

RESOLUTION NO. 90-19

A RESOLUTION RELATING TO A MORATORIUM ON ENFORCEMENT OF ZONING SETBACK, PARKING, AND LANDSCAPE REQUIREMENTS WHERE NONCONFORMITIES RESULT FROM GOVERNMENTAL TAKING OF PROPERTY PERTAINING TO THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) STATE ROUTE 18 PROJECT.

WHEREAS: The State of Ohio Department of Transportation is constructing a project to widen and reconstruct 2.13 miles of S.R. 18 from just west of Alber Drive in the City of Medina to the intersection of Nettleton Road in Medina and Montville Townships, Medina County. A 10' multi-use path will be constructed on the south side of S.R. 18 from Woodland Drive to Nettleton Road. Additionally, a new structure over the west branch Rocky River will be constructed for the multi-use path. New storm drainage and traffic signals will also be installed. (the "Project"), which involves acquisition of additional right-of-way along State Route 18, River Styx Road, and Foote Road ("governmental action") for the Project; and

WHEREAS: This governmental action *may* affect a particular property owner's compliance with requirements relating to the landscaped area between the right-of-way and the developed portion of the site, the minimum number of parking spaces, parking area setback, signage and fencing setback from the right-of-way, and the use of temporary lighting during construction, as set forth in the City of Medina Zoning Resolution ("Zoning Resolution"), and

WHEREAS: This governmental action *may* place property owners along State Route 18 just west of Alber Drive in the City of Medina to eastern City limits of the City of Medina (located between Glenshire Lane and Foote Road), which involves acquisition of additional right-of-way along State Route 18, through no fault of their own, in a non-compliance situation with respect to the Zoning Resolution, which the City of Medina feels would unfairly burden affected property owners, if required to restore their properties to full zoning compliance, and

WHEREAS: The residents and businesses of City of Medina, as well as the traveling public, will greatly benefit from the State of Ohio Department of Transportation's improvements along State Route 18 from just west of Alber Drive in the City of Medina to the intersection of Nettleton Road in Medina and Montville Townships, Medina County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEDINA THAT:

SEC. 1: This City declares a moratorium upon enforcement of zoning requirements upon property owners located within the City of Medina relating to the landscape area between the right-of-way and the developed portion of the site, the minimum number of parking spaces, parking area setback, signage and fencing setback from the right-of-way, and the use of temporary lighting during construction along State Route 18 from just west of Alber Drive in the City of Medina to the eastern City limits of the City of Medina (located between

Glenshire Lane and Foote Road). A 10' multi-use path will be constructed on the south side of S.R. 18 from Woodland Drive to Nettleton Road. Additionally, a new structure over the west branch Rocky River will be constructed for the multi-use path. New storm drainage and traffic signals will also be installed. (the "Project"), which involves acquisition of additional right-of-way along State Route 18, River Styx Road, and Foote Road for properties affected by the State of Ohio Department of Transportation's Project.

SEC. 2: It is the finding of this City of Medina that any property owners along State Route 18 within the City limits of the City of Medina, from just west of Alber Drive in the City of Medina to the eastern City limits of the City of Medina (located between Glenshire Lane and Foote Road) should not be unfairly burdened with the additional expense of correcting zoning violations created by this governmental action.

SEC. 3: Pursuant to this moratorium, properties adversely affected by the State of Ohio's acquisition of additional right-of-way for this project shall be deemed legal nonconforming properties under the Zoning Resolution.

SEC. 4: This moratorium on Enforcement of Zoning Setback, Parking, and Landscape Requirements is only effective and applicable during the term of time necessary to the State of Ohio Department of Transportation's "project" as defined hereinabove.

SEC. 5: This resolution shall not be deemed to constitute an amendment to the zoning resolution or a waiver of the zoning resolution requirements except as to the issues directly arising from the acquisition of additional right-of-way in the Project area.

SEC. 6: The City of Medina hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in open meetings of the City of Medina, and that all deliberations of the City of Medina, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SEC. 7: That this Resolution shall be in full force and effect at the earliest period allowed by law.

PASSED: June 10, 2019

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 11, 2019

SIGNED: Dennis Hanwell
Mayor