

ORDINANCE NO. 58-17

AN ORDINANCE TO CLARIFY AND UNIFY THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO BY AMENDING VARIOUS SECTIONS OF PART 11 – PLANNING AND ZONING CODE.

WHEREAS: Various Sections of the Planning and Zoning Code of the City’s Codified Ordinances include minor and substantive editing mistakes stemming from the 2013-2014 Zoning Code Update process completed in 2014; and

WHEREAS: The City desires to clarify and unify all such references, remove regulatory duplication and /or contradiction, cleanup minor and substantive editing mistakes; and

WHEREAS: The Planning Commission, at its February 9, 2017 meeting, approved a recommendation to City Council to amend the following sections of Part 11 – Planning and Zoning Code of the City of Medina Codified Ordinances, Sections 1105.0129, 1105.0163, 1113.05(k)(3), 1109.04(c)(10)(D), 1123.02, 1123.03, 1123.04, 1123.05, 1125.02, 1125.03, 1125.04, 1125.05, 1131.05, 1137.10, 1141.04, 1147.12 and 1147.14(f) as presented in the Planning Commission staff report for case P17-02 dated February 9, 2017; and

WHEREAS: The public hearing relative to these Planning and Zoning Code amendments was duly held April 10, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:

SEC. 1: That the amendments as set forth by the Planning Commission in their report dated February 9, 2017 for Case No. P17-02 are hereby adopted, marked Exhibit A, attached hereto, and incorporated herein.

SEC. 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SEC. 3: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: April 24, 2017

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: April 25, 2017

SIGNED: Dennis Hanwell
Mayor

Effective date: May 24, 2017

For City Council Public Hearing – as of February 27, 2017

1. Changes to Sections 1105.0129 and 1105.0163 of Chapter 1105 Definitions

1105.0129 Deleted PLANNED UNIT DEVELOPMENT.

"Planned unit development" means a development which is planned to integrate mixed uses, and in which lot size, setback lines, yard areas and dwelling types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements and collateral nonresidential uses.

1105.0163 Deleted USED MOTOR VEHICLE LOT.

"Used motor vehicle lot" means any lot on which two (2) or more motor vehicles, which have been previously titled in a name other than the manufacturer or dealer, in operating condition, are offered for sale or displayed to the public.

Staff comment:

The Planned Unit Development definition should be removed because it is not a use or development review process within the current Planning and Zoning Code. The Used Motor Vehicle Lot definition should be removed because it is duplicative of and covered by definition Section 1105.0107 *Motor Vehicle, Truck, Trailer Or Farm Implement Sales And Service.*

2. Change to Section 1113.05(k)(3) of 1113.05 GENERAL USE REGULATIONS.

(k) Projections into Yard Areas. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt-courses, cornices and ornamental features projecting not to exceed twelve (12) inches.

(1) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground (first) story may project into a required side yard, provided these projections are distant at least two (2) feet from the adjacent lot line.

(2) The ordinary projections of chimneys or flues are permitted into the required side, rear and front yards.

(3) An open unenclosed porch or paved terrace may project into the required front and rear yard for a distance not to exceed ten (10) feet.

Staff Comment:

It is reasonable to permit such open porches into a required rear yard as it allows for comfort and flexibility of use for properties throughout the City, but provides definitive limits on continued building 'creep'.

Attachment 1

3. Change to 1123.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the R-2 ~~High~~ Medium Density Urban Residential District:

4. Change to 1123.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the R-2 ~~High~~ Medium Density Urban Residential District:

5. Change to 1123.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R-2 ~~High~~ Medium Density Urban Residential District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

6. Change to 1123.05 LOT DEVELOPMENT STANDARDS.

Lots in the R-2 ~~High~~ Medium Density Urban Residential District shall adhere to the following standards:

7. Change to 1125.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the ~~R-2~~ R-3 High Density Urban Residential District:

8. Change to 1125.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the ~~R-2~~ R-3 High Density Urban Residential District:

9. Change to 1125.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the ~~R-2~~ R-3 High Density Urban Residential District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

10. Change to 1125.05 LOT DEVELOPMENT STANDARDS.

Lots in the ~~R-2~~ R-3 High Density Urban Residential District shall adhere to the following standards:

Staff Comment:

The above eight amendments are simply cleanup and correction items on mistakes during the 2012-2014 Planning and Zoning Code update effort.

11. Change to 1131.05 LOT DEVELOPMENT STANDARDS.

Lots in the C-S Commercial Service District shall adhere to the following standards:

Minimum Lot Size	• None
Minimum Lot Width at Building Line	• 100 Feet
Minimum Lot Frontage	• 100 Feet
Maximum Lot Depth	• 50 Feet None
Minimum Usable Open Space	• None
Maximum Lot Coverage	• 60%
Maximum Building Size	• None
Maximum Building Width	• None

Staff Comment:

Removing this maximum standard is reasonable, since 50 feet as a 'maximum depth' doesn't appear to have any logical or rational reason. Such a lot would have little use and it currently makes almost all the existing C-S zoned properties in the City unnecessarily nonconforming.

13. Change to Section 1137.10 MULTI-FAMILY USE REQUIREMENTS.

When multiple-family uses are permitted within a C-3 General Commercial District, such uses should be located to provide transition areas between intensely developed commercial areas and single-family use areas. Multiple-family uses within the C-3 General Commercial District shall conform to all applicable requirements of the R-4 District, including the density limitation in Section [1127.05](#), R-4 Lot Development Standards, the height limitation in Section [1127.05](#) and the conditional use requirements listed in Section [1153.04](#) (a) (5), (11), (16), (27), (28), (29), ~~(30)~~.

Staff Comment:

Removing conditional use requirement #30 is necessary because it cannot apply to multi-family developments within the C-3 zoning district. Requirement #30 relates to the development of Mobile Home Park uses, which is not a permitted or conditionally permitted use in the C-3 zoning District.

Attachment 1

15. Change to Section 1147.12 preamble of 1147.12 SIGNS FOR RESIDENTIAL USES IN ALL DISTRICTS AND SIGNS IN RESIDENTIAL, OPEN SPACE-CONSERVATION, AND PUBLIC FACILITIES DISTRICTS.

The following signs shall be permitted for residential uses in all districts, and for all uses in the R-1, R-2, **R-3**, R-4, O-C, and P-F Districts:

16. Changes to 1141.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the I-1 Industrial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

Residential	Public/Semi-Public	Commercial
• None	• Conservation Use	• Commercial Entertainment
	• Educational Institution for Higher Education	• Commercial Recreation
	• Passenger Transportation Agency and Terminal	• Contractor's Equipment Storage Yard or Plant, or Storage and Rental of Equipment Commonly Used by Contractors - Must be Completely Enclosed if Facing a Non-Residential District
	• Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	• Cremation Facility
	• Wireless Telecommunication Facility	• Heavy Manufacturing
		• Open Air Building Materials Sales Yard and Lumber Yard
		• Motor Vehicle, Truck, Trailer and Farm Implement Repair, Service and Storage (Excluding Body Work, Painting, Engine Overhaul)
		• Retail
		• Truck Wash

Staff Comment:

The above amendment corrects a mistake as the intent of such a restriction is to buffer/screen such uses from residential uses only.

17. Change to Sections 1147.14(f) of 1147.14 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

(f) In the C-1 and C-2 District only, one temporary ground or wall sign not exceeding six (6) square feet in area for each nonresidential building. In the C-S and C-3 Districts only, one temporary ground or wall sign not exceeding twelve (12) square feet in area for each nonresidential building. In the I-1 District only, one temporary ground or wall sign not exceeding twenty-four (24) square feet in area for each nonresidential building. Such sign shall be permitted for a maximum of fifteen (15) consecutive days, and not more than sixty (60) days during each year. A real estate sign shall be exempt from the time limits referenced above and shall be removed within seven (7) days after the close of sale, rent or lease of the property to which the sign pertains. A sign that announces a specific event, action or activity shall be removed within seven (7) days after the close of the event, action or activity to which the sign pertains.

(1) During the Ohio Department of Transportation's project 430(16) MED-42-17.80 PID 92954, which is the widening and reconstruction of US Route 42 (named North Court Street within the City of Medina, OH), properties addressed from 748 North Court Street to 1235 North Court Street are exempt from the temporary sign time limits outlined in Section 1147.14(f) above. This exemption shall expire upon the completion of project 430(16) MED-42-17.80 PID 92954 and this subsection is intended to be removed when no longer applicable.

Staff Comment:

The above amendment is intended to provide relief from the time limits on temporary signs, which would allow temporary signs continually during the US Rout 42 road widening construction project on North Court St. within the City of Medina. This would be narrowly targeted to be permitted only on the properties/businesses directly affected by the project. It would not apply to commercially zoned properties outside the project area and is intended to expire when the project it completed at which time it should be removed from the code.

18. Changes to Section 1109.04(c)(10) of 1109.04 DESIGN REVIEW GUIDELINES.

(10) The following styles and materials are inappropriate and shall be discouraged from use:

- A. Mansard roofs for one-story structures in an area that is residential in character,
- B. Pre-engineered metal buildings and "pole buildings",
- C. Exposed concrete or cinder block on the front or sides of any building (except split face, ½ high or other special "architecturally patterned" block),
- D. EIFS or Stucco appearance, unless it is utilized with bands of accent color, recessed or protruding belt courses, wide reveals, or combinations thereof,
- E. Sheet metal siding, except as rain gutter/downspouts; exposed unstained wood; exposed steel nails; vinyl siding; and flimsy vertical wood siding (e.g., T-111),
- F. Bright or primary colors, and/or awnings which are in stark contrast to other structures in the surrounding area and/or the design of the proposed structure.

Staff Comment:

The amendment proposes removing the current limitation on EIFS for building facades under the Site Plan review design guidelines. The PC reviewed and approved two projects in 2016 (Mattress Warehouse and Kay Jewelers) that both incorporated EIFS into the building façade design with good results. Therefore, the PC believes explicitly discouraging these materials/finishes is not necessary.