subdivision Development.

4. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;

5. Proposed and existing fences, walls, signs, lighting;

6. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;

7. Sanitary sewers, water and other utilities including fire hydrants as required and proposed drainage and storm water management;

8. Grading, surface drainage and sediment control provisions must be approved by the Village Engineer and the Medina County Soil and Water District representative.

9. Dimension of all buildings, building spacing, setbacks, parking areas, drives and walkways.

10. A topographic survey of the proposed development area, with contour lines at two-foot intervals.

11. Existing vegetation features, including large isolated trees, one foot or more in diameter, wooded areas, wetlands and other environmental features;

12. A Landscape Plan as detailed in Section 1006.

SECTION 1006 LANDSCAPE PLAN REQUIREMENTS

1006.01 Purpose

Landscaping and screening shall be provided for the following purposes:

A. To remove, reduce, lessen or absorb the impact between one use or zone and another;

B. To soften the outline of buildings and to break up and reduce the impact of large parking areas;

C. To provide interest and lessen the monotony of the streetscape;

D. To create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses and to obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas;

E. To provide protection from soil erosion; and

F. To screen glare and reduce noise levels emanating from a site.

1006.02 Applicability

A. The minimum landscaping, screening and buffering requirements set forth in this Section shall be applicable to the following development:

1. All new commercial and industrial development on vacant lands;

2. All new development of conditional uses;

3. All new development of attached single-family and multi-family uses.

4. Whenever additional buildings or building additions are proposed for a site that is currently developed with a commercial, industrial, conditional, attached single-family or multi-family use; or,

5. Whenever currently developed sites are to be modified by any change in use, vehicular circulation, and/or parking area design.

B. Existing vegetation and other natural features may adequately achieve the intended standards and objectives of each section, and precise compliance with all of the numerical standards may be preempted or unnecessary because of existing or proposed conditions on the site or adjacent property. Therefore, when complying with this Section the Village may permit, as determined by the Zoning Commission, the flexible arrangement of the plant material to best achieve the intent of this Section and the purposes of the numerical standards, to preserve existing natural features, and to assure that other health and safety objectives and standards of the Village or any other regulatory agency are not compromised.

1006.03 Landscaping Plan Submission Requirements

Any Final Site Plan submittal shall include for review and approval a Landscaping and Screening Plan.

A. Landscaping and screening plans shall be prepared by a person knowledgeable in landscape design and construction such as a professional nurseryman, a professional landscaper or a landscape architect.

B. All walls, fences, deciduous trees, evergreens, hedges and shrubs used to fulfill the requirements set forth in this Section shall be so indicated and identified on the landscaping and screening plan.

1006.04 Landscaping Along Streets in Commercial Districts

The area within the required building and parking setback, excluding driveway openings, shall be landscaped and maintained with the following minimum requirements:

A. A landscaping strip shall be provided along any portion of a lot that abuts a street right-of-way, interrupted only by points of vehicular or pedestrian access.

B. The minimum width of the landscaping strip on all non-residential streets shall be:

   1. Twenty-five (25) feet for lots in non-residential districts;

   2. An elevated earth berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline.

C. Within this area, the following plant material shall be provided:

   1. Four (4) deciduous trees and thirty (30) shrubs shall be planted for every 100 linear feet of lot/development frontage or fraction thereof, not including drive entrances, or

   2. An elevated earth berm with a minimum height of three (3) feet measured from the finished elevation of the street centerline planted with three (3) deciduous trees and six (6) shrubs may be provided as an alternative.

D. All areas not otherwise devoted to trees and shrubs shall be planted with grass, ground covers or other live landscape treatment, excluding paving or gravel.

E. Plantings or earthen berms along a public street shall not block or interfere with sight distance at street/drive intersections or corner lots in accordance with Section 570.3, nor shall any such plantings or earthen berms contribute to the additional accumulation of snow within the public right-of-way.

F. Landscaping materials used along streets and sidewalks shall not be fruit or nut bearing nor shall they have thorns or briars that interfere with pedestrians.

G. Additional Screening Required. Whenever the lot required to provide screening and buffering has a lower elevation than the abutting street, the height of the required screening shall be sufficient to adequately screen the site. The Planning and Zoning Commission may, in its review of the landscaping plan, require more, than the minimum requirements specified in this section in order to accomplish the desired screening effect.

1006.05 Interior Parking Lot Landscaping

Interior landscaping of parking lots shall be provided in accordance with the following requirements:

A. For any parking area designed to accommodate 25 or more vehicles, a minimum of five percent (5%) of the parking lot shall be planted as landscaped island areas.

B. Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.

C. Each island shall be a minimum of nine (9) feet in any horizontal dimension;

D. There shall be a minimum of one deciduous tree provided for every 12 parking spaces; such trees shall be planted within the required landscaped islands.

E. Shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.

F. Landscaped areas adjacent to the perimeter of the parking area shall not be counted as interior parking lot landscaped areas.

G. For the purpose of this Section, the area of a parking lot shall be the total vehicular surface area including circulation aisles.

1006.06 Screening of loading areas, outside storage areas and other service areas.

The following accessory uses/areas shall be screened from any adjacent street or adjoining property in order to prevent direct views of loading areas, outdoor storage areas, service areas, and associated service driveways from adjacent properties or from the public right-of-way when viewed from ground level.

A. Each loading area and outdoor storage area, when permitted, shall be screened along any perimeter that faces a street right-of-way or adjoining property. Screening shall consist of:

1. An opaque ornamental fencing or wall that is architecturally compatible with the principal building on the lot, having a minimum height of six (6) feet, or

2. Dense staggered evergreen planting consisting of a double row of evergreen trees, spaced a minimum of 15 feet on center, of sufficient quantity and having a minimum height of six (6) feet, to completely screen the above areas.

B. Dumpsters shall be enclosed on all four sides by an opaque fence (no chain link) or wall having a minimum height of six (6) feet.

1006.07 Building Façade Landscaping

Every building in commercial, industrial and multi-family districts and conditional uses in residential districts shall be provided with landscape materials along its façade according to the following:

A. At least 75% of the building façade shall be landscaped, and such landscaping shall be located within 20 feet of the building façade.

B. Landscaping materials shall include a combination of deciduous trees, evergreens, hedges, shrubs, annual and perennial flowers, and ground cover plantings.

C. Deciduous trees shall be planted at a rate of three (3) trees for every 100 lineal feet of building façade.

D. All portions of the landscaping strip not otherwise devoted to trees and shrubs shall be planted with grass, ground covers or other live

landscape treatment, excluding paving or gravel, except that the area may be broken by entrance walks.

SECTION 1007 CONFORMANCE WITH SITE PLAN

A. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, truck loading and unloading areas, curb cuts, traffic control devices, unloading areas, activity areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan No injurious or offensive effects shall result from the development of operations; and control of effects such as noise, smoke, dust, fumes, odors, electrical interferences, storage and disposal of water, shall meet accepted current standards, when such standards are in effect.

B. A performance bond or letter of credit shall be placed on deposit with the Village Zoning Inspector to insure that landscaping is installed, that the hard-surfacing of the private drive and parking area is installed, and that the surface water drainage is installed, all in conformance with approved plans. Such bond or guarantee shall be in an amount equal to the cost of the construction of the improvements as determined by the Village Engineer and ,approved by the Planning Commission and shall be for a period not to exceed one (1) year, and providing for the completion of construction within that period. If for any reason, the improvements are not completed within one (1) year, the bond must be renewed until completion**.**

SECTION 1008 LANDSCAPE MAINTENANCE

A. All landscaping must be maintained.

B. The front fifty feet (50)′) of vacant/ undeveloped lots must be mowed.

1. The front fifty feet is defined as fifty feet from the edge of pavement.

2. Grass shall not exceed twelve inches (12″) in height.

3. Mowing shall take place at least once a calendar year and the first

mowing must occur by the middle of June.

ARTICLE XI
NON-CONFORMING USES, STRUCTURES AND LOTS

Section 1101 Purpose
Section 1102 Nonconforming Use
Section 1103 Nonconforming Structure
Section 1104 Nonconforming Lot
Section 1105 Completion of Approved Construction
Section 1106 Non-conforming Signs

SECTION 1101 PURPOSE

The purpose of this Article is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Ordinance and amendments hereto but which do not conform to the existing provisions of this Ordinance. Such lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Ordinance which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution. While it is the intent of this Ordinance to permit such nonconforming conditions to continue until abandoned, removed, or abated, nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district and should be discouraged, especially where such nonconformity constitutes a nuisance or hazard.

SECTION 1102 NONCONFORMING USE

1102.01 Continuance of Lawful Nonconforming Use

The lawful use of any building or land existing at the time of this Ordinance or amendments thereto, may be continued, although such use does not conform to the provisions of this Ordinance, subject however to the provisions of this Article.

1102.02 Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. At

the end of the two (2) year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Ordinance.

1102.03 Displacement

No nonconforming use shall be extended to displace a conforming use.

1102.04 Enlargement of Use

A nonconforming use may be altered or enlarged to extend such use to a total area not to exceed twenty five percent (25%) more than the existing area of the use, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located. Provided however, that the area or intensity or nature of a use shall not be altered or enlarged in any manner, which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties of community.

1102.05 Non-Conforming To Other Non-Conforming Use

A non-conforming use may not be changed to another non-conforming use unless the Board of Zoning Appeals, on appeal, determines that the proposed use is less in conflict with the character and uses in the district than the existing non-conforming use.

SECTION 1103 NONCONFORMING STRUCTURE

1103.01 Alterations or Enlargements

A nonconforming structure may be enlarged or extended to increase such structure to a total area not to exceed twenty five percent (25%) more than the existing area of the structure, provided that the alteration or enlargement shall comply with the current regulations for the district in which it is located.

1103.02 Restoration of Damaged Structure

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or acts of God, subsequent to the date of this Ordinance, provided that not more than fifty percent (50%) of the value of the building or structure was lost in such damage event and provided such replacement or repair does not extend the nonconformity. When more than fifty percent (50%) of the value of the structure is lost in such damage event, the structure and use shall not be reconstructed except in a manner conforming to this Ordinance. Any building or structure, existing at the time that this Ordinance takes effect, which is destroyed in damage event may be rebuilt or restored within two (2) years after date of destruction.

1103.03 Repairs and Maintenance

Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

SECTION 1104 NONCONFORMING LOT

When a nonconforming lot can be used in conformity with all applicable provisions of this Ordinance, except that the area of the lot is nonconforming, then the lot may be used as if its area were conforming. When conforming use of a nonconforming lot cannot reasonably be established due to the setback requirements of the district in which it is located, the Board of Zoning Appeals may grant variances to setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Ordinance.

SECTION 1105 COMPLETION OF APPROVED CONSTRUCTION

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming structure for which a Zoning Certificate has been issued prior to the effective date of this Ordinance or amendment thereto, provided that construction is commenced within ninety (90) days after adoption of this Ordinance and provided that the entire structure and the establishment of the

use shall have been completed within one (1) year after issuance of the Zoning Certificate.

SECTION 1106 NON-CONFORMING SIGNS

The intent of these regulations is to protect the character of the Village by reducing the negative impacts from nonconforming signs. At the same time, the regulations assure that the signs may continue and that the sign regulations will not cause unnecessary burdens. The intent of these regulations is not to force all signs to be immediately brought into conformance with current regulations; instead, the intent is to gradually bring existing non-conforming signs into conformance.

A. Nonconforming permanent signs may continue to exist if they complied with the regulations of this chapter at the time they were erected. Nonconforming signs that did not meet the regulations of this chapter when erected have no legal right to continue and must be removed.

B. Sign maintenance, sign repair, and changing of permanent sign faces are allowed so long as structural alterations are not made and the sign is not increased in size.

C. Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right of way improvements may be re-established

D. Nonconforming temporary signs must be removed.

E. The status of a nonconforming sign is not affected by changes in ownership.

F. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

G. Loss of nonconforming sign status:

1. Discontinuance.

a. If a there is no sign in place on a sign structure or building wall for 6 continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established.

b. If the sign structure is unused for less than 6 continuous months, a nonconforming sign may be re-established.

2. Destruction.

a. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.

b. However, a nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the Zoning Inspector in writing, before the sign is removed. If the responsible party fails to inform the Zoning Inspector, any re-erected sign will be considered a new sign.

3. Unintentional destruction.

a. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials.

b. A variance s required to allow the replacement sign to be more out of compliance with the standards than the previous sign.

ARTICLE XII
AMENDMENTS

Section 1201 General
Section 1202 Initiation of Zoning Amendments
Section 1203 Contents of Application
Section 1204 Transmittal to Planning and Zoning Commission
Section 1205 Recommendation by Planning and Zoning
Section 1206 Public Hearing by Village Council
Section 1207 Notice of Public Hearing in newspaper
Section 1208 Notice to Property Owners by Village Council
Section 1209 Action by Village Council

SECTION 1201 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council, may, by Ordinance, after receipt of recommendation thereon from the Planning and Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries of classification of property.

SECTION 1202 INITIATION OF ZONING AMENDMENTS

Amendments to this Ordinance may be initiated in one of the following ways:

A. By adoption of a motion by the Planning and Zoning Commission

B. By adoption of an Ordinance by Village Council

C. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

SECTION 1203 CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Section 104 shall contain at least the following information:

A. Name, address, and phone number of applicant.

B. Proposed amending ordinance, approved as to form, by the Village legal advisor.

C. Present use

D. Present zoning district

E. Proposed use

F. Proposed Zoning district

G. A map showing property lines and owner, thoroughfares, existing and proposed zoning.

H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than 10 parcels are to be rezoned.

I. A fee as established by Village Council, according to Section 1305. Applications for amendments proposing to amend, supplement, change or repeal portions of this Ordinance other than the Official Zoning Map shall include items in Sections 1203 A, 1203 B and 1203 I.

J. A statement of justification as to why there should be an amendment to the Official Zoning Map for the subject property.

SECTION 1204 TRANSMITTAL TO PLANNING COMMISSION

Immediately after the adoption of an Ordinance by the Village Council or the filing of an application by at least one owner or lessee of property said Ordinance or application shall be transmitted to the Planning and Zoning Commission.

SECTION 1205 RECOMMENDATION BY PLANNING and ZONING COMMISSION

Within sixty (60) day from the receipt of the proposed amendment, the Planning and Zoning Commission shall transmit its recommendation to the Village Council. The Planning and Zoning Commission may recommend that the amendment be approved as submitted, or it may recommend a modification of the amendment, or it may recommend that the amendment be denied.

SECTION 1206 PUBLIC HEARING BY VILLAGE COUNCIL

Upon receipt of the recommendation from the Planning and Zoning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than sixty-five (65) days from the receipt of the recommendation of the Planning and Zoning Commission.

SECTION 1207 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing required in Section 1206 shall be given by Village Council in at least two (2) publications in a newspaper of general circulation. The first required notice shall be published at least thirty (30) days prior to the date of the public hearing; the second required notice shall be published seven (7) days after the first notice. The published notices shall state the time and place of the public hearing and the nature of the proposed amendment. During the thirty (30) day period, the text of the proposed amendment and all maps, plans, or reports relating to the proposal, including the recommendation of the Planning and Zoning Commission, shall be on file for public examination in the Office of the Village Clerk.

SECTION 1208 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be mailed by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by Village Council. With the application, a list of property owners within, contiguous to, and directly across the street from the area to be rezoned shall be submitted by the applicant. The failure to deliver the notification, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1207.

SECTION 1209 ACTION BY VILLAGE COUNCIL

Village Council shall act upon the recommendation of the Planning and Zoning Commission within thirty-five (35) days after the public hearing is conducted as required by Section 1206. No such Ordinance, measure or regulation that violates, differs from, or departs from the plan or report submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three-fourths of the Village Council members. No Ordinance, measure, or regulation which is in accordance with the recommendations, plan, or report submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the Village Council members.

ARTICLE XIII
ADMINISTRATION AND ENFORCEMENT

Section 1301 Zoning Inspector
Section 1302 Board of Zoning Appeals
Section 1303 Planning and Zoning Commission
Section 1304 Zoning Permit; Application and Issuance
Section 1305 Schedule of Fees, Charges, and Expenses
Section 1306 Violations
Section 1307 Inspection and Correction of Violations
Section 1308 Correction Period
Section 1309 Penalties
Section 1310 Complaints Regarding Violations

SECTION 1301 ZONING INSPECTOR

1301.01 General

A Zoning Inspector shall be employed to enforce this Zoning Ordinance. The term of employment, rate of compensation, and other such conditions shall be set by the Village Council. For the purpose of enforcing this Ordinance, the Zoning Inspector shall have the powers of a police officer.

1301.02 Bond

The Zoning Inspector before entering upon the duties of his office, shall be bonded, signed by a bonding or surety company authorized to do business in Ohio, or at his option, signed by two (2) or more free holders having real estate in the value of double the amount of the bond over and above all encumbrances to the state in the sum of not less than $1,000 or more than $5,000 as fixed by the Village Council. Such surety company or real estate bond shall be approved by the Village Council and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Village Clerk.

SECTION 1302 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have such power as specified by Chapter 519 of the Ohio Revised Code and Article XIV of this Ordinance.

SECTION 1303 PLANNING AND ZONING COMMISSION

1303.01 Members

This Planning and Zoning Commission shall consist of the Mayor or his/her designee, and four (4) citizens appointed by the Mayor. One member shall be chosen from the Village Council, and three (3) citizens of the Village of Seville shall be chosen by the Mayor, and approved by Council.

1303.02 Terms

All terms shall be for six (6) years. Members shall serve until their successors are appointed and qualified. Members shall be removable for nonperformance of duty, misconduct in office or other cause by the Village Council upon written charges being filed with the Village Council; after a public hearing has been held regarding such charges and after a copy of the charges have been served upon the member so charged at least ten (10) days prior to the hearing. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Mayor and approved by the Village Council, and shall be for the un-expired term.

1303.03 Procedures

The Planning and Zoning Commission shall annually elect officers from its members. The Commission may prescribe rules for the conduct of its affairs, as are not in conflict with this Ordinance or Ohio statutes. Three members of the Board shall constitute a quorum at all meetings. The Planning Commission shall keep records of its proceedings, substantiating papers, and records of hearing. All notices to property owners, etc. shall be filed at the Village Municipal Building, Office of the Mayor and shall be public record. All such members shall serve without compensation.

1303.04 Quorum

The Planning and Zoning Commission shall elect a chairman from its membership, and shall prescribe rules for the conduct of its affairs. A majority of the members of the Planning and Zoning Commission shall constitute a quorum for the transaction of all business, and action by the Commission on any matter shall be effected by the concurring votes of at least a majority of its members.

1303.05 Powers and Duties of the Commission

For the purpose of the Zoning Ordinance and Subdivision Regulations of the Village of Seville, the Planning and Zoning Commission shall have the following powers and duties:

A. All powers and duties authorized by Sections 713.01 through 713.15 of the Ohio Revised Code.

B. The Planning and Zoning Commission shall prepare plans, reports, and maps relative to planning for the growth, development and redevelopment and rehabilitation of the Village and shall make recommendations to the Council as it feels are in the best interest of the village.

C. The Planning and Zoning Commission shall review and recommend to Council Ordinances to establish a comprehensive zoning text and map for the Village in accordance with the requirements of Sections 713.06 through 713.15 of the Ohio Revised Code.

D. The Planning and Zoning Commission shall have control over platting of new subdivisions in the Village as provided in Section 711.09 of the Ohio Revised Code.

E. The Planning and Zoning Commission shall have such other duties as provided by the laws of Ohio or by Ordinance of the Village of Seville acting under its home rule authority granted by the Court of the State of Ohio:

1. To review all proposed amendments to the Zoning Ordinance and Zoning Districts Map and to submit to Council the Planning and Zoning Commissions recommendations with respect to such proposed amendments.

2.. To investigate and to propose on its own initiative such amendments to the Zoning Ordinance as it may deem consistent with the purposes of this Zoning Ordinance, which further the public health, safety, and general welfare of Village of Seville.

3. To review plans for the substitution of one nonconforming use from another nonconforming use.

4. To adopt rules and bylaws for the holding of regular and special meetings, for the transaction and disposition of its business and the exercise of its powers.

5. Shall serve as the platting commission of the Village and, thereby, have all the powers and duties provided by Sections 735.17 to 735.26, inclusive of the Ohio Revised Code, transferred to it.

SECTION 1304 ZONING CERTIFICATE (PERMIT); APPLICATION AND ISSUANCE

1304.01

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building structure, or land be established or change in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Planning and Zoning Commission deciding an appeal, conditional use, or variance. The zoning permit application shall include the following information:

A. A site plan drawn to scale showing the exact dimensions of the lot to be built upon.

B. The location, dimensions, height, and bulk of structures erected or to be erected on the lot drawn to scale on the site plan.

C. The intended use.

D. The proposed number of sleeping rooms, dwelling units, occupants, employees, and other uses.

E. The yard, open area, and parking areas including parking space dimensions, outside storage areas (if applicable), and dumpster location drawn to scale on the site plan.

F. The site plan shall also show all driveways to be constructed including location, width, surface composition, culverts, bridges and other necessary information demonstrating compliance with the driveway requirements of this Code

G. Property owners must identify any easements on said property before zoning permit can be issued.

H. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance. (See Article X for site plan requirements for commercial and industrial uses and conditionally permitted uses.)

1304.02 Time for Issuance

Within thirty (30) days after the receipt of application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Ordinance and the application is accompanied by the proper fee as indicated in Section 1305.

1304.03 Term of Permit

The zoning permit shall become void and of no effect at the expiration of one (1) year after date of issuance, unless construction is started and completed within (18) months. If no construction is started or use changed within one (1) year of date of permit, a new application and permit are required.

1304.04 Application for Conditional Zoning Permit

If the application is for a conditional zoning permit, the application procedure defined in Section 902 will be followed in lieu of the above regulations.

SECTION 1305 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Village Council shall by Ordinance establish a schedule of fees, charges and expenses, and a written procedure for zoning permits, amendments, appeals variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 1306 VIOLATIONS

Buildings, erected, altered, moved, razed, or converted, or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.

SECTION 1307 INSPECTION AND CORRECTION OF VIOLATIONS

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is inspected and the Zoning Inspector shall declare each violation a nuisance and, in writing, order correction of all conditions which are found to be in violation of this Ordinance.

SECTION 1308 CORRECTION PERIOD

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

SECTION 1309 PENALTIES

Any person, firm, or corporation violating any provisions of this Zoning Ordinance, or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50.00 nor more than $100.00. Each day's continuation of the violation of this Ordinance shall be deemed a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 1310 COMPLAINTS REGARDING VIOLATIONS

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

ARTICLE XIV
BOARD OF ZONING APPEALS

Section 1401 General
Section 1402 Composition and Appointment
Section 1403 Organization
Section 1404 Powers
Section 1405 Administrative Appeals
Section 1406 Variance Appeals
Section 1407 Procedure for Administrative and Variance Appeals

---

SECTION 1401 GENERAL

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Ordinance.

SECTION 1402 COMPOSITION AND APPOINTMENT

The Board shall consist of five (5) members appointed by the Mayor. The members shall be residents of the incorporated area of the Village of Seville. The term of office shall be five (5) years and the terms shall be so arranged that the term of one (1) member will expire each year. Members shall serve until their successors are appointed and qualified. Members may be removed for the same causes and in the same manner as provided by Section 1003.02 of this Ordinance. Vacancies shall be filled by appointment of the Mayor and shall be for the un-expired term.

SECTION 1403 ORGANIZATION

1403.01 Officers, Rules

The Board shall elect a Chairman from its membership and shall prescribe rules for the conduct of its affairs.

1403.02

Three (3) members of the Board shall constitute a quorum at all meetings. A concurring vote of three (3) members shall be necessary to affect an order, take action, make decisions or act on any authorization.

1403.03

The Board shall meet at the call of its Chairman and at such other times as it may determine. All meetings of the Board shall be open to the public.

1403.04

The Board Chairman or acting Chairman may administer oaths and the Board may compel the attendance of witnesses in all matters coming within the purview of the Board.

1403.05

The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed at the office of the Mayor, Village Municipal Building and shall be public record.

SECTION 1404 POWERS

The Board of Zoning Appeals shall have the following powers:

1404.01 Appeals

A. Administrative appeals as further described in Section 1405 below.

B. Variance appeals as further described in Section 1406 below.

SECTION 1405 ADMINISTRATIVE APPEALS

The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Ordinance. Administrative appeals shall be reviewed in the manner specified in Section 1407.

SECTION 1406 VARIANCE APPEALS

1406.01 General

The Board shall have the power to authorize upon appeal in specific cases such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties for an area variance or unnecessary hardship for a use variance and so that the spirit of the Ordinance shall be observed and substantial justice done. Variance appeals shall be reviewed in the manner specified below in Section 1407

1406.02 Findings by the Board

A. Area Variance

In order to approve an area variance, that is, a variance involving provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, the following factors shall be considered and weighed by the Board to determine practical difficulty:

1. Whether the property in question will yield a reasonable return or whether there can be a beneficial use of the property without the variance.

2. Whether the variance is substantial.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties will suffer a substantial detriment to their proper future development and rights as a result of the variance.

4. Whether the variance will adversely affect the delivery of governmental services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction(s).

6. Whether the property owner's need for the variance can be solved through some method other than a variance.

7. Whether the spirit and intent of the Ordinance will be observed and substantial justice done by granting the variance.

8. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.

B. Use Variance

In order to grant a use variance, that is, a variance for the approval of a use which is not permitted in the district, the Board of Zoning Appeals shall determine that strict compliance with this Ordinance will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that the following criteria are satisfied:

1. That there is no viable use of the property under the Zoning Code without the variance.

2. That the essential character of the neighborhood will not be substantially altered or adjoining properties will not suffer interference with their proper future development and rights as a result of the variance.

3. That the hardship condition was not created by actions of the applicant.

4. That the spirit and intent of the Zoning Ordinance will be observed and substantial justice done by granting the variance.

1406.04 Supplementary Conditions

In granting a variance appeal, the Board may impose such conditions as it may deem necessary to protect the public health, safety, and morals and in furtherance of the purposes and intent of the Ordinance, including the requirements of a bond to guarantee that all special conditions imposed by the Board will be complied with.

SECTION 1407 PROCEDURE FOR ADMINISTRATIVE AND VARIANCE APPEALS

1407.01 General

Appeals of the Board of Zoning Appeals concerning the powers specified in Section 1105 and 1106 for administrative appeals and variance appeals may be taken by any person or corporation or by any officer of the Village of Seville adversely affected by any decision of the Zoning Inspector. The appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector a notice of appeal specifying the grounds upon which the appeal is taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals the notice of appeal and all papers constituting the record of the action, which is appealed.

1407.02 Stay of Proceedings

An Appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of the appeal has been filed, that a stay would cause imminent peril to life or property. In such cases, proceeding shall not be stayed by other that a restraining order granted by the Board or by a court having lawful jurisdiction.

1407.03 Public Hearings and Notices

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an appeal from the Zoning Inspector. Notice of the hearing shall be published in a newspaper at least ten (10) days before the date of the public hearing. The notice shall state the time, place, and object of the public hearing. Notices shall be sent at least ten (10) days before the hearing to all parties involved in the appeal and to all property owners adjacent to or across the road from the subject property. The Board may recess such hearing, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

1407.04 Assistance

The Board may also seek assistance from any appropriate source.

1407.05 Decisions

Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve or disapprove the request for appeal. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and shall be incorporated in the terms and conditions of the zoning certificate whenever the Board authorizes a permit. Any appellant having been denied an appeal by the Board may appeal to the Court of Common Pleas.

ARTICLE XV
SEXUALLY ORIENTED BUSINESSES

Section 1501 Purpose
Section 1502 Definitions and Appointment
Section 1503 Location
Section 1504 Restrictions
Section 1505 Supplemental Provision

SECTION 1501 PURPOSE

Based on the findings of the Village Planning and Zoning Commission and the Village Council regarding the adverse secondary effects of Sexually Oriented Businesses, it is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety and welfare and/or for the public convenience, comfort, prosperity, and general welfare of the citizens of the Village as appropriate and authorized by law, and to establish reasonable and uniform regulations regarding sexually oriented businesses to prevent the deleterious location and concentration of sexually oriented businesses within the Village. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

SECTION 1502 DEFINITIONS

A. Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying "specified sexual activities" or "specified anatomical areas".

B. Adult Book/Video Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rental, for any form of consideration, any of the following: books, magazines, newspapers, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, DVDs, compact disks, slides, other video reproductions, or other visual representations which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying "specified sexual activities" or "specified anatomical areas".

C. Adult Hotel/Motel: means a hotel, motel, or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than eight (8) continuous hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than eight (8) continuous hours.

D. Adult Motion Picture Theater: means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying "specified sexual activities" or "specified anatomical areas". This does not include materials that have been rated "G", "PG", "PG-13" or "R" by the Motion Picture Association of America.

E. Adult Novelty Store: means a commercial establishment which, as a significant or substantial portion of its business or as one of its principal purposes, offers for sale or rent instruments, devices, lingerie, leather goods or paraphernalia (other than medical and contraceptive devices) either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with "specified sexual activities" or for sadomasochistic use or abuse of self or others.

F. Adult Only Live Entertainment Business: means a nightclub, bar, restaurant or other commercial establishment which regularly features any of the following:

1. Persons who appear in a state of nudity or semi-nude; or

2. Exhibitions, dance routines, or gyrating choreography or any other live performance of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that is distinguished or characterized by the exposure of "specified anatomical areas" or by an emphasis upon exhibiting, depicting, simulating or displaying "specified sexual activities"; or

3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon exhibiting, depicting, describing or displaying "specified sexual activities" or "specified anatomical areas"; or

G. Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

H. Escort: means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person and who agrees or offers to appear in a state of nudity or who agrees or offers to privately model lingerie or privately perform a striptease for another person.

I. Escort Agency: means a person, business association, or other commercial establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

J. Massage Parlor: means a commercial establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar profession persons licensed by the state. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.

K. Nude Model Studio: means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for any form of consideration. Nude model studio shall not include any of the following:

1. Proprietary school licensed by the State of Ohio;

2. A college, junior college, or university supported entirely or in part by public taxation;

3. A private college or university which maintains and operations educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation;

4. An establishment in a structure that:

i. Has no sign visible for the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

ii. Where in order to participate in a class a student must enroll at least three days in advance of the class; and

iii. No more than one nude or semi-nude model is on the premises at any one time.

L. Nudity or State of Nudity: means the appearance or display of a specified anatomical area.

M. Semi-Nude or Semi-Nudity: means the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

N. Sexual Encounter Center: means a business or commercial establishment or enterprise that, as a significant or substantial portion of its business or as one of its principal business purposes, offers for any form of consideration any of the following:

1. Physical contact in the form or wrestling or tumbling between persons of the opposite sex;

2. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

O. Sexually Oriented Business: means any one of the following:

1. Adult Arcade

2. Adult Book/Video Store

3. Adult Motel

4. Adult Motion Picture Theater

5. Adult Only Live Entertainment

6. Adult Theater

7. Escort Agency

8. Massage Parlor

9. Nude Model Studio

10. Sexual Encounter Center

11. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy or other treatment.

P. Specified Anatomical Areas: means a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a complete and fully opaque covering; or a female breast with less than a complete and fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Q. Specified Sexual Activities: means any one or more of the following:

1. Actual or simulated fondling or other touching of an erogenous zone of another, including without limitation, the thigh, genitalia, public area, buttocks, anus or female breast, whether covered or uncovered; or

2. Actual or simulated sex acts, normal or perverted, including, but not limited to, intercourse, fellatio, cunnilingus, oral copulation, sodomy, masturbation, bestiality, or the insertion, however slight, of any part of the body, or an instrument, apparatus, or other object into the vaginal or anal cavity of another; or

3. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

4. Human bodily functions of elimination, including, but not limited to, defecation, ejaculation, or urination as part of or in connection with any of the activities set forth in (a), (b) and (c) above; or

5. Sadomasochistic practices including, but not limited to, flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

SECTION 1503 LOCATION

A. A Sexually Oriented Business may be located only in accordance with the following restrictions:

1. No such business shall be located on any parcel within 1000 feet of any public library, private or public elementary or secondary school, child day care facility, public park or church.

2. No such business shall be located on any parcel within 1000 feet of another sexually oriented business.

3. No such business shall be located on any parcel within 500 feet of any R district.

B. For the purposes of this Section, measurement …

C. For the purposes of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

SECTION 1504 RESTRICTIONS

A. No advertisement, displays, or other promotional materials displaying or describing sexual activities or anatomical areas shall be shown or exhibited in any manner visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.

B. All building openings, entries, and windows shall be located, serviced, or covered in such a manner as to prevent viewing into the interior from any public or semi-public area, sidewalk, or roadway.

C. No screens, loudspeakers, or sound equipment shall be used for adult motion pictures that can be seen or discerned by the public from any public or semi-public area, sidewalk or roadway.

D. No merchandise or activities of a sexually oriented business shall be visible from a point outside the establishment.

SECTION 1505 SUPPLEMENTAL PROVISION

1505.01 Prevalence of Conforming Use:

Any sexually oriented business which is lawfully and legally located and operating as a conforming use pursuant to the regulations set forth in this Resolution shall not be rendered a "non-conforming use" if a change in the zoning classification or use of any lot or structure would otherwise result in such sexually oriented business no longer being located legally and such business may continue as a conforming use.

ARTICLE XVI
WIRELESS TELECOMMUNICATIONS REGULATIONS

Section 1601 Purpose
Section 1602 Definitions
Section 1603 Applicability
Section 1604 Use Regulations
Section 1605 Min. Standards for Construction, Erection, Maint.
Section 1606 Fees
Section 1607 Exemption of Certain Village Property
Section 1608 Waiver

SECTION 1601 PURPOSE

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the Village. The regulations allow Wireless Telecommunication Facilities as a permitted use, or accessory use depending upon the specific land areas of the Village in which, and circumstances under which, they are proposed to be located. The purpose of these regulations is to balance the competing interests created by the federal Telecommunications Act of 1996 (Public Law 104-104, codified at 47 U.S.C. 151 et seq.) and the interests of the Village in regulating Wireless Telecommunication Facilities for the following reasons:

A. To provide for orderly development within the Village;

B. To protect property values;

C. To maintain the aesthetic appearance of the Village, including, but not limited to, its unique residential character, historic character, unobstructed open spaces and attractive commercial/office areas;

D. To protect residential properties, open spaces and non-intensive commercial zoning districts which are characteristic of the Village from adverse effects of Towers and related Facilities;

E. To promote Collocation of Wireless Telecommunications Facilities in order to decrease the total number of Towers in the Village;

F. To provide for and protect the health, safety and general welfare of the residents and visitors of the Village; and,

G. To maintain, where possible, the integrity of the existing zoning regulations contained in the Zoning Ordinance.

The regulations establish a hierarchy of acceptable land areas for the location of Wireless Telecommunication Facilities through the establishment of such use as a permitted use in certain zoning districts, as a conditional use in certain zoning districts or as a permitted accessory use for erection of antennas only, which determination is dependent upon the location and characteristics of such land areas.

Where applicable, the regulation governing the Wireless Telecommunications Facilities shall control where it is inconsistent with other provisions of the Zoning Ordinance. If no inconsistency exists between the provisions of this regulation and the provisions of the underlying zoning district, the underlying zoning district regulations and other provisions of this Zoning Ordinance shall remain in full force and effect and shall regulate all land use and development.

SECTION 1602 DEFINITIONS

As used in this Article:

A. **"Collocation"** means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.

B. **"Lattice"** means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation.

C. **"Monopole"** means a support structure constructed of a single, self-supporting, hollow metal tube securely anchored to a foundation.

D. **"Personal Wireless Services"** means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C 332 © (7).

E. **"Technically Suitable"** means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purposes for which it is intended within the bandwidth of frequencies for which the owner or operator of the Antenna (s) has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capabilities within developed areas of the Village.

F. **"Telecommunication(s)"** means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."

G. **"Wireless Telecommunication Antenna"** or **"Antenna"** or **"Antenna Array"** means the physical device or array of physical devices through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

H. "**Wireless Telecommunication Equipment Shelter" or "Equipment Shelter** means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

I. "**Wireless Telecommunication Facility" or "Facility" means a facility** consisting of the equipment and structure involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of Personal Wireless Services

J. **"Wireless Telecommunication Tower" or "Tower"** means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

SECTION 1603 APPLICABILITY

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the Village without compliance with the provisions of this Article.

SECTION 1604 USE REGULATIONS

A. Permitted Use

1. A Wireless Telecommunication Tower shall be permitted in any interstate highway right-of-way.

2. A Wireless Telecommunication Tower shall be permitted on or within an easement or parcel used for electric high-tension power lines on support towers.

B. Conditionally Permitted Use.

1. A Wireless Telecommunication Tower may be permitted as a conditional use in the areas indicated as Highway-Commercial (HC) Districts on the Zoning Map upon approval by the Planning Commission through submission of an application to the Zoning Inspector, provided the applicant demonstrates compliance with each of the Collocation requirements in subsection (B) (2) below, the requirements of Section 703 of the Zoning Code, as well as the standards set forth in Section 1305 of this Chapter.

2. Collocation

. The applicant must demonstrate that there is no Technically Suitable space for the applicant's Antenna(s) and related Facilities reasonably available on an existing tower, building or structure within the geographic area to be served. With the application, the applicant shall list the location of every tower, building or structure that could support the proposed Antenna(s) or area where it would be Technically Suitable to locate so as to allow it to serve its intended function. The applicant must demonstrate that a technically suitable location is not reasonably available on an existing Tower, building or structure. If another existing Tower, building or structure is technically suitable, the applicant must demonstrate that it has requested to Collocate on the existing tower and the Collocation request was rejected by the owner of the tower, building or structure. In all circumstances, owners of existing Towers shall promptly respond in writing to requests for Collocation, but in no event shall they respond more than thirty (30) days from the date of receipt of a written request for Collocation. If another Tower, building or structure is Technically Suitable, the applicant must further show that it has offered to allow the owner of that other Tower, building or structure to Collocate an Antenna on another tower, building or structure within the Village which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was <u>not accepted.</u>

3. All applicants for construction or erection of Wireless Telecommunication Towers shall be required to construct on a base Tower structure foundation that is designed to be buildable up to, but not including, two hundred (200) feet above grade. Such structure shall be designed to have sufficient structural loading capacity to accommodate three (3) Antenna Platforms or Antenna arrays of equal loading capacity for three (3) separate providers of service to be located on the structure when constructed to the maximum allowable height. The Wireless Telecommunication Facility shall also be designed to show that the applicant has enough space on its site plan for an Equipment Shelter large enough to accommodate at least three (3) separate users of the Facility. If an Equipment Shelter is initially constructed to accommodate one (1) user, space shall be reserved on site for Equipment shelter expansions to accommodate up to at least three (3) separate users. Agreement to the provisions of this subsection must be included in the applicant's lease with the landowner, if different from the owner/user of the Tower. Written documentation must be provided to the Zoning Inspector evidencing that the landowner of the property on which the tower is to be located has agreed to the terms of this subsection. As an additional condition of issuing a conditional use permit, the owner/user shall respond in writing to any inquiries regarding Collocation of another user of the Facility within thirty (30) days after receipt of a written inquiry. Copies of all written requests to Collocate and all written responses shall be sent to the Zoning Inspector and the Planning Commission.

C. Permitted Accessory Use

The installation of a Wireless Telecommunication Antenna(s) where the construction or erection of a Tower if not proposed by the applicant, shall be permitted as an accessory use on existing buildings or structures in any of the following zoning districts in the Village: Highway Commercial (HC) and Industrial (I).

In addition, all Wireless Telecommunication Facilities shall not be located greater than one hundred (100) feet above the roof line of an existing building or structure to which it is attached. All electronic and relay equipment for the Wireless Telecommunication Antenna shall be housed within the existing building or structure, if possible. To the extent the remaining standards of this Section are applicable to the situation involving the installation of a Wireless Telecommunication Antenna(s) on an existing building or structure; such standards shall govern the installation.

SECTION 1605 MINIMUM STANDARDS FOR CONSTRUCTION, ERECTION, MAINTENANCE AND REMOVAL

Except as otherwise provided in this Chapter, all Wireless Telecommunication Facilities shall comply with the following standards:

A. Spacing

There shall be a separation of a minimum of one-half (1/2) mile between Wireless Telecommunication Towers, including a separation of at least one (1) mile from any such tower located outside the Village's Corporate limits.

B. Height

The maximum height of a free standing Wireless Telecommunication Tower, including its Antenna and all appurtenances, shall be less than two hundred (200) feet above grade. The height of any Equipment Shelter shall not exceed fifteen (15) feet from the approved grade. The maximum height of any Wireless Telecommunication Antenna or Equipment Shelter, installed on an existing building or structure pursuant to Section_1304C hereof, shall be no greater in height than fifteen (15) feet above the roof line of the existing building or structure to which it is attached.

C. Setbacks

All Wireless Telecommunication Towers shall be set back for property lines a distance of three Hundred (300) feet of all residentially zoned or used properties. Otherwise, all Wireless Telecommunication Facilities, other than Towers, shall comply with the required setbacks in the zoning district in which they are located. In no event shall a Wireless Telecommunication Tower or Facility be located in front of the principal building on the lot, if any, or in front of the front yard setback line as shown on the zoning map when no principal building is present on the lot.

D. Design

1. All Wireless Telecommunication Towers shall be of a Monopole design, as opposed to a Lattice design. No guy wired Towers shall be permitted. All wires and conduit serving Antennas shall be located inside the tower.

2. All Wireless Telecommunication Facilities shall be subject to review by the Planning Commission for the purpose of enhancing the compatibility of the Facilities with their surroundings. The color of a Wireless Telecommunication Tower and Antennas shall be as determined by the Planning Commission for the purpose of minimizing its visibility, unless otherwise required by the FCC or the Federal Aviation Administration (FAA).

3. The Wireless Telecommunication Antennas shall be of a panel design and mounted flush to the Tower, building or structure which elevates the Antennas, unless the applicant can demonstrate that it is not feasible from an engineering standpoint to use such Antennas or to mount them in such a fashion.

E. Landscaping

A landscape buffer area of not less than twelve (12) feet in depth shall be placed between the Wireless Telecommunication Facilities and the public right-of-way and any adjacent properties from which there is a direct view of the Facilities, other than the Tower itself. The landscape buffer area shall have a tight screen fence of hardy evergreen shrubbery not less than eight (8) feet in height. The landscaping shall be continuously maintained and promptly restored, if necessary.

F. Engineering Report

A report shall be prepared and submitted by a qualified and licensed professional engineer and shall provide proof of compliance with all applicable federal, state, county, and Village regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna(s), Equipment Shelter, and appurtenances. The report shall certify that: (1.) Radio frequency emissions are in compliance with the regulations of the FCC, and (2.) The use of the facilities will not adversely affect or interfere with radio transmissions for public safety purposes.

G. Maintenance

1. The applicant shall submit a plan documenting how the Wireless Telecommunication Facility will be maintained on the site in an ongoing manner that meets industry standards.

2. On each biennial anniversary of the issuance of the building permit for a Wireless Telecommunication Facility, or not more than ninety (90) days prior thereto, the owner/user shall submit to the Village a report prepared by a licensed professional engineer(s) which shall verify continued compliance of the Facility with all governmental requirements including, but not limited to, the structural integrity and stability of any Towers or Antennas, electrical safety standards, and auxiliary power source safety standards.

H. Lighting Prohibited

Except as required by law, a Wireless Telecommunication Antenna or Tower shall not be illuminated and lighting fixtures or signs shall not be attached to the Antenna or Tower. If lighting is required by FAA regulations, the most visually non-obtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.

I. Security

1. A security fence not less than six (6) feet in height, but not greater than ten (10) feet in height, shall fully enclose those portions of the Wireless Telecommunication Facility which come in contact with the ground. Gates shall be locked at all times.

2. A permanent warning sign with a minimum size of one (1) square foot and maximum size of three (3) square feet shall be posted on the site, as well as an emergency telephone number of the owner/user of each set of antennas on the site. The owner/user shall also provide the Zoning Inspector, the Fire Department and the Village Police Department with information regarding whom to contact, an address, and a telephone number in the event of an emergency.

J. Outdoor Storage

There shall be no outdoor storage of equipment or other items on the Wireless Telecommunication Facility site except during the Facility construction period and to supply temporary emergency power to the Facility only during a power outage.

K. Access to Facility

The access driveway to the Wireless Telecommunication Facility shall, whenever feasible, be provided along with circulation driveways of the existing use on the lot, if any. Where use of an existing driveway is not feasible, the driveway to the facility shall be a minimum of eighteen (18) feet in width with a minimum overhead clearance of eleven (11) feet and shall be set back a minimum of twenty (20) feet from the nearest side or rear lot line. This driveway shall meet the load limitations for fire equipment. If the access road to the Facility is more than one thousand five hundred (1,500) feet from the public right-of-way, the Planning Commission may determine, in its sole discretion, whether a turnaround shall be provided for emergency vehicles at the site and whether a by-pass, adequate for emergency vehicles, with an approachable access shall be provided for each additional one thousand five hundred (1,500) feet of the driveway. There shall be a maximum of two (2) off-street parking spaces on the Facility site.

J. Accessory Equipment Shelter

One (1) Equipment Shelter accessory to a Wireless Telecommunication Tower or Antenna shall be permitted on a lot. The maximum cumulative total size of all Equipment Shelters accessory to a Wireless Telecommunication Tower or Antenna at a facility shall not exceed seven hundred (700) square feet.

The maximum height of an Equipment Shelter shall not exceed fifteen (15) feet above the approved grade at the site for an Equipment Shelter with a pitched roof and a maximum height of ten (10) feet above the approved grade at the site for an Equipment Shelter with a flat roof. The roof and façade of the Equipment Shelter shall be compatible as to architectural design and materials with the principal building on the lot, if any. Where it is technically feasible and reasonably practical, an existing building or structure on a lot shall be used to shelter the equipment associated with a Wireless Telecommunication Facility. Any Equipment Shelter located on the roof of an existing building shall comply with Section 1304 C of this Chapter.

K. Under grounding of Utilities

All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.

L. Time Limit Commencement and Completion

After issuance of a building permit to construct a Wireless Telecommunication Facility, the applicant shall commence construction within six (6) months and shall complete construction within one (1) year or the permit shall expire.

M. Abandonment and Removal of Facilities

1. The applicant for the Wireless Telecommunication Facility shall be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the Village Solicitor of not less than One Hundred Dollars ($100.00) per vertical foot from grade of the Wireless Telecommunication Facility. If an access drive which is separate from the existing access drive on the property is required to be constructed for a Wireless Telecommunication Facility, the owner/operator of the Facility shall be required as a condition of issuance of a building permit to post a cash surety bond acceptable to the Village Solicitor of not less than twenty-five (25) dollars per linear foot of access drive. The bond(s) shall insure that an abandoned, obsolete or destroyed Wireless Telecommunication Facility and/or access drive shall be removed within one hundred eighty (180) days of cessation of use or abandonment. Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond, as principal, to insure that the bond will be in place during the period of time that the successor-in-interest or assignee occupies the Facility.

2. The owner/user of the Wireless Telecommunication Facility shall, on no less than an annual basis from the date of issuance of the building permit, file a declaration with the Planning Commission as to the continuing operation of each of its Facilities within the Village.

3. If at any time the use of the Wireless Telecommunication Facility is discontinued for one hundred and eighty (180) consecutive days, the Facility shall be deemed abandoned. The Zoning Inspector shall notify the owner/user in writing and advise that the Facility must be reactivated within ninety (90) days or it must be dismantled and removed from the site and the site restored to a landscaped condition within the same ninety (90) day period, all at the cost of the owner/user. The owner/user shall have the right to appeal the Zoning Commissioner's decision to require removal of an abandoned Facility to the Board of Zoning Appeals, pursuant to Section 1104 and 1106 of the Zoning Code.

SECTION 1606 FEES

In addition to any other fees required under the Village's Zoning Code and Building Code, the Zoning Inspector shall collect the following fees in connection with applications for Facilities covered by this Chapter.

A. New Wireless Telecommunication facility-Five Hundred Dollar ($500.00) deposit upon which expenses incurred by the Village will be drawn and the unused balance, if any, returned to the applicant upon final inspection prior to authorization of commencement of the use.

B. New Wireless Telecommunication Antenna and related Facilities (without a Tower) - Two Hundred Dollars ($200.00).

C. Annual inspection fees - Fifty Dollars ($50.00).

D. The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the Village for any technical and/or engineering services deemed necessary by the Zoning Inspector, the Planning Commission, or the Board of Zoning Appeals to perform any reviews required by the Codified Ordinances which are not covered by the fees set forth in this Section.

SECTION 1607 EXEMPTION OF CERTAIN VILLAGE PROPERTY

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the Village and used for public services and shall be constructed, erected, maintained, extended and removed under such conditions, standards and regulations as required by the Village Council.

SECTION 1608 WAIVER

A. The Planning Commission may waive provisions of this Chapter as applied to any Wireless Telecommunication Facility application pending before the Planning Commission for a conditional use, but only in areas permitted by this Chapter. The Planning Commission shall make a determination on a proposed waiver of any provisions of this Chapter based on the following criteria:

1. The public peace, health, safety, welfare or convenience will not be jeopardized or adversely affected;

2. The use, value, development or enjoyment of neighboring property will not be adversely affected, or the health or safety of persons residing or working in the neighborhood will not be adversely affected;

3. A public or private nuisance will not be created by reason of noise, smoke, odors, fire, vibrations, objectionable lights or congestion of traffic or persons;

4. Traffic or safety hazards will not be created;

5. The combination or accumulation of uses of the same nature in close proximity or in the same neighborhood will not adversely affect the public peace, health, safety, welfare or convenience, thereby adversely affecting neighboring property or creating a nuisance; or

6. The proposed use will comply with other provisions or standards specified in the Codified Ordinances of the Village.

B. The Planning Commission's consideration of a waiver under this Section shall not be based upon the environmental effects of radio frequency emissions from the Facility so long as the applicant's proposed Facility will meet the FCC's requirements for such emissions.

ARTICLE XVII
MARIJUANA ENTITIES

SECTION 1701.01 DEFINITIONS

A. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. The word "lot" includes the word "plot" or "parcel"; the words "used" or "occupied" include the words "arranged," "intended" or "designed to be used or occupied"; the words "building" or "structure" include the words "or portion thereof"; the word "located" includes the words "erected" and "altered."

2. "Marijuana Entities" includes cultivation facilities, processing facilities, dispensaries, and testing laboratories as provided in Ohio Revised Code 3796.

3. "Marijuana Entities" require a Conditional Zoning Certificate pursuant to Sections 903, 904, and 905 (G)