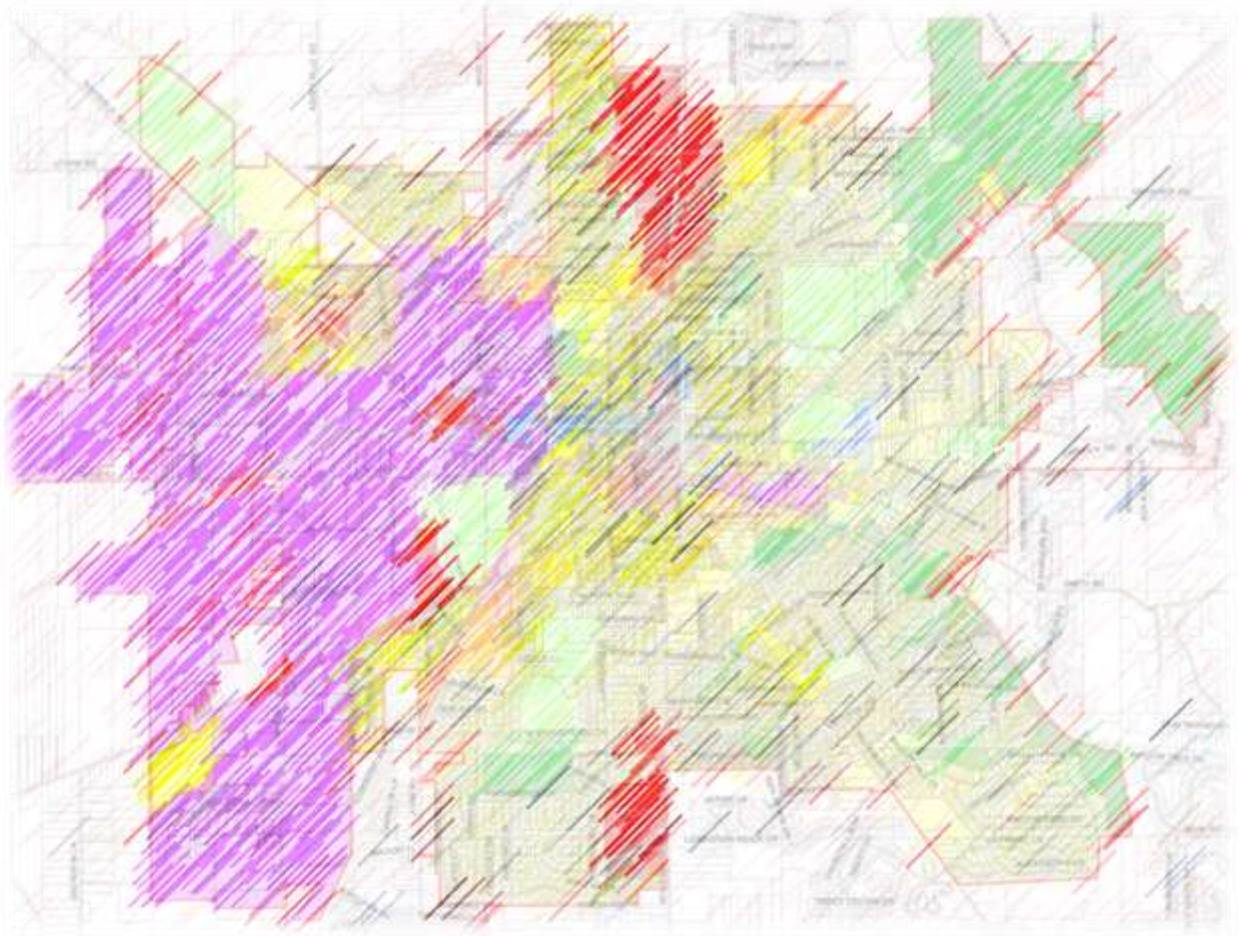


CITY OF MEDINA PLANNING AND ZONING CODE



Amended Through 2/25/2019

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CHAPTER 1103
General Provisions and Penalty

- 1103.01 Effective date.**
- 1103.02 Short title.**
- 1103.03 Interpretation.**
- 1103.04 Conflict.**
- 1103.05 Separability.**
- 1103.99 Penalty.**

CROSS REFERENCES

- Definitions - see P. & Z. Ch. 1105
- Zoning amendment - see P. & Z. 1107.06
- Types of districts - see P. & Z. 1113.02
- Interpretation of district boundaries - see P. & Z. 1113.04
- Effect of annexation - see P. & Z. 1113.05(t)
- Nonconforming use regulations - see P. & Z. Ch. 1151

1103.01 EFFECTIVE DATE.

The effective date of this Ordinance is the effective date of Ordinance 134-69, passed April 27, 1970, with amendments as noted.

1103.02 SHORT TITLE.

Title One of this Part Eleven - Planning and Zoning Code, shall be known as the "Zoning Ordinance of the City of Medina, Ohio."

1103.03 INTERPRETATION.

In their interpretation and application, the provisions of this Zoning Ordinance, as most recently amended, shall be held to be the minimum requirements for the preservation of the public health, safety, morals and general welfare.

1103.04 CONFLICT.

Whenever the regulations of this Zoning Ordinance require a greater width or size of yards or other open spaces, lower height limit, greater percentage of lot to be left unoccupied, lower density of population, more restricted use of land, or impose other higher standards than are required in any other ordinance or regulation, private deed restrictions or private covenants, this Zoning Ordinance shall govern.

1103.05 SEPARABILITY.

If any section, subsection or any provision of this Zoning Ordinance, or amendments thereto, are held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance or amendments thereto.

1103.99 PENALTY.

- (a) Any person, firm or corporation who violates any provision of this Zoning Ordinance or supplements or amendments thereto, shall be fined not less than one hundred and fifty dollars (\$150.00) nor more than five hundred dollars (\$500). Each day's continuation of a violation shall be deemed a separate offense.

- (b) Any person, firm or corporation who has previously been convicted of or pleaded guilty to one (1) violation of any provision of this Zoning Ordinance or supplements or amendments thereto, shall be fined not less than two hundred and fifty dollars (\$250) nor more than seven hundred and fifty dollars (\$750). Each day's continuation of a violation shall be deemed a separate offense.
- (c) Any person, firm or corporation who has previously been convicted of or pleaded guilty to two (2) or more violations of any provision of this Zoning Ordinance or supplements or amendments thereto, shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). Each day's continuation of a violation shall be deemed a separate offense.

CHAPTER 1105
Definitions

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1105.06	Applicant.	1105.050	Essential services.
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1105.08	Bar or tavern.	1105.052	Fence.
1105.09	Basement.	1105.053	Financial institution.
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1105.011	Board.	1105.055	Frontage.
1105.012	Buffer or bufferyard.	1105.056	Garage, motor vehicle repair.
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1105.014	Building height.	1105.058	Garage, public.
1105.015	Building line.	1105.059	Gas or oil well.
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1105.0130	Planning Director.	1105.0173	Zoning Code.
1105.0131	Principal building or use.	1105.0174	Zoning Map.
1105.0132	Public utility.		

1105.01 GENERAL PROVISIONS.

For the purpose of this Zoning Code, certain terms are defined in this chapter. When not inconsistent with the context:

- (a) Words used in the present tense include the future;
- (b) The singular number includes the plural and the plural the singular;
- (c) "Shall" is mandatory and not directory;
- (d) "Should" is directive;
- (e) "May" is permissive;
- (f) "Building" includes the word "structure";
- (g) "Used" includes the words "arranged", "designed", "constructed", "altered", "converted" or "intended to be used";
- (h) "Person" means, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings;
- (i) "Lot" includes "plot", "parcel" or "site".

1105.02 ACCESSORY BUILDING OR USE.

"Accessory building" or "use" means a subordinate building or use customarily incidental to, and located upon the same lot occupied by the principal building or use.

1105.03 AGRICULTURE.

"Agriculture" means the use of land for agricultural purposes, including farming; ranching; aquaculture; apiculture and related apicultural activities, production of honey, beeswax, honeycomb, and other related products; horticulture; viticulture, wine making, and related activities; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; and provided that the above uses shall not include the commercial feeding of garbage or offal to swine and other animals. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

1105.04 ALLEY.

"Alley" means a public thoroughfare which affords only a secondary means of access to a lot or abutting property.

1105.05 APARTMENT.

"Apartment" see "Dwelling, Multi-Family".

1105.06 APPLICANT.

"Applicant" means the owner of real estate or an appointed agent of the owner, who makes application to the City of Medina for action by the Planning Director, Planning Commission or Board of Zoning Appeals.

1105.07 ASSISTED LIVING FACILITY.

"Assisted living facility" means a residential care facility licensed by the State of Ohio, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living that has the staff capacity to meet unscheduled needs for assistance. See also "Independent Living Facility" and "Nursing Home".

1105.08 BAR OR TAVERN.

"Bar or tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages, at retail, for consumption on the premises and where food may be available for consumption on the premises.

1105.09 BASEMENT.

"Basement" means a portion of a building which is partly or completely below grade. A basement shall not be counted as a story for the purpose of height regulations.

1105.010 BED AND BREAKFAST INN.

"Bed and breakfast inn" means a structure in which paying guests are lodged on an overnight basis, and may be served breakfast in connection with their lodging. Meals shall be served only to guests. The owner or operator of a bed and breakfast inn shall live on the premises.

1105.011 BOARD.

"Board" means the Board of Zoning Appeals.

1105.012 BUFFER OR BUFFEYARD.

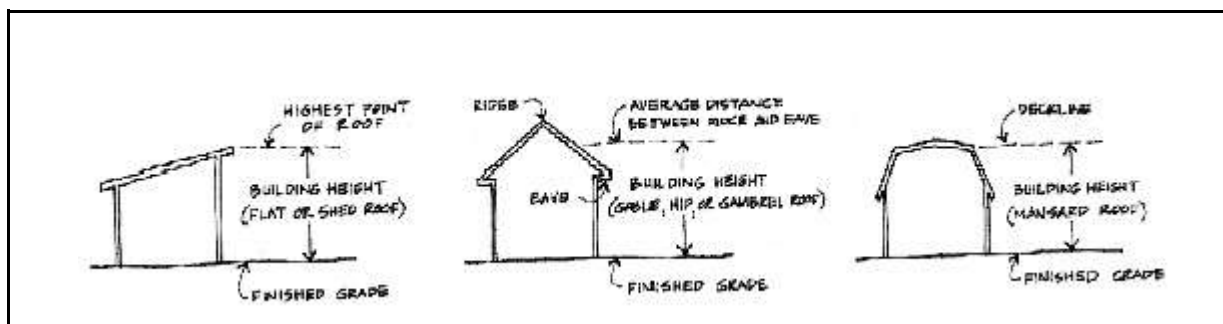
"Buffer or bufferyard" means an area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use which is unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of adjoining land uses.

1105.013 BUILDING.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or personal property. See also "Accessory Building" and "Principal Building".

1105.014 BUILDING HEIGHT.

"Building height" means the vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and the ridge of gable, hip or gambrel roof (see graphic below).



1105.015 BUILDING LINE.

"Building line" means the 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.

1105.016 BUILDING MATERIALS SALES YARD AND LUMBER YARD.

"Building materials sales yard and lumber yard" means land or partially enclosed structures used for the storage and sale of building and construction materials including, but not limited to: lumber, roofing materials, brick, stone and bulk construction materials.

1105.017 BULK STORAGE AND DISPLAY.

"Bulk storage and display" means the storage or display of two (2) or more items which are identical or nearly identical examples of which would include but are not limited to raw materials, firewood, mulch, fertilizer, building materials, building maintenance products, packaged food products, soft drinks, bagged salt products, furniture and household goods, statuary and other manufactured concrete products, and like items. See also "Outdoor storage".

1105.018 CARPORT.

"Carport" means a covered automobile parking space completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in this Zoning Code for a private garage.

1105.019 CAR WASH.

"Car wash" is a building or structure where chain conveyors, blowers, steam cleaners, spray wands or hoses or other mechanical devices are employed for the purpose of washing motor vehicles for a fee.

1105.020 CEMETERY.

"Cemetery" means land used or intended to be used for the burial of human dead or animal dead and dedicated for internment purposes, including columbaria, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of the cemetery property.

1105.021 CENTRALIZED SEWER SYSTEM.

"Centralized sewer system" means a system where individual lots are connected to a common sewerage system, whether publicly or privately owned and operated.

1105.022 CENTRALIZED WATER SYSTEM.

"Centralized water system" means a system where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

1105.023 CHILD DAY CARE CENTER OR NURSERY.

"Child day care center or nursery" means any place in which child care is provided for seven (7) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time. In counting children for the purposes of this division, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted.

1105.024 CLINIC.

"Clinic" means any State of Ohio licensed facility devoted to the health, medical and dental diagnosis, treatment and care of human outpatients where such patients are not kept overnight.

1105.025 CLUB.

"Club" means a building or portion thereof or premises owned or operated by a corporation, association or other person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Clubs shall exclude religious places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.

1105.026 COMMISSION.

"Commission" means the City of Medina Planning Commission.

1105.027 COMMERCIAL ENTERTAINMENT.

"Commercial entertainment" means a facility for any profit making activity which is generally related to spectator entertainment such as motion picture theaters, concert halls, stadiums, arenas and theaters for live performance. Commercial entertainment excludes sexually oriented businesses.

1105.028 COMMERCIAL RECREATION.

"Commercial recreation" means land or facilities operated for profit and which is open to the general public for a fee that may include, but is not limited to: water parks, rollerblade rental, billiard parlors, video arcades, amusement parks, arcades, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.

1105.029 COMPREHENSIVE PLAN.

"Comprehensive Plan" means the duly adopted plan showing the location and extent of existing and future land development and redevelopment, including open space and thoroughfares within the City and territory within three (3) miles there from.

1105.030 CONDITIONAL BUILDING OR USE.

"Conditional building or use" means a use which is permitted in a district only if a Conditional Use Permit is expressly authorized by the Planning Commission in accordance with Chapter 1153, Conditional Zoning Certificates. See also "Accessory Building or Use", "Principal Building or Use" and "Use".

1105.031 CONFERENCE CENTER.

"Conference center" means a facility used for conferences and seminars, meeting rooms and resource facilities which may include accommodations for food preparation for on-site dining.

1105.032 CONSERVATION USE.

An environmentally sensitive area with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

1105.033 CONTRACTOR EQUIPMENT STORAGE YARD.

"Contractor equipment storage yard" means an unenclosed portion of land on which a construction contractor maintains its principal office or a permanent business office for the storage and maintenance of construction equipment and other materials customarily used in the trade carried on by the construction contractor.

1105.034 CONVENIENCE RETAIL.

"Convenience retail" means a business, generally under 5,000 square feet, that customarily provides prepackaged food products, and beverages for consumption off premises, newspapers, magazines, limited groceries and household items or other small scale retail items for sale to the general public. See also "Retail Business".

1105.035 COUNCIL.

"Council" means the City Council of Medina, Ohio.

1105.036 COURT.

"Court" means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

1105.037 CREMATORIUM.

"Crematorium" means a building containing a furnace for the incineration of corpses.

1105.038 DENSITY.

"Density" means the number of dwelling units developed on a gross acre of land.

1105.039 DENTAL CLINIC.

See "Clinic".

1105.040 DEVELOPED LAND.

All lots and/or parcels that have urban services required for redevelopment (i.e. adequately sized water, sanitary sewer, and/or storm drain lines at the property line).

1105.041 DISCARDED MOTOR VEHICLE.

"Discarded motor vehicle" means any inoperable motor propelled vehicle or accessory to the same, which is in the process of being wrecked, dismantled or stored, and/or which does not have a current license thereon which is valid or was not valid for the past six (6) months.

1105.042 DISTRIBUTION CENTER.

"Distribution center" means a building or facility engaged in the receipt, storage and distribution of goods, products, cargo and materials.

1105.043 DISTRICT.

"District" means a section or sections of the incorporated territory of the City for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

1105.044 DRIVE-IN OR DRIVE THROUGH FACILITY.

"Drive-in or drive through facility" means any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

1105.045 DRIVEWAY.

"Driveway" means a private improved way providing access for vehicles from a road or alley to a garage, carport or dwelling that may also be used for off-street parking for vehicles for the occupants of the dwelling that it is serving.

1105.046 DWELLING.

"Dwelling" means any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family and multi-family, but not including hotels, motels and bed and breakfast inns. An attached garage, for purposes of determining the front, side and rear yards, shall be considered a part of the dwelling.

- (a) **ATTACHED DWELLING.** "Attached dwelling" means a one family dwelling attached to one, two or more one-family dwelling units by common vertical walls such as a condominium or townhouse.
- (b) **DETACHED DWELLING.** "Detached dwelling" means a dwelling that is not attached to any other dwelling by any other means.
- (c) **GROUP DWELLING.** "Group dwelling" means a group of single-family, two-family or multi-family dwellings, or their combination located on one lot and around a common open space.
- (d) **MULTI-FAMILY DWELLING.** "Multi-family dwelling" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.
- (e) **SINGLE-FAMILY DWELLING.** "Single-family dwelling" means a building arranged, intended or designed to be occupied by not more than one family.
- (f) **TWO-FAMILY DWELLING.** "Two-family dwelling" means a building arranged, intended or designed to be occupied by two families.

1105.047 DWELLING UNIT.

"Dwelling unit" means one or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including a room or rooms for living, sleeping and eating.

1105.048 EASEMENT.

"Easement" means a right of use over the property of another for purposes such as a right of way, utility installation, flowing water, and other uses.

1105.049 EDUCATIONAL INSTITUTION.

"Educational institution" means a public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and technical, vocational and collegiate level courses. For the purposes of this Zoning Code, a home school is not considered an educational institution.

1105.050 ESSENTIAL SERVICES.

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

1105.051 FAMILY.

"Family" means one or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a bed and breakfast inn, hotel, motel, sorority or fraternity. A family may also include domestic servants and gratuitous guests.

1105.052 FENCE.

"Fence" means a man-made barrier or divider intended to prevent escape or intrusion, to mark a boundary or to enclose an area typically consisting of posts and boards or rails as its principal components.

1105.053 FINANCIAL INSTITUTION.

"Financial institution" means a building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies that are FDIC or NCUA insured. For the purposes of this Zoning Code, check cashing, payday loan businesses or similar type facilities are not considered financial institutions.

1105.054 FLOOR AREA.

"Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls or from the center line of common walls separating two buildings. Floor area, for the purposes of this Zoning Code, shall not include basement, garage, elevator and stair bulkheads, attic space, terraces, breezeways, open porches and uncovered steps.

1105.055 FRONTAGE.

"Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead ended, all the property abutting on one side between an intersecting street and the dead end of a street.

1105.056 GARAGE, MOTOR VEHICLE REPAIR.

"Motor vehicle repair garage" means a building or portion of a building, in which repairs are made to motor vehicles, and in which no painting of cars or body and fender work is done.

1105.057 GARAGE, PRIVATE.

"Private garage" means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

1105.058 GARAGE, PUBLIC.

"Public garage" means a building or portion of a building in which more than four (4) motor vehicles are, or are intended to be, housed under arrangements made with patrons for renting or leaving such space and accommodation, and in which no repair work is carried on.

1105.059 GAS OR OIL WELL.

"Gas or oil well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

1105.060 GRADE, FINISHED.

"Finished grade" means:

- (a) For buildings having walls facing more than one street, the average elevation of the finished grade two(2) feet from the centers of all walls facing the streets.
- (b) For buildings having no walls facing the street, the average level of the finished surface two (2) feet from the exterior walls of the building.
- (c) Any wall approximately parallel to a street line is to be considered as facing the street.

1105.061 GRADE, NATURAL.

"Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

1105.062 GREENHOUSE, PLANT.

"Plant greenhouse" means a building whose roof and sides are made largely of glass or other transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

1105.063 GROSS ACRE.

"Gross acre" means land area, measured on the horizontal plane, and including land occupied by all natural and manmade features of the landscape.

1105.064 GROSS FLOOR AREA.

"Gross floor area" means the total area of all the floors of a building. (See also Section [1105.054](#))

1105.065 GROUP HOME.

"Group home" means any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

1105.066 HOME OCCUPATION.

"Home occupation" means any use or profession customarily conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

1105.067 HOSPITAL.

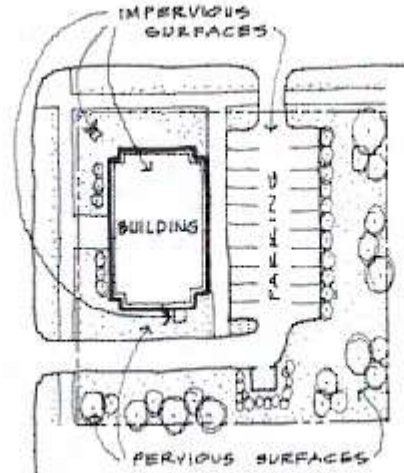
"Hospital" means any building or other structure containing beds for overnight stays for at least four (4) patients and devoted to the medical diagnosis, treatment or other care of human ailments including related facilities such as laboratories, outpatient departments, medical training, central food, housekeeping facilities and staff offices as an integral part of the hospital facility.

1105.068 HOTEL.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house and/or a lodging house where all rooms are accessed through an inside lobby or interior corridor where additional ancillary services such as a restaurant, meeting rooms and fitness facilities may be provided. See "Motel".

1105.069 IMPERVIOUS SURFACE.

"Impervious surface" means any hard surfaced, man-made area that does not readily absorb or retain storm water including, but not limited to, building roofs, paved parking lots, sidewalks, driveways, patios and the like.

**1105.070 IMPERVIOUS SURFACE RATIO.**

"Impervious surface ratio" means a measure of intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the total area of the site or lot.

1105.071 INDEPENDENT LIVING FACILITY.

"Independent living facility" means any public or private self-care facility or other housing facility, licensed by the State of Ohio, designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:

- (a) A hospital required to be certified by Section 3727.02 of the Ohio Revised Code;
- (b) A nursing home or residential care facility;
- (c) An adult care facility;
- (d) A hospice licensed under Section 3712.04 of the Ohio Revised Code;
- (e) A residential facility for the mentally ill licensed by the department of mental health under Section 5119.22 of the Ohio Revised Code;
- (f) A facility licensed to provide methadone treatment under Section 3793.11 of the Ohio Revised Code;
- (g) A facility certified as an alcohol and drug addiction program under Section 3793.06 of the Ohio Revised Code;
- (h) A residential facility licensed under Section 5123.19 of the Ohio Revised Code or a facility providing services under a contract with the Department of Developmental Disabilities under Section 5123.18 of the Ohio Revised Code;
- (i) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

1105.072 INDUSTRIAL.

"Industrial" means a building or land used for the assembly, fabrication or processing of goods and materials.

1105.073 INDUSTRIAL, HEAVY.

"Heavy industrial" - See "Manufacturing, Heavy".

1105.074 INDUSTRIAL, LIGHT.

"Light industrial" - See "Manufacturing, Light".

1105.075 INFILL.

The use of vacant or underdeveloped land or property within a built-up area for further construction or development.

1105.076 IN-LAW SUITE.

"In-law suite" means a secondary accessory dwelling unit located on the same property as the primary dwelling unit, that shares common facilities, used for those persons related by blood, adoption or marriage to those occupying the primary dwelling unit. Also known as "mother in-law suite" or "granny suite".

1105.077 INSTITUTION.

"Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public or semi-public use.

1105.078 JUNK.

"Junk" means old scrap copper, brass, rope, rags, batteries, paper, rubber, dismantled or wrecked automobiles or parts thereof, iron, steel and old or scrap ferrous or nonferrous materials which are not held for sale for re-melting purposes by an establishment having facilities for the processing of such materials.

1105.079 JUNK YARD.

"Junk yard" means the use of more than twenty-five (25) square feet of any land, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

1105.080 LOADING SPACE.

"Loading space" means 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.

1105.081 LOT.

"Lot" means a piece, parcel or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by this Zoning Code (see graphic following Section [1105.084](#)).

1105.082 LOT, CORNER.

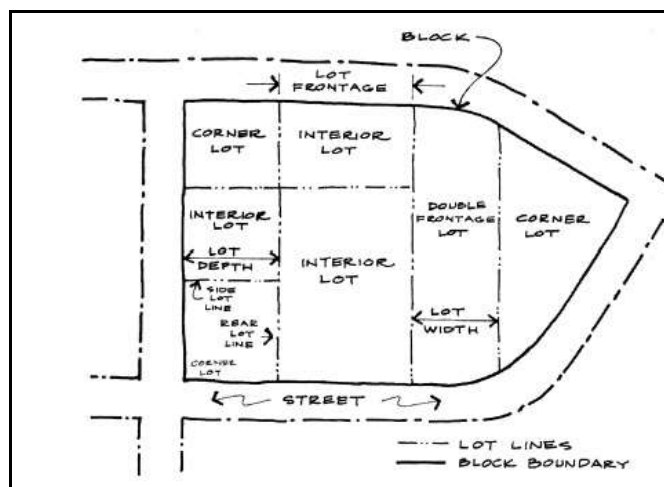
"Corner lot" means a lot at the junction of and abutting upon two intersecting streets forming an interior angle of less than 135 degrees.

1105.083 LOT, DOUBLE FRONTAGE.

"Double frontage lot" means a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

1105.084 LOT, INTERIOR.

"Interior lot" means a lot other than a corner lot.

**1105.085 LOT AREA.**

"Lot area" means the computed area contained within the lot lines. Where the lot has been conveyed to the center of the street the area of the lot lying within the established street right of way shall not be included as part of the lot area for the purpose of this Zoning Code.

1105.086 LOT COVERAGE.

"Lot coverage" means the portion of the lot area that is covered by any buildings. See also, "Impervious surface".

1105.087 LOT DEPTH.

"Lot depth" means the mean horizontal distance between the right-of-way line of the street and the rear lot lines.

1105.088 LOT LINES.

"Lot lines" means the property lines defining the limits of a lot.

1105.089 LOT LINE, FRONT.

"Front lot line" means the line separating the lot from the street on which it fronts.

1105.090 LOT LINE, REAR.

"Rear lot line" means the lot line opposite and most distant from the front lot line.

1105.091 LOT LINE, SIDE.

"Side lot line" means any lot line other than the front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

1105.092 LOT OF RECORD.

"Lot of record" means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Medina County, or a parcel of land, the deed to which was of record on or prior to the effective date of this Zoning Code.

1105.093 LOT WIDTH.

"Lot width" means the width measured along the minimum building setback line.

1105.094 MAJOR THOROUGHFARE AND COLLECTOR THOROUGHFARE.

"Major thoroughfare" and "collector thoroughfare" means thoroughfares designated as such on the adopted Land Use and Thoroughfare Plan.

1105.095 MANUFACTURED HOUSING.

"Manufactured housing" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

1105.096 MANUFACTURED HOUSING PARK.

"Manufactured housing park" means a tract or parcel of land upon which spaces for manufactured housing are provided for a consideration, whether for overnight, by the day or longer.

1105.097 MANUFACTURING, HEAVY.

"Heavy manufacturing" means a building or outdoor land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily create one or more of the following: smoke, dust, or other airborne particulates, noise which is plainly audible outside of the boundary lines of the parcel where the noise is being created, fumes, odor, glare or potential safety hazards (e.g., explosive materials processing, hazardous materials being used or created by a process, etc.).

1105.098 MANUFACTURING, LIGHT.

"Light manufacturing" means a building or outdoor land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create one or more of the following: smoke, dust, or other airborne particulates, noise which is plainly audible outside of the boundary lines of the parcel where the noise is being created, fumes, odor, glare or potential safety hazards (e.g., explosive materials processing, hazardous materials being used or created by a process, etc.).

1105.099 MAXIMUM LOT COVERAGE.

"Maximum lot coverage" means the greatest amount of any hard-surfaced, man-made area that does not readily absorb or retain storm water, including but not limited to building roofs, parking and driveway areas and sidewalks, that is permitted by zoning district on an individual lot. Maximum lot coverage is expressed in percent therefore a maximum lot coverage of seventy percent (70%) means that seventy percent (70%) of the lot can be covered by a hard, impervious surface. See "Impervious surface".

1105.0100 MEDICAL CLINIC.

See "Clinic".

1105.0101 MINIMUM BUILDING SETBACK LINE.

"Minimum building setback line" means a line parallel to the street right-of-way line and at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot. Where the right-of-way line is not established, the right of way shall be assumed to be sixty (60) feet.

1105.0102 MIXED USE.

"Mixed use" means the inclusion of two or more permitted uses on a single parcel of land or in a single building.

1105.0103 MOBILE HOME.

"Mobile home" means any vehicle or mobile structure on wheels, skids, rollers or blocks, designed to be pulled, pushed or carried by motor vehicles on a highway and used for living as a dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connection to utilities, and the like.

1105.0104 MOBILE HOME PARK.

"Mobile home park" means a site containing spaces with required improvements and utilities that are leased for the long-term placement of mobile homes and that may include services and facilities for the residents.

1105.0105 MOTEL.

"Motel" means any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges and tourists courts where each sleeping room is accessed from the exterior of the building. Additional accessory services such as restaurants, meeting rooms and fitness facilities may be an integral part of the motel facility.

1105.0106 MOTOR VEHICLE FILLING STATION.

"Motor vehicle filling station" means a place where gasoline, kerosene or other motor fuel or lubricating oil or grease, or electric connections for fueling or charging motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

1105.0107 MOTOR VEHICLE, TRUCK, TRAILER OR FARM IMPLEMENT SALES AND SERVICE.

"Motor vehicle, truck, trailer or farm implement sales and service" means an open area, other than a street, used for the display and sale or rental of new or used automobiles, passenger trucks, recreational vehicles, motorcycles or trailers, semi-trucks, and farm equipment in operable condition and where minor repair work may be done.

1105.0108 MOTOR VEHICLE REPAIR, MAJOR.

"Motor vehicle repair, major" means general vehicle repair, rebuilding or reconditioning of engines, motor vehicles, recreational vehicles, or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

1105.0109 MOTOR VEHICLE REPAIR, MINOR.

"Motor vehicle repair, minor" means the replacement of parts and motor service to passenger cars, trucks and recreational vehicles, not exceeding one and one-half (1½) tons capacity, but not including any operation named under "motor vehicle repair, major," or any other operation similar thereto.

1105.0110 NONCONFORMING BUILDING.

"Nonconforming building" means a building or structure legally existing and/or used at the time of adoption of this Zoning Code, or any amendment thereto, and which does not conform to the use regulations of the district in which it is located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards, courts or distance requirements from more restricted districts or uses shall not be considered a nonconforming use. See also "Nonconforming lot" and "Nonconforming use".

1105.0111 NONCONFORMING LOT.

"Nonconforming lot" means a lot or parcel of land which was lawfully created at the time of adoption of this Zoning Code, or any amendment thereto, which does not conform to the minimum requirements specified for the zone in which it is located. See also "Nonconforming building" and "Nonconforming use".

1105.0112 NONCONFORMING USE.

"Nonconforming use" means any building or land lawfully occupied by a use on the effective date of this Zoning Code, or any amendment or supplement thereto, which does not conform to the use regulation of the district in which it is situated. See also "Nonconforming building" and "Nonconforming lot".

1105.0113 NURSERY SCHOOL.

See "Child day care center and nursery".

1105.0114 NURSING HOME.

"Nursing home" means a public or privately operated place of domicile or other similar facility, licensed by the State of Ohio, used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. See also "Assisted Living Facility" and "Independent Living Facility".

1105.0115 OFF-STREET LOADING SPACE.

"Off-street loading space" means an open or enclosed part of a building, directly accessible to a public street, used for the loading of goods and products accessory to the main use.

1105.0116 OFFICE.

"Office" means a building or portion thereof wherein services are performed involving predominately administrative, professional or clerical operations.

1105.0117 OPEN SPACE.

"Open space" means the required portion of a lot excluding the required yard area which is unoccupied by principal buildings and available for natural resource protection, recreational and other leisure activities normally carried on outdoors. Open space is further classified as follows: common land, public land, and useable open space.

1105.0118 COMMON LAND.

"Common Land" means land which is designated in covenants or other conditions running with the land, for open space use.

1105.0119 PUBLIC LAND.

"Public Land" means land which is formally offered for dedication and accepted by the City or other public body, for open space use.

1105.0120 USABLE OPEN SPACE.

"Usable Open Space" means any private or common open space land which may be required by this Zoning Code.

1105.0121 OUTDOOR STORAGE.

"Outdoor storage" means the keeping, in an unenclosed area, of personal or business property, goods, junk, wares or merchandise that are not located in the specific spot for customer viewing or immediate purchase for a period of more than twenty-four (24) hours. See also "Bulk storage and display".

1105.0122 OVERLAY DISTRICT.

"Overlay District" means a district established by ordinance to prescribe special regulations to be applied to a site in combination with the underlying zoning district regulations. See also "District".

1105.0123 PARK.

"Park" means any land owned by a public agency and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

1105.0124 PARKING LOT, PRIVATE.

"Private parking lot" means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles for the exclusive use of the owners of the lot.

1105.0125 PARKING LOT, PUBLIC.

"Public parking lot" means an off-street, ground level open area, usually improved for the temporary storage of motor vehicles available to the general public with or without payment of a fee.

1105.0126 PARKING SPACE.

"Parking space" means an off-street space or berth, usually improved, for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

1105.0127 PASSENGER TRANSPORTATION AGENCY AND TERMINAL.

"Passenger transportation agency and terminal" means land and buildings used for the loading and unloading of mass transit passengers including areas for the parking and storage of mass transit vehicles.

1105.0128 PERSONAL OR PROFESSIONAL SERVICE.

"Personal or professional service" includes any for profit service enterprise or occupation involving the dispensation of a licensed service (excluding medical services) primarily to the general public such as: health club, day spa, fitness facility, shoe repair, barber shop, beauty salon, bank or other federally insured financial institution, laundromat, real estate, bookkeeper, tax accountant, plumber or electrician. Personal or professional services do not include sexually oriented businesses.

1105.0129 DELETED.

EDITOR'S NOTE: Former Section 1105.0129 was deleted by Ordinance 58-17.

1105.0130 PLANNING DIRECTOR.

"Planning Director" means the administrative officer designated to enforce the Zoning Code and issue permits and certificates.

1105.0131 PRINCIPAL BUILDING OR USE.

"Principal building" means a use which is permitted as of right in a zoning district for which a Zoning Certificate may be issued in accordance with the rules and regulations of this Zoning Code. See also "Accessory building or use", "Conditional building or use" and "Use".

1105.0132 PUBLIC UTILITY.

"Public utility" means any person, firm, corporation, governmental agency or board fully authorized to furnish, and furnishing to the public, electricity, gas, steam, telephone, telegraphy, fiber optics, transportation, water, sewer or any other similar essential services or utilities and possess a certificate of convenience and necessity from the Public Utilities Commission of Ohio or be municipally owned and operated. See also "Essential services".

1105.0133 PUBLIC STORAGE GARAGE AND YARD.

"Public storage garage and yard" means any publicly owned building, structure, facility, or land for the purpose of storing and/or repairing government owned vehicles and equipment

1105.0134 PUBLICLY OWNED OR OPERATED GOVERNMENT FACILITY.

"Publicly owned or operated government facility" means any building, structure, facility, or complex used by the general public, whether constructed by any federal, state, county or municipal government agency or agent thereof. This shall include, but not be limited to: government buildings, fire station, police station, post office, library, treatment plant, water tower, community or recreation center, or government maintenance facility.

1105.0135 RECREATION FACILITY.

"Recreation facility" means any land, building or structure that provides facilities for sports or activities including, but not limited to: fairgrounds, athletic fields, playgrounds, ball courts, picnic areas, bike/hike trails or swimming pools, amusement parks, ice skating rinks and rock climbing walls.

1105.0136 RELIGIOUS PLACE OF WORSHIP.

"Religious place of worship" means a building or land for the assembly of a congregation of people regularly attending or holding religious services, meeting and other related secondary activities.

1105.0137 RESEARCH AND DEVELOPMENT LABORATORY.

"Research and development laboratory" means an establishment in which scientific research, investigation, prototype development and process development, testing or experimentation is conducted, excluding the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

1105.0138 RESTAURANT.

"Restaurant" means an eating establishment where orders are taken at a table or counter and food is prepared and served at counters or tables for consumption on or off premise.

1105.0139 RESTAURANT, FAST FOOD.

"Fast food restaurant" means an eating establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either on or off-premises.

1105.0140 RETAIL BUSINESS.

"Retail business" means any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. See also "Convenience Retail."

1105.0141 SEATING CAPACITY.

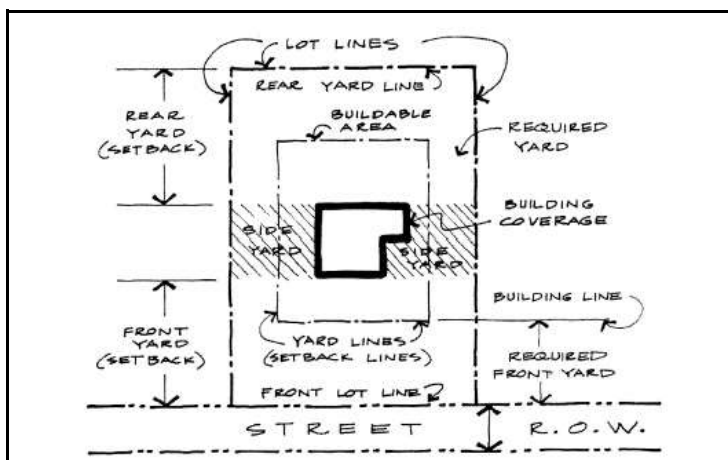
"Seating capacity" means the number of seating units indicated on plans or based on six (6) square feet of floor area per seat.

1105.0142 SELF-STORAGE WAREHOUSE.

"Self-storage warehouse" means a building containing varying sizes of individual, compartmentalized, and controlled access stalls, rooms, or lockers that are rented or leased by different individuals for the storage of individual possessions.

1105.0143 SETBACK.

"Setback" means the line beyond which no use, building, or improvement or part thereof shall project or exist, except as otherwise provided by this Zoning Code. "Setback" shall include the front, side and rear yard setback lines.

**1105.0144 SEXUALLY ORIENTED BUSINESS.**

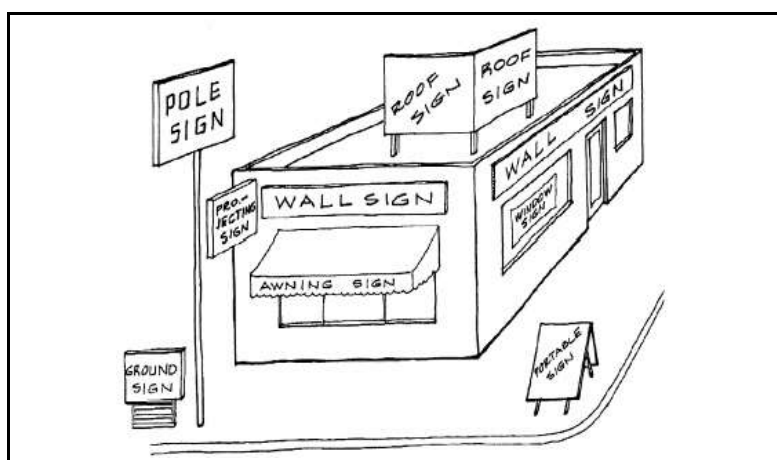
"Sexually oriented business" means a business as defined in Chapter 711, Sexually Oriented Businesses, of the City of Medina Codified Ordinances.

1105.0145 SIGN.

"Sign" means any visual communication, display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Code, the word "sign" does not include the flag, pennant, badge or insignia of any government or governmental agency (see graphic following page).

For the purpose of this Code, the following sign-related definitions shall also apply in this Code:

- (a) **ABANDONED SIGN.** "Abandoned Sign" means a sign that no longer identifies or advertises a bona fide business, lessee, service, owner, product or activity, and/or for which no legal owner can be found.



- (b) **ANIMATED SIGN.** "Animated Sign" means any sign that is inflatable, uses intermittent, flashing, rotating or moving lights or movement of the sign or some element thereof, to depict action or create a special effect or scene.
- (c) **AWNING OR CANOPY SIGN.** "Awning or Canopy Sign" means any sign that is painted on, printed on or attached to an awning, canopy or other fabric, plastic or structural protective cover.
- (d) **BANNER SIGN.** "Banner Sign" means a temporary sign made of lightweight fabric or similar material.
- (e) **BILLBOARD SIGN** (synonymous with off-site advertising). "Billboard Sign" means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on a lot other than that on which the sign is located.
- (f) **CABINET SIGN.** "Cabinet Sign" means a sign structure consisting of the frame and face(s) not including the internal components, embellishments or support structure.
- (g) **CHANGEABLE COPY SIGN.** "Changeable Copy Sign" means a permanent sign or a portion thereof with letters, characters or graphics that are not permanently affixed to the structure, framing or background allowing the letters, characters or graphics to be modified manually.
- (h) **ELECTRONIC MESSAGE CENTER SIGN.** "Electronic Message Center Sign" means a changeable copy sign that utilizes computer generated message or some other electronic means of changing copy.

- (i) **ENTRANCE OR EXIT SIGN.** "Entrance or Exit Sign" means a safety and public purpose sign that is located at a driveway entrance to or exit from a lot and is intended to provide for safe ingress and egress. Such sign shall not exceed three (3) square feet in area and three (3) feet in height, and shall contain no commercial message, logo, symbol, emblem, picture or graphic of any kind.
- (j) **EXTERNALLY ILLUMINATED SIGN.** "Externally Illuminated Sign" means a sign that is directly or indirectly illuminated by a light source that shines on the sign face of or from behind the sign.
- (k) **FLAG SIGN.** "Flag Sign" means a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal or emblem.
- (l) **GROUND OR MONUMENT SIGN.** "Ground or Monument Sign" means a sign supported from the ground and not attached to any building.
- (m) **ILLUMINATED SIGN.** "Illuminated Sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (n) **INSTRUCTIONAL SIGN.** "Instructional Sign" means a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy. Such sign shall contain text not exceeding two (2) inches in height, shall contain the minimum information and be of the minimum area and height necessary to convey its intended message, and shall be located so as not to attract attention from the perimeter of the site.
- (o) **INTERNALLY ILLUMINATED SIGN.** "Internally Illuminated Sign" means a sign illuminated internally through its sign face by a light source contained inside the sign.
- (p) **MARQUEE SIGN.** "Marquee Sign" means a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.
- (q) **MOBILE SIGN.** "Mobile Sign" means a sign that is on wheels, runners or casters, or has a frame to which wheels, runners or casters may be affixed, parked trailers, parked vehicles or other mobile devices, including tethered and/or anchored balloons.
- (r) **NONCONFORMING SIGN.** "Nonconforming Sign" means a sign that was erected legally but which does not comply with subsequently enacted sign regulations or amendments thereto.
- (s) **PERMANENT SIGN.** "Permanent Sign" means a sign that is not temporary.
- (t) **POLE SIGN.** "Pole Sign" means any ground sign supported by one or more poles or posts having the sign face at least ten (10) feet above grade at the base of the supports.
- (u) **POLITICAL SIGN.** "Political sign" means a sign advocating action on a public issue, identifying a candidate for public office or expressing an opinion or belief regarding a public issue or candidate.
- (v) **PORTABLE SIGN.** "Portable sign" means a sign which is designed to be transported and is not physically attached to any part of a building or the ground.
- (w) **PROJECTING SIGN.** "Projecting Sign" means a sign that is attached to a building wall and extending more than twelve (12) inches beyond the face of the wall.
- (x) **REAL ESTATE SIGN.** "Real Estate Sign" means a temporary sign directing attention to the promotion, development, rental, sale or lease of the particular building, property or premises on which the sign is located.
- (y) **ROOF SIGN.** "Roof Sign" means any sign erected, constructed or maintained wholly or partially upon or over the roof or parapet wall of any building and having its principal support on the roof or walls of the building.

- (z) **SAFETY AND PUBLIC PURPOSE SIGN.** "Safety and Public Purpose Sign" means a sign erected by a public authority, utility, public service organization or private industry upon the public right-of-way or, when required by law, on private property and which is intended to control traffic, direct, identify or inform the public or provide needed public services as determined by the rules and regulations of governmental agencies or through public policy. Such signs include "No Parking" or "Fire Lane" signs.
- (aa) **TEMPORARY SIGN.** "Temporary Sign" means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, a structure or permanently installed in the ground.
- (bb) **WALL SIGN.** "Wall Sign" means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in plane parallel to the plane of the wall and extending not more than twelve (12) inches there from and which does not project above the roofline or beyond the corner of the building.
- (cc) **WINDOW SIGN.** "Window Sign" means a sign posted, painted, placed or affixed in or on a window or door that is intended to be visible from the outside of a building. An indoor sign that faces a window or door exposed to public view and located within one foot of the window or door is considered a window sign for the purpose of calculating the total area of all window signs.

1105.0146 SIGN FACE.

"Sign Face" means the area or display surface used for the message.

1105.0147 SIGN PLATE.

"Sign plate" means a wall or window sign not exceeding two (2) square feet in area.

1105.0148 SITE PLAN.

"Site plan" means a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of buildings, structures, uses and principal site development features proposed for a specific parcel of land.

1105.0149 STORY.

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

- (a) **FIRST STORY.** "First story" means the lowest story of any building.
- (b) **HALF STORY.** "Half story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds () of the floor area is finished off for use.

1105.0150 STREET, PUBLIC.

"Public street" means a public thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property. The term "Street" shall include: avenue, drive, circle, road, parkway, boulevard, highway, way, thoroughfare or any other similar term.

1105.0151 STREET, PRIVATE.

"Private street" means a thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements. The term "Street" shall include: avenue, drive, circle, road, parkway, boulevard, highway, way, thoroughfare or any other similar term.

1105.0152 STREET RIGHT-OF-WAY LINE.

"Street right-of-way line" means a dividing line between a lot, tract or parcel of land and a contiguous dedicated street.

1105.0153 STRUCTURAL ALTERATIONS.

"Structural alterations" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

1105.0154 STRUCTURE.

"Structure" means anything constructed or erected that requires, pursuant to this Code and/or the standards and requirements of the building regulations adopted and administered by the City, location on the ground or attachment to something having location on the ground, including buildings, sheds, signs, play structures, etc., but not including fences or walls used as fences.

1105.0155 SWIMMING POOL, COMMERCIAL.

"Commercial swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any public bathing area or private residential swimming pool and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintained in conjunction with or by clubs, motels, hotels and community associations.

1105.0156 SWIMMING POOL, PRIVATE.

"Private swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing designed for no more than three (3) families and used exclusively by the residents and their nonpaying guests.

1105.0157 TAVERN.

See "Bar or Tavern".

1105.0158 THOROUGHFARE.

"Thoroughfare" means a street or alley.

1105.0159 THOROUGHFARE PLAN.

"Thoroughfare Plan" means the official Major Thoroughfare Plan of the City, as adopted by the City Planning Commission or City Engineer establishing the location and official right-of-way widths of principal highways and streets in the City, together with all amendments thereto subsequently adopted.

1105.0159.1 TRANSITIONAL HOUSING.

"Transitional housing" means a temporary housing arrangement designed to assist persons to obtain skills, financial wherewithal and/or the physical, psychological and emotional stability necessary for independent living in permanent housing in a community. Transitional housing is housing in which:

- (a) An organization provides a program of therapy, counseling, supervision and/or training for the occupants;
- (b) The organization operating the program may or may not be licensed or authorized by a governmental authority; and
- (c) The program is for the purpose of assisting the occupants in one or more of the following types of care;
 - (1) Protection from abuse and neglect;
 - (2) Developing skills and the personal stability that is necessary to adjust to life in the community; and
 - (3) Treatment of the effects of substance abuse, even if under criminal justice supervision.

The definition of "transitional housing" includes the terms "halfway house", "safe house", "temporary care home", and other similar uses. The definition of "transitional housing" does not include the terms "group home", as defined in the Code, or other similar permanent group living facilities.

1105.0160 TRUCK TRANSFER TERMINAL.

"Truck transfer terminal" means a facility where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or other modes of transportation.

1105.0161 USE.

"Use" means the purpose for which a building or premises is or may be occupied. In the classification of uses, a use may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place or thing, which indicates the use or intended use. See also "Accessory building or use", "Conditional building or use" and "Principal building or use".

1105.0162 USABLE OPEN SPACE.

"Usable open space" means 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 building for use for recreational and other leisure activities normally carried on outdoors.

1105.0163 DELETED.

EDITOR'S NOTE: Section 1105.0163 was deleted by Ordinance 58-17.

1105.0164 VARIANCE.

"Variance" means a modification of the application of this Zoning code.

1105.0165 VETERINARY OFFICE.

"Veterinary office" means a place where animals normally kept within a dwelling receive medical treatment by a licensed veterinarian, where no animals are kept on the premises overnight and where all activities are conducted within a totally enclosed, air-conditioned building.

1105.0166 VETERINARY HOSPITAL.

"Veterinary hospital" means a place used for the care and treatment of animals, by a licensed veterinarian, normally kept within a residence, including those in need of medical or surgical treatment, and may include overnight accommodations on the premises for treatment or recuperation. It may also include boarding or grooming incidental to the primary activity.

1105.0167 WAREHOUSE.

"Warehouse" means a building used primarily for the storage of goods and materials.

1105.0168 WHOLESALE ESTABLISHMENT.

"Wholesale establishment" means an establishment engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

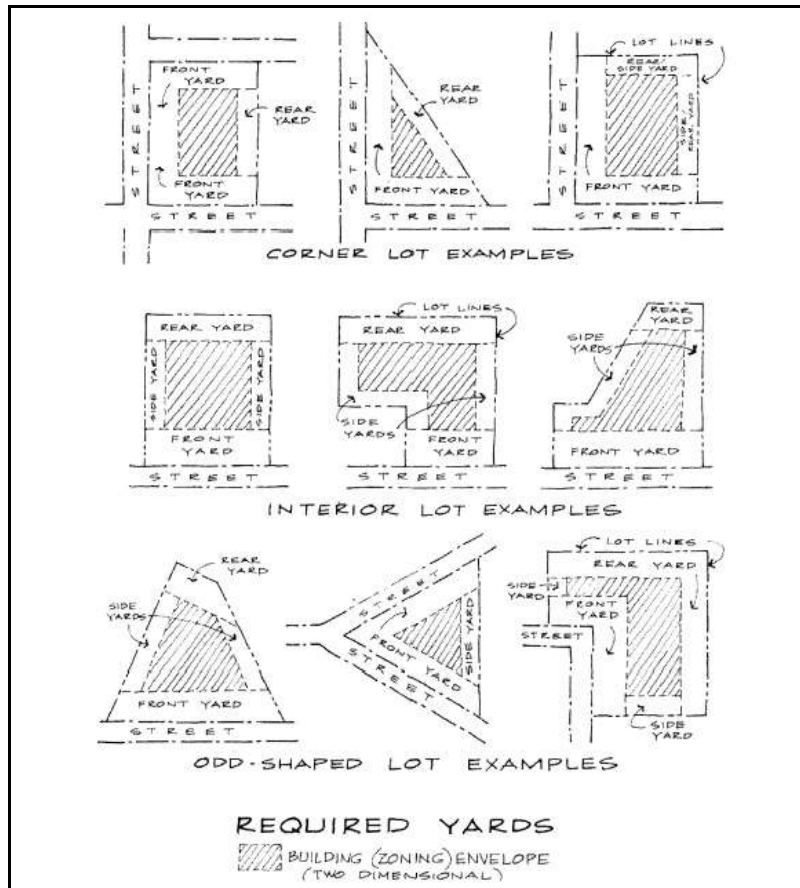
1105.0169 WIRELESS TELECOMMUNICATION FACILITY.

"Wireless telecommunication 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. A wireless telecommunication facility is not considered a public utility.

1105.0170 YARD.

"Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

- (a) **FRONT YARD.** "Front yard" means a yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the nearest portion of any building or structure existing or proposed for construction on the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty (60) feet.
- (b) **REAR YARD.** "Rear yard" means a yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and nearest portions of any building or structure existing or proposed to be constructed on the lot. On corner lots, there shall be two (2) front yards, a side yard and a rear yard. On interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.
- (c) **SIDE YARD.** "Side yard" means a yard between the nearest portion of any building or structure existing or proposed to be constructed on the lot and the side lines of the lot, and extending from the front yard to the rear yard.

**1105.0171 ZONE.**

"Zone", see "District".

1105.0172 ZONING CERTIFICATE.

"Zoning certificate" means the official document issued by the Planning Director authorizing buildings, structures or uses consistent with the terms of this Zoning Code for the purposes of carrying out and enforcing its provisions.

1105.0173 ZONING CODE.

"Zoning code" means the Zoning Ordinance of the City of Medina, Ohio (see Section [1103.02](#))

1105.0174 ZONING MAP.

"Zoning map" means the "Zoning Districts Map of the City of Medina, Ohio" together with all amendments subsequently adopted.

CHAPTER 1107
Administration and Enforcement

- 1107.01 Enforcing authority.**
- 1107.02 Application for zoning certificate.**
- 1107.03 Zoning certificate required.**
- 1107.04 Inspection and correction of violations.**
- 1107.05 Correction period.**
- 1107.06 Zoning Ordinance amendment application.**
- 1107.07 Mail notice to record owners for rezoning.**
- 1107.08 Appeals and variances.**

CROSS REFERENCES

Zoning Ordinance interpretation and conflicts - see P. & Z. 1103.03, 1103.04

Violation penalty - see P. & Z. 1103.9r9

Site plan review required before issuance of zoning certificate - see P. & Z. 1109.01 et seq.

Zoning amendment fee - see P. & Z. 1109.03

Conditional zoning certificate - see P. & Z. Ch. 1153

1107.01 ENFORCING AUTHORITY.

The provisions of this Zoning Ordinance shall be administered by the Planning Director of the City or authorized representative.

1107.02 APPLICATION FOR ZONING CERTIFICATE.

- (a) All applications for a zoning certificate shall be submitted to the Planning Director or his representative, who may issue a zoning certificate when all provisions of this Zoning Ordinance have been met.
- (b) No zoning certificate shall be issued for any work for which a zoning certificate is required in a subdivision or elsewhere in the City until the applicant for such zoning certificate has furnished satisfactory proof that all storm sewers, sanitary sewers, water lines and street paving that are required to be installed have in fact been installed or are in operation or are capable of being operated.

1107.03 ZONING CERTIFICATE REQUIRED.

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

- (a) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon, accompanied by a deed of record;
- (b) The location, dimensions, height and bulk of structure(s) to be erected;
- (c) The intended use;
- (d) The yard, open space and parking space dimensions;
- (e) Color photographs of existing conditions;
- (f) Drawings and narrative description of intended alterations to a building or group of buildings, including but not limited to facade changes, roof line changes, parking lot changes, landscaping plans; and
- (g) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Director, where appropriate, may refer an application to qualified consultants for a report if the Planning Director deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council. Notwithstanding the above, within ten days after the receipt of application, the Planning Director shall issue a zoning certificate if the application complies with the requirements of this Ordinance, or the Planning Director will refer the application to the Planning Commission for review and action.

If no construction has commenced or use changed which are the subject of the zoning certificate within one year of date of the issuance of the certificate, a new application and certificate permit are required. If the construction for which the zoning certificate was issued is not complete at the expiration of two (2) years after the issuance of the certificate, the zoning certificate shall become void.

If the application is for a conditional zoning certificate, the application procedures defined in Section 1153.02 will be followed in addition to the above regulations.

1107.04 INSPECTION AND CORRECTION OF VIOLATIONS.

The Planning Director shall 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 Zoning Ordinance is inspected, shall declare each violation a nuisance and, in writing, order correction of all conditions which are found to be in violation of this Ordinance. Any building or land use considered as a possible violation of the provisions of this Ordinance which is observed by any official or resident shall be reported to the Planning Director.

1107.05 CORRECTION PERIOD.

All violations shall be corrected within a reasonable period of time after the written order is issued by the Planning Director. Any violations not corrected within the specified period of time shall be prosecuted, subject to the penalties in Section 1103.99 of this Zoning Ordinance.

1107.06 ZONING ORDINANCE AMENDMENT APPLICATION.

A proposed amendment to the text or map of this Ordinance may be recommended or requested by the Planning Commission, Council, the Administration or any other citizen or property owner of Medina. The application for such amendment shall be submitted in accordance with the following procedures:

- (a) Submission to Planning Director. Application for Planning Commission shall be submitted to the Planning Director on a special form for that purpose. Each application shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study.

The cost of such report shall be at the expense of the applicant in accordance with a policy established and amended from time to time by Council.

- (b) Data Required With Application.
- (1) Form supplied by the Planning Director and completed by the applicant;
 - (2) If the proposed amendment involves a change to the zoning map, a property survey and/or legal description of all property included in the proposed amendment.
 - (3) If the proposed amendment involves a change to the zoning text, complete specifications of the proposed change or changes to the text.

- (4) A statement supporting the proposed amendment.
- (c) Review and Action by the Planning Commission. The Planning Commission shall review the proposed amendment at one or more of its regular meetings, and within forty-five (45) days after the date of submission of the proposed amendment, recommend to Council the approval, approval with modification or disapproval of the proposed amendment.
- (d) Hearing and Action by Council. Upon notification by the Planning Director of the action by the Planning Commission, the Clerk of Council shall advertise for a public hearing by Council in accordance with its rules and regulations. The Planning Commission's recommendation shall be read at such hearing. Following the hearing, Council shall approve, overrule or modify the Planning Commission's recommendation. No action of Council, however, shall be taken modifying the recommendation of the Planning Commission except by a vote of three-fourths (¾) of the members of Council.
- (e) Reapplication. No application for a zoning amendment which has been denied wholly or in part by Council shall be resubmitted within one year after the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which could be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year each reapplication shall be accompanied by the required data and fees.

1107.07 MAIL NOTICE TO RECORD OWNERS FOR REZONING.

- (a) The Planning Director shall, at least seven days prior to the Planning Commission meeting, notify by ordinary mail all record owners of each parcel of land proposed to be rezoned.
- (b) Except for subsections (a) above, Ohio R.C. 713.12 shall be followed insofar as notices and publications are required.

1107.08 APPEALS AND VARIANCES.

- (a) Intent. The purpose of this Section is to provide guidelines and standards to be followed by the Board in considering requests for variances and appeals, where the jurisdiction of the Board has been established by the City Charter and by this Ordinance.
- (b) Purpose of Variances and Appeals.
- (1) Appeals. Generally, an appeal may be taken to the Board by a person, or by any office, department, board, or bureau aggrieved by a decision of any administrative or enforcement official or body charged with enforcement of this Ordinance. An appeal must be filed within fourteen (14) days of issuance of the applicable written decision, and such appeal shall be made on forms made available by the Planning Director.
 - (2) Variances. Where there are "practical difficulties" (for area or size-type variances) or "unnecessary hardships" (for use variances) preventing a property owner from conforming with the strict letter of this Ordinance, the Board shall have the power to authorize variances from the standards in this Ordinance, with such conditions and safeguards as it may determine to be necessary so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.
- (c) Stay of Proceedings. An appeal to the Board shall stay enforcement proceedings in furtherance of the appealed action, unless the Planning Director certifies to the Board that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by an injunction granted by the Court of Common Pleas. A stay of proceedings shall not stay the City's authority to issue a stop work order on a project that may be in progress and being performed in a manner that is not in conformance with applicable ordinances and regulations. Also, it shall not stay a project when the appeal is brought by a third-party contesting the issuance of a permit.

- (d) Application to the Board. Variances and appeals for which Board action is sought shall be commenced by a person filing an application to the Board on forms as specified by the Planning Director and accompanied by required fees. Each application shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Board, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of such variance.

- (e) Review by the Board. The Planning Director shall forward the application, along with any supporting materials and plans to the Board. Notice of the hearing shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the date of the hearing, and sent by mail or personal delivery to the owners of property for which a variance request is being considered, and to all owners of property adjacent to and directly across the street from the property in question. At the hearing, a party may appear in person or by agent or by attorney.
- (f) Decision by the Board. The concurring vote of three (3) members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the Planning Director, or to decide in favor of the applicant any matter upon which they are required to pass judgment. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Board shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. With an affirmative decision, the Board may impose conditions. The decision of the Board shall be final, but the City, with approval by the Council, or any person having an interest affected by a decision of the Board, may appeal to the Court of Common Pleas, and to any Court of final jurisdiction.
- (g) Record of Decision and Order. The Board shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:
- (1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.
 - (2) The notice of the appeal.
 - (3) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration.

The written findings of fact, the decisions, and the conditions imposed by the Board in acting on the appeal shall be entered into the official record, after being signed by the Secretary of the Board. The final appealable decision or order of the Board shall be effective upon the written notice of the Board's decision or order is delivered to the applicant or appellant.

- (h) Approval Period. If construction has not commenced within twelve (12) months after the Board grants a variance to permit the erection or alteration of a building or structure and completed within two (2) years of the Board approval date, then the variance becomes null and void.
- (i) Standards for Variances and Appeals. Variances and appeals shall be granted only in accordance with, and based on, the findings set forth in this Section. The burden of proof for variances and appeals shall be upon the applicant. The extent to which the following factors, standards, and criteria apply to a specific case shall be determined by the Board.

- (1) Factors applicable to area or size-type variances ("practical difficulty"). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a practical difficulty exists and an area or size-type variance should be granted:
- A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - B. Whether the variance is substantial;
 - C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 - E. Whether the property owner purchased the property with knowledge of the zoning restrictions;
 - F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or
 - G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
- (2) Standards applicable to use variances ("unnecessary hardships"). The applicant shall demonstrate by clear and convincing evidence that all of the following standards have been met in order to find an unnecessary hardship exists so as to justify the granting of a use variance, as determined by the Board:
- A. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - B. The hardship condition is not created by actions of the applicant;
 - C. The granting of the variance will not adversely affect the rights of adjacent owners;
 - D. The granting of the variance will not adversely affect the public health, safety or general welfare;
 - E. The variance will be consistent with the general spirit and intent of this Ordinance;
 - F. The variance sought is the minimum which will afford relief to the applicant; and
 - G. There is no other economically viable use which is permitted in the zoning district.
- (3) Factors applicable to sign variances ("practical difficulty"). The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether a practical difficulty exists and a sign variance should be granted:
- A. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety;
 - B. A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions;
 - C. Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities;
 - D. A sign that exceeds the allowable height or area standards of this Ordinance would be more appropriate in scale because of the large size or frontage of the premises or building;
 - E. The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood;

- F. The variance sought is the minimum necessary to allow reasonable use, visibility, or readability of the sign; and/or
 - G. The variance will be consistent with the general spirit and intent of this Ordinance.
- (4) Criteria applicable to appeals. The Board shall reverse an order of a zoning official only if it finds that the action or decision appealed:
- A. Was arbitrary or capricious; or
 - B. Was based on an erroneous finding of a material fact; or
 - C. Was based on erroneous interpretation of this Ordinance or zoning law; or
 - D. Constituted an abuse of discretion.

CHAPTER 1108

Fees

1108.01 Fees established.

1108.02 Fees.

CROSS REFERENCES

Building permit fees - see BLDG. 1311.04

1108.01 FEES ESTABLISHED.

The stated fees for applications for planning and zoning permits and approvals are hereby established by separate Fee and Penalty Schedule Ordinance as adopted by City Council.

1108.02 FEES.

- (a) Additional Fees. In addition to the basic application fees established under City Ordinance, applicants for permits and approvals shall pay the costs of review of applications for appeals, interpretations, variances, certificates of appropriateness, conditional zoning certificates, conditional sign permits, site plans, subdivisions, rezonings, text amendments, planned developments, construction and/or other improvement plans, and other applications. Such charges shall be in addition to the basic application fee, in an amount equal to the City's actual expenses incurred for reviewing the application, including but not limited to the cost of:
- (1) Board or Commission subcommittee meetings;
 - (2) Special meetings;
 - (3) Review by City Law Director and/or any City consulting attorney and preparation of appropriate approving legislation, as well as any document necessary to review the application;
 - (4) Review by City Planning Director and/or any City consulting planner, including preparation of any documents and review letters required for City review, as well as attendance at one or more City meetings to present such documents or review letters, if required by the City;
 - (5) Review by City Engineer and/or any City consulting engineer, including preparation of any documents and review letters required for City review, as well as attendance at one or more City meetings to present such documents or review letters, if required by the City;
 - (6) Any additional notices for hearings other than those required by the City Subdivision Regulations or Zoning Ordinance or otherwise set forth in this chapter;
 - (7) Traffic studies;
 - (8) Environmental impact studies;
 - (9) Utility fees for street light connections;
 - (10) Street name sign installation fees;
 - (11) Water system bacterial testing;
 - (12) Review and consideration of proposed private roads;
 - (13) All other applicable fees directly related to the review, inspection and/or installation of subdivision improvements; and
 - (14) Similar services and expenses.
- (b) Escrow Requirement. If the Planning Director determines that the application is one for which such costs for review are likely to be incurred, the Planning Director shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least five hundred dollars (\$500.00), commencing with an initial deposit of not less than one thousand dollars (\$1,000.00). No application shall be processed prior to the required escrow amount having been deposited with the Planning Director. If an applicant objects to the amount of the escrow

funds required to be deposited, it may appeal that determination to the Council within thirty (30) days after the initial decision by the Planning Director.

- (c) Minimum Balance. If funds in the escrow account are depleted or fall below twenty percent (20%) of the initial escrow amount, the applicant shall make an application deposit sufficient to cover any deficit and to re-establish a balance of at least five hundred dollars (\$500.00) or twenty percent (20%) of the initial escrow amount, whichever is greater. The amount of additional deposit sufficient to cover any deficit in the account shall be at least five hundred dollars (\$500.00) or such greater amount as is determined by the Planning Director to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application, and no application shall be placed on or allowed to remain on a meeting agenda, until the escrow account has been re-established to such appropriate level.
- (d) Accurate Records. The Planning Director shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category, as determined to be appropriate by the Finance Director.
- (e) Balance Refund. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed, and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the City, the City shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further permit or certificate of occupancy or other permit for the project shall be issued, and if such expenses remain unpaid for a period of fourteen (14) days, the Planning Director may issue appropriate stop work orders or take other action to halt work on the project. In addition, the City may take legal action to collect unpaid fees.
- (f) Applicant Agreement. The application for zoning approval or other approvals covered in this chapter shall indicate that the applicant agrees to pay the City's expenses for review of the application and other above-stated expenses, as provided for on Exhibit "A" CITY OF MEDINA ESCROW RESOLUTION AFFIDAVIT, which is attached to original Ordinance 50-05 and made a part hereof.

CHAPTER 1109
Site Plan Review

1109.01 Purpose.

1109.02 Application procedure.

1109.03 Fees.

1109.04 Design Review Guidelines.

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

Planning Director's police officer powers - see P. & Z. 1107.01

Zoning certificate requirements - see P. & Z. 1107.02, 1107.03

Conditional zoning certificate - see P. & Z. Ch. 1153

1109.01 PURPOSE.

Before the issuance of a zoning certificate or conditional zoning certificate for any proposed multi-family, mobile home park, public facility, business or industrial use as provided for in Chapters 1115 to 1141, the Planning Commission or Planning Director shall review and approve site plans for such uses as identified below.

- (a) A review by the Commission shall also be required when:
 - (1) There is an increase in the number of dwelling units for multi-family;
 - (2) The floor area of a nonresidential building is increased;
 - (3) The use of an existing building is changed to a use which requires the addition of more off-street parking facilities than currently exist on the site;
- (b) The following Minor Developments may be finally approved by the Planning Director in lieu of action by the Planning Commission. Any improvement which is not in compliance with this Chapter or is determined by the Planning Director to be beyond the scope of a minor building development will be forwarded to the Planning Commission for review.
 - (1) New construction of one single-family dwelling that will not require off-site construction of any new street or road; or
 - (2) Renovations, alterations, or expansions to an existing building or site up to 5,000 square feet for land uses other than single-family dwellings and 10,000 square feet for I-1 zoned properties; or
 - (3) Expansion of an existing parking lot up to thirty percent (30%) of existing spaces; or
 - (4) Facade alterations which do not alter the existing architectural character.

1109.02 APPLICATION PROCEDURE.

Any application for site plan review as provided for by this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application form shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code.

In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

- (b) Data Required With Application.
 - (1) Form supplied by the Planning Director completed by the applicant.

- (2) Existing condition map not to exceed twenty-four inches by thirty-six inches (24" x 36") drawing sheet size showing all land owned and proposed for development; topography, including contours of no greater vertical interval than two (2) feet; surrounding streets and adjoining lots; the location, size and height of all existing buildings on the proposed site and adjacent thereto; existing public utilities including the fire hydrants, sanitary sewers, water mains and surface drainage facilities; existing trees and other landscaping features.
 - (3) Proposed site plan at the same scale and same drawing sheet size (not to exceed twenty-four inches by thirty-six inches (24" x 36")) as the existing condition map, showing the proposed system of circulation of vehicular traffic including delivery trucks, details for connections to present streets, type of pavement and plans for control of traffic in and around the development; parking areas with the number of spaces to be provided; design features; location and type of sewerage collection and surface drainage; the location, type and height of all buildings and major subdivision of space therein; all proposed accessory structures including signs; and other proposed site improvements including grading, landscaping, fences and walls.
 - (4) Tables showing total number of acres and the number and type of dwelling and nonresidential uses including streets, parks and open space.
 - (5) Architectural drawings of the exterior of structures and groups of structures.
 - (6) Written narrative of proposed project.
 - (7) Any other pertinent data which may be necessary to review the site plan as determined by the Planning Commission or Planning Director.
- (c) Review and Action by the Planning Commission. The Planning Director shall forward the application, along with any supporting materials and plans to the Planning Commission. Notice of the application shall be sent by mail or personal delivery to the owners of property for which the application is being considered, and to all owners of property adjacent to and directly across the street from the property in question. The Planning Commission shall review the proposed site plan at one or more of its regular meetings, and within forty-five (45) days after the date of the submission of the proposed site plan, approve, approve with modification or disapprove the application. The Planning Commission's review and action shall be based on the following standards:
- (1) The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.
 - (2) All the development features including the principal buildings, open spaces, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
 - (3) The site plan includes adequate provision for the screening of parking areas, service areas and active recreation areas from surrounding properties by landscaping and/or ornamental walls or fences. All trees planted shall be as found in specifications approved by the Shade Tree Commission.
 - (4) Grading and surface drainage provisions are reviewed and approved by the City Engineer.
 - (5) The design and construction standards of all private streets, driveways and parking areas are to be built following approval of plans by the City Engineer according to construction standards specified in the Codified Ordinances.
 - (6) Maximum possible privacy for multi-family dwellings and surrounding residential properties shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy in multi-family dwellings should be provided through soundproofing. All trees planted shall be as found in specifications approved by the Shade Tree Commission.

- (7) The architectural design of buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern and character.
- (8) Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography. Any trees to be removed which are planted in a public right-of-way or on municipal property shall be reviewed by the Shade Tree Commission.
- (9) In multi-family developments, television and other antennas shall be centralized.
- (10) On-site circulation shall be designed to make possible adequate fire and police protection.
- (11) Off-street parking facilities shall be provided in accordance with Chapter 1145. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands and walkways. In multi-family developments no parking or service areas shall be permitted between any street and the main building. All trees planted shall be as found in specifications approved by the Shade Tree Commission.
- (12) Signs shall be provided in accordance with these Codified Ordinances.
- (13) Any trees planted on site shall be on approved list of Shade Tree Commission and planted in accordance with Commission standards.
- (d) Application for Conditional Zoning Certificate. Any application for site plan review which includes a conditionally permitted use or uses shall be reviewed and approved by the Planning Commission in accordance with the procedures and regulations of Chapter 1153.
- (e) Compliance with Site Plan.
 - (1) The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts and the installation of landscaping, fences and walks shall conform to the approved site improvement plans.
 - (2) A performance bond or other financial guarantee in a form approved by the Law Director and Finance Director, shall be placed with the City to insure that proper completion of any improvements in the public right of way, landscaping, grading, surface water drainage, and all other site improvements required on the approved plans. Government entities and school districts are exempt from this section.
 - (3) The value of the financial guarantee shall be twenty-five percent (25%) of the City Engineer's estimated value of the site improvements with a minimum financial guarantee of five hundred dollars (\$500.00) placed with the City.
 - (4) The financial guarantee shall be released at the City verification of the project being completed in compliance with the approved site plans.
- (f) Revocation of Site Plan Approval and Zoning Certificate. Approval by the Commission of a site plan and the zoning certificate, if any, however, shall be automatically revoked if its implementation and any construction associated therein has not begun commenced within one year after the date of the Commission's approval and completed within two years of the Commission's approval. At the expiration of one year, any deposit of a performance bond or financial guarantee shall be returned to the depositor, and each reapplication thereafter shall be accompanied by the required data and fees.

1109.03 FEES.

Each application for a permit or approval pursuant to this Zoning Code shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the reviewing official or board or commission, where appropriate, may refer an application to qualified consultants for a report if the reviewing official or board or commission deems the proposed use may

require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

1109.04 DESIGN REVIEW GUIDELINES.

- (a) Purpose. The appearance of buildings, structures, open spaces and landscape throughout the City is of public concern. It is in the public interest to ensure that new developments and modifications to existing developments reflect and are sensitive to the history, architecture, community character and other building traditions of the City of Medina. Therefore, the purpose of the regulations in this section is to provide criteria to be used by the City Planning Commission when evaluating the appropriateness of proposed development and redevelopment in the City.

These provisions are established to achieve, among others, the following purposes:

- (1) Strengthen, protect, enhance and improve the existing visual and aesthetic character of the City, and to prevent the creation or perpetuation of nuisances or blight in the City.
 - (2) To integrate developments into the surrounding environment, as well as to ensure that each new development and redevelopment will be attractive.
 - (3) To protect and improve property values.
 - (4) To foster and encourage creative application of design principles.
 - (5) To ensure that the particular existing design features, which contribute to the unique character of Medina, are retained and re-created in a manner that retains and enhances the City's sense of community.
 - (6) To ensure that new development and redevelopment are compatible and harmonious with the existing overall character of the City, especially when development is proposed in areas where the existing structures do not have architectural features that warrant replication or enhancement.
 - (7) To bring new buildings into an orderly arrangement with landscape and nature, other buildings, and open space areas.
 - (8) To ensure that these objectives are achieved through an impartial review process which assures that each proposal complies with these guidelines.
- (b) Explanation of Terms. For the purpose of and use in this chapter, certain terms and words shall be interpreted with regard to the following explanations:
- (1) Appropriateness. A proposal is judged to be appropriate when it respects the existing style of a building and fits comfortably within its setting, neighborhood and overall community. This condition applies to landscaping and accessory structures as well.
 - (2) Compatibility. A design or a material/color selection is compatible when it does not strongly deviate from its parent building or the overall character of the neighborhood. To be compatible does not require look-alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibility occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming relative to its neighbors.
 - (3) Noncontributing. A factor in a proposal or part thereof that is taken from an existing building characteristic or site feature such as design, scale, fenestration, architectural feature, material or color that is determined by the Planning Commission to be not appropriate for replication in new projects or modifications to existing projects when:
 - A. It does not enhance or improve the character of the City and/or the surrounding environs of the project, or

- B. It is unrepresentative of the overall character of the City and/or the prevalent character of the surrounding environs of the project.
- (4) Proportion. The relationship of parts of a building, landscape, structures, or buildings to each other and to the whole balance.
- (5) Proximity. Proximity shall be considered in terms of the potential for one property, by virtue of its location, to materially affect other properties. In determining a property to be in proximity to another, the following factors shall be considered:
 - A. The visibility of both properties from a common point; or
 - B. The location of both properties within a relatively compact network of streets, walkways or spaces.
- (6) Style. Style relates to a building's character and configuration in plan and elevation. It also relates to architectural conventions of a particular time period concerning details or windows and doors, eaves, corner boards, pitch of roofs, and the materials of the building's skin.
- (c) Design Review Guidelines. The following standards shall apply to the design and appearance of all new construction or building renovation (other than for single family residential structures). As a consideration, during any plan review, the Planning Commission shall determine if the proposal complies with the following standards:
 - (1) The height, width and general proportions of the structure shall complement adjacent buildings so that an overall harmonious appearance is created and maintained.
 - (2) The architecture of a commercial building should not act as a recognizable logo for a national corporation or franchise. The building architecture is deemed to be a "logo" when the specific business occupying the proposed building could still be easily identified if all the allowable signs were to be removed
 - (3) Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, and harmonious with other architectural details and ornamentation on adjacent structures.
 - (4) Blank walls (without openings) shall not be permitted on public faces of any building.
 - (5) The use of long unbroken building facades shall be avoided. Front building facades shall exhibit the use of recesses, fenestration, pilasters, or other architectural features deemed appropriate to provide character.
 - (6) The front door or main entrance to a building shall be visible from the street. An entrance to a public building shall be clear and visible and not obscured by building masses.
 - (7) Materials shall be appropriate for the structure and the use therein. Materials shall be weather-resistant. The materials shall be compatible with and not in stark contrast to the materials used on adjacent structures.
 - (8) Colors and textures shall be appropriate for the size and scale of the proposed structure and shall be harmonious with adjacent structures. Building colors shall consist of earth-tones. Bright, chromatic, colors are discouraged.
 - (9) The materials, colors, and finishes used for screening roof top mechanical equipment and other surface equipment shall be consistent with the primary structure and, to the extent practicable; such screening shall be designed as an integral part of the architecture of the building.
 - (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. 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.
- (11) Roof materials should be asphalt, fiberglass and slate. Clay tile and/or ribbed metal may have merit as a variation, but will be very carefully considered in contrast to adjacent materials.
- (12) Landscaping shall be designed to:
- A. Maintain an appropriate proportion of deciduous and non-deciduous trees.
 - B. Be in such locations, scale and quantity to be integrated with the building design.
 - C. Clearly designate entrances and exits.
 - D. Reasonably screen paved area from the street through the use of mounding, the land's natural topography, and/or adequate vegetation.
- (13) Parking, to the extent feasible, shall be located behind the front wall of the building. Only circulation drives, when necessary, will be permitted in front of the building.
- (14) Approaches, drives and parking areas shall be of appropriate size and scale in relation to the appearance of the proposed development from public rights-of-way, adjacent property and the internal portion of the site itself. Such appropriate scale shall be achieved by the width of approaches and drives, by having adequate but not excessive parking, and by using landscaping within large parking areas. Curbing and adequate landscaping shall be provided between driveway aprons.
- (15) Mechanical equipment, waste receptacles, and other similar appurtenant or accessory structures shall be located to minimize the impact on the building and the community.
- (16) Large Retail Establishment Standards shall apply to retail business where an individual tenant, owner, occupant, or business occupies more than 10,000 square feet. Large retail establishments shall also be subject to the following:
- A. Facades greater than 100 feet in horizontal length shall incorporate wall plane projects or recesses having a depth of at least three percent (3%) of the length of the façade and extending at least twenty percent (20%) of the façade. No uninterrupted length of any façade shall exceed 100 horizontal feet. Facades that have no customer entrance are only visible from service areas and are screened from abutting properties and customer parking are exempt from this requirement.
 - B. Facades that face a public street shall have arcades, display windows, entry areas, awning or other such features along no less than sixty percent (60%) of their horizontal length.
 - C. Each large parking lot must be divided into smaller lots through the incorporation of landscaping and/or pedestrian walkways.
 - D. Each parking lot must provide customer trash receptacles throughout the lot.
 - E. In the event of property abandonment or vacancy, maintenance of facilities and grounds, including buildings and structures, landscaping, parking lots and storm water runoff facilities shall be conducted.
- (17) Development for Industrial Uses within the I-1 Industrial District shall only be required to comply with the following standards:
- A. Architectural details and ornamentation on the street façade shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, and harmonious with other architectural details and ornamentation on adjacent structures

- B. Additions and accessory structures should be designed to be compatible with the main structure.
 - C. All exterior finished materials, including windows and doors, shall be of architectural grade with long term maintenance characteristics.
- (d) Interpretive Illustrations for Design Guidelines. The Planning Commission may prepare from time to time or authorize the preparation of illustrations which demonstrate the design review criteria in this chapter. Such illustrations may include drawings, photographs of acceptable projects in the City of Medina and elsewhere, drawings or photographs of projects which have been approved pursuant to these regulations and photographs of existing building characteristics or site features which have been determined by the Planning Commission to be noncontributing. Any such illustrations may be recommended by a majority vote of the Planning Commission and approved by Council. When approved, such illustrations shall be considered administrative guidelines which assist in the utilization of these design review criteria.

CHAPTER 1113
Zoning Districts; General Regulations

- 1113.01 Establishment of districts.**
- 1113.02 Type of districts.**
- 1113.03 Zoning Districts Map.**
- 1113.04 Interpretation of district boundaries.**
- 1113.05 General use regulations.**
- 1113.06 Open space provisions.**
- 1113.07 Infill development standards.**

CROSS REFERENCES

Zoning Ordinance interpretation and conflicts - see P. & Z. [1103.03](#), [1103.04](#)
Definitions - see P. & Z. Ch. [1105](#)
Zoning certificate requirements - see P. & Z. [1107.02](#), [1107.03](#)
Correction period for violations - see P. & Z. [1107.05](#)
Alterations, extensions to nonconforming use structure - see P. & Z. [1151.02](#)
Conditional zoning - see P. & Z. [1153.01](#)

1113.01 ESTABLISHMENT OF DISTRICTS.

The incorporated territory of the City of Medina, Medina County, Ohio, is hereby divided into zone districts wherein regulations are uniform for each class or type of building or structure or use throughout each zoning district in order to:

- (a) Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specified uses;
- (b) Regulate and limit the height of buildings and structures;
- (c) Regulate the percentages of lot areas which may be covered by impervious surfaces;
- (d) Establish setback lines, sizes of yards and other open spaces surrounding such buildings.
- (e) Regulate the density of population of Medina, Ohio.

1113.02 TYPE OF DISTRICTS

The following districts are established:

- O-C Open Space Conservation District
- R-1 Low Density Urban Residential District
- R-2 Medium Density Urban Residential District
- R-3 High Density Urban Residential District
- R-4 Multi-Family Urban Residential District
- M-U Multi-Use District
- P-F Public Facilities District
- C-S Commercial Service District
- C-1 Local Commercial District
- C-2 Central Business District
- C-3 General Commercial District
- I-1 Industrial District
- SPD Special Planning District
- TC-OV Transition Corridor Overlay District

1113.03 ZONING DISTRICTS MAP.

The districts and their boundary lines are indicated upon a map entitled "Zoning Districts Map of the City of Medina, Ohio, adopted by Ordinance No. 55-94, passed March 14, 1994", and as amended from time to time by City Council".

1113.04 INTERPRETATION OF DISTRICT BOUNDARIES.

Unless otherwise indicated on the Zoning Districts Map, zoning district boundaries follow lot lines, the centerlines of streets, alleys or streams, property lines, railroad right-of-way lines, or the specified distance from such features or as otherwise indicated on the Zoning Districts Map. All questions concerning the exact location of district boundary lines, or the meaning and intent of textual provisions of this Zoning Code, shall be determined by Planning Director.

1113.05 GENERAL USE REGULATIONS.

- (a) Permitted Uses. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with all the district provisions established by this Zoning Ordinance for the districts in which the building or land is located. Uses which are omitted from this Ordinance, not being specifically permitted, shall be considered prohibited until, by amendment, such uses are written into this Ordinance.
- (b) Permitted Height Exceptions. Except as specifically stated in other parts of this Zoning Ordinance, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet wall, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building.

Public, cultural, educational, recreational or religious buildings, when permitted in a district, may be erected to a height not to exceed forty-five (45) feet. Spires, steeples, cupolas, and other similar architectural elements may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

- (c) Front Yard Variances in Residential Districts. In any R District where the average depth of at least two (2) existing front yards on lots within 200 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance, the required depth of the front yard on such lot may be modified. In such case, this shall not be less than the average depth of such existing front yards on the two (2) lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining.
- (d) Corner Lot. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.
- (e) Sewage and Water Facilities. Where central sanitary sewage facilities and central water facilities are not available, the minimum lot size shall be one (1) acre for a single-family dwelling, where permitted, unless a larger area is required by this Zoning Ordinance and/or the responsible health authority.

- (f) Transition Areas. To secure the optimum effect of transition from a residential to a nonresidential district, the Planning Commission, with the approval of Council, shall have the power to determine the need for and amount of plant materials, walls or fences, or any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- (g) Construction. Nothing contained in this Zoning Ordinance shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this Zoning Ordinance pursuant to a duly issued building permit provided construction is completed within two (2) years of the effective date of this Zoning Ordinance.
- (h) Principal Buildings Used Primarily for Residential Purposes. No more than one detached dwelling shall be permitted on any lot unless otherwise specifically stated in this Zoning Ordinance, and every dwelling shall be located on a lot having required frontage on a public street.
- (i) Legal Nonconforming Lots. Any lot not meeting current minimum area requirements but which was a legally conforming lot of record prior to the effective date of this Zoning Ordinance, or any amendment thereto, may be used for a detached single-family dwelling irrespective of the area, depth or width of such lot; the width of the side yard of any such lot need not exceed ten percent (10%) of the width of the lot; the depth of the rear yard need not exceed twenty percent (20%) of the depth of the lot. However, in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively.
- (j) Lots, Yards and Open Space. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by these regulations may, by reason of exchange in ownership or otherwise, be counted or calculated to satisfy the yard or other open space requirement of or for any other building.
- (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.
- (l) Accessory Buildings and Similar Items.
- (1) Attached accessory buildings. An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Zoning Ordinance applicable to the principal building.
 - (2) Detached accessory buildings. An accessory building detached from the principal building, on a lot, shall conform to the following requirements:
 - A. Requirements for detached accessory buildings associated with principal buildings used primarily for residential purposes in all districts, and associated with principal buildings for all uses on lots located in the M-U District:
 1. No detached accessory building shall be constructed upon a lot until construction of the principal building on the lot has been completed.
 2. Detached accessory buildings shall be located in the rear yard.

3. Detached accessory buildings shall be built no closer than five (5) feet to rear and side lot lines.
 4. No detached accessory building shall be located closer than ten (10) feet to any other building, unless a closer distance is approved by the Building Official Planning Director.
 5. The height of detached accessory buildings shall be limited to fifteen (15) feet.
 6. There shall not be more than three (3) detached accessory buildings on one lot.
 7. The combined area of all detached accessory buildings on a lot shall not exceed 744 square feet, except as follows: The maximum combined area of all detached accessory buildings on a lot may be increased to a maximum of 1,032 square feet, provided that such area shall not exceed ten percent (10%) of the area of the rear yard of the lot.
 8. In the event that a detached accessory building is to be used at any time as a private garage or carport, a hard surfaced driveway shall be installed as required by Sections 1145.05(c) and 1145.06(c).
 9. Detached objects including swing sets, play structures, etc., shall be exempted from the provisions of subsections (l)(2)A.4., 6., 7. and 8., above, provided that they do not require permanent location on the ground or attachment to something having location on the ground, pursuant to this Ordinance or the standards and requirements of the building regulations adopted and administered by the City.
 10. Swimming pools shall be exempted from the provisions of subsections (l)(2)A.6. and 7. above provided that they meet all other standards and requirements as adopted and administered by the City.
- B. Requirements for detached accessory buildings associated with principal buildings used primarily for nonresidential uses on lots located in all districts other than the M-U District:
1. No detached accessory building shall be constructed upon a lot until construction of the principal building on the lot has been completed.
 2. Detached accessory buildings shall be located in the rear yard.
 3. A detached accessory building shall comply with all setback requirements of the district in which it is located.
 4. No detached accessory building shall be located closer than ten (10) feet to any other building, unless a closer distance is approved by the Building Official.
 5. In no case shall the height of a detached accessory building exceed the height of the principal building.
- (3) Similar items; exemptions.
- A. Landscaping and other decorative or ornamental features shall be exempted from the provisions of subsection (m)(2) hereof.
 - B. Other items shall be exempted from provisions of this Section only as outlined in subsection (l)(2)A.9. above.
- (m) Accessory Use.
- (1) On all properties, no vehicle or other object used or intended primarily for storage purposes shall be located on a lot for more than two (2) periods, not exceeding ten (10) consecutive days each, during any calendar year. On nonresidential properties, the Planning Director may waive these.
- (n) Keeping of Farm Animals in Residential Districts. The regulations of this section are established to permit the keeping of chicken, ducks, rabbits, and similar animals in a manner that prevents

nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

- (1) Number. No more than one such animal shall be kept on a parcel of land for each 800 square feet of parcel or lot area.
 - (2) Setbacks and size. The coops or cages shall meet all requirements for detached accessory buildings (Section 1113.05).
 - (3) Prohibitions. No roosters, geese or turkeys may be kept except on a parcel that is greater than one (1) acre in area and only if the coop or cage housing the bird(s) is at least fifty (50) feet from all property lines. No predatory birds may be kept on any property under the regulations of this Section.
 - (4) Enclosures and Fences. Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators.
- (o) Temporary Construction Buildings and Uses. Temporary buildings and uses incidental to construction work may be located and commenced in any of the zoning districts herein established. However, such temporary buildings and uses shall be removed and discontinued upon the completion or abandonment of the construction work.
 - (p) Approval of Plats. No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum requirement set forth in the various districts of this Zoning Ordinance.
 - (q) Inconsistencies. In the event any of the requirements or regulatory provisions of this Zoning Ordinance are found to be inconsistent one with another, the more restrictive or greater requirements shall be deemed in each case to be applicable.
 - (r) Compliance with Building Regulations. All structures shall comply with the standards and requirements of the building regulations adopted and administered by the City.
 - (s) Swimming Pools. Commercial and private in-ground or above-ground swimming, wading or other pools as defined by Sections 1105.0155 and 1105.0156 shall be considered as accessory structures and shall only be located in the rear yard.
 - (t) Effect of Annexation. All property annexed by the Municipality shall be regulated by the zoning regulations which govern the property prior to annexation until the legislative authority of the Municipality officially adopts zoning regulations for such territory.

1113.06 OPEN SPACE PROVISIONS.

- (a) Common Open Space Land. Whenever the Comprehensive Plan shows the location of common open space land on a lot, the City shall require the reservation of this land as common open space land, before the applicable zoning or building permit is issued. Restrictions, covenants and improvement plans providing for the reservation, development and maintenance of such land shall be subject to Planning Commission approval.
- (b) Public Open Space Land. Whenever the Comprehensive Plan shows the location of public open space land on a lot, the City shall require the dedication of this land as public open space. If the area of such land exceeds 1,000 square feet per dwelling unit proposed on the lot, or five percent (5%) of the lot area if it is proposed for commercial use, the additional land shall be reserved for one year after the date of approval by the Planning Commission to permit its acquisition by the appropriate public body. If no public open space land is shown on the Comprehensive Plan, or if less than the amount required above is shown on the Plan, the developer of residential or commercial lands shall pay the Municipality one thousand (\$1,000.00) per dwelling unit proposed on the lot, or one thousand dollars (\$1,000) per acre if the lot is proposed for commercial use, in

proportion to the amount of public open space land not dedicated in lieu of providing public open space.

- (1) Conversions of existing residential buildings to commercial use and public, institutional, fraternal or community service uses defined in Section 1105.76 shall be exempt from the public open space requirements of this subsection.
- (2) Such payment shall be used as follows:
 - A. To purchase or improve public open space land which will serve the quadrant of the City in which the lot for which payment is made is located, unless Council approves the use of such payment in a different quadrant.
 - B. With Council approval, up to fifty percent (50%) of the open space land funds received after the effective date of this subsection may be used toward the purchase of public property.
 - C. For the purpose of establishing the four (4) quadrants of the City, they shall be defined as bounded by West Liberty-East Washington Streets and North and South Court Streets.
- (3) Dedication. Public open space required by subsection (B) above shall be dedicated to the Municipality prior to the issuance of zoning certificates for the lot. If the public open space proposed for dedication does not have access to a dedicated street, the developer shall provide a temporary easement from a dedicated street to the proposed public open space. The temporary easement shall be vacated when the public open space is provided access from a dedicated street. The Planning Commission may require the temporary easement to be improved so that it is passable.
- (4) Other Open Space Land. Notwithstanding any other provision of this Zoning Ordinance, the Planning Commission may require the reservation or dedication of open space land not specifically shown on the Comprehensive Plan to meet the needs created by the proposed development of a lot for schools, parks or other neighborhood purposes. In such cases, the Planning Commission shall consider the topography, drainage soil conditions and the extent and configuration of such land in relation to the Comprehensive Plan, proposed development and surrounding area. Before acting on such cases, the Planning Commission shall also refer them to Council.
- (5) Improvement of Open Space Land. Grading, drainage, seeding and other improvements which are determined by the City Engineer to be reasonably suitable for park and recreational uses of common open space land approved by the Planning Commission, or public open space land accepted for dedication by Council, shall be made by the developer. In the case of common land the Planning Commission may permit the developer to furnish a performance bond in lieu of such improvements in an amount approved by the Engineer, and form approved by the Law Director.
- (6) Exemption. Any lot of a subdivision within which a contribution of public land or payment in lieu thereof, has been made in accordance with the provisions of this Zoning Ordinance, shall be exempt from any such further contribution or payment.

1113.07 INFILL DEVELOPMENT STANDARDS.

- (a) Compatibility. All new single and two family residential development shall reflect, complement, and preserve the nature and character of existing adjacent residential development.
- (b) Building Placement and Mass. All new homes shall conform in street orientation and massing to adjacent homes.
- (c) Harmonious Aesthetics. The following is a list of objectives to achieve infill development that is characteristic of the existing structures:

- (1) New infill development shall be compatible with the neighboring structures in terms of proportion, size, mass and height.
 - (2) Similar materials, colors, architectural details and roof pitch shall be used on all sides and on all structures on the site and shall be harmonious with adjacent properties.
 - (3) The creation of a vertical canyon effect between structures shall be minimized. For instance, when a one story structure is proposed next to a two story structure, the space between the two buildings shall increase as wall height increases.
- (d) Any improvement which is determined by the Planning Director to be in conflict with this section shall be forwarded to the Planning Commission for review.

CHAPTER 1114
SPD - Special Planning District

- 1114.01 Purpose.**
- 1114.02 Designation.**
- 1114.03 Establishment of a Special Planning District.**
- 1114.04 Requirements for the establishment of SPD District.**
- 1114.05 Conceptual development plan and guidelines.**
- 1114.06 Status of uses.**
- 1114.07 General development guidelines.**
- 1114.08 Preliminary plan approval.**
- 1114.09 Submission requirements for Preliminary Plan review.**
- 1114.10 Final Site Plan approval.**
- 1114.11 Revision to approved site plan.**
- 1114.12 Relationship to the Codified Ordinances.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

1114.01 PURPOSE.

The purpose of the Special Planning District is to regulate the development and use of property in areas of the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the standard zoning district regulations, and to promote creative and sensitive site planning. It is the intent of this chapter to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Ordinance while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. It is the purpose of these regulations to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate.

1114.02 DESIGNATION.

The Special Planning District shall be designated by the abbreviation "SPD" followed by a number specific to the designation on the Official Zoning Map of the City. All property so classified is subject to the provisions of this chapter and an adopted ordinance pursuant to this chapter. The SPD shall replace all underlying zoning that existed on the subject properties prior to the approval of the SPD.

1114.03 ESTABLISHMENT OF A SPECIAL PLANNING DISTRICT.

The establishment of a Special Planning District (SPD) represents a formal amendment to the Zoning Ordinance and Zoning Map. The process for establishing an SPD and approving the Conceptual Development Plan and Guidelines shall be the same as provided for in Section 1107.06.

- (a) In addition to the submission requirements set forth in Section 1107.06 and 1114.05, the following data shall be required to be submitted to the Planning Director:
- (1) Present use and land subject to zone change;
 - (2) Present zoning district;
 - (3) Proposed use and plans including the proposed Conceptual Plan;
 - (4) Proposed SPD zoning district;

- (b) All land within the SPD shall be contiguous in that it shall not be divided into segments by (1) any limited access highway, or (2) any tract of land not owned by the developer of the SPD.

1114.04 REQUIREMENTS FOR THE ESTABLISHMENT OF AN SPD DISTRICT.

In order for Council to adopt an SPD, it must first make written findings that one or more of the following conditions exist, or will exist within the proposed SPD.

- (a) A concentration of retail and service oriented commercial establishments serving as a principal business activity center for the community.
- (b) An area recommended in the Comprehensive Plan for special zoning regulations.
- (c) A property located in a transition area where there is a need to provide for a greater mixture of uses than would be permitted in standard zones of this Ordinance.
- (d) Lands which permit for ingenuity, imagination and design efforts on the part of builders, architects, site planners, and developers that can produce residential developments which are in keeping with overall land use intensity and open space objectives while departing from the strict application of use setback, height and minimum lot size requirements contained in this Ordinance.
- (e) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities which help residents relate to their communities and to relate the social organization of communities to their physical environments.

1114.05 CONCEPTUAL DEVELOPMENT PLAN AND GUIDELINES.

For each specific SPD established by the City, a separate Conceptual Development Plan with supporting Development Guidelines shall be created and adopted by Council at the time of establishment of an SPD, following the procedures set forth in this chapter, and in Chapter 1107. A Conceptual Development Plan shall be drawn to a scale of a minimum of one (1) inch equals one hundred (100) feet and shall include the following:

- (a) Circulation Plan, illustrating the basic route of major pedestrian and vehicular ways within the project and their intersection with existing rights of way.
- (b) Land Use Plan which shall include schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural aspects of the site including descriptions of proposed uses in the non-residential portions of the site.
- (c) Density, indicating the net density of areas under review and an indication of the type(s) of structure(s).
- (d) Transitions, including visual illustrations of how transitions/ buffers will be accomplished between the SPD District and adjacent districts.
- (e) Development Guidelines for the development of the site which may include lot and yard requirements, signage, parking and landscaping controls.

The information required above may be combined in any suitable and convenient manner so long as the data required is clearly indicated. Specific submission requirements may be waived by the Planning Commission if the Commission judges the requirement to be inappropriate for the particular situation. The purpose of the Conceptual Plan is to illustrate the character of development desired by the City. The Planning Commission shall have the authority to make adjustments to an approved Conceptual Plan provided that such changes are limited to site design and configuration and do not include changes of use, density or other provisions of the Development Guidelines.

1114.06 STATUS OF USES.

- (a) Uses within each of the SPD districts shall be depicted on the approved Conceptual Development Plan for that particular SPD. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for the following:
 - (1) Principal Permitted Uses.
 - (2) Accessory Uses.
- (b) All proposed uses shall be arranged to be compatible or properly sited with each other and not to adversely affect adjacent property and/or the public health, safety or general welfare.
- (c) Open spaces, whether active or passive in nature, shall be approved by the Planning Commission as appropriate in nature for the type of SPD being established.

1114.07 GENERAL DEVELOPMENT GUIDELINES.

The following general guidelines are recommended in the development of an SPD:

- (a) Lots.
 - (1) Lot widths, setbacks and side yards and building heights are flexible in order to allow for a variety of structural and design arrangements. In reviewing building spacing proposals in SPD plans, the Planning Commission will consider factors such as spacing necessary for adequate visual and acoustic privacy, adequate light and air, fire and emergency access, glassed wall areas, building configurations, energy efficient siting principles and relationship of building sites to circulation patterns.
 - (2) Because of the flexibility intended for building siting within an SPD, individual building sites should be selected on the basis of topographic, land use, visual and privacy considerations. Individual building sites shall be designated on the preliminary and final development plans.
 - (3) All buildings on the perimeter of the SPD should be separated from the SPD boundary by a yard equal to at least the yard required by the conventional zoning district directly adjacent to the SPD. Structures within the SPD which exceed the maximum building height of the adjacent conventional zoning district should be separated from the SPD perimeter by a distance equal to at least the building height. The Planning Commission may require greater distances if necessary to protect adjacent property.
- (b) Open Space.
 - (1) A minimum of twenty percent (20%) of the net area of the SPD shall be reserved in perpetuity for common open space and/or recreational facilities. Such open space should be available to and accessible to all properties in the SPD and should be designed primarily for their use. Open space, when incorporated, shall be exclusive of all streets, non-recreational buildings and individually-owned land. Design of common open space areas are recommended to consider the following standards:
 - A. Open space areas and recreation areas should be distributed throughout the SPD and located so as to be readily accessible, available to, and usable by properties in the SPD. Each parcel within the PUD should be designed to abut upon common open space areas.
 - B. Common open space may be improved with appropriate recreation facilities and structures as long as total paved or roofed areas do not exceed five percent (5%) of the total open space area.
 - C. Significant natural amenities such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and considered part of the required open space, subject to the above standards.
 - (2) The sections creating and regulating an SPD shall not be interpreted to exempt any such development from compliance with the open space provisions of Section 1113.06, Open

Space Provisions. Public open space dedicated under the provisions of Section 1113.06 shall be included as part of the common open space implemented under this section.

- (3) Public open space and the adjacent circulation system should be designed to limit through traffic on existing and proposed local streets. Public open space which is to be developed as a major activity center such as a swimming pool or recreation center should be located on a thoroughfare designed to accommodate the resulting trip desires and traffic volumes.
- (c) Disposition of Common Open Space. An SPD shall receive approval subject to submission, prior to final subdivision approval, of legal instruments setting forth a plan or manner of permanent care and maintenance of common open spaces and recreation facilities. Approval by the Planning Commission of such instruments shall be based on the following standards:
- (1) The instruments shall guarantee that open space as shown on the final development plan will remain as such. The Planning Commission may require that all development rights to the open space be deeded to the City or such other appropriate public body, or that permanent restrictive covenants be attached to the open space.
 - (2) Common open space and recreation facilities shall be deeded to a homeowners association, funded community trust or similar entity. If a private entity is to hold title to common open space and recreation facilities, such entity shall not be dissolved nor shall it dispose of any common open space or recreation facility without first offering to dedicate the same to the City.
 - (3) Such instruments shall convey to the City and other appropriate governmental bodies the right of entrance to the common open space and recreation facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public interest. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions with the costs levied as a lien against the property. Advance notice is not necessary for emergency entrance onto such common areas and facilities.
 - (4) The Planning Commission may require a bond in lieu of provision or dedication of the required open space in cases where final subdivision plats are approved in stages. The amount of such bonds shall be calculated on the basis of three hundred sixty dollars (\$360.00) for each dwelling unit not provided with its full complement of open space, according to the following formula:

$$(0.03A) - OS$$

$$0.3A \times DU \times \$360.00 = \text{Bond}$$

Where A = Total area within approved final plats to date
DU = Total dwelling units approved on final plats to date
OS = Total open space approved on final plats to date
- (d) Circulation. Vehicular and pedestrian circulation systems should be designed to insure safe, efficient movement through the SPD and into the surrounding street systems. Design of circulation systems should consider the following standards:
- (1) Safe and easy access by emergency vehicles is provided for all areas of the SPD.
 - (2) There should not be any direct access from single-family residential lots to an arterial thoroughfare. Direct access from single-family residential lots to collector thoroughfares should be minimized.
 - (3) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within the SPD should be designed to discourage their use by through traffic.
 - (4) The pedestrian and bicycle circulation system and their related walkways should be insulated as much as possible from the vehicular system in order to provide separation of

- pedestrian and bicycle movement from vehicular movement. This may include pedestrian and bicycle overpasses or underpasses in the vicinity of schools, commercial areas and such other areas likely to generate a considerable amount of pedestrian and bicycle traffic.
- (5) Standards for design and construction of streets and thoroughfares within an SPD shall be subject to standards specified in the Subdivision Regulations.
- (e) Utilities. Utilities shall be located underground, including telephone and electrical systems, within the limits of the SPD. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed SPD.
- (f) Commercial and Institutional Uses.
- (1) Commercial, service, industrial or institutional uses should be planned as groups having common/shared parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Appropriate buffering should be provided on the perimeter of the commercial or institutional areas where abutting residential areas.
- (2) All areas designed for future expansion or not intended for immediate improvement or development should be landscaped or otherwise maintained in a neat and orderly manner.

1114.08 PRELIMINARY PLAN APPROVAL.

- (a) Once an SPD District is established through the review and approval by Planning Commission and City Council, along with its Conceptual Development Plan and supporting Development Guidelines, the next step is Preliminary Plan approval. There are no time constraints as to when the Preliminary Plan must be submitted after the establishment of an SPD District. The purpose of a Preliminary Plan is to define in greater detail the proposed development of an SPD District to ensure that there is conformance with the Conceptual Development Plan and Development Guidelines prior to substantial cost expenditures by the developer.
- (b) Application for approval of a Preliminary Development Plan shall be made to the Planning Commission. The Planning Commission shall review the proposed Preliminary Plan at one or more of its regular meetings, and within forty-five (45) days after the date of the submission of the proposed Preliminary Plan, approve, approve with modification or disapprove the application. The Planning Commission shall review the Preliminary Plan to see if it is in conformance with the approved Conceptual Plan and Development Guidelines. Submission of a Preliminary Development Plan may be made for all or a portion of a tract covered by the existing Conceptual Development Plan.
- (c) If the Preliminary Plan is not found to be in compliance with the Conceptual Development Plan by the Planning Commission, the applicant may go to City Council for the approval of a new Conceptual Development Plan, in which case the procedures set forth in Sections 1114.05, 1114.06 and 1107.06 shall be followed.

1114.09 SUBMISSION REQUIREMENTS FOR PRELIMINARY PLAN REVIEW.

Preliminary Plans shall be drawn to a scale of a minimum of one (1) inch equals fifty (50) feet and shall be in conformity to the Conceptual Development Plan and shall include the following as a minimum:

- (a) Area. The total area in the project;
- (b) Zones. The present zoning of the subject and all adjacent properties;
- (c) Rights-of-way and Easements. Shall include all existing and proposed public and private rights of way and easements located on or adjacent to the subject property;
- (d) Topography. Existing and proposed topographical changes;

- (e) Utilities on and Adjacent to the Site. Location, size and invert elevations of sanitary and storm sewers; location and size of water mains and fire hydrants. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers and culverts;
- (f) Streets. Location of existing and proposed streets, identifying approximate dimensions of pavement, right-of-way width and grades sufficient enough to show both internal and external connections to the existing street system. Furthermore, an estimate of the number of vehicle trips generated shall be required. In certain circumstances, the Planning Commission may require the submission of a Traffic Impact Study, at the expense of the applicant, to determine the impact of the new vehicle trips on the existing roadway network;
- (g) Pedestrian Circulation. Location of existing and proposed pedestrian sidewalks, walkways, bikeways;
- (h) Buildings. Location of existing and proposed buildings and intended uses, and acres proposed for each use. Identify the proposed length, width, and height of each building. Also include data on proposed gross floor areas and identify the proposed architectural theme;
- (i) Lot Coverage. Identify the percent coverage of lots in the SPD.
- (j) Open space and recreation. The approximate amount of areas proposed for common open space, including the location of recreational facilities and identification of unique natural features to be retained;
- (k) Uses. Location and type of all existing and proposed uses, including approximate number of acreage and heights of buildings;
- (l) Soil Types. Identification of the soil types and geologic formation on the subject property, indicating any anticipated problems and proposed methods of handling said problems;
- (m) Parking and Loading. General size and location of existing and proposed parking and loading facilities;
- (n) Landscaping Plan. Preliminary landscaping and buffering outline plan;
- (o) Other information that may be determined necessary for description and/or to insure proper integration of the proposed project with the area.

1114.10 FINAL SITE PLAN APPROVAL.

After a Preliminary Plan in a Special Planning District (SPD) has been reviewed and approved by the Planning Commission, the next step is Final Site Plan approval. Final Site Plans shall be reviewed by the Planning Commission in accordance with the existing Site Plan Review procedure found in Chapter 1109 and with additional Development Guidelines review criteria adopted for each Special Planning District.

In addition to the Site Plan Review list of data required with application as set forth in Chapter 1109, the Planning Commission shall have other data requirements for reviewing Final Site Development Plans, which shall be at a scale of one (1) inch equals fifty (50) feet and shall include the following additional information:

- (a) **Buildings.** Location, height, elevations, arrangement, and identification of all buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions shall be provided;
- (b) **Open Space and Recreation.** Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership and operations and maintenance of such lands shall be identified;
- (c) **Landscaping Plan.** Include identification of planting areas, species and size of plants and the location, type and height of walls and fences shall be provided; also any vegetative buffers;

- (d) Signs. Location of signs indicating their orientation, lighting, size and height;
- (e) Stormwater Detention. Including a system of stormwater control for runoff and detention for both before and after construction;
- (f) Utilities. Indicate location of other utilities such as electric, telephone, cable television, etc. including the type of service, and the width of easements;
- (g) Circulation System. Location of all proposed and existing pedestrian and vehicular systems shall be identified;
 - (1) Pedestrian walkways, and bikeways including alignment, grades, type of surfacing and width; and
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details and typical cross section.
- (h) Lighting. Exterior lighting and any street furniture or outdoor decorative structures proposed, refuse storage areas and proposed method of screening;
- (i) Development Schedule. A schedule of development, including the staging or phasing of:
 - (1) Streets, utilities and other public facility improvements, in order of priority;
 - (2) Public/ Common Area - dedication of land to public use or set aside for common ownership;
 - (3) Buildings and uses, in order of priority of construction.

The aforementioned information may be combined in any suitable and convenient manner that clearly represents the required data. Specific submission requirements may be waived by the Planning Commission if the requirements are judged inapplicable for the particular situation.

No building permit shall be issued nor any plans be approved for zoning compliance in any of the SPD Districts/ subdistricts unless there are Preliminary and Final Site Plans approved by the Planning Commission. The Planning Commission shall review the Final Site Plan to see if it is in conformance with the approved Conceptual Plan and Preliminary Plan. Simultaneous submission of a Preliminary Site Plan and a Final Site Plan is not permitted. Action by the Planning Commission on Final Site Plan approval is final. Such action may be appealed in accordance with Ohio law.

1114.11 REVISION TO APPROVED SITE PLAN.

After the Final Site Plan has been approved by the Planning Commission, the following provisions will apply to substantial changes made to the Site Plan:

- (a) Substantial Variations. New plans, or site design shall be submitted to the same review process as Final Site Plan Review per Chapter 1109. When changes are determined by Planning Commission to be inconsistent with the existing Conceptual Development Plan and Development Guidelines in terms of land use or density, the applicant must go to City Council for approval of a new Conceptual Development Plan per the procedures set forth in Chapters 1107 and 1114.

1114.12 RELATIONSHIP TO THE CODIFIED ORDINANCES.

The requirements for each SPD District shall be adopted as appendices to the Zoning Ordinance and shall, upon their effective date, supersede any conflicting requirements of this Zoning Ordinance. Where an SPD requirement is silent on a specific point, the appropriate sections of the Zoning Ordinance shall apply.

CHAPTER 1115
O-C Open Space Conservation District

- 1115.01 Purpose.**
- 1115.02 Principally permitted uses.**
- 1115.03 Accessory uses.**
- 1115.04 Conditionally permitted uses.**
- 1115.05 Lot development standards.**
- 1115.06 Off-street parking and loading.**
- 1115.07 Signage.**
- 1115.08 Landscape and buffering.**
- 1115.09 Balanced growth.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105
 District established - see P. & Z. 1113.01

1115.01 PURPOSE.

The O-C Open Space-Conservation District is established for the following purposes:

- (a) To preserve and protect the values of distinctive geologic, topographic, botanic, historic or scenic areas;
- (b) To protect the ecological balance of an area;
- (c) To conserve natural resources, such as river valley and tracts of forest land; and
- (d) To reduce the problems created by intensive development areas having excessively high water tables, which are subject to flooding or which are topographically unsuited for urban type uses.

1115.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the O-C Open Space Conservation District:

Residential	Public/Semi-Public	Commercial
Single Family Detached Dwelling	Conservation	Agricultural

1115.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the O-C Open Space Conservation District:

- (a) Accessory buildings and uses.
- (b) Home occupation.

1115.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the O-C Open Space Conservation 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
Bed and Breakfast Inn	Cemetery ^{3, 7, 20}	None
In-Law Suite	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	
	Publicly Owned or Operated Governmental Facility ^{3, 7, 8, 11}	

1115.05 LOT DEVELOPMENT STANDARDS.

Lots in the O-C Open Space Conservation District shall adhere to the following standards:

Minimum Lot Size	5 Acres
Minimum Lot Width at Building Line	300 Feet
Minimum Lot Frontage	60 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	20%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	100 Feet
Minimum Rear Yard	50 Feet for Principal Use or Structure 10 Feet for Accessory Use or Structure
Minimum Side Yard	25 Feet for Principal Use or Structure 10 Feet for Accessory Use or Structure
Maximum Height	35 Feet for Principal Use or Structure 25 Feet for Accessory Use or Structure
Minimum District Size	n/a

1115.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1115.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1115.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1115.09 BALANCED GROWTH.

It is recognized that properties within the O-C Open Space Conservation District may be located in an area that identify additional conservation policies outside of these zoning regulations. It is also recognized that private property has the right to be developed. Because of these two factors, the City of Medina desires a balanced growth approach. This Chapter shall incorporate, by reference, the policies of the following conservation studies, adopted by the City of Medina:

- (a) The Rocky River Upper West Branch Watershed Balanced Growth Plan, 2009 as may be amended from time to time.

CHAPTER 1116
Overlay Districts

- 1116.01 Purpose.**
- 1116.02 Effect of underlying zone designation.**
- 1116.03 Identification.**
- 1116.04 Establishment of Overlay Districts.**
- 1116.05 Guidelines.**
- 1116.06 Classification.**
- 1116.07 Transition Corridor Overlay District (TC-OV).**
- 1116.08 Development approvals required.**
- 1116.09 Exemptions.**
- 1116.10 Application procedures.**
- 1116.11 Maintenance.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Transition Corridor Overlay District (TC-OV) - see P. & Z. Title One Appendix

1116.01 PURPOSE.

The purpose of Overlay District regulations is to assist with the development of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. Overlay Districts are established to provide additional land use controls and are superimposed over existing zoning districts. Property within an Overlay District is also subject to the provisions of its underlying zoning designation; provided, however, that where the provisions of the Overlay District are more restrictive than the provisions of the underlying zoning designation, the provisions of the Overlay District shall apply. Overlay Districts are intended to serve one or more of the following purposes:

- (a) To implement land use and urban design recommendations and standards set forth in neighborhood or corridor area plans, which plans have been adopted as part of the City's Comprehensive Plan;
- (b) To provide uniformity in the design standards applicable to arterial corridors having varied underlying zoning;
- (c) To provide uniform standards for mitigating the impact of intensive commercial uses adjacent to low density residential uses;
- (d) To protect the public and property owners from blighting influences which might be caused by application of conventional land use regulations to properties and areas having sensitive environmental qualities;
- (e) To protect the public from unsafe buildings or unstable land which would be caused by uncontrolled development;
- (f) To prevent significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- (g) To protect the public from blighting influences in areas of high public investment which have added substantial value to a neighborhood; and
- (h) To provide for the protection of special features in the natural and built environment.

1116.02 EFFECT OF UNDERLYING ZONE DESIGNATION.

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable Overlay District; provided, however, an Overlay District shall not be used to add to the specific permitted uses in the underlying district.

1116.03 IDENTIFICATION.

The location of all Overlay Districts shall be shown on the Zoning Map of the City of Medina as an Overlay superimposed in specific areas over existing zones.

1116.04 ESTABLISHMENT OF OVERLAY DISTRICTS.

City Council may, from time to time, create Overlay Districts as defined and containing the characteristics, as set forth in Section 1116.01. The procedure for creating Overlay Districts shall be the same as those for approving a map amendment as set out in Section 1107.06.

1116.05 GUIDELINES.

The Planning Commission shall prepare, pursuant to this Chapter, Overlay District Development Guidelines. The Overlay District Development Guidelines shall describe in words and/or illustrations the special and distinctive characteristics which are to be protected and the development features which will be reviewed for impact within an Overlay District. The Overlay District Development Guidelines shall be recommended to the City Council which after adoption shall be considered a part of the Zoning Ordinance when the application is for a property within an Overlay District.

1116.06 CLASSIFICATION.

Overlay Districts shall be classified by categories, according to the provisions and qualifications as described in Section 1116.07. The findings and purpose statement and characteristics identified in Section 1116.07 shall be used to determine areas appropriate for designation.

1116.07 TRANSITION CORRIDOR OVERLAY DISTRICT (TC-OV).

- (a) Findings and Purposes. A transition corridor is identified as one of the corridors listed in the City's Comprehensive Plan, or a similar area, that is experiencing an increased demand for commercial uses in areas that previously were residential. It is important that the visual appearance and composition of these areas be maintained in order to put forth a positive image of Medina at these important "Gateways" into the City. It is in the interest of the City to protect and enhance the built features of such transition corridors by:
- (1) Preventing the deterioration of property and the extension of blighting conditions.
 - (2) Revitalizing and protecting private investment which improves and stimulates the economic vitality and social character of the area.
 - (3) Encouraging development that creates compatible relationships with the residential character that has been established.
 - (4) Enhancing the aesthetic and architectural compatibility within neighborhoods and commercial areas.
- (b) Characteristics. TC-OV Districts as herein defined shall be found to contain at least one of the following characteristics:
- (1) Function as a primary gateway or corridor into the City of Medina;
 - (2) Possess mixture of residential and nonresidential uses;
 - (3) Exhibit a current trend or potential for the further conversion of residential uses to nonresidential uses; and
 - (4) Contain a mixture of residential and nonresidential zoning classifications within the corridor.

- (c) Guidelines. Guidelines for the TC-OV District are located in the appendix of this Zoning Code.

1116.08 DEVELOPMENT APPROVALS REQUIRED.

- (a) The guidelines and regulations of this Chapter shall only apply to the proposed addition or improvement unless the addition or improvement results in a square footage that is greater than fifty percent (50%) of the square footage of the existing structure or building. If the proposed addition or improvement exceeds fifty percent (50%) of the square footage of the existing building or structure, then the entire property shall be brought into compliance with these guidelines and regulations.
- (b) No alteration or change shall be made to any property within an Overlay District, except as exempted by Section 1116.09, until approvals have been given by the Planning Commission. No Building or Zoning Permit shall be issued for any site improvement, construction, reconstruction, alteration or demolition of any structure now or hereafter in an Overlay District, unless approvals have been issued by the Planning Commission.
- (c) Minor building improvements may be administratively reviewed and approved by the Planning Director for compliance with the guidelines. Any improvement which is not in compliance with the guidelines or is determined by the Planning Director to be beyond the scope of minor building improvements will be forwarded to the Planning Commission for review.

Minor building improvements shall include the following:

- (1) Fences, arbors, and pergolas
- (2) Siding, roofing, and window replacement
- (3) Façade alterations which are minor in scale
- (4) Signage

1116.09 EXEMPTIONS.

The following are exempt from the provisions of this chapter:

- (a) Any permit determined by the Planning Director to be necessary for the immediate public health or safety.
- (b) Any residential permits for rear decks, pools or accessory structures.
- (c) Permits for interior alterations and repairs.
- (d) Permits for construction of public utilities in the public right-of-way.
- (e) Maintenance of property as described in Section 1116.11.

1116.10 APPLICATION PROCEDURES.

Any application submitted for review as provided for by this Zoning Code shall be in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application shall be accompanied by the payment of the required fee as specified in Section 1109.03, which shall not be refundable.
- (b) Data Required with Application. In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as outlined below. A minimum of six (6) sets of drawings and one set of photographs and material samples shall be submitted. Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Planning Director or City Engineer. These items shall accurately represent the proposed alterations or additions and new construction. The following are the submission requirements:

- (1) Alterations to existing buildings.
 - A. Photographs of existing conditions.
 - B. Drawings indicating any changes to the physical appearance.
 - C. An outline describing work and the procedures to be performed.
 - D. Material samples and manufacturer's literature for major materials and products to be incorporated in the building.
 - (2) New buildings.
 - A. Photographs of the proposed site and adjoining buildings.
 - B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
 - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
 - (3) Additions to existing buildings.
 - A. Photographs of the existing building and adjoining buildings.
 - B. Site plan and elevation drawings showing the design, indicating drives, road, parking, walks, walls, fences, landscaping, doors, windows, decoration, materials, finishes and other features accurately representing the proposed design.
 - C. Material samples and manufacturer's literature for major materials and products to be incorporated in the proposed design.
 - (4) Demolition and moving.
 - A. Photographs of the existing building in detail and as it sits on its site.
 - B. A written request from the owner indicating reasons for the demolition or moving.
 - C. If the building is listed on the U.S. National Register of Historic Places: An analysis of the feasibility of rehabilitation, the market value for the property after rehabilitation, and in the case of income-producing properties, the income and expense likely to be produced by the property after rehabilitation.
- (c) Review and Action by the Planning Commission.
- (1) The criteria contained in the Overlay District Development Guidelines shall be used by the Planning Commission to guide their decision. These criteria shall be in addition to the zoning regulations for the property, although if there is a conflict between the zoning regulations and the criteria of this Chapter, the criteria of this Chapter shall apply. The Overlay District Development Guidelines shall be considered a part of the Zoning Ordinance once it is approved as set forth in Section 1116.05.
 - (2) The Planning Commission shall determine whether the proposed change will be appropriate to the preservation of the environmental, architectural or historic character of the Overlay District pursuant to the criteria included in the Overlay District Development Guidelines. In determining the appropriateness of the change, the Planning Commission may solicit input from the Historic Preservation Board in areas with buildings of historical and/or architectural significance.
 - (3) The Planning Commission shall review the application at one or more of its regular meetings, and within forty-five (45) days of such item's first appearance on the agenda approve, approve with modification or disapprove the application. For demolition the Commission shall follow the guidelines as set forth in Section 145.07(c) of the Codified Ordinances of the City.
 - (4) Approvals by the Planning Commission shall be valid for one year from the date of final action and shall be automatically revoked if construction has not begun within one year after the date of the Commission's approval.

1116.11 MAINTENANCE.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property within an Overlay District, nor shall anything in this Chapter be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Chief Building Official and/or Planning Director is required for the public safety because of an unsafe, insecure or dangerous condition.

CHAPTER 1121
R-1 Low Density Urban Residential District

- 1121.01 Purpose.**
- 1121.02 Principally permitted uses.**
- 1121.03 Accessory uses.**
- 1121.04 Conditionally permitted uses.**
- 1121.05 Lot development standards.**
- 1121.06 Off-street parking and loading.**
- 1121.07 Signage.**
- 1121.08 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking spaces required for dwellings - see P. & Z. 1145.04

1121.01 PURPOSE.

The purpose of the R-1 Low Density Urban Residential District is to provide for single-family residences in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

1121.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the R-1 Low Density Urban Residential District:

Residential	Public/Semi-Public	Commercial
Single Family Detached Dwelling	None	None

1121.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the R-1 Low Density Urban Residential District:

- (a) Accessory buildings and uses.
- (b) Home Occupation.

1121.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R-1 Low 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.

Residential	Public/Semi-Public	Commercial
In-Law Suite	Conservation Use	None
Group Home up to 8 Individuals	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	
	Public and Parochial Educational Institution for Primary Education ^{1,2,3,5,6,11}	
	Publicly Owned or Operated Governmental Facility ^{3, 7, 8, 11}	

1121.05 LOT DEVELOPMENT STANDARDS.

Lots in the R-1 Low Density Urban Residential District shall adhere to the following standards:

Minimum Lot Size	10,000 square feet
Minimum Lot Width at Building Line	80 Feet
Minimum Lot Frontage	50 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	50%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	40 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 10 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 35 Feet for Principal Use or Structure • 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1121.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1121.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1121.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

CHAPTER 1123
R-2 Medium Density Urban Residential District

- 1123.01 Purpose.**
- 1123.02 Principally permitted uses.**
- 1123.03 Accessory uses.**
- 1123.04 Conditionally permitted uses.**
- 1123.05 Lot development standards.**
- 1123.06 Off-street parking and loading.**
- 1123.07 Signage.**
- 1123.08 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking spaces required for dwellings - see P. & Z. 1145.04

1123.01 PURPOSE.

The purpose of the R-2 Medium Density Urban Residential District is to provide for single and two-family residences in areas that are or may reasonably be expected to be provided with central sewer and water facilities. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewerage and water systems, streets, schools and other community facilities.

1122.03 PRINCIPALLY PERMITTED USES.

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

Residential	Public/Semi-Public	Commercial
Single Family Detached Dwelling	None	None

1123.03 ACCESSORY USES.

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

- (a) Accessory buildings and uses.
- (b) Home Occupation.

1123.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R- 2 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.

Residential	Public/Semi-Public	Commercial
Group Home up to 8 Individuals	Cemetery ^{3, 7, 20}	None
In-Law Suite	Conservation Use	
Two Family Dwelling	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	
Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	Public and Parochial Educational Institution for Primary Education ^{1,2,3,5,6,11}	
	Public and Parochial Educational Institution for Secondary Education ^{1,2,3,4,5,7,11}	
	Publicly Owned or Operated Governmental Facility ^{3, 7, 8, 11}	
	Religious Place of Worship ^{1,3, 7,11,12,14}	

1123.05 LOT DEVELOPMENT STANDARDS.

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

Minimum Lot Size	<ul style="list-style-type: none"> • 9,000 square feet Single Family Detached Dwelling • 18,000 square feet all Other Uses
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 80 Feet Single Family Detached Dwelling • 120 Feet all Other Uses
Minimum Lot Frontage	50 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	40 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 10 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure

Maximum Height	35 Feet for Principal Use or Structure 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1123.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1123.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1123.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

CHAPTER 1125
R-3 High Density Urban Residential District

- 1125.01 Purpose.**
- 1125.02 Principally permitted uses.**
- 1125.03 Accessory uses.**
- 1125.04 Conditionally permitted uses.**
- 1125.05 Lot development standards.**
- 1125.06 Off-street parking and loading.**
- 1125.07 Signage.**
- 1125.08 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking spaces required for dwellings - see P. & Z. 1145.04

1125.01 PURPOSE.

The purpose of the R-3 High Density Urban Residential District is to encourage relatively high density residential development in areas generally adjacent to built up sections of the community or in areas of existing development of such density, and therefore to provide a more orderly and efficient extension of public utilities. The development is to consist of single-family and two-family dwellings in areas served with centralized sewer and water facilities.

1125.02 PRINCIPALLY PERMITTED USES.

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

Residential	Public/Semi-Public	Commercial
Single Family Detached Dwelling	None	None

1125.03 ACCESSORY USES.

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

- (a) Accessory buildings and uses.
- (b) Home Occupation.

1125.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the 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.

Residential	Public/Semi-Public	Commercial
Group Home up to 8 Individuals	Cemetery ^{3,7,20}	None
In-Law Suite	Conservation Use	
Two Family Dwelling	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	

Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	Public and Parochial Educational Institution for Primary Education ^{1,2,3,5,6,11}	
Mobile Home Park ^{3,5,8,9,10,11,14,24,26,27,28,30}	Public and Parochial Educational Institution for Secondary Education ^{1,2,3,4,5,7,11}	
	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	
	Religious Place of Worship ^{1,3,7,11,12,14}	

1125.05 LOT DEVELOPMENT STANDARDS.

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

Minimum Lot Size	<ul style="list-style-type: none"> • 8,000 square feet Single Family Detached Dwelling • 14,000 square feet all Other Uses
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 75 Feet Single Family Detached Dwelling • 120 Feet all Other Uses
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	40 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 30 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 5 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 35 Feet for Principal Use or Structure • 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1125.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1125.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1125.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

CHAPTER 1127
R-4 Multi-Family Urban Residential District

- 1127.01 Purpose.**
- 1127.02 Principally permitted uses.**
- 1127.03 Accessory uses.**
- 1127.04 Conditionally permitted uses.**
- 1127.05 Lot development standards.**
- 1127.06 Off-street parking and loading.**
- 1127.07 Signage.**
- 1127.08 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking spaces required for dwellings - see P. & Z. 1145.04

1127.01 PURPOSE.

The purpose of R-4 Multi-Family Urban Residential District is to encourage residential development in areas adjacent to community shopping facilities or as a transition between lower density residential uses and non-residential uses. Development is to consist of single-family, two-family and limited multi-family in groupings which will provide for the efficient development and utilization of community facilities such as water and sewers, streets and schools.

1127.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the R-4 Multi-Family Urban Residential District:

Residential	Public/Semi-Public	Commercial
Single Family Attached Dwelling	None	None
Single Family Detached Dwelling		
Two Family Dwelling		

1127.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the R-4 Multi-Family Urban Residential District:

- (a) Accessory buildings and uses.
- (b) Home Occupation.

1127.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the R- 4 Multi-Family 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.

Residential	Public/Semi-Public	Commercial
Group Home up to 8 Individuals	Cemetery ^{3,7,20}	None
Group Home 9 – 16 Individuals	Conservation Use	
In-Law Suite	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	
Mobile Home Park ^{3,5,8,9,10,11,14,24,26,27, 28,30}	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	
Multi-Family Dwelling ^{5,11,16,26,27,28,29}	Public and Parochial Educational Institution for Primary Education ^{1,2,3,5,6,11}	
Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	Public and Parochial Educational Institution for Secondary Education ^{1,2,3,4,5,7,11}	
Transitional housing ^{7,24}	Religious Place of Worship ^{1,3, 7,11,12,14}	

1127.05 LOT DEVELOPMENT STANDARDS.

Lots in the R-4 Multi-Family Urban Residential District shall adhere to the following standards:

Minimum Lot Size	<ul style="list-style-type: none"> • 7,000 square feet Single Family Detached Dwelling • 14,000 square feet Two Family Dwelling and Other Uses • 5,400 square feet per Dwelling Unit for Multi-Family and Single Family Attached
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 65 Feet Single Family Detached Dwelling • 85 Feet Two Family Detached Dwelling and Other Uses • 100 Feet for Multi-Family and Single Family Attached
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	5 Times the Lot Width as Measured at the Building Line
Minimum Usable Open Space	25%
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None
Minimum Dwelling Floor Area	<ul style="list-style-type: none"> • 1 Bedroom - 700 square feet • 2 Bedroom - 850 square feet • 3 Bedroom - 1,000 square feet • For each additional bedroom over 3, add 100 square feet floor area

Minimum Front Yard	40 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 30 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 5 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 35 Feet for Principal Use or Structure • 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1127.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1127.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1127.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

**CHAPTER 1129
M-U Multi-Use District**

- 1129.01 Purpose.**
- 1129.02 Principally permitted uses.**
- 1129.03 Accessory uses.**
- 1129.04 Conditionally permitted uses.**
- 1129.05 Lot development standards.**
- 1129.06 Supplemental regulations.**
- 1129.07 Off-street parking and loading.**
- 1129.08 Signage.**
- 1129.09 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105
 District established - see P. & Z. 1113.01

1129.01 PURPOSE.

The Multi-Use District is established to allow a combination of limited commercial uses and residential uses in areas of the City located adjacent to commercial areas that indicate a changing trend. The purpose of the district is to maintain the present residential streetscape, while allowing alternative land uses where necessary that are compatible with the remaining residential uses with a residential environment. Uses in the district are limited to those most likely to use the existing residential building without putting excessive demands on mechanical or utility systems.

1129.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the M-U Multi-Use District:

Residential	Public/Semi-Public	Commercial
Single Family Attached Dwelling	None	Bed and Breakfast Inn
Single Family Detached Dwelling		Convenience Retail
Two Family Dwelling		Funeral Home
		Office - Professional, Medical and Administrative
		Personal and Professional Services

1129.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the M-U Multi-Use District:

- (a) Accessory buildings and uses.
- (b) Home Occupation.

1129.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the M-U Multi-Use 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
Group Home up to 8 Individuals	Cemetery ^{3,7,20}	Child Day Care Center and Nursery ^{2,5,9,11,14}
Group Home 9 – 16 Individuals	Conservation Use	Multiple Uses in a Single Building
In-Law Suite	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	Personal and Professional Services with Drive-Thru
Multi-Family Dwelling ^{5,11,16,26,27,28,29}	Public or Quasi-Public Owned Park or Recreation Facility ^{1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25}	
Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	Religious Place of Worship ^{1,3, 7,11,12,14}	
	Urban Garden	

1129.05 LOT DEVELOPMENT STANDARDS.

Lots in the M-U Multi-Use District shall adhere to the following standards:

Minimum Lot Size	<ul style="list-style-type: none"> • 7,000 square feet Single Family Detached Dwelling • 14,000 square feet Two Family Dwelling and Other Uses • 5,400 square feet per Dwelling Unit for Multi-Family and Single Family Attached • No minimum lot size for non-residential uses
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 65 Feet Single Family Detached Dwelling 85 Feet Two Family Detached Dwelling • 100 Feet for Multi-Family and Single Family Attached • 50 Feet for non-residential uses
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	25%
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	40 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 30 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 5 Feet for Principal Use or Structure • 5 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 35 Feet for Principal Use or Structure • 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1129.06 SUPPLEMENTAL REGULATIONS.

- (a) All uses permitted under Section 1129.02, other than one and two-family residences, shall be permitted only after review and approval of site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.
- (b) Exterior lighting shall not shine directly on adjacent properties and shall be designed to be compatible with a residential area.
- (c) Nothing in this chapter shall be interpreted to prohibit multiple or mixed uses within a single structure.
- (d) No fire escapes or other exterior stairways to upper floors of a building shall be located on a building facade facing a street.
- (e) All uses shall use the existing residential buildings in the district. Additions made to existing residential buildings after the effective date of this section shall be limited to twenty- five percent (25%) of the area of the principal building as it existed on the effective date of this section or 1,250 square feet, whichever is less.
- (f) When residential buildings are adapted for other uses permitted in the district, the new use shall maintain the same basic residential environment in terms of the building exterior, landscaping and operation of the nonresidential use.
- (g) All new buildings proposed for the M-U District after the effective date of this section shall not exceed twenty-five percent (25%) of the average of the floor areas of all principal residential buildings on lots adjacent to and across the street from the lot on which the new building is to be located, with the source for all such information to be Medina County tax parcel records. In addition, all new buildings shall be compatible with the existing residential environment in terms of scale, proportion, facade materials and color.
- (h) All uses shall be conducted in a manner which is compatible with a residential neighborhood.

1129.07 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

- (a) Off-street parking shall not occupy any part of any required front yard or required side yard, but may be included in a required rear yard to within five (5) feet of the rear property line. Joint use of parking areas is encouraged. The Planning Commission may permit parking to extend to the side or rear property line in the case of a joint parking area for new conversions only. Existing conversions shall follow the variance process through the Board of Zoning Appeals.
- (b) Parking shall be reviewed by the Planning Director to ensure that off-street parking areas are in character with surrounding residential development. This includes with width of access drives, parking in the rear yard and paving of the parking area(s).

1129.08 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1129.09 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

CHAPTER 1130
P-F Public Facilities District

- 1130.01 Purpose.**
- 1130.02 Principally permitted uses.**
- 1130.03 Accessory uses.**
- 1130.04 Conditionally permitted uses.**
- 1130.05 Lot development standards.**
- 1130.06 Supplemental regulations.**
- 1130.07 Off-street parking and loading.**
- 1130.08 Signage.**
- 1130.09 Landscape and buffering.**
- 1130.10 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

1130.01 PURPOSE.

The purpose of the P-F, Public Facilities District is to recognize the location of existing public and quasi-public institutions owned by and/or located within the City, including but not limited to the City Hall, schools, hospitals, libraries, post office, cemeteries, and certain places of public assembly, all developed in a manner consistent with sound planning and design principles. This district is established to accommodate these existing institutions and encourage their future viability and continued location and growth in the City.

1130.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the P-F Public Facilities District:

Residential	Public/Semi-Public	Commercial
None	Cemetery	Hospital
	Educational Institution for Higher Education	Office - Professional, Medical and Administrative
	Off-Street Parking Lot, Deck or Garage	
	Passenger Transportation Agency and Terminal	
	Publicly Owned or Operated Governmental Facility	
	Public or Quasi-Public Owned Park or Recreation Facility	
	Public and Parochial Educational Institution for Primary Education	
	Public and Parochial Educational Institution for Secondary Education	
	Public Utility	
Other Similar Uses as Determined by the Planning Commission		

1130.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the P-F Public Facilities District:

- (a) Accessory buildings and uses.
- (b) Commercial Entertainment.
- (c) Retail uses incidental to the main recreational use.

1130.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the P-F Public Facilities District subject to the requirements of Chapter 1153, Conditional Uses:

Residential	Public/Semi-Public	Commercial
Nursing Home, Assisted Living Facility, Independent Living Facility	Conservation Use	Child Day Care Center and Nursery
	Wireless Telecommunication Facility	Multiple Uses in a Single Building
	Urban Garden	

1130.05 LOT DEVELOPMENT STANDARDS.

Lots in the P-F Public Facilities District shall adhere to the following standards:

Minimum Lot Size	<ul style="list-style-type: none"> • None • 40 Acres for Cemeteries
Minimum Lot Width at Building Line	None
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	<ul style="list-style-type: none"> • 50 Feet • 0 Feet in a Historic District
Minimum Rear Yard	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 0 Feet in a Historic District • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 25 Feet for Principal Use or Structure • 50 Feet if Adjacent to a Residential District • 0 Feet in a Historic District • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure

Maximum Height	45 Feet for Principal Use or Structure 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1130.06 SUPPLEMENTAL REGULATIONS.

- (a) All uses permitted under Section 1130.02 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria, and regulations of Chapter 1109.
- (b) All uses permitted under Section 1130.02 shall further be required to conform to any overlay district and other additional requirements and development guidelines that may be applicable to the land on which such uses are proposed to be located or expanded, including but not limited to the Transitional Corridor Overlay District (TC-OV) and the Historic District.
- (c) Regardless of whether such uses proposed to be located or expanded are permitted or conditionally permitted, the Planning Commission shall in conjunction with site plan review and approval conduct a public hearing and give notice of said hearing in accordance with Section 1153.02(d), Hearing.
- (d) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
- (e) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (f) Such uses should be properly landscaped to be harmonious with surrounding uses, especially if residential uses.
- (g) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.
- (h) All facilities and structures shall meet all City and/or State health, building, electrical and other applicable codes.
- (i) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.

1130.07 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1130.08 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1130.09 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1130.10 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

CHAPTER 1131
C-S Commercial Service District

- 1131.01 Purpose.**
- 1131.02 Principally permitted uses.**
- 1131.03 Accessory uses.**
- 1131.04 Conditionally permitted uses.**
- 1131.05 Lot development standards.**
- 1131.06 Off-street parking and loading.**
- 1131.07 Signage.**
- 1131.08 Landscape and buffering.**
- 1131.09 Site plan review.**
- 1131.10 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking and loading spaces required - see P. & Z. 1145.04

1131.01 PURPOSE.

The C-S Commercial Service District is established to create an environment conducive to well-located and designed office building sites to accommodate professional offices, nonprofit organizations and limited business service activities.

1131.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-S Commercial Service District:

Residential	Public/Semi-Public	Commercial
None	None	Office - Professional, Medical and Administrative
		Personal and Professional Services
		Other Similar Uses as Determined by the Planning Commission

1131.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the C-S Commercial Service District:

- (a) Accessory buildings and uses.

1131.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-S Commercial Service 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
Bed and Breakfast Inn ^{11,14}	Cemetery ^{3,7,17,21}	Child Day Care Center and Nursery ^{2,5,9,11,14}
	Conservation Use	Conference Center, Banquet Facility or Meeting Hall
	Educational Institution for Higher Education ^{1,2,3,4,5,7,11}	Hospital ^{1,2,3,5,7,9,11,14}
	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	Personal and Professional Services with Drive-Thru ^{7,17}
	Public or Quasi Publicly Owned Park or Recreation Facility ^{1,2,3,4,5,9,11,14,22,24,25}	Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
	Public and Parochial Educational Institution for Primary Education ^{1,2,3,5,6,11}	
	Public and Parochial Educational Institution for Secondary Education ^{1,2,3,4,5,7,11}	
	Public Utility ^{1,10,11}	
	Religious Place of Worship ^{1,3,7,11,12,14}	
	Urban Garden	

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	None
Minimum Usable Open Space	None
Maximum Lot Coverage	60%
Maximum Building Size	None
Maximum Building Width	None

Minimum Front Yard	50 Feet
Minimum Rear Yard	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 40 Feet for Principal Use or Structure • 20 Feet for Accessory Use or Structure
Minimum District Size	n/a

1131.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1131.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1131.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1131.09 SITE PLAN REVIEW.

All uses permitted under Section 1131.02 and 1131.04 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

1131.10 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

CHAPTER 1133
C-1 Local Commercial District

- 1133.01 Purpose.**
- 1133.02 Principally permitted uses.**
- 1133.03 Accessory uses.**
- 1133.04 Conditionally permitted uses.**
- 1133.05 Lot development standards.**
- 1133.06 Off-street parking and loading.**
- 1133.07 Signage.**
- 1133.08 Landscape and buffering.**
- 1133.09 Site plan review.**
- 1133.10 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking and loading spaces required - see P. & Z. 1145.04

1133.01 PURPOSE.

The C-1 Local Commercial District is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this District will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

1133.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-1 Local Commercial District:

Residential	Public/Semi-Public	Commercial
None	None	Convenience Retail
		Office - Professional, Medical and Administrative
		Personal and Professional Services
		Other Similar Uses as Determined by the Planning Commission

1133.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the C-1 Local Commercial District:

- (a) Accessory buildings and uses.

1133.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-1 Local Commercial 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
Bed and Breakfast Inn ^{11,14}	Club, Lodge or Fraternal Organization ^{9,11,14,25}	Bar or Tavern
Nursing Home, Assisted Living Facility, Independent Living Facility ^{1,2,3,5,7,9,11,14}	Conservation Use	Child Day Care Center and Nursery ^{2,5,9,11,14}
	Educational Institution for Higher Education	Hospital ^{1,2,3,5,7,9,11,14}
	Publicly Owned or operated Governmental Facility ^{3,7}	Motor Vehicle Filling Station with or without Convenience Retail ^{5,7,17,29,31}
	Public Utility ^{1,10,11}	Personal and Professional Services with Drive- Thru ^{7,17}
	Religious Place of Worship ^{1,3,7,11,12,14}	Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
	Urban Garden	Restaurant

1133.05 LOT DEVELOPMENT STANDARDS.

Lots in the C-1 Local Commercial District shall adhere to the following standards:

Minimum Lot Size	None
Minimum Lot Width at Building Line	None
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	None
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	None
Minimum Rear Yard	<ul style="list-style-type: none"> • 25 Feet for Principal Use or Structure • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure

Minimum Side Yard	<ul style="list-style-type: none"> • None • 50 Feet for Principal Use or Structure if Adjacent to a Residential District • 25 Feet of Yard Must be Landscaped when Adjacent to a Residential District • 20 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 35 Feet for Principal Use or Structure • 15 Feet for Accessory Use or Structure
Minimum District Size	n/a

1133.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1133.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1133.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1133.09 SITE PLAN REVIEW.

All uses permitted under Section 1131.02 and 1131.04 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

1133.10 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

CHAPTER 1135
C-2 Central Business District

- 1135.01 Purpose.**
- 1135.02 Characteristics.**
- 1135.03 Principally permitted uses.**
- 1135.04 Accessory uses.**
- 1135.05 Conditionally permitted uses.**
- 1135.06 Lot development standards.**
- 1135.07 Dwelling unit regulations.**
- 1135.08 Off-street parking and loading.**
- 1135.09 Signage.**
- 1135.10 Landscape and buffering.**
- 1135.11 Site plan review.**
- 1135.12 Outdoor storage.**
- 1135.13 Building development standards.**
- 1135.14 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking and loading spaces required - see P. & Z. 1145.04

1135.01 PURPOSE.

The historic fabric of a community is recognized as an asset of the City of Medina and is a principle focal point of the community providing a distinct economic resource and a center for community orientation. It is in the interest of the city to protect and enhance these features of public interest in this business district by:

- (a) Preventing the deterioration of property and the extension of blighting conditions;
- (b) Promoting redevelopment activities to occur in such a fashion to complement the existing historic mixed use character and architecture of this district;
- (c) Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area and which promotes the public square open space area; and
- (d) Preventing the creation of influences adverse to the physical character of the area.

1135.02 CHARACTERISTICS.

The C-2 Central Business District shall be an area that has a substantial historic value to the city that encompasses a concentration of residential dwellings and retail and service-oriented commercial establishments serving as a principal business activity center for the neighborhood, community and region. This area has also received and will continue to receive substantial public investment in the form of the public square.

1135.03 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-2 Central Business District:

Residential	Public/Semi-Public	Commercial
Attached single family dwellings within a mixed use building excluding the first floor in the defined public square area	Club, Lodge or Fraternal Organization	Bar or Tavern
Multi-Family dwellings within a mixed use building excluding the first floor in the defined public square area	Passenger Transportation Agency and Terminal	Commercial Entertainment
		Commercial Recreation
		Convenience Retail
		Mixed Use Building -Residential Excluded from Ground Level Floor
		Off-Street Parking Lot, Garage or Deck
		Office - Professional, Medical and Administrative
		Other Similar Uses as Determined by the Planning Commission
		Personal and Professional Services
		Restaurant
		Retail

1135.04 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the C-2 Central Business District:

- (a) Accessory buildings and uses.
- (b) Car Wash if accessory to a motor vehicle filling station.

1135.05 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-2 Central Business 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
Bed and Breakfast Inn ^{11,14}	Conservation Use	Child Day Care Center and Nursery ^{2,5,9,11,14}
First Floor Dwelling Units in Public Square Area ³⁵	Educational Institution for Higher Education	Conference Center, Banquet Facility, or Meeting Hall

	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	Hospital ^{1,2,3,5,7,9,11,14}
	Public Utility ^{1,10,11}	Hotel or Motel
	Religious Place of Worship ^{1,3,7,11,12,14}	Motor Vehicle Filling Station with or without Convenience Retail ^{5,7,17,29,31}
	Urban Garden	Motor Vehicle, Truck, Trailer and Farm Implements Repair, Service and Storage (Excluding Body Work, Painting and Engine Work)
		Motor Vehicle Truck, Trailer and Farm Implement Sales, Rental or Leasing - New or Used
		Outdoor Dining
		Personal and Professional Services with Drive-Thru
		Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
		Restaurant with Drive-Thru or Drive In

1135.06 LOT DEVELOPMENT STANDARDS.

Lots in the C-2 Central Business District shall adhere to the following standards:

Minimum Lot Size	None
Minimum Lot Width at Building Line	None
Minimum Lot Frontage	None
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Building Footprint within the Public Square Area	5,000 square feet
Minimum Front Yard	Buildings shall be constructed at the front lot line unless adjacent to a Residential District, then the Setback Shall be that of the Residential District Plus One Foot Additional for each Two Feet of Building Height over 35 Feet.
Minimum Rear Yard	<ul style="list-style-type: none"> • None unless adjacent to a Residential District, then the Setback Shall be that of the Residential District Plus One Foot Additional for each Two Feet of Building Height over 35 Feet. • 0 Feet for an Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • None unless adjacent to a Residential District, then the Setback Shall be that of the Residential District • 0 Feet for an Accessory Use or Structure

Maximum Height	<ul style="list-style-type: none"> • 40 Feet for Principal Use or Structure. • However, a maximum height of 60 feet may be permitted upon Planning Commission review and approval. <p>20 Feet for Accessory Use or Structure</p>
Minimum District Size	n/a

1135.07 DWELLING UNIT REGULATIONS.

All dwelling units in the C-2 Central Business District shall be subject to the following requirements:

- (a) For this purpose, the C-2 District is divided into two subdistricts: the Public Square Area and Periphery C-2 District. The Public Square Area is defined as the C-2 District adjacent to Public Square between Friendship Street on the north, Jefferson Street and the extension of Jefferson Street on the east, Smith Road on the south and Elmwood Avenue on the west.
- (b) In the Public Square Area defined in subsection (a) hereof, dwelling units are permitted uses above the first floor or street entrance for all buildings so as not to detract from use of the building for commercial purposes. Dwellings on the first or street floor are conditionally permitted uses. There is no lot area requirement for dwelling units.

1135.08 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading and the following:

- (a) No off-street parking or loading space shall be located in any front yard.
- (b) There shall be no more than one curb cut/driveway per consolidated parcel unless approved by the Planning Commission.

1135.09 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1135.10 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1135.11 SITE PLAN REVIEW.

- (a) All commercial and multiple-family uses permitted under Section 1135.03 and 1135.05 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.
- (b) Any approvals for development within this district shall be required to submit a traffic impact study unless this requirement is specifically waived by the Planning Director or City Engineer.

1135.12 OUTDOOR STORAGE.

Outdoor storage shall not be permitted in this District unless completely enclosed in a fence or wall painted or constructed of materials similar to the principal building. However, the temporary outdoor display of goods (sidewalk sales, etc.) shall be permitted as approved by the Planning Director.

1135.13 BUILDING DEVELOPMENT STANDARDS.

All elevations of a building shall be subject to design review with respect to the following standards:

- (a) Application.
 - (1) Any property in this district which is also located within the Historic District Overlay shall also be subject to the standards and guidelines in the "City of Medina Design Guidelines for

Historic Properties and District" document dated March, 2007 and as may be amended from time to time.

- (2) Any property in this district which is also located within the Transitional Corridor Overlay shall also be subject to the standards of Chapter 1116.
 - (3) Any property in this district which is also located within the Historic District Overlay shall also be subject to review and approval by the Medina Historic Preservation Board.
- (b) Architectural Design. In order to reflect the general architectural design of the C-2 Central Business District, the following architectural design guidelines are established:
- (1) The design of any new development should reinforce the character of the Central Business District as a whole, not just focusing on the individual property.
 - (2) Primary emphasis should be on building form including, but not limited to: brick stone or wood facades, single pane fenestration and defined cornices.
 - (3) Additions to existing buildings shall be in character with the architecture and style of the existing building.
 - (4) Commercial buildings shall be broken up into storefront modules not exceeding fifty (50) feet in width. Each module shall contain a recessed entry, display windows, and other architectural features to distinguish it from adjacent modules.
- (c) Materials.
- (1) The exterior use of concrete masonry units, vinyl siding or metal siding shall be no more than 15% of the area of a building facade that can be viewed from the public right-of-way.
 - (2) The exterior facades of any building in the Central Business District shall be primarily of only brick, wood, brick veneer, or natural stone.
- (d) Orientation.
- (1) All buildings shall provide a primary pedestrian entrance oriented to and accessible from the primary thoroughfare on which the building fronts.
 - A. A building may be set back from the zero lot line to accommodate public open space established for outdoor dining, public plaza space or a similar use otherwise approved by the Planning Commission.
 - (2) The front wall of the principal structure shall be parallel to the primary street on which the building fronts.
 - (3) All walls visible from the public rights-of-way shall include windows, doors or other architectural features to prevent blank walls on any story of the structure.
- (e) Reuse of Existing Structures. The reuse of existing structures shall be preferred over the demolition and redevelopment of a parcel.
- (f) Color. Exterior colors of buildings and structures shall be harmonious with the existing surroundings within the District and shall be approved by the Planning Director prior to development/redevelopment.

1135.14 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

CHAPTER 1137
C-3 General Commercial District

- 1137.01 Purpose.**
- 1137.02 Principally permitted uses.**
- 1137.03 Accessory uses.**
- 1137.04 Conditionally permitted uses.**
- 1137.05 Lot development standards.**
- 1137.06 Off-street parking and loading.**
- 1137.07 Signage.**
- 1137.08 Landscape and buffering.**
- 1137.09 Additional standards.**
- 1137.10 Multi-family use requirements.**
- 1137.11 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

Minimum number of parking and loading spaces required - see P. & Z. 1145.04

1137.01 PURPOSE.

The C-3 General Commercial District is established to provide for uses in addition to those specified for the local and commercial Retail Office District, and thereby provide service and sales in support of the primary business activities in the community. This District includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers, that create special problems, are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares at outlying locations in the community.

1137.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the C-3 General Commercial District:

Residential	Public/Semi-Public	Commercial
None	Club, Lodge or Fraternal Organization	Bar or Tavern
	Passenger Transportation Agency and Terminal	Commercial Entertainment
		Commercial Recreation
		Convenience Retail
		Drive-In Establishments including Restaurants and Theaters
		Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		Hotel or Motel

		Mixed Use Building - Residential Excluded from Ground Level Floor
		Motor Vehicle Truck, Trailer and Farm Implement Sales, Rental or Leasing - New or Used
		Motor Vehicle, Truck, Trailer and Farm Implements Repair, Service and Storage (Excluding Body Work, Painting and Engine Work)
		Off-Street Parking Lot, Garage or Deck
		Office - Professional, Medical and Administrative
		Other Similar Uses as Determined by the Planning Commission
		Personal and Professional Services
		Plant Greenhouse
		Restaurant
		Retail less than 80,000 square feet in size
		Veterinary Office or Hospital in Enclosed Building
		Wholesale Establishments

1137.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the C-3 General Commercial District:

- (a) Accessory buildings and uses.
- (b) Car Wash.

1137.04 CONDITIONALLY PERMITTED USES.

The following uses shall be permitted as conditionally permitted uses in the C-3 General Commercial 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
Multi-Family Dwelling	Conservation Use	Car Wash
Transitional Housing ^{7,24}	Educational Institution for Higher Education	Child Day Care Center and Nursery ^{2,5,9,11,14}
	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	Conference Center, Banquet Facility or Meeting Hall ^{1,3,7,11,12,14}
	Public Utility ^{1,10,11}	Cremation Facility
	Religious Place of Worship ^{1,3,7,11,12,14}	Hospital ^{1,2,3,5,7,9,11,14}
	Wireless Telecommunications Facility	Motor Vehicle Filling Station with or without Convenience Retail ^{5,7,17,29,31}

		Open Air Building materials Sales and Lumber Yard
		Outdoor Dining
		Personal and Professional Services with Drive-Thru
		Research and Development Laboratory and Processing with No External Hazardous, Noxious or Offensive Conditions
		Restaurant with Drive-Thru or Drive In
		Retail larger than 80,000 square feet in size
		Sexually Oriented Business ³⁶

1137.05 LOT DEVELOPMENT STANDARDS.

Lots in the C-3 General Commercial District shall adhere to the following standards:

Minimum Lot Size	None
Minimum Lot Width at Building Line	None
Minimum Lot Frontage	40 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None
Maximum Lot Coverage	None
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	None
Minimum Rear Yard	<ul style="list-style-type: none"> • 30 Feet for Principal Use or Structure • 20 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • None • 75 Feet for Principal Uses when Adjacent to a Residential District When Adjacent to a Residential District, at least 25 Feet shall be Landscaped for Screening Purposes • 20 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 40 Feet for Principal Use or Structure • 20 Feet for Accessory Use or Structure
Minimum District Size	n/a

1137.06 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1137.07 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1137.08 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

1137.09 ADDITIONAL STANDARDS.

In addition to the site plan review standards in Section 1109.02(c), the Planning Commission's review and action on site plans in the C-3 General Commercial District shall also be based on the following standards:

- (a) Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
- (b) The number and location of openings from the site to adjacent thoroughfares shall be designed to maintain the traffic movement function of arterials.
- (c) The overall development concept shall reflect the intent and recommendations of applicable comprehensive plans and thoroughfare plans adopted by the City.
- (d) Service areas, refuse storage areas and other such areas shall be fully screened from view within the commercial development and from adjacent development. The site plan shall indicate a separation of service traffic from customer traffic.
- (e) Parking lots for shopping centers and other large commercial uses shall include trees or other planting's (in wells located not to interfere with vehicle movement and snow removal) to provide visual relief and an attractive parking area.

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).

1137.11 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

CHAPTER 1141
I-1 Industrial District

- 1141.01 Purpose.**
- 1141.02 Principally permitted uses.**
- 1141.03 Accessory uses.**
- 1141.04 Conditionally permitted uses.**
- 1141.05 Lot development standards.**
- 1141.06 Site plan review.**
- 1141.07 Off-street parking and loading.**
- 1141.08 Signage.**
- 1141.09 Landscape and buffering.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105
District established - see P. & Z. 1113.01

1141.01 PURPOSE.

The I-1 Industrial District is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential and institutional uses. The principally permitted uses are those, because of their normally unobjectionable characteristics, that can be in relatively close proximity to residential and commercial districts.

1141.02 PRINCIPALLY PERMITTED USES.

The following uses shall be permitted in the I-1 Industrial District:

Residential	Public/Semi-Public	Commercial
None	Public Utility	Distribution Center for Fuel, Food and Goods, Underground Storage - Must be Completely Enclosed if Facing a Non-Industrial District
		Heavy Duty Repair Services for Machinery and Equipment Including Repair Garages and Specialty Establishments including Motor, Body, Fender, Radiator Work.
		Light Manufacturing
		Mixed Use Building
		Off-Street Parking Lot, Deck and Garage
		Office - Professional, Medical and Administrative
		Other Uses as Determined by the Planning Commission
		Plant Greenhouse
		Research and Development Laboratory and Processing with No Hazardous, Noxious or Offensive Conditions
		Self-Storage Warehouse
		Truck or Transfer Terminal - No Closer than 50 Feet from a Residential District

		Veterinary Office or Hospital in an Enclosed Building
		Warehousing
		Wholesale Establishment

1141.03 ACCESSORY USES.

The following uses shall be permitted as accessory uses in the I-1 Industrial District:

- (a) Accessory buildings and uses
- (b) Retail

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 Residential District
	Publicly Owned or Operated Governmental Facility ^{3,7,8,11}	Cremation Facility
	Wireless Telecommunication Facility	Heavy Manufacturing ^{37, 38}
		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

1141.05 LOT DEVELOPMENT STANDARDS.

Lots in the I-1 Industrial District shall adhere to the following standards:

Minimum Lot Size	21,780 Square Feet
Minimum Lot Width at Building Line	100 Feet
Minimum Lot Frontage	100 Feet
Maximum Lot Depth	None
Minimum Usable Open Space	None

Maximum Lot Coverage	85%
Maximum Building Size	None
Maximum Building Width	None
Minimum Front Yard	<ul style="list-style-type: none"> • 25 Feet • 100 Feet when Adjacent to a Residential District
Minimum Rear Yard	<ul style="list-style-type: none"> • 25 Feet for Principal Use or Structure • 50 Feet Principal Use or Structure when Adjacent to a Residential District • 15 Feet for Accessory Use or Structure
Minimum Side Yard	<ul style="list-style-type: none"> • 25 Feet Principal Use or Structure • 50 Feet Principal Use or Structure when Adjacent to a Residential District • 15 Feet for Accessory Use or Structure
Maximum Height	<ul style="list-style-type: none"> • 50 Feet for Principal Use or Structure • 80 Feet for Principal or Accessory Use or Structure when setback at least 100 feet from any site perimeter property line • 25 Feet for Accessory Use or Structure when located within the minimum rear or side yard for the Principal Use or Structure
Minimum District Size	n/a

1141.06 SITE PLAN REVIEW.

All uses permitted under Section 1141.02 and 1141.04 shall be permitted only after the review and approval of the site plans by the Planning Commission according to the standards, criteria and regulations of Chapter 1109.

1141.07 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be regulated pursuant to Chapter 1145, Off-Street Parking and Loading.

1141.08 SIGNAGE.

Signage shall be regulated pursuant to Chapter 1147, Signs.

1141.09 LANDSCAPE AND BUFFERING.

Landscape and buffering shall be regulated pursuant to Chapter 1149, Screening and Landscaping.

CHAPTER 1145
Off-Street Parking and Circulation

- 1145.01 Purpose.**
- 1145.02 Establishment of regulations.**
- 1145.03 Parking plan required.**
- 1145.04 Schedule of parking requirements and standards.**
- 1145.05 Location and continuation of facilities.**
- 1145.06 Single family and two-family residential uses.**
- 1145.07 Land banking for parking.**
- 1145.08 Minimum parking area dimensions.**
- 1145.09 Parking area design.**
- 1145.10 Driveways to parking areas.**
- 1145.11 Loading facilities.**
- 1145.12 Approval of facilities.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

1145.01 PURPOSE.

Off-street parking and circulation requirements are established in order to achieve, among other, the following purposes:

- (a) To relieve congestion so the streets can be utilized more fully for movement of vehicular traffic;
- (b) To promote the safety and convenience of pedestrians and shoppers by locating parking areas so as to lessen car movement in the vicinity of pedestrian traffic;
- (c) To protect adjoining residential neighborhoods from on-street parking;
- (d) To provide efficient access between parcels within commercial areas; and
- (e) To provide regulations and standards for accessory off-street parking and loading facilities.

1145.02 ESTABLISHMENT OF REGULATIONS.

Accessory off-street parking and loading facilities shall be provided for all residential, institutional, office, business, service and industrial uses in conformance with the provisions of this chapter.

1145.03 PARKING PLAN REQUIRED.

For any off-street parking area required under this Chapter a plan shall be submitted with the application for a Zoning Certificate to the Planning Director to review for compliance with these regulations. Any such parking plan shall show the total number of parking spaces, arrangement of parking aisles, location of driveway entrances, provisions for vehicular and pedestrian circulation, location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, typical cross sections of pavement, storm water drainage facilities, and any other relevant information requested by the Planning Director.

1145.04 SCHEDULE OF PARKING REQUIREMENTS AND STANDARDS.

- (a) Schedule of Parking Requirements. Accessory off-street parking spaces shall be provided not less than as set forth in the following schedule:

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Residential Uses	Formula
Assisted Living, Nursing, Convalescent Home, Transitional Housing	One (1) space for each two (2) resident rooms + one space for every five (5) resident rooms.
Bed and Breakfast	Two (2) spaces for owner + one (1) space for each guest room.
Day Care, Child (In-Home)	See Single Family Detached Dwelling.
Group Home	One (1) space for two (2) beds + one (1) space for every 400 square feet of gross floor area, excluding resident rooms.
Independent Living Facility	One and one-half (1½) spaces for each dwelling unit + one (1) space for every five (5) dwelling units.
In-Law Suite	One (1) space in addition to the requirement of the single family dwelling.
Mobile Home Dwelling	Two (2) spaces for each unit.
Multi-Family Dwelling	Two (2) spaces for each dwelling unit + one (1) space for each five (5) dwelling units for visitor parking.
Single Family Attached and Single-Family Detached Dwelling	Two (2) spaces for each dwelling.
Two Family Dwelling	Two (2) spaces for each dwelling.
Banquet, Conference Center or Meeting Halls	One (1) space for each three (3) seats or one (1) space per 150 square feet of banquet or meeting gross floor area where fixed seating is not available.
Bar or Tavern	One (1) space for every three (3) seats or one (1) space for each seventy-five (75) square feet of floor area, whichever is greater.
Building Materials, Contractors Equipment Sales Yard	One (1) space for 400 square feet of net floor area. For uses solely utilizing outdoor sales yards, one (1) space per 2,000 square feet of sales yard area.
Car Wash, Automated	Three (3) stacking spaces for each automated car wash lane.
Car Wash, Self Service	Two (2) stacking spaces for each stall + two (2) drying spaces for each stall.
Commercial Entertainment	One (1) space for each three (3) seats or one space for each 100 square feet of floor area, whichever is greater.

Commercial Uses	Formula
Commercial Recreation	One (1) space for each fifty (50) square feet of pool area including deck. One (1) space for each 500 square feet of outdoor playground area. Four (4) spaces per lane for a bowling alley. Five (5) spaces for each trail head. Six (6) spaces for each tennis, racquet ball or handball court. Ten (10) spaces for each basketball court. Twenty (20) spaces for each baseball, softball or soccer field.
Convenience Store	One (1) space for each 300 square feet of net floor area + one (1) space per every two (2) pumps.
Day Care Center or Nursery, Child	One (1) space for each 200 square feet of licensed capacity plus sufficient space for child drop-off/loading area.
Drive-In Establishments	One (1) space for each 100 square feet of gross floor area if entirely drive-through. If drive-in facility, one (1) space for each ordering space + one (1) space per 100 square feet of gross floor area
Financial Institution	One (1) space for each 200 square feet of floor area + four (4) stacking spaces for each drive-in service window.
Funeral Home or Mortuary	One (1) space for each fifty (50) square feet of parlor or chapel space or one (1) per four (4) seats, whichever is greater, but not less than twenty (20) spaces.
Hotel or Motel	One (1) space for each room + one space for each 200 square feet of lobby space + one (1) space for each 100 square feet of meeting area and/or restaurant space or bar/cocktail lounge
Distribution Center for Fuel, Food and Goods, Wholesale Establishment, Manufacturing Uses, Truck Transfer Terminal, and Warehousing	The required parking for these uses shall be enough to satisfy all the parking needs of the proposed use. No parking, loading or servicing shall be done on the street right-of-way or landscaped area.
Mixed Uses	The sum of spaces of each use reduced by fifteen percent(15%).
Motor Vehicle Filling Station (without Convenience Retail)	Two (2) spaces for each two (2) fuel pumps + one (1) space for each fifty (50) square feet of attendant facility.
Motor Vehicle Repair or Service Station	Two (2) spaces for each service bay (excluding the bay) + two (2) spaces for every two (2) fuel pumps.
Motor Vehicle, Truck, Trailer and Farm Implement Sales	One (1) space for each 300 square feet of net floor area of the showroom.
Office, Professional and Administrative (excluding medical)	One (1) space for each 400 square feet.
Office, Medical/Dental Clinic	One (1) space per 200 square feet.

Commercial Uses (Cont.)	Formula
Outside Storage	Two (2) spaces for the first 2,000 square feet + one (1) space for each additional 2,000 square feet of outdoor storage area.
Personal and Professional Services	One (1) space for each 300 square feet of gross floor area + one (1) space for each service vehicle parked on site
Plant Greenhouse (Commercial)	One (1) space for each 800 square feet of indoor/outdoor sales space.
Research and Development Laboratory	One (1) space for each 400 square feet of gross floor area
Restaurant	One (1) space for each two (2) seats of seating capacity + four (4) stacking spaces for each drive through window.
Retail	One (1) space for each 400 square feet of gross floor area.
Sexually Oriented Business	One (1) space for each 200 square feet of gross floor area.
Veterinary Office or Hospital	Two (2) spaces for each examination room + one (1) space per each 200 square feet of laboratory and office floor area.
Cemetery	One (1) space for each fifty (50) square feet of parlor or chapel space or one (1) per four (4) seats, whichever is greater, but not less than twenty (20) spaces.

Public and Semi-Public Uses	Formula
Club, Fraternity, Lodge or Similar Organization	One (1) space for each 100 square feet of floor area.
Community Center or Recreation Center	One (1) space for each 250 square feet of floor area.
Educational Institution for Primary Education (Pre K-8)	Two (2) spaces for each classroom + one (1) space for every eight (8) seats in any auditorium and gymnasium.
Educational Institution for Secondary Education (9-12)	Ten (10) spaces for every classroom + one (1) space for every eight (8) seats in any auditorium and gymnasium.
Educational Institution for Higher Education (University, College, Technical, Vocational)	Ten (10) spaces for every classroom + one (1) space for every eight (8) seats in any auditorium.
Hospital	One (1) space for each bed + one (1) space for each 500 square feet of administrative, office and laboratory space.
Library	One (1) space for each 400 square feet of floor area.
Passenger Transportation Agency and Terminal	One (1) space for each 400 square feet of floor area + one (1) space for each transit vehicle + sufficient space for pick up and drop-off of passengers.

Public and Semi-Public Uses (Cont.)	Formula
Public Government Facility	One (1) space for each 400 square feet of floor area for administrative use + one (1) space for each government vehicle parked on site. One (1) space for each 800 square feet of indoor maintenance use.
Public Recreation or Park Facility	One (1) space for each fifty (50) square feet of pool area including deck. One (1) space for each 500 square feet of outdoor playground area. Four (4) spaces for each acre for unimproved recreation area. Five (5) spaces for each trail head. Six (6) spaces for each tennis, racquet ball or handball court. Ten (10) spaces for each basketball court. Twenty (20) spaces for each baseball, softball or soccer field. Forty (40) spaces for each football field.
Religious Place of Worship	One (1) space for each five (5) seats or bench seating in the main assembly area. If an educational institution is part of the church, follow guidelines for respective educational institution requirements.

- (b) Requirements for Additional Buildings or Uses. For buildings or uses not scheduled above, the Planning Commission shall apply the unit of measurement set forth in the above schedule which is deemed to be most similar to the proposed building or use.
- (c) Parking for Mixed Uses and Joint Uses. Shared or joint use of up to fifty percent (50%) of required parking spaces may be permitted and credited to the individual uses for two (2) or more uses located on the same parcel, or adjacent parcels, provided that the developer or property owner can demonstrate to the Planning Director that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the owner or between the owners involved and all future owners or assigns which shall be submitted with the required plan. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

Joint use of parking areas is encouraged. The Planning Commission may permit parking to extend to the side or rear property line in the case of a joint parking area.

Whenever a group of adjoining commercial sites have been developed and are owned separately, the Planning Commission may find it to be in the public interest to encourage the coordination of the circulation system by agreements covering shared parking facilities, including coordination and unifying of ingress and egress driveways.

- (d) Parking District. Uses within the Downtown Parking District Number 1, as established in Ordinance 26-78 or such other subsequent legislation, shall be exempt from the requirements of this section (see appendix).
- (e) Maximum Number of Parking Spaces. In order to prevent excessive lot coverage, the artificial increase in air temperature, and surface water run-off, no minimum off-street parking space

requirement in Section 1145.04, Schedule of Parking Requirements and Standards, shall be exceeded by more than twenty percent (20%) unless good cause can be shown by the applicant and approved by the Planning Commission. Single Family Dwellings and Two Family Dwellings are exempt from this provision.

- (f) Handicapped Parking Spaces. Parking spaces for handicapped individuals shall be provided in accordance with the provisions of the Ohio Basic Building Code and the Ohio Revised Code.
- (g) Parking in Front Yard. In all commercial, industrial and public facilities district areas, open off-street parking may be located in a required front yard provided a minimum ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line. In all districts, off-street parking facilities may occupy the required side and rear yard.
- (h) Pedestrian Connection. Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the sidewalk.

1145.05 LOCATION AND CONTINUATION OF FACILITIES.

Accessory parking facilities shall be provided on the same lot as the use served, except as may be permitted by conditions and agreements of this section and Section 1145.04(c), Parking for Mixed Uses and Joint Uses.

- (a) Continuation. Off-street parking and loading facilities accessory to an existing use on the effective date of this section and those required by future developments or amendments, shall be continued and maintained in operation, and shall not be reduced below the requirements or detached from the use to which it is accessory unless an equivalent number of spaces shall be provided for such use in another location approved by the Planning Commission.
- (b) Distance. The required parking facilities shall be located within a distance of 750 feet of the permitted principal use or building to be served.
- (c) Yards. No off-street parking of vehicles for residential uses shall be permitted in a residential, commercial, industrial or public facilities zone between the building line and the street line except in the following:
 - (1) On a driveway of a single family or two-family dwelling; or
 - (2) On a parking area designated on a site plan approved pursuant to Chapter 1109.

1145.06 SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL USES.

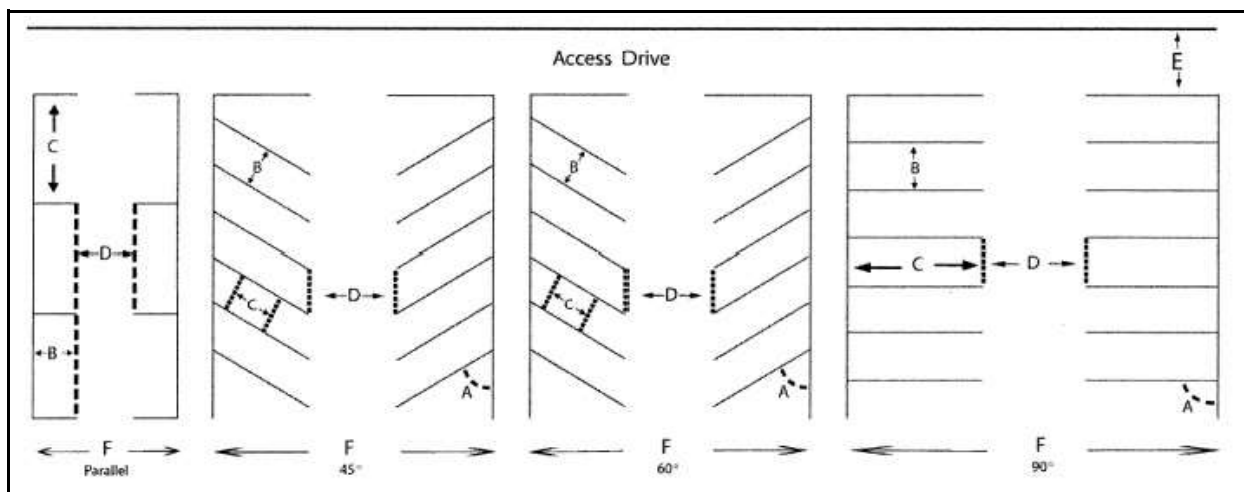
- (a) For purposes herein a driveway shall be limited to an area not exceeding twenty (20) feet in width from the street right-of-way to a garage or parking enclosure, but shall include any area used for the turning of vehicles but not to exceed an area of 200 square feet. For purposes herein, vehicles shall include any single, multiple axle or any other vehicle for use on streets or roads.
- (b) No more than one curb cut per residential property shall be permitted. A second curb cut is only permitted for residential property which contains more than 120 feet of lot frontage.
- (c) Driveways shall be constructed with a concrete, brick or asphalt surface. Permeable pavements may be utilized after review and approval by the City Engineer.
- (d) Vehicles shall not be parked on grass or other unimproved surfaces, as described in Section 1145.06(c), within a residential district

1145.07 LAND BANKING FOR PARKING.

Land banking of currently unneeded parking spaces is strongly encouraged. The applicant shall show the area to be banked on the site plan and marked as "land banked future parking". Sufficient parking shall be required to meet the current needs of the use.

1145.08 MINIMUM PARKING AREA DIMENSIONS.

A Parking Stall Angle (In Degrees)	B Stall Width (In Feet)	C Length of Stall (In Feet)	D Aisle Width (In Feet)		E Width of Access Drive (In Feet)	F Bay Width (In Feet)	
			One Way	Two Way		One Way	Two Way
0	9	23	12	18	20	36	36
30-53	9	18	13	20	20	47-53	54-60
54-75	9	19	18	22	20	60	64
76-90	9	19	22	24	20	60	62

**1145.09 PARKING AREA DESIGN.**

(a) Grading, Marking, Pavement and Curbing.

- (1) Parking areas and driveways insofar as possible shall be graded and drained so as to dispose of all surface water, including the use of permeable surfaces if approved by the City Engineer, without injury or nuisance to adjacent properties or the public, and improved with concrete or asphalt, in accordance with the standards of the City.
- (2) Parking spaces shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles in accordance with Section 1145.08, Parking Area Dimensions, and shall be so improved with curbs to define the limits of paved areas.
- (3) For industrial uses, the following design provisions shall apply:
 - A. Paved parking areas and drives shall extend from the street right-of-way to the rear of the building. Parking areas or drives beyond the rear of the building do not have to be hard surfaced. Compacted gravel, concrete or asphalt may be utilized behind the rear of the building.
 - B. Curbs for driveways or off-street parking shall not be required in industrial areas.
 - C. Parking lot landscaping shall not be required if the off-street parking lot is located in the side or rear yard.

- (b) Landscaping. Landscape features or other visual barriers between all parking areas and a side or rear lot line of an adjoining residential district shall be required. Such landscaping shall also be required when adjacent to a public street.

In all commercial, multi-family, industrial and public facilities district areas, open off-street parking may be located in a required front yard provided a minimum ten (10) foot wide landscaped strip is located between the parking area and the street right-of-way line unless a lesser depth is permitted by the Planning Commission due to site constraints. In no case shall the landscape strip be less than five (5) feet. In all districts, off-street parking facilities may occupy the required side and rear yard.

Parking areas containing more than 6,000 square feet of area or twenty (20) or more vehicular parking spaces, whichever is less, shall provide interior landscaping of the peninsular or island types of uncompact, well-drained soil as well as perimeter landscaping. For each 100 square feet or fraction thereof of parking area, at least five (5) square feet of landscape area shall be provided.

- (1) Interior landscape requirements:

- A. Minimum Area. The minimum landscape area permitted shall be sixty-four (64) square feet with a four (4)-foot minimum dimension to all trees from edge of pavement where vehicles overhang.
- B. Surface. Any landscaped area provided under this section shall be covered with mulch or vegetative ground cover.
- C. Natural or landscaped detention basins may count toward the minimum square footage landscaping requirements when the basins are in the front or side yards.
- D. Vehicle Overhang. Parked vehicles may hang over the interior landscaped area no more than two and one-half (2½) feet. The Commission may modify the foregoing requirements in specific cases where desirable or warranted, owing to unusual topography, physical conditions and the use and character of adjacent properties.

- (c) Illumination of Parking Areas. Parking and circulation areas, pedestrian areas and related outdoor areas shall be illuminated to provide safety and security to users of these areas, to provide security for property, and to maintain privacy for adjacent properties. Exterior lighting shall be designed, installed and maintained according to the following standards:

- (1) Illumination levels. Except as provided in subsection (c)(5)B. hereof, exterior lighting shall provide minimum maintained horizontal footcandle (fc) illumination as follows:

Activity Type	Maintained Footcandles
Parking and pedestrian area ¹	0.6 fc minimum
Property security only	0.2 fc minimum
¹ Exterior lighting in these areas may be reduced to the property security level during hours when these areas are not in use.	

- (2) Residential parking. The minimum illumination levels in subsection (c)(1) hereof shall not apply to residential or multi-family parking areas with ten (10) or fewer parking spaces. These areas shall be provided with appropriate residential-type luminaries as shown on site plans approved by the Planning Commission.
- (3) Uniformity ratio. Average illumination levels shall not exceed four (4) times the minimum level.

- (4) Light trespass. In order to maintain privacy, exterior lighting shall be designed and maintained to provide a maximum of one horizontal footcandle illumination at side or rear property lines which are adjacent to a residential use or zoning district.
- (5) Luminaire height.
 - A. The maximum luminaire height in the C-3 and I-1 Districts shall be twenty-five (25) feet.
 - B. The maximum luminaire height in all other districts shall be ten (10) feet unless authorized by Planning Commission.
 - C. The Planning Commission may approve greater heights upon a showing by the applicant that the additional height complies with both of the following standards:
 - 1. The additional height is necessary to efficiently illuminate outdoor areas; and
 - 2. The additional height will have no adverse effect on adjacent properties.
- (6) Glare. Exterior lighting shall be designed and maintained so that glare is not cast on adjacent properties, regardless of use, or on adjacent streets. All luminaries shall be cut-off types which includes shields or other devices which eliminate all light above an angle of eighty-five (85) degrees, as measured from the vertical axis of the light source. For the purpose of this subsection, "glare" means the brightness of a light source which causes eye discomfort.
- (7) Lighting plan submission. Site plans submitted to the Planning Commission shall include data analyses, prepared by persons competent to do so, that the proposed exterior lighting system complies with the standards in this section.

1145.10 DRIVEWAYS TO PARKING AREAS.

- (a) General. The location, width and number of driveways serving off-street parking facilities shall be planned in such a manner as to interfere as little as possible with the use of adjacent property and the flow of traffic on the street system.
- (b) Number of Driveways. To the maximum extent feasible, the number of curb cuts shall be minimized by consolidation, shared driveways or other means.
- (c) Driveway Depth. Parking spaces shall not be located along entry drives within twenty (20) feet of the right-of-way or easement line (and at greater distances as may be required by the Planning Commission depending on traffic generation and parking lot size).
- (d) Forward Movement. Parking facilities shall be designed so that all vehicles may be driven forward into the street, except for one and two-family dwellings located on local residential streets. One and two-family dwellings located on streets designed as collector streets or arterial streets as shown on the City's Thoroughfare Plan or Comprehensive Plan shall comply with this provision.
- (e) Driveway Width. The width of driveways at the curb line and at the right-of-way line shall comply with the requirements in Table 2. The Commission may permit wider driveways for three or more entrance/exit lanes for those drives with a high volume of traffic. In the case of a four-lane drive, the lanes shall be designed as two adjacent entrance and exit lanes divided by a minimum six-foot wide barrier.

**TABLE 2
WIDTH OF DRIVEWAYS**

	Maximum Width at Curb Line (feet)	Width at R.O.W. Line (feet)	
		Minimum	Maximum
Residential	22	10	20
Commercial or Public Facility	38	12	24
Industrial	120	24	60

1145.11 LOADING FACILITIES.

Every building or structure over 5,000 square feet erected and occupied for retail, industrial or other uses involving the receipt or distribution of bulk materials or merchandise by vehicle shall provide a permanently maintained space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, drive-throughs or required parking areas. Such off-street loading areas shall comply with the following standards in this Section.

- (a) Allocation of Use. Space required and allocated for any off-street loading shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles, and shall be available for its designated purpose when needed.
- (b) Location of Facility. A loading space shall not be permitted in any required front, side or rear yard. Loading spaces may be located within any area between a building which it serves and a required yard.
- (c) Access Driveways. Each required off-street loading space shall be designated for direct vehicular access by means of a driveway, or driveways, to a public street in a manner which shall least interfere with the traffic movements.
- (d) Improvements. All accessory off-street loading spaces shall be improved as required for parking areas as set forth in this chapter.
- (e) Dimensions. Each loading space shall be not less than twelve (12) feet in width, fifty (50) feet in length, and have fourteen (14) feet of unobstructed height.
- (f) Surface. All loading spaces shall be provided with a durable and dustless hard surface of asphalt, Portland cement, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).
- (g) Drainage. Individual stalls shall be graded to drain so as to dispose of all surface water within the loading area in accordance applicable stormwater regulations. No surface water from loading areas shall be permitted to accumulate or drain over a public sidewalk.
- (h) Screening. All operations, materials, and vehicles in any loading space that are visible from public streets or from residential districts shall be screened. The screening material, upon installation, shall be at least six (6) feet in height, one hundred percent (100%) opaque.

1145.12 APPROVAL OF FACILITIES.

Drawings of accessory off-street parking and loading facilities shall be submitted in accordance with all the provisions of this chapter and Chapter 1109.

CHAPTER 1146
Wireless Telecommunications Regulations

- 1146.01 Purpose.**
- 1146.02 Definitions.**
- 1146.03 Applicability.**
- 1146.04 Use regulations.**
- 1146.05 Minimum standards for construction, erection, maintenance and removal.**
- 1146.06 Fees.**
- 1146.07 Exemption of certain City property.**

CROSS REFERENCES

Small cell wireless facilities - see S.U. & P.S. Ch. 909

Definitions - see P. & Z. Ch. 1105

1146.01 PURPOSE.

These regulations are established to provide for the construction and use of Wireless Telecommunication Facilities in the City. 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 City in regulating Wireless Telecommunication Facilities for the following reasons:

- (a) To provide for orderly development within the City;
- (b) To protect property values;
- (c) To maintain the aesthetic appearance of the City, 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 nonintensive commercial zoning districts which are characteristic of the City 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 City;
- (f) To provide for and protect the health, safety and general welfare of the residents and visitors of the City; 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 as a conditional use in certain zoning districts which determination is dependent upon the location and characteristics of such land areas.

1146.02 DEFINITIONS.

As used in this section:

- (a) "Collocation" means the use of a Wireless Telecommunication Facility by more than one wireless telecommunication provider.
- (b) "Lattice Tower" 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(c)(7).
- (e) "Technically Suitable" means the location of a Wireless Telecommunication Antenna(s) reasonably serves the purposes for which it is intended within the band width 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 City.
- (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. For the purpose of this chapter, a Wireless Telecommunication Facility is not considered a public utility as defined by the Ohio Revised Code.
- (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.

1146.03 APPLICABILITY.

No person shall construct, erect, maintain, extend or remove a Wireless Telecommunication Facility in the City without compliance with the provisions of this chapter.

1146.04 USE REGULATIONS.

- (a) Conditionally Permitted Use. A Wireless Telecommunication Tower may be permitted as a conditional use upon approval by the Planning Commission through submission of an application to the Planning Director, provided the applicant demonstrates compliance with each of the Collocation requirements in subsection (b) Collocation, below, the applicable conditionally permitted use regulations of the zoning district in which the Wireless Telecommunication Tower is proposed to be located, as well as the standards set forth in Section 1146.05 of this chapter.
- (b) Collocation.
 - (1) 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, building or structure 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(s) on another Tower, building or structure within the City which is owned or controlled by the applicant, if any, on reasonably reciprocal terms and the offer was not accepted.

- (2) 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.
- (3) 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 presented to the Planning Director 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 Planning Director and the Planning Commission.

- (a) Accessory Use. The installation of a Wireless Telecommunication Antenna(s) where the construction or erection of a Tower is not proposed by the applicant, shall be a conditionally permitted accessory use on existing structures, other than buildings, (such as steeples, smokestacks, towers, etc.) provided that the Antenna shall be obscure from views from neighboring properties, public rights-of-way, and other public areas and all electronic and relay equipment for the Antenna shall be housed within the existing structure or an existing building on the same lot.

1146.05 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 ($\frac{1}{2}$) mile between Wireless Telecommunication Towers, including a separation of at least one (1) mile from any such Tower located outside the City's corporate limits.
- (b) Height.
 - (1) 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.

- (2) The maximum height of any Wireless Telecommunication Antenna or Equipment Shelter, installed on an existing building or structure pursuant to Section 1146.04(c) 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.
 - (3) The height of any Equipment Shelter shall not exceed fifteen (15) feet from the approved grade.
- (c) Setbacks. All Wireless Telecommunication Towers shall be set back from property lines a distance of two and a half (2½) times the height of the Tower when located adjacent to a residential district. Otherwise the Tower, and related Facilities shall comply with the required setbacks for the zoning district in which they are located. In no event shall a Wireless Telecommunication Tower be located in front of the principal building on the lot, if any, or in front of the front yard setback 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 rights-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. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Landscape plans are subject to review and approval by the City Forester.
- (f) Engineering.
- (1) 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 City regulations. The report shall include a detailed description of the Wireless Telecommunication Tower, Antenna(s), Equipment Shelter, and appurtenances. The report shall certify that:
 - A. Radio frequency emissions are in compliance with the regulations of the FCC, and
 - B. The use of the Facilities will not adversely affect or interfere with radio transmissions for public safety purposes.
 - (2) The applicant shall submit required engineering reports to the City Engineer for review and approval. The applicant shall provide sufficient information to the City Engineer that the proposed tower will be adequately anchored. The City Engineer may employ the services of outside engineers or technical assistance, which he deems necessary to review the proposal.
- (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 an annual calendar year basis the owner/user of the Wireless Telecommunication Facility shall submit to the Chief Building Official 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 unobtrusive "state-of-the-art" lighting available shall be used, unless otherwise required by the FAA.
- (i) Security.
- (1) A security fence not less than eight (8) 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 a 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 Mayor, the Chief Building Official, the Fire Department, and the City Police Department with information regarding whom to contact, an address, and a telephone number in the event of an emergency.
 - (3) Other security measures for the Facility shall be determined by the Planning Commission as are appropriate under the circumstances of the particular application.
- (j) Advertising Prohibited. No advertising sign(s) or devices shall be permitted anywhere on a Wireless Telecommunication Facility site.
- (k) 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.
- (l) 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.

- (m) Accessory Equipment Shelter. One (1) Equipment Shelter(s) 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 facade 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 1146.04(c) of this Chapter. The Wireless Telecommunication Facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic and necessary maintenance (except during construction or an emergency).

- (n) Utilities to be Underground. All utility lines from the utility source to the Wireless Telecommunication Facility shall be underground.
- (o) Time Limit for 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.
- (p) 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 City Law Director 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 also be required as a condition of issuance of a building permit to post a cash or surety bond acceptable to the City Law Director of not less than twenty-five dollars (\$25.00) 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. 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 City.
 - (3) The owner/user of the Wireless Telecommunication Facility shall provide a thirty (30) day notice to the Chief Building Official of cessation of use or abandonment of the Facility. The Chief Building Official shall notify the owner/user in writing and advise that the Facility must dismantled and removed from the site and the site restored to a landscaped condition within ninety (90) days of cessation of use or abandonment all at the cost of the owner/user. The owner/user shall have the right to appeal the Chief Building Official's decision to require removal of an abandoned Facility to the Board of Zoning Appeals.

1146.06 FEES.

- (a) In addition to any other fees required under the City's Zoning Code and Building Code, the Planning Director shall collect fees as set forth in Section 1109.03 of the Medina City Code.
- (b) The applicant for a Wireless Telecommunication Tower and/or Antenna Facility shall be responsible for all expenses incurred by the City for any technical and/or engineering services deemed necessary by 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 Section 1109.03 of the Medina City Code.

1146.07 EXEMPTION OF CERTAIN CITY PROPERTY.

Regardless of the provisions of this Chapter, a Wireless Telecommunication Facility may be permitted on any property owned or controlled by the City and used for public services and shall be constructed,

erected, maintained, extended and removed under such conditions, standards and regulations as required by the City Council.

CHAPTER 1147

Signs

- 1147.01 Purpose.**
- 1147.02 Interpretation.**
- 1147.03 Application.**
- 1147.04 Nonconforming signs.**
- 1147.05 Administration.**
- 1147.06 Sign computation.**
- 1147.07 General standards.**
- 1147.08 Sign identification, maintenance and repair.**
- 1147.09 Abandoned signs.**
- 1147.10 Prohibited signs.**
- 1147.11 Violation.**
- 1147.12 Signs for residential uses in all districts and signs in Residential, Open Space- Conservation, and Public Facilities Districts.**
- 1147.13 Signs in the M-U District.**
- 1147.14 Signs in commercial and industrial districts.**
- 1147.15 Signs in the Historic District.**
- 1147.16 Conditional sign permit design guidelines.**

CROSS REFERENCES

Unlawful traffic signs - see TRAF. 313.07

Definitions - see P. & Z. Ch. 1105

1147.01 PURPOSE.

Sign regulations, including provisions controlling the type, design, size and location thereof, are established to promote the public health, safety, and general welfare through the provision of standards for existing and proposed signs of all types by:

- (a) Enhancing and protecting the physical appearance of the community;
- (b) Promoting and maintaining visually attractive residential, commercial, industrial, and other use districts;
- (c) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain safe and orderly pedestrian and vehicular environments;
- (d) Providing review procedures that enable the City to evaluate the appropriateness of a sign to the site, building and surroundings; and
- (e) Prohibiting all signs not expressly permitted by this Chapter.

1147.02 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter, as most recently amended, shall be held to be the minimum requirements.

The provisions herein shall not amend or in any way interfere with other codes, rules or regulations governing signs within the City. Whenever there is a conflict between any provisions of any adopted ordinance, the more restrictive provisions shall govern.

1147.03 APPLICATION.

- (a) The regulations contained in this Chapter shall apply to signs outside of the public right-of-way, except when specifically stated otherwise.
- (b) A sign may only be erected, established, painted, created or maintained in the City in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.
- (c) Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include:
 - (1) Any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
 - (2) Graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when the stripes or other painting technique does not include lettering, logos or pictures.
- (d) In addition, the following signs and displays shall be specifically exempted from and not regulated by this Chapter:
 - (1) Safety and public purpose signs and flags of any nation, government or public service organization, as determined by the Safety Director or designee thereof.
 - (2) Scoreboards on athletic fields.
 - (3) Cornerstone inscriptions, commemorative plaques or other text and graphics that are part of facades and/or intended for viewing from within the property.
 - (4) Gravestones, religious symbols or monuments in cemeteries or monument sales lots.
 - (5) Signs not exceeding one (1) square foot in sign area such as street numbers on buildings, security system signs or stickers, identification of store hours, emblems of credit cards accepted, and seals indicating membership in business or trade associations.
 - (6) Signs accessory to juvenile activities, such as a child's lemonade stand or temporary play-related sidewalk markings.
 - (7) Holiday or other temporary decorations.
 - (8) Instructional signs, as determined by the Planning Director.
 - (9) Other signs similar in nature in the judgment of the Planning Director to the above signs.

1147.04 NONCONFORMING SIGNS.

- (a) Continuation. The purpose of this Section is to provide for the continuation of, as well as limitations on, nonconforming signs.
- (b) Maintenance. A nonconforming sign shall be maintained in good condition pursuant to this Chapter, and may continue until such sign is required to be removed as set forth in this Section.
- (c) Servicing. Sign panel replacement (including changeable copy), painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, subject to the following requirements:
 - (1) The sign shall be restored to its original design;
 - (2) There shall be no changes to location, structure or framing; and
 - (3) All work is in compliance with applicable codes and regulations, as well as all other provisions of this Chapter.
- (d) Alteration and Removal. A nonconforming sign shall immediately lose its legal nonconforming status and shall be brought into compliance with this Chapter when the sign's structure is voluntarily removed by the owner.
- (e) Severability. Nothing in this Chapter shall prohibit the construction of a nonconforming sign for which a Zoning Certificate has been issued prior to the effective date of this Chapter, or any amendment thereto, provided that construction is completed within ninety (90) days after the issuance of the Zoning Certificate.

1147.05 ADMINISTRATION.

- (a) Zoning Certificates Required. From and after the effective date of this Chapter, no person may erect, alter or relocate any of the signs permitted by this Chapter, except for signplates, without first obtaining a Zoning Certificate from the Planning Director and paying the required fee (if applicable) and meeting all application and issuance requirements established by the Planning Director. Temporary signs are subject to administrative approval but do not have additional fees associated therein.
- (b) Maintenance. Routine maintenance of a sign shall not be considered an alteration of a sign, provided that the maintenance does not alter the type of installation, surface area, height, or otherwise make the sign nonconforming.
- (c) Removal. When a sign requiring a Zoning Certificate is removed for any reason, all mast arms, guywires of any nature, clips, brackets, and all other components of the removed sign shall be removed with the sign. A new Zoning Certificate shall be required for any subsequent installation of a sign, including but not limited to reinstallation of the removed sign.
- (d) Registration Required. All temporary signs, except for real estate and window signs, located in nonresidential districts shall be registered pursuant to requirements established by the Planning Director.
- (e) Fees. Each application for approval pursuant to this Chapter shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the reviewing official or board or commission, where appropriate, may refer an application to qualified consultants for a report if the reviewing official or board or commission deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.

1147.06 SIGN COMPUTATION.

The following regulations shall control the computation and measurement of sign area, sign height, and building frontage:

- (a) Determining Sign Area. Sign area shall include the sign face and frame, but shall not include the structural support unless such structural support is illuminated or determined to constitute an integral part of the sign design.
 - (1) For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of one rectangular shape that encompasses the entire background or frame.
 - (2) For a ground or wall sign comprised of individual letters, figures or elements, the area of the sign shall be the area of one rectangular shape that encompasses the perimeter of all of the elements in the display, including any open space separating such elements.
 - (3) For a window sign comprised of individual letters, figures or elements, the area of the sign shall be the area of one or more rectangular shapes that encompass the perimeter of each of the elements in the display, excluding any open space separating such elements.
 - (4) One minor extension may be permitted to extend above or below the sign area when the area of the extension is less than twenty-five percent (25%) of the open space created by the extension. For the purposes of this Chapter, only the open space within the sign area shall be included in the calculation.
 - (5) The area of a sign with more than one face shall be computed by adding together the area of all sign faces. When two identical sign faces are joined back to back, and not more than twelve (12) inches apart or form an angle not more than forty-five (45) degrees, the sign area shall be the area of one of the sign faces.

- (6) Air under a ground sign between supporting posts, air between a projecting sign and the wall to which it is attached, and lighting fixtures and associated brackets shall not be included in the calculation of sign area.
- (7) Street address numerals not exceeding seven inches in height shall not be included in the calculation of sign area. Street address numerals exceeding seven (7) inches in height shall be included in the calculation of sign area.
- (b) Determining Sign Height. The height of a sign shall be measured from the average grade at the base of the sign or support structure to the tallest element of the sign structure. Decorative caps, finials, and similar design elements not exceeding twelve (12) inches in height and located on top of supporting posts for a ground sign shall not be included in the calculation of sign height. A ground sign on a man-made base, including a graded earth mound, shall be measured from the lowest point of the base or mound.
- (c) Determining Building Frontage and Building Unit for Wall, Awning, and Canopy Signs. For the purposes of this Chapter, the length of the building wall that faces a street or building wall that contains a public entrance to the uses therein shall be considered building frontage.
 - (1) Building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
 - (2) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
 - (3) A building shall have only one building frontage except as otherwise set forth below.
 - (4) A building shall be considered to have a second frontage whenever the lot fronts on two (2) or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. A building shall not be permitted to have a third building frontage.
 - (5) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

1147.07 GENERAL STANDARDS.

- (a) Setbacks. All permanent ground signs shall be located not closer than ten (10) feet to any side lot line and not closer than five (5) feet to any right-of-way.
- (b) Illumination.
 - (1) Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this Chapter. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses and districts.
 - (2) External illumination shall be limited to fixtures that use a maximum 150 watt metal halide, tungsten-halogen or incandescent lamp. Such fixtures shall be directed towards and concentrated on the sign face to prevent glare upon adjacent properties and rights-of-way.
 - (3) Illumination shall be provided solely by electrical means or devices.
 - (4) Internal illumination shall be prohibited for awning signs, as well as for all signs in the M-U District and Historic District.
- (c) Traffic and Pedestrian Hazards.
 - (1) No sign shall obstruct traffic sight lines, traffic sign signals at railroad grade crossings or other safety signs.
 - (2) No sign shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape, window, door, entrance to or exit from any building.

- (d) Design Criteria. The following design criteria shall apply to all signs:
- (1) Signs in series. Signs to be seen in series, (such as signs on multi-tenant buildings) shall be designed with continuity and compatibility in terms of style, materials, color, size, and placement on the building facade.
 - (2) Wall sign placement. A wall sign shall be designed to fit within a frame of architectural space specifically intended for signage, and shall not project beyond the ends or top of the building wall to which it is attached.
 - (3) Ground sign compatibility and landscaping. A ground sign shall be compatible with the design and materials of the building with which the sign is associated. Approved year-round landscaping shall be provided around the base of a ground sign.
- (e) Construction. All signs and parts thereof, including cables, guys, braces, supports, etc., shall be securely constructed in conformance with applicable City Building, Fire, and Electrical Codes, and the applicable standards of this Chapter. Wood products should be treated to prevent deterioration. A lightning grounding device shall be provided where required. Letters, figures, and characters shall be securely attached to the sign structure. All signs shall have a surface or facing of materials which are durable for the intended life of the signs. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood or nails.
- (f) Rights-of-Way. No signs shall be erected, placed or overhung in a right-of-way or supported, braced or guyed from or to a public sidewalk, street, alley or public thoroughfare except those signs provided or approved by the City Engineer or Planning Director. Signs placed within the right of way without the approval of the City Engineer or Planning Director are subject to immediate removal.
- (g) Accessory Use. A sign shall be accessory to the principal use of the lot on which the sign is located, except as otherwise permitted by this Chapter.
- (h) Smooth Sign Face. No nails, tacks or wires shall be permitted to protrude from the front of any sign.
- (i) Changeable Copy. Changeable copy area, permitted for ground signs only (excluding pole signs), shall not exceed fifty percent (50%) of the total sign area of a single sign.
- (j) Electronic Message Center Signs. Electronic message center signs, permitted for ground signs only (excluding pole signs), shall be conditionally permitted in all districts, except the M-U, Historic, and TC-OV Districts, where such signs shall be prohibited. An electronic message center sign shall meet the following requirements:
- (1) Frequency. Copy change shall not be more frequently than once per thirty (30) seconds.
 - (2) Color. Copy can be single or full color.
 - (3) Illumination. The intensity of the lights used in the message center shall not constitute a visual hazard for vehicular or pedestrian traffic. The sign shall be equipped with and shall use photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The Planning Director shall utilize reasonable judgment in determining whether the lighting constitutes a visual hazard.
- (k) Outline Lighting of the Building or Roof Line. Outline lighting of the building or roof line shall be conditionally permitted in all districts, except the M-U and Historic Districts, where such signs shall be prohibited. Outline lighting of the building or roof line shall meet the following requirements:
- (1) Color. Copy shall be limited to a single color, as determined by the Planning Commission.
 - (2) Illumination. An applicant shall provide a photometric plan outlining proposed illumination levels (in foot-candles). Illumination levels shall not exceed one foot-candle, as measured from adjacent rights-of-way and residential uses and districts.

1147.08 SIGN IDENTIFICATION, MAINTENANCE AND REPAIR.

All signs, temporary or permanent, including supports, guys, braces and anchors for such signs, regardless of whether or not a Zoning Certificate is required, shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of such sign. The Planning Director may order any sign to be painted or refurbished at least once each year, if needed, to keep the sign in a safe, presentable, and good structural condition.

1147.09 ABANDONED SIGNS.

Abandoned signs shall be deemed to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and a blighting influence on nearby properties. Whenever a sign is abandoned, the Planning Director shall first document the date of sign abandonment. An abandoned sign shall be considered a violation of this chapter only after the Planning Director further documents that both of the following circumstances exist:

- (a) A period of not less than 180 consecutive days has elapsed since the date of sign abandonment; and
- (b) No Zoning Certificate has been issued during such period for the building, building unit and/or use associated with the abandoned sign.

1147.10 PROHIBITED SIGNS.

All signs not expressly permitted in this Chapter, or exempt from regulation pursuant to this Chapter, shall be prohibited in the City. Such signs shall include but not be limited to the following:

- (a) Abandoned signs.
- (b) Billboard signs.
- (c) All other off-premises signs, except temporary signs for civic or community affairs of a public or semi-public nature, not for private gain.
- (d) Pole signs with a single pole.
- (e) Temporary changeable copy signs.
- (f) Rooftop signs except those signs that appear to be a continuation of the face of the building or a mansard roof so long as the sign does not extend above the upper edge of the mansard roof line.
- (g) Animated and inflatable signs.
- (h) Signs painted on sidewalks.
- (i) Signs attached to trees, utility poles, streetlights, and public benches including benches at bus stops.
- (j) Mobile signs, except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the right-of-way than the front line of the principal building.
- (k) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- (l) Signs erected or attached to accessory structures and fences.
- (m) Internal illumination of all or part of the roof.
- (n) Any sign not specifically authorized by this Chapter.

1147.11 VIOLATION.

Any sign erected or altered which does not conform to the provisions of this Chapter shall be considered a violation of this Zoning Ordinance and, therefore, subject to the provisions set forth in Sections 1107.04 and 1107.05 of this Zoning Ordinance.

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:

- (a) One permanent sign plate for each single-family dwelling unit, one permanent signplate for each two-family dwelling unit, one permanent signplate for each public entrance to each multi-family residential building, and one permanent signplate for each public entrance to each nonresidential building.
- (b) One permanent ground sign at each residential development entrance, not exceeding twenty (20) square feet in area and six (6) feet in height.
- (c) One permanent ground sign, not exceeding forty (40) square feet in area and six (6) feet in height, for each nonresidential building.
- (d) In the O-C and P-F Districts only, in addition to one permanent ground sign referenced in subsection (c) above, one permanent wall sign on the primary building frontage side of the building, not exceeding one square foot in area for each one linear foot of primary building frontage or 100 square feet, whichever is less, for each nonresidential building; and one permanent wall sign on the secondary building frontage side of the building, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, or twenty-five (25) square feet, whichever is less, for each nonresidential building.
- (e) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two (2) family dwelling unit, one temporary ground sign for each multi-family residential building, and one temporary ground or wall sign for each public entrance to each nonresidential building. Such sign shall not exceed six (6) square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, 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. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.
- (f) Temporary window signs displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the total window area for each nonresidential building. Real estate signage 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 signage pertains. Signage 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 signage pertains.

1147.13 SIGNS IN THE M-U DISTRICT.

The following signs shall be permitted in the Multi-Use Districts:

- (a) One permanent sign plate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding twelve (12) square feet in area per side and six (6) feet in height, for each nonresidential building.
- (c) In lieu of one permanent ground sign referenced in subsection (b), above, one permanent wall sign on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or twelve (12) square feet, whichever is less, for each nonresidential building unit; and one permanent wall sign on the secondary building

frontage side of the building unit, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, or three (3) square feet, whichever is less, for each nonresidential building unit.

- (d) In lieu of the permanent ground sign or permanent wall sign(s) referenced in subsections (b) and (c), above, one permanent window sign on the primary building frontage side of the building unit, not exceeding six (6) square feet in area, for each nonresidential building unit.
- (e) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two (2) family dwelling unit, and one temporary ground or wall sign for each nonresidential building. Such sign shall not exceed six (6) square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, 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. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.

- (f) Temporary window signs displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the total window area for each nonresidential building. Real estate signage 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 signage pertains. Signage 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 signage pertains.

1147.14 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following signs shall be permitted for nonresidential uses in the C-S, C-1, C-2, C-3, and I-1 Districts.

- (a) One permanent sign plate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding forty (40) square feet in area and six (6) feet in height, for each nonresidential building.
- (c) In the C-3 District only, one permanent pole sign, with two (2) or more supports, for the primary entrance to a shopping center that exceeds 50,000 square feet in floor area. Such sign shall not incorporate a changeable copy sign or an electronic message center sign. Such sign shall further be conditionally permitted and subject to the guidelines set forth in Section 1147.16.

The maximum size of such sign shall be related to the floor area of the building or grouping of buildings and based on the following table:

Shopping Center Floor Area	Max. Sign Size (Sq. Ft.)	Max. Height (Ft.)	Min. ROW Setback (Ft.)	Other Property Line Setback (Ft.)
50,001 to 100,000	70	15	15	50
100,001 to 150,000	100	25	20	50
150,001 to 200,000	200	27	30	50
200,001 to 250,000	300	29	40	50
250,001 to 300,000	400	30	50	50
300,001 and greater	500	30	50	50

For the purposes of this Section, a shopping center shall be defined as a planned and integrated grouping of nonresidential buildings meeting all of the following requirements:

- (1) It shall be comprised of a minimum of four (4) building units;
 - (2) All building units shall share access to a common parking area; and
 - (3) It shall have not less than 100 feet of frontage on the street on which the primary entrance is located.
- (d) One permanent building sign (wall, awning, or canopy) on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or 300 square feet, whichever is less, for each nonresidential building unit; and one permanent building sign on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, or seventy-five (75) square feet, whichever is less, for each nonresidential building unit.
- (e) Permanent window signage on the primary building frontage side of the building unit not exceeding one square foot in area for each one linear foot of primary building frontage, for each nonresidential building unit; and permanent window signage on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, for each nonresidential building unit. Permanent window signage shall cover not more than twenty-five percent (25%) of the total window area.
- (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.

- (g) Temporary window signs displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the total window area for each nonresidential building. Real estate signage 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 signage pertains. Signage that announces a specific event, action or activity shall be removed within seven days after the close of the event, action or activity to which the signage pertains.

1147.15 SIGNS IN THE HISTORIC DISTRICT.

All signs in the Historic District, regardless of the underlying zoning of the properties on which they are proposed to be located, shall be conditionally permitted for all uses and subject to the standards set forth in Section 1147.16. Only the following signs shall be conditionally permitted for all uses in the Historic District:

- (a) One permanent sign plate for each public entrance to each building unit.
- (b) One permanent ground sign, not exceeding twelve (12) square feet in area per side and six (6) feet in height, for each nonresidential building.
- (c) In lieu of one permanent ground sign referenced in subsection (b) above, one permanent building (wall, awning, or canopy) sign on the primary building frontage side of the building unit, not exceeding one square foot in area for each one linear foot of primary building frontage or 100 square feet, whichever is less, for each nonresidential building unit; and one permanent building (wall, awning, or canopy) sign on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, or twenty-five (25) square feet, whichever is less, for each nonresidential building unit.
- (d) Permanent window signage on the primary building frontage side of the building unit not exceeding one square foot in area for each one linear foot of primary building frontage for each nonresidential building unit; and permanent window signage on the secondary building frontage side of the building unit, not exceeding one square foot in area for each four (4) linear feet of secondary building frontage, if any exists, for each nonresidential building unit. One internal neon sign is permitted per ground floor business. The sign shall be no larger than two (2) square feet. Neon window signs must also meet the following standards:
 - (1) The signs shall not be illuminated when the business is closed.
 - (2) The Historic Preservation Board shall review the sign for location, brightness, and proximity to public streets and residential areas.
 - (3) The Historic Preservation Board shall review the signs prior to their use to verify compliance with these regulations and Section 1147.16 (Conditional Sign Permit Guidelines) and Section 1147.10 (Prohibited Signs).

Permanent window signage shall cover not more than twenty-five percent (25%) of the window panel to which it is affixed.

- (e) One permanent projecting sign, not exceeding four (4) square feet per side, for each ground floor nonresidential building unit with not less than twelve (12) linear feet of primary building frontage. Said sign shall be located not more than fourteen (14) feet above finished grade as measured from top of sign, and shall maintain a minimum vertical clearance of eight (8) feet from bottom of sign to finished grade. A projecting sign may extend into a public right-of-way, provided that such sign shall maintain a minimum horizontal separation of one foot from outer edge of sign to outside edge of curb.

- (f) One temporary ground sign for each single-family dwelling unit, one temporary ground sign for each two (2) family dwelling unit, one temporary ground sign for each multi-family residential building, and one temporary ground sign for each public entrance to each nonresidential building. Such sign shall not exceed six (6) square feet in area. For a residential use, such sign may be erected for an unspecified time. For a nonresidential use, 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. A sign permitted under this subsection is temporary in nature and is not meant to replace any sign regulated in any other section of this Chapter.
- (g) Temporary window signs displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the window area for each nonresidential building. Real estate signage 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 signage pertains. Signage 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 signage pertains.
- (h) One temporary freestanding sidewalk sign is permitted per ground floor building unit with not less than twelve (12) feet of primary building frontage. The sign panel shall be no larger than five (5) square feet in size per side and no greater than four (4) feet in height. Said sign shall be set back a minimum of one foot from the curb line and shall not obstruct a continuous through pedestrian zone of at least four (4) feet in width. Temporary sidewalk signs must also meet the following standards:
 - (1) Chalk boards and replaceable panels within a protective cabinet are permitted.
 - (2) The signs shall be kept inside the business premises when the business operation is closed.
 - (3) Any individual or business placing sidewalk signs shall indemnify the City for any and all liability involving placement and or use of the sign.
 - (4) Buildings with multiple first floor tenant frontages may place a multi-tenant sidewalk sign of six (6) square feet maximum size provided a twelve (12) foot building frontage is maintained.
 - (5) Chalk board and replaceable panel signs containing a rectangular shape with a finished wood or dark metal framing require a temporary sign registration. All other sign designs shall be subject to Historic Preservation Board review to verify compliance with these regulations and Section 1147.16 (Conditional Sign Permit Design Guidelines).

1147.16 CONDITIONAL SIGN PERMIT DESIGN GUIDELINES.

In reviewing a proposal for a conditional sign permit, the Historic Preservation Board and Planning Commission shall consider whether the proposal meets the following design guidelines, which are in addition to the design criteria for all signs listed in Section 1147.07(d):

- (a) Lettering should be large enough to be easily read but not overly large or out of scale with the building or site.
- (b) The ratio between a message and its background should permit easy recognition of the message.
- (c) The size, style, and location of a proposed sign should be appropriate to the site and use with which the sign is associated.
- (d) A sign should complement the building with which it is associated, as well as adjacent buildings, by being designed and placed to enhance the architecture of the building.

- (e) The color of a sign should be compatible with the color of the building facade with which it is associated. A sign should be designed with a minimum number, and harmonious use, of colors.
- (f) A permanent window sign should be comprised of individual letters, logos or design elements that are not encompassed by a solid opaque background, so as not to obscure the view through the window with which the sign is associated.
- (g) The size of the lettering and graphics on a projecting sign should be appropriate for viewing by pedestrians.
- (h) A ground sign that provides a directory of occupants for a multi-occupant building should have simplicity of design, to compensate for the additional amount of information provided (i.e. utilize common elements such as the same background color, or other common elements, etc.).
- (i) The area of a wall sign should not exceed eighty percent (80%) of the area of the frame of architectural space specifically intended for signage.
- (j) A projecting sign that is comprised of multiple elements hanging from the same supports should be designed such that all such elements are compatible in size, shape, and color.
- (k) Multiple signs associated with a single use should contain similar materials, colors, and design elements, regardless of sign type(s).
- (l) An awning or canopy sign should be located on the valance of the awning or canopy.
- (m) Temporary sidewalk signs shall be constructed of materials compatible with the permanent building signs. Plastic framing, white background dry erase boards and changeable letter tracks are discouraged.

CHAPTER 1149
Screening and Landscaping

- 1149.01 Purpose.**
- 1149.02 Applicability.**
- 1149.03 General requirement for submission.**
- 1149.04 Approval.**
- 1149.05 Landscaping and screening standards.**
- 1149.06 Screening and landscaping for off-street parking areas.**
- 1149.07 Screening for dumpsters and trash handling areas.**
- 1149.08 Easements, right-of-way, and setbacks.**
- 1149.09 Modifications.**

CROSS REFERENCES
Definitions - see P. & Z. Ch. 1105

1149.01 PURPOSE.

The purpose of this Chapter is to provide minimum standards involving the development of land to:

- (a) Provide attractive views from roads and adjacent properties;
- (b) Screen from view visually undesirable uses;
- (c) Require screening between incompatible land uses;
- (d) Protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

1149.02 APPLICABILITY.

This Chapter shall apply to any property subject to the site plan review process.

1149.03 GENERAL REQUIREMENT FOR SUBMISSION.

Any property to which this Chapter applies shall submit information regarding screening or landscaping to the Planning Director and Urban Forester as required by the site plan review process. Such information shall be provided by a nursery or by a design professional practicing within their areas of competence. Typical details shall be shown for the planting of the types of trees, shrubs and ground cover within the screening or landscaped area.

1149.04 APPROVAL.

- (a) Review and approval of the site plan shall constitute approval of the screening and landscape submission.
- (b) The Planning Director may request the review and approval of the Planning Commission at any time during the review and approval process.

1149.05 LANDSCAPING AND SCREENING STANDARDS.

- (a) Maintenance of Screening and Landscaped Areas. All screening and landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times and shall remove all noxious, invasive, or poison type plants as may be identified by the Urban Forester. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions may be grounds for the Planning Director to:

- (1) Find the owner of the property in violation of the conditions of the Zoning Permit;
- (2) Require replacement of the landscape material; or
- (3) Institute legal proceedings to enforce the provisions of this Code.
- (b) Screening and Landscape Establishment. Once a screened or landscaped area has been approved by the Planning Director and established by the owner, it may not be used, disturbed or altered in any way that would decrease its landscape or screening effectiveness unless approved by the Planning Director.
- (c) Screening Requirement. In order to provide protective screening and buffers for residentially zoned areas that are adjacent to nonresidential areas, the Planning Director may require a wall, fence or planted open space to be provided by any newly developed or substantially expanded nonresidential property if the nonresidential property is not already sufficiently screened.

Screening shall be in accordance with the following:

- (1) Screening areas shall be provided for the purpose of minimizing the visual and noise impact between incompatible land uses by improving the aesthetic and functional quality of new development.
- (2) Where vegetative and/or topographic conditions already provide a natural screen and buffer prior to development of properties in question, every effort shall be made to retain such conditions in good maintenance. In such cases, additional screening may not be required by the Planning Director, provided that provision is made for maintenance of such areas.
- (3) The Planning Director may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions found on the subject property.
- (4) Screening Standards.

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM SCREENING OF...
Any commercial or office land use	Any Single Family or Two Family Residential District	A. If proposed; a wall or fence should be five to six feet in height and placed near the nonresidential property line. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area.
Any industrial land use	Any Residential or Commercial District	
Any multi-family land use	Any Single Family or Two Family Residential District	
Any institutional land use (including assisted living facilities, educational institutions and religious places of worship)	Any Single Family or Two Family Residential District	or B. If proposed; a strip of open space along the property line at least ten (10) feet in width should be established. Such greenbelt shall be planted and maintained with sight blocking plant material such as evergreens or hedge at least six (6) feet in height, tightly situated so as to provide an effective and permanent visual buffer. The portion of the landscaped area not covered by plantings shall be kept in a neat and orderly appearance.

- (d) Materials for Screening and Landscaping.
- (1) Walls and Fences. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be permitted when used to satisfy screening requirements.
 - (2) Plants. All plants are to be healthy upon planting. Plant materials used in conformance with the provision of this Chapter shall be salt tolerant as necessary and shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. Trees and plant materials should be species indigenous to Zone 5 of the United States Department of Agriculture Plant Hardiness Zone Map. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers.
 - A. Deciduous Trees. Deciduous trees shall have a minimum caliper of at least two one and one half (1½) inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Chapter must be used to create a dense buffer.
 - B. Evergreen Trees. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting when used for screening purposes when adjacent to a Single Family or Two Family Residential District. Evergreen plantings used for screening shall be planted so as to provide an effective, dense screen upon the time of planting. The height at installation of the planting shall be measured from the level of the planting surface of the evergreen base.
 - C. Shrubs and Hedges. Shrubs and hedges shall be at least five (5) feet in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within two (2) years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

1149.06 SCREENING AND LANDSCAPING FOR OFF-STREET PARKING AREAS.

Screening and landscaping for off-street parking areas shall be as established in Section 1145.09(b), Parking Area Design, Landscaping.

1149.07 SCREENING FOR DUMPSTERS AND TRASH HANDLING AREAS.

Screening for dumpsters and trash handling areas shall be as established in Section 1155.05, Dumpsters, Recycling and Donation Boxes.

1149.08 EASEMENTS, RIGHT-OF-WAY, AND SETBACKS.

- (a) Required screening and landscaping may be placed wholly or partially in utility or other easements providing all requirements of this Chapter can be fulfilled and approval is granted by the holder of the easements, in writing.
- (b) In no case, however, shall screening or landscaping be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least six (6) feet of limbless trunk may be permitted within the sight distance triangle. In the case of a street intersection, the sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements.

1149.09 MODIFICATIONS.

The Planning Commission shall have the authority to modify or waive any of the aforementioned requirements in this Chapter in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible screen or buffer with the surrounding property or neighborhood at the time of application.

CHAPTER 1151
Nonconforming Uses, Buildings, Structures and Lots

1151.01 Purpose.

1151.02 Regulations.

1151.03 Certificate of Nonconforming Use.

1151.04 District changes.

1151.05 Substitution of nonconforming uses.

CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13; 1103.99

Nonconforming uses; retroactive measures - see Ohio R.C. 713.15

Definitions - see P. & Z. Ch. 1105

Conditional zoning certificates - see P. & Z. Ch. 1153

1151.01 PURPOSE.

The purpose of this Chapter is to provide for the continuation of existing uses, buildings, structures, and lots that do not conform to the current zoning regulations, but which legally existed prior to the enactment of this Zoning Ordinance or amendments thereto.

1151.02 REGULATIONS.

The lawful use of any building, structure, or land existing on the effective date of this Zoning Ordinance, or amendments thereto, may be continued, although such use, building, structure, or lot does not conform to the provisions of this Zoning Ordinance.

(a) Nonconforming Uses.

(1) Alterations. A building or structure containing a nonconforming use may be altered, improved or reconstructed, enlarged or extended, provided such enlargements or extensions do not exceed twenty five percent (25%) of the area that the nonconforming use occupied as of the effective date of this Zoning Ordinance.

(2) Discontinuance or Abandonment. If a nonconforming use is voluntarily discontinued for a period of twenty-four (24) consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Zoning Ordinance for the district in which such property is located. Discontinuance of a nonconforming use may be evidenced by non-use and the removal of either stock-in-trade or substantially all equipment, fittings, or furniture needed to operate the use.

(b) Nonconforming Buildings and Structures.

(1) Restoration.

A. Nothing in this Zoning 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 effective date of this Ordinance (see Section 1103.01, Effective Date), wherein the expense of such work does not exceed fifty percent (50%) of its fair market value at the time such damage occurred.

B. A structure devoted solely to a nonconforming single family dwelling or two-family residential use that is damaged or destroyed by fire, earthquake or other act of God, may be reconstructed so as not to exceed 110% of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two (2) years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance

existing prior to such damage or destruction, and shall otherwise be in conformance with this Zoning Ordinance.

- (2) Enlargement.
- A. A nonconforming structure may be expanded provided the proposed expansion does not exceed fifty percent (50%) of the existing footprint and:
1. The expansion does not increase the degree of non-conformity; and,
 2. The extension of a structure which is nonconforming due to side yard setback shall be allowed so long as the extension is not closer to the side property line and the extension does not exceed twenty-five percent (25%) of the existing structure length, including porches and architectural features but excluding decks. Existing footprint and structure length shall mean the dimensions as they existed upon the effective date of this provision.
- B. A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this provision, provided the Board of Zoning Appeals, pursuant to the procedure set forth in Section 1107.08 of this Zoning Ordinance, approves such enlargement, increase, or extension under the following conditions:
1. The enlargement will not interfere with the operation of conforming uses in the district or with circulation on adjacent public streets; and
 2. The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.
- (3) Construction Approved Prior to Ordinance. Nothing in this Zoning Ordinance shall prohibit the completion of construction and use of a nonconforming building or structure for which a zoning certificate has been issued prior to the effective date of this Zoning Ordinance (see Section 1103.01, Effective Date) or any amendment thereto, provided that construction is commenced within one year after the issuance of such certificate; that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and the entire building or structure has been completed within two (2) years after the issuance of such zoning certificate.
- (4) Unsafe Structures. Nothing in this Zoning Ordinance shall prevent the strengthening or repair to a safe condition of any portion of a nonconforming building or structure declared unsafe by a proper authority.
- (c) Nonconforming Lots. Any lot not meeting minimum area requirements and being a lot of record on the effective date of this Zoning Ordinance, may be used for a single-family dwelling irrespective of the area, depth or width of such lot; the width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot; the depth of the rear yard need not exceed twenty (20%) percent of the depth of the lot. However, in no instance shall the minimum dimensions of the side and rear yards be less than five (5) and twenty (20) feet respectively.

1151.03 CERTIFICATE OF NONCONFORMING USE.

The Planning Director may upon his/her own initiative, or shall, upon request of the owner, issue a certificate for any lot, building, structure, use of land, use of building or structure, or use of land and structure in combination, that certifies that the lot, building, structure or use is a legal nonconforming use. The certificate shall specify the reason why the lot, building, structure, or use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be

returned to the owner and one copy shall be retained by the Planning Director, who shall maintain as a public record a file of all such certificates.

1151.04 DISTRICT CHANGES.

Whenever the boundaries of a district are changed so as to transfer an area from one district to another of a different classification, the provisions of this chapter shall also apply to any nonconforming use, building, structure, or lot existing therein.

1151.05 SUBSTITUTION OF NONCONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this section. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

CHAPTER 1153
Conditional Zoning Certificates

1153.01 Purpose.

1153.02 Procedures for making application.

1153.03 Basis of determination.

1153.04 Conditionally permitted use regulations.

CROSS REFERENCES

Appeals from zoning decisions - see CHTR. Art. V§7

Council to hold public hearing - see Ohio R.C. 713.12

Definitions - see P. & Z. Ch. 1105

Zoning districts; general regulations - see P. & Z. Ch. 1113

Nonconforming uses, buildings, structures, lots - see P. & Z. Ch. 1151

1153.01 PURPOSE.

The purpose of this chapter is to provide for issuance of conditional zoning certificates where conditionally permitted uses are provided for in this Zoning Ordinance.

1153.02 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure permitted under this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Submission to the Planning Director. Application for Planning Commission action shall be submitted to the Planning Director on a special form for that purpose. Each application form shall be accompanied by the payment of the required fee established in Chapter 1108 of the Planning and Zoning Code. In addition, the Planning Commission, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may require special study. The cost of such report shall be at the expense of the applicant, in accordance with a policy established and amended from time to time by Council.
- (b) Data Required with Application.
 - (1) Form supplied by the Planning Commission completed by the applicant.
 - (2) Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings, their uses and the acreage or area involved, including that for parking.
- (c) Review by Planning Commission. The Planning Commission shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Zoning Ordinance. Such review by the Planning Commission shall be completed and made public within forty-five (45) days of the date of submission.
- (d) Hearing. The Planning Commission shall hold a hearing or hearings upon every application. Notice shall be sent to all adjoining property owners and shall be published in a newspaper of general circulation at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- (e) Issuance and Revocation of Conditional Zoning Certificates; Violation. Only upon conclusion of hearing procedures relative to a particular application, and adequate review and study, may the Planning Commission issue a conditional zoning certificate. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Ordinance.

- (f) Reapplication. No application for a conditional zoning certificate which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Planning Commission. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by the required fee.
- (g) Termination. The conditional zoning certificate shall become void at the expiration of one year after the date of issuance unless the conditionally permitted use has commenced.

1153.03 BASIS OF DETERMINATION.

- (a) Planning Commission's Duties. The Planning Commission shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each use indicated herein are satisfied by the completion and operation of the proposed development. The Planning Commission may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.
- (b) General Standards. The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:
 - (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Land Use and Thoroughfare Plan of current adoption;
 - (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
 - (3) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such service adequately;
 - (6) Will be in compliance with State, County and City regulations;
 - (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic or surrounding public streets or roads.

1153.04 CONDITIONALLY PERMITTED USE REGULATIONS.

- (a) Regulations applicable to conditionally permitted uses are as follows:
 - (1) All structures and activity areas should be located at least 100 feet from all property lines.
 - (2) Loudspeakers which cause a hazard or annoyance shall not be permitted.
 - (3) All points of entrance or exit should be located no closer than 200 feet from the intersection of two (2) major thoroughfares, or no closer than 100 feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
 - (4) There shall be no more than one advertisement oriented to each abutting road identifying the activity.
 - (5) No lighting shall constitute a nuisance or shall in any way impair safe movement of traffic on any street or highway. No lighting shall shine directly on adjacent properties.
 - (6) Elementary school structures should be located on a collector thoroughfare.

- (7) Such developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- (8) Such developments should be located adjacent to nonresidential uses such as churches, parks, industrial or commercial districts.
- (9) Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- (10) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into the area, especially if a residential area.
- (11) Such uses should be properly landscaped to be harmonious with surrounding uses, especially if residential uses.
- (12) Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- (13) Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
- (14) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general. A bond may be required to insure that this provision will be met.
- (15) Such developments should be located on or immediately adjacent to State highways.
- (16) Special provisions for group dwellings:
 - A. Group dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements; the entire group as a unit requiring one front and rear and two (2) side yards as specified for dwellings in the appropriate district.
 - B. Each two (2) or two and one-half (2½) story group dwelling development shall have a minimum court of forty (40) feet in width and forty (40) feet in length, in addition to its required yards, and each one story group dwelling development shall have a minimum court of thirty (30) feet in width and thirty (30) feet in length, in addition to its required yards.
 - C. In a group dwelling development, no two (2) separate dwelling structures shall be closer than fifteen (15) feet to each other along the sides or end of a court.
 - D. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles or other street improvements.
 - E. The court shall have an unobstructed opening, not less than thirty (30) feet wide, onto the front yard of a lot which has a width not less than that required in the district in which it is located.
- (17) Such uses shall be permitted under the following conditions:
 - A. Provided that such facilities are located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district, and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
 - B. No more than two (2) driveway approaches shall be permitted directly from any thoroughfares and shall not exceed thirty (30) feet in width at the property line.
 - C. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
 - D. At least a six (6)-inch high pedestrian safety curb shall be installed along all street right-of-way lines, except at driveway approaches, where parking and/or service areas adjoin any right-of-way lines.

- (18) Any temporary structures must be indicated as such on site plans submitted to the Planning Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Planning Commission.
- (19) Such uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry or recreation, or adjacent to sparsely settled residential uses.
- (20) The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:
- A. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - B. Minimum area required for a cemetery site shall be forty (40) acres.
 - C. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
 - D. Pavement width of driveways shall be at least twenty (20) feet (ten (10) feet per moving lane).
 - E. Drives shall be of usable shape, improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
 - F. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Planning Commission.
 - G. Sufficient parking space shall be provided as not to deter traffic flow within the cemetery.
 - H. Area drainage and/or sanitary facilities are subject to approval by the City Engineer prior to the issuance of a conditional use permit.
 - I. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Planning Commission.
 - J. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings. Such shrubs, trees and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
 - K. Provisions shall be made for landscaping throughout the cemetery.
 - L. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
 - M. No grave sites shall be located within 100 feet of the right-of-way lines of any publicly dedicated thoroughfare.
 - N. A grave site shall not be within 200 feet of an existing residence unless the owner of such residence gives his written consent.
 - O. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Planning Commission and the City Engineer. Guarantees shall be in a form approved of by the Planning Commission and may be one of the following:
 1. A performance bond of twenty-five thousand dollars (\$25,000) for cemeteries of forty (40) acres. An additional five thousand dollars (\$5,000) shall be required for each ten (10) acres over forty (40) acres or for each ten (10) acres added at a later date. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specifications of the plans approved by the Planning Commission and the City Engineer.

2. Other methods as might be worked out by the Planning Commission, Council, developers and their legal advisors.
- P. A trust fund of an amount set by the Planning Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. The trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and Council. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Planning Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.
- (21) In the interests of the community and other industries within the I-1 Industrial District, the Planning Commission may, in regard to an industrial operation whose effects on adjacent premises are not readily known, seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effect likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
 - (22) Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted, and shall include such uses as refreshment stands, souvenir stands and concession stands.
 - (23) All facilities and structures shall meet all City and/or State health, building, electrical and other applicable codes.
 - (24) All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents or to the community in general.
 - (25) The proposed site plan for the project shall comply with all of the standards, criteria and regulations of Chapter 1109.
 - (26) No zoning certificate shall be issued until final site plans have been submitted and approved by the Planning Commission. Site plans shall show the following: drainage, including storm water, location of all buildings, fuel tanks, if any, off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets, and topography. No zoning certificate shall be issued until the approval by the appropriate State, County and City health departments has been obtained concerning the proposed sanitary sewerage facilities.
 - (27) The design and construction of all access drives, access points to public streets and parking and service areas shall be approved by the Planning Commission.
 - (28) A performance bond or other financial guarantee acceptable to the Planning Commission shall be placed with the City to insure that the landscaping is installed, that the hard-surfacing of the access drives and parking and service areas is installed, and that adequate storm water drainage is installed, all in accordance with the plans approved by the Planning Commission.
 - (29) All activities, except those required to be performed at fuel pumps, shall be carried on inside a building. If work is performed on a vehicle, the vehicle shall be entirely within a building.
 - (30) It is the intent of this subsection to permit trailer parks that house only independent trailers, and such trailer parks should be located on or have direct access to major thoroughfares. The area shall be in one ownership, or if in several ownerships the application shall be filed jointly by all the owners of the properties included in the plan. The following conditions shall apply:

- A. In addition to the other requirements of this subsection, the application shall include any other data the Planning Commission may require.
 - B. Each boundary of the park must be at least 200 feet from any permanent residential building outside the park, unless separated therefrom by a natural or artificial barrier.
 - C. The park shall be graded to be well drained.
 - D. Trailer spaces shall be a minimum of 4,000 square feet for each space and at least forty (40) feet wide and clearly defined. The density of the development shall not exceed eight trailers per acre of total project site; the minimum size of the project to be developed shall be at least ten (10) acres.
 - E. There shall be at least a twenty (20) feet clearance between trailers. No trailer shall be closer than twenty (20) feet from any building within the park or fifty (50) feet from any property line building the park.
 - D. All trailer spaces shall abut upon a driveway of not less than twenty (20) feet in pavement width, which shall have unobstructed access to a public thoroughfare. All paving and street lighting shall meet the requirements of City street standards.
 - G. Each park shall provide service buildings to house laundry, storage facilities and offices. Construction shall meet the standards of the City and/or County Building Code. Walkways not less than four (4) feet wide and paved shall be provided from the trailer spaces to the service buildings.
 - H. Each trailer space shall be provided with a three (3)-wire 240-volt electric service, and City and/or County approved water and sewer connections; all utility lines within the park shall be installed underground.
 - I. Adequate garbage and rubbish cans shall be provided no further than 300 feet from any trailer space.
 - J. Each park shall be equipped at all times with adequate fire extinguishing equipment as determined by the Fire Department which serves that area.
 - K. No pet animal shall run at large or commit any nuisance within the limits of any trailer park, on adjacent properties or the surrounding area.
 - L. In addition to the 4,000 square feet of each trailer lot, recreation and open space shall be provided within the overall trailer park tract at the rate of at least 1,500 square feet per trailer site; the shape, location, design and landscaping of recreation and open spaces shall be approved by the Planning Commission. All recreation and open spaces shall be maintained in a neat, orderly and safe condition so as not to create a menace to the health and safety of any park occupant, visitor, neighboring land occupant or the general public.
- (31) Such uses shall be permitted under the following conditions:
- A. The premises shall be used for vehicle servicing only. No rental, storage, parking or sales of trailers or vehicles of any type, or tools or other equipment, shall be permitted.
 - B. The sale of seasonal products, such as Christmas trees, landscaping materials, garden materials and equipment, etc. shall not be permitted.
 - C. The rental, leasing or permitting of parking of vehicles, except for servicing and/or emergency purposes, shall not be permitted.
- (32) It is the intent of this subsection to permit appropriately located senior citizen's housing developments a variation in density and parking regulations. The area proposed shall be in single ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:

- A. The development shall be located within convenient walking distance of shopping community facilities.
 - B. Each dwelling unit shall be occupied by a household in which the head is sixty-two (62) years of age or older; except that one dwelling unit may be occupied by a custodian for the development without regard to age.
 - C. The density of the development shall not exceed eighteen (18) dwelling units per acre.
 - D. No dwelling unit in the development shall include more than two (2) bedrooms.
- (33) Veterinary Offices.
- A. There shall be no burial or incineration of animals on the premises.
 - B. All activities shall be conducted within a totally enclosed and air-conditioned building.
 - C. Animals treated shall be those ordinary household pets capable of being cared for entirely within the confines of a dwelling unit.
 - D. Trash storage areas shall be screened from view from adjacent dwellings. All parking areas and driveways shall be separated from adjacent dwellings by a landscaped strip at least five (5) feet wide. The landscaped strip shall be improved with shrubs, hedges, trees or a decorative fence to screen paved areas from adjacent dwellings.
 - E. No animals shall be kept overnight on the premises.
- (34) Dwelling units are permitted under the following conditions:
- A. First floor dwelling units in the C-2 Public Square Area as defined in Section 1135.07(b), Dwelling Unit Regulations, shall not be in buildings which face on Public Square.
 - B. First floor dwelling units shall not detract from the use of adjacent buildings for commercial purposes and shall not be detrimental to the function of the C-2 Public Square Area as a service center for both the City and County.
- (35) Sexually Oriented Business Location.
- A. A sexually oriented business shall not be operated within 500 feet of:
 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 2. A public or private education facility as defined in Section 711.02 of the Business Regulation Code;
 3. A boundary of a residential, multi-family or historical district as defined in these Codified Ordinances;
 4. A public park or recreational area as defined in Section 711.02 of the Business Regulation Code;
 5. Any public library;
 6. A hospital, nursing home, assisted living or other institution used for human medical care;
 7. Another sexually oriented business.
 - B. For the purpose of subsection (a)(35)A. hereof, measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the sexually oriented business premises to the nearest property line of the restricted locations designated in subsection (a)(35)A. hereof.
 - C. Any sexually oriented business lawfully operating on the effective date of this zoning code (see Section 1103.01, Effective Date), that is in violation of subsection (a)(35), Sexually Oriented Business Location, hereof shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed five (5) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased,

- enlarged, extended or altered except that the use may be changed to a conforming use.
- D. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of an establishment identified in subsection (a)(35) hereof. This provision applies only to the renewal of a valid sexually oriented business license, and does not apply when an application for a sexually oriented business license is submitted after a sexually oriented business license has expired or has been revoked.
 - E. A sexually oriented business shall not be substantially enlarged.
- (37) Such uses shall be conducted not closer than 100 feet from any R District. Where the I District abuts upon but is separated from R District by a street, the width of the street may be considered as part of the required setback. The construction, operation and maintenance of such uses shall be such that they will not be hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried wastes.
- (38) In the interests of the health, safety, general welfare and the protection of property values of the community, the area and adjoining land uses, and the other industries within the I-1 District, the Planning Commission may require any conditions deemed necessary. In regard to an industrial operation whose effects on adjacent premises, the area or the community are not readily known, the Planning Commission may seek expert advice on what conditions should be imposed on the particular industrial operation to reasonably modify any injurious or offensive effects likely to result from such an operation. The cost of securing such expert assistance shall be borne by the applicant.
- (39) Outdoor dining facilities. Outside areas adjacent to restaurants for the consumption of food or beverages shall be subject to the following provisions:
- A. Alcoholic beverages may be served in outdoor dining facilities only from 11:00 a.m. to midnight weekdays and until 1:00 a.m. weekends and must be in conjunction with the service of food and meals.
 - B. Outdoor dining facilities shall be buffered with opaque landscaping and/or fencing to provide a visual and acoustic barrier to surrounding residential uses.
 - C. No outdoor dining facility shall be permitted within the minimum building setbacks.

CHAPTER 1155
Supplemental Regulations

- 1155.01 Fences.**
- 1155.02 Performance standards.**
- 1155.03 Portable storage units.**
- 1155.04 Outdoor vending machines and carrier service boxes.**
- 1155.05 Dumpsters, recycling and donation boxes.**
- 1155.06 Solar panels.**
- 1155.07 Home occupation.**
- 1155.08 Parking and occupancy of boats, camping vehicles, motor home/recreational vehicle, and trailers in residential districts.**
- 1155.09 Parking of commercial vehicles, buses, trailers or trucks in residential districts.**
- 1155.10 Regulations for drive-in, drive-through, or carry-out eating and drinking establishments.**
- 1155.11 Outdoor storage and outdoor display of bulk goods in commercial and industrial districts.**
- 1155.12 Outdoor storage in residential districts.**
- 1155.13 In-law suites.**
- 1155.14 Wind turbine and wind energy systems.**
- 1155.15 Pedestrian connection.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

1155.01 FENCES.

- (a) Permits. Unless otherwise identified in these regulations, a contractor or owner shall obtain a permit to erect or construct any fence prior to erection or construction of a fence. The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall or hedge upon their property.
- (b) Fee. Each application for a permit to erect or construct a fence shall be accompanied by the payment of the fee established in Chapter 1108 of the Planning and Zoning Code.
- (c) Permitted Fencing; Height Limits. Fencing may be permitted in any yard and along the edge of any yard not to exceed height limits set forth in the following table and exceptions thereto:

(1) Fence Height Limits and Exceptions.

Area	Front Yard (height in feet)	Front Yard with Side Street Lot Line (height in feet)	Side Yard (height in feet)	Rear Yard (height in feet)
Residential	3	6 ⁴	6 ¹	6 ¹
Commercial	3 ²	6 ⁴	10 ³	10 ³
Industrial	6 ^{2,3}	6 ⁴	10 ³	10 ³
Public Facilities (parks, playgrounds, etc.)	8	6 ⁴	8 ³	8 ³
Exceptions:				
¹ Fence heights may be increased to eight (8) feet in height if the top two (2) feet are less than fifty percent (50%) opaque and is approved by the Planning Director.				
² Any fence set back fifty (50) feet or more from the street right of way may be eight (8) feet in height.				
³ Barbed wire not to exceed twelve (12) inches in height may be added to the top of fence.				
⁴ Fences shall be setback at least fifteen (15) feet from the side street lot line. Fences three (3) feet tall or less may be located on the side street lot line.				

(d) Materials.

- (1) No fence, with the exception of fences used for agricultural purposes, shall contain an electric charge.
- (2) Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted in the industrial district.
- (3) Materials used for fences shall be of traditional fencing materials (wrought iron, chain link, pressure treated lumber, cedar, redwood, PVC, etc.) and shall be constructed of weather resistant materials or annually treated so that they are weather resistant and maintained in good condition.
- (4) The finished or most decorative side of the fence shall face away from the property erecting the fence.
- (5) All latches, hinges and other hardware shall be galvanized or painted so as to prevent or retard rust and degradation.

(e) Maintenance. The fence and the property surrounding both sides of the fence shall be properly maintained at all times.

(f) Specific Fencing Regulations.

Swimming Pool Fences

- (1) Permits and Applicability. Public or private in-ground or above ground swimming, wading or other pools capable of containing three feet or more of water depth shall be considered structures for the purpose of permits and fencing requirements.
- (2) Fences Required. The owners and/or operators of any swimming pool located within the City shall construct and maintain fences of such type and description that will effectively deny ingress to animals and persons not specifically admitted to such swimming pools by the owner or operator thereof.
- (3) Fence Specifications. Fences referred to in subsection (b) hereof shall be constructed so that not more than three (3) inches of open space exists between the bottom of the fencing material and the ground measured vertically and shall have not more than three (3) inches

of clear opening in any dimension except for doors or gates. Such fencing shall be not less than four (4) feet in height, and not more than six (6) feet in height.

Exception: Aboveground pools having side walls of four (4) feet or more in height from the finished grade shall be required to have fencing and gates only where access to the pool may be had.

- (4) Locks Required. Fences shall be equipped with locks so as to comply with the intent as specified in subsection (b) hereof.
- (g) Fences and Shared Driveways.
 - (1) A fence shall not be installed or constructed on any portion of a shared driveway or restrict access to a shared driveway.

1155.02 PERFORMANCE STANDARDS.

The following minimum standards shall apply to all uses:

- (a) Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials, shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.
- (b) Fly Ash, Dust, Fumes Vapors, Gases and Other Forms of Air Pollution. No emission of air pollutants shall be permitted which violates the minimum Federal requirements as enforced by the Ohio Environmental Protection Agency. Dust and other air-borne pollutants shall be minimized through the paving, oiling or landscaping of the lot area around any building.
- (c) Glare, Heat and Exterior Light. Any operation, as part of a permitted use, producing intense light or heat, such as combustion, welding or other high-temperature processes, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property where on the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights of way.
- (d) Liquid or Solid Waste. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as may contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
- (e) Noxious Gases. Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be as required by the Ohio Environmental Protection Agency.
- (f) Vibrations. No use shall be located and no equipment shall be installed in such a way as to produce intense earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises.
- (g) Odors. Odors shall be regulated as per the standards of the Ohio Environmental Protection Agency.
- (h) Electrical Interference. No use shall operate so as to produce an electrical interference on adjacent properties.

1155.03 PORTABLE STORAGE UNITS.

The purpose of these regulations is to regulate the use and location of portable storage units. These units are typically known by the names: PODS (Portable On-Demand Storage Units), SAM (Store and Move), SmartBox USA, and UNITS.

- (a) Characteristics. For the purposes of this Section, the term "portable storage unit" shall mean any rentable or leasable enclosed unit of durable construction or material, generally starting at a minimum size of five (5) feet in width by seven (7) feet in height by eight (8) feet long, designed for temporary storage, which can be transported by truck, left on site or are filled and removed and stored at a central location.
- (b) General Regulations. Portable storage units may be permitted as a temporary use in any zoning district as follows:
 - (1) Location and Timeframe.
 - A. Temporary Use for New Construction. If used for new construction, portable storage units are to be removed within three (3) calendar days after the unit is no longer necessary or construction is complete, whichever is sooner.
 - B. Residential Districts.
 - 1. If used by an occupant of a property for moving or relocating, a portable storage unit shall only be located on a paved surface on the property (e.g. driveway).
 - 2. The portable storage unit shall not be located on the property for a period of more than thirty (30) consecutive days during each calendar year.
 - C. Commercial and Industrial Districts.
 - 1. Portable storage units are permitted in any commercial or industrial district for temporary or permanent on site storage if screened from public view and are not occupying required off-street parking spaces as reviewed and approved by the Planning Director.
 - 2. When permitted, a portable storage unit shall only be located on a paved surface on the property for a period of time as determined by the Planning Director.
 - (2) Prohibitions.
 - A. No portable storage unit shall be used for human or animal occupation.
 - B. Portable storage units larger than eight (8) feet in width by eight (8) feet in height by sixteen (16) feet in length in residential districts shall be prohibited in the City unless expressly permitted by the Board of Zoning Appeals.
 - C. Only one portable storage unit shall be permitted on the property at any time.
 - D. No portable storage unit shall be located in or on a public right-of-way.
 - E. No electrical or plumbing service shall be connected to or provide in the portable storage unit.
 - F. No portable storage unit shall be placed in a manner blocking a sidewalk.
 - (3) Units must be secured. Portable storage units shall be fully secured at all times including the use of a locking device on the door to prohibit unauthorized entry into the unit.
 - (4) Public nuisance. The placement of any portable storage unit shall be located in such a manner on any property as not to create a public nuisance such as creating a motor vehicle visibility issue or storing hazardous materials.

1155.04 OUTDOOR VENDING MACHINES AND CARRIER SERVICES BOXES.

The purpose of these regulations as set forth below is to promote the public health, safety and welfare through the regulation of placement, appearance, servicing, and insuring of outdoor vending machines and carrier service boxes.

The preferred location for vending machines and carrier services boxes is inside buildings. Vending machines include, but shall not be limited to any machine that dispenses goods, beverages or food for a fee (e.g. soda, snacks, video/DVD rental, toys, gum, etc.). Carrier services boxes include units typically utilized by UPS or FedEx for the unmanned receipt of packages and the provision of envelopes and other mailing materials. Carrier services boxes shall exclude boxes erected by the United States Postal Service (USPS).

Vending machines and carrier services boxes installed outdoors shall meet the following requirements.

- (a) Location Requirements.
 - (1) Outdoor vending machines shall be located along the face of a building or against a structure designed to accommodate them.
 - (2) A minimum walkway of four (4) feet is required in front of all outdoor vending machines and carrier services boxes.
 - (3) Outdoor vending machines and carrier services boxes shall be an ancillary use to an approved primary use and may not be located on an unimproved lot.
 - (4) Outdoor vending machines and carrier services boxes shall not be placed in a location that will block parking areas or create an unsafe situation.
 - (5) Outdoor vending machines and carrier services boxes shall not be placed within the public right-of-way.
- (b) Number of Machines and Boxes. Machines and boxes are permitted to cover up to a maximum of ten percent (10%) of the length of the primary building frontage, or twenty feet, whichever is less.
- (c) Contact Information. Contact information shall be visible in a conspicuous area on each unattended machine or box including the name, address, email, and phone number of both the permittee and operator.
- (d) Signage. Any signage on or associated with the vending machine or carrier service box shall be of such a scale meant for on-site viewing only.
- (e) Maintenance of Machines and Boxes.
 - (1) All outdoor machines and boxes shall be maintained in a functional, clean and attractive condition.
 - (2) Machines that are no longer used or which are not properly maintained can be removed by the City at the box owner's expense.

1155.05 DUMPSTERS, RECYCLING AND DONATION BOXES.

The following requirements shall apply to all uses that utilize dumpsters, recycling and trash handling areas, donation boxes and related service entrances. Dumpsters, recycling and donation boxes shall be accessory to a principal building on a lot.

- (a) Dumpsters, Recycling, Trash Handling Areas and Related Service Equipment.
 - (1) Setbacks. Dumpsters, recycling, trash handling areas and related service equipment, shall be in compliance with the setback requirements for accessory structures as determined by the zone district in which such structure is constructed. The dumpster and/or related equipment shall be located on a concrete pad constructed of sufficient strength for the dumpsters, recycling, equipment and vehicles that will empty the units.
 - (2) Location of Screen. Any dumpster, recycling, trash handling or similar equipment area shall be screened on three sides by a solid fence or wall from the view from public rights-of-way and any abutting properties. If the access to the unit is visible from the public right-of-way, a gate shall be installed that fully screens the dumpsters, recycling, trash handling or similar equipment area.
 - (3) Height and construction of Screen.

- A. Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than five (5) feet.
 - B. If a wall is constructed, it should be painted in a similar color to the main building.
- (B) Donation Boxes. Donation boxes are a receptacle used for the unmanned collection of donated and secondhand goods and merchandise for the purpose of redistribution by an entity such as Goodwill, Special Olympics, Planet Aid, St. Vincent DePaul, etc.
- (1) Setbacks.
 - A. Donation boxes shall be in compliance with the setback requirements for accessory structures as determined by the zone district in which such structure is constructed. The donation box shall be located on a concrete pad or paved area constructed of sufficient strength for the donation box, equipment and vehicles that will empty the units.
 - B. Donation boxes may be permitted in front of a building or structure provided it is behind the minimum front yard setback line for the district in which it is located.
 - (2) Requirements and Maintenance.
 - A. A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the City as follows:
 - 1. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;
 - 2. Unattended donation boxes shall be locked or otherwise secured;
 - 3. Unattended donation boxes shall contain the following contact information in two inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator;
 - 4. Unattended donation boxes shall be serviced and emptied as needed.
 - 5. Unattended donation boxes shall be no more than eighty-two (82) inches high, fifty-six (56) inches wide and forty-nine (49) inches deep.
 - 6. The City may require that the box be secured to the ground to prevent unauthorized movement.
 - B. If the donation box is located under a building awning or within ten (10) feet of a wall of a building, it may be required to have an approved fire protection system.
 - C. The permittee shall maintain or cause to be maintained the area surrounding the unattended donation box(es) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.
 - D. Notwithstanding any other provision of this code, it is unlawful for any person to place an unattended donation box:
 - 1. On any property used for residential purposes.
 - 2. On or in required parking or loading spaces.

1155.06 SOLAR PANELS.

- (a) Purpose. The City of Medina recognizes the importance of clean, sustainable and renewable energy resources. The intent of these regulations is to establish general guidelines for the location of solar panels and solar collection systems. It is recognized that in some specific instances, under carefully controlled circumstances, it may be appropriate to permit the placement of solar panels or solar collection systems in certain areas of the City. City Council also recognizes the need to protect the safety, health and welfare of adjacent properties from unnecessary and unreasonable visual interference, light glare and heat that the incorrect placement of solar panels or solar

collection systems may create such that they may have a negative effect on surrounding property values. As such, this Section seeks to:

- (1) Permit private property to enjoy the benefits of sustainable and renewable energies.
 - (2) Protect public and private property from the potential adverse impacts of solar panels or solar collection systems.
 - (3) Permit solar panels or solar collection systems on residential, commercial, industrial or agricultural property and review such systems, if warranted.
 - (4) Ensure the public health, welfare and safety of City residents in connection with solar panel or solar collection systems.
 - (5) Avoid potential damage to real and personal property from solar panels or solar collection systems from the failure of such structures and related operations.
- (b) Definitions.
- (1) Solar panels or solar collection systems - A device or combination of devices, structures, or parts thereof, that collect, transfer, or transform direct solar, radiant energy into thermal, chemical or electrical energy and that contribute significantly to a structure's energy supply.
 - (2) Freestanding solar panels or solar collectors - Any solar panel or solar collection system not attached to and separate from any existing structures on the site. Freestanding solar collectors shall be considered an accessory structure and shall be subject to the requirements for such, together with all other applicable building codes and ordinances, through a conditional use review process.
 - (3) Structurally attached solar panel or solar collectors - a solar panel or solar collector physically attached to an existing structure roof. Structurally attached solar collectors shall be a permitted as an accessory use in all districts and subject to administrative review and approval.
- (c) Applicability. No solar panel or solar collection system shall be constructed, erected, installed or located within the City limits until proper approval has been obtained pursuant to this Zoning Code as follows:
- (1) Solar panels or solar collection systems mounted flat on the roof of a building shall be permitted as an accessory use, as governed in this section, in all zoning districts.
 - (2) Solar panels or solar collection systems which are freestanding, mounted on poles or other structures excluding the roof of a building, shall be conditionally permitted pursuant to Chapter 1153, Conditional Zoning Certificates, in all zoning districts.
- (d) Requirements and Regulations. Solar panels or solar collection systems shall conform to or be evaluated for compliance with the following standards:
- (1) The proposed system is no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar and photovoltaic energy systems.
 - (2) If roof mounted, the solar or photovoltaic system shall:
 - A. Be flush mounted on the roof unless good cause is shown by the applicant during application review that the solar panel is not at an appropriate angle to obtain maximum sun exposure if mounted flush to the roof.
 - B. Be located in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed.
 - C. Not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof.
 - (3) If freestanding, the solar or photovoltaic system shall:
 - A. Not extend more than ten (10) feet above the existing grade in residential districts. In all other districts, the maximum height of a solar or photovoltaic system will be

- determined on a case by case basis upon plan review under Chapter 1153, Conditional Zoning Certificates.
- B. Not be located in the front yard.
 - C. Not be located in any required side or rear yard setback areas for accessory uses.
 - D. Not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.
 - E. Be landscaped at the base and the back of the panel structure if structure is visible from neighboring property.
- (4) All signs, both temporary and permanent, are prohibited on solar panel or solar collection systems, except as follows:
 - A. Manufacturer's or installer's identification information on the system.
 - B. Appropriate warning signs and placards.
 - (5) Solar panel or solar collection systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.
 - (6) All electrical wires and connections on freestanding solar or photovoltaic collection system shall be located underground.
- (e) Utility Connection. Solar panels or solar collection systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision.
 - (f) Maintenance. All solar panel or solar collection systems shall be maintained in good working order.
 - (g) Procedure for Review. If required in Section 1155.06(c), Applicability, the following procedure shall be utilized for the review and approval of solar panels.
 - (1) In accordance with Chapter 1153, Conditional Zoning Certificates, a solar panel or solar collection system shall be subject to receiving a conditional use permit prior to installation or modification thereof.

The issuance of a conditional use permit shall comply with the following requirements:

- A. Site Plan Review. A site plan shall be submitted for review for freestanding solar panel or solar collection systems. The following items shall be the minimum requirements to be considered a complete application and shall include the following:
 - 1. Property lines and physical dimensions of the applicant's property.
 - 2. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.
 - 3. Location of the proposed solar panel or solar collection system, and associated equipment.
 - B. System specifications, including manufacturer, model, kilowatt size.
 - C. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.
 - D. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).
 - E. Compliance with all development standards as outlined in Section 1155.06(d), Requirements and Regulations.
- (2) Zoning Compliance. A Zoning Certificate must be obtained in accordance with this Zoning Code.

- (3) Building Permit. A Building Permit must be obtained from the appropriate approving agency, as directed by the Planning Director.

1155.07 HOME OCCUPATION.

Home occupations are permitted as accessory uses provided that the following conditions are met. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation shall be deemed a violation of the Zoning Code. This section is exempt from the requirements of Section 1107.03, Zoning Certificate Required.

- (a) Such use shall be secondary in importance to the use of the dwelling for residential purposes.
- (b) Such use shall be conducted by the inhabitants of the dwelling with no on-premises employees.
- (c) There shall be no sale of goods on the premises.
- (d) No sign, advertising the home occupation, will be permitted.
- (e) No traffic shall be generated for the home occupation other than that which would be expected in a residential neighborhood.
- (f) There shall be no visible evidence of the conduct of a home occupation.
- (g) No regular customers and/or clients will be permitted on the premises.
- (h) No equipment or process shall be used in such home occupation which creates any of the following: safety hazard, noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside of the dwelling.
- (i) No such use shall occupy more than twenty percent (20%) of the total floor area of the dwelling.
- (j) The home occupation shall comply with all other Federal, State and local laws.

1155.08 PARKING AND OCCUPANCY OF BOATS, CAMPING VEHICLES, MOTOR HOME/RECREATIONAL VEHICLE, AND TRAILERS IN RESIDENTIAL DISTRICTS.

- (a) On properties used primarily for residential purposes, no trailer, house trailer, mobile home or other vehicle designed for living quarters, including camping trailers of the collapsible type and truck campers, and no boats, boat trailers or boat dollies may be parked on the driveway, but may be parked on a hard surfaced pad in the side or rear yard behind the front building line of the dwelling. Exception: from April 1st to October 31st these vehicles may be parked on the driveway.
- (b) Restrictive covenants in effect in residential subdivisions may provide more restrictive regulations that are not enforceable by the City under these zoning regulations.
- (c) Only two (2) such vehicles, in any combination, shall be permitted on a residential lot at any one time. All vehicles shall be in operable condition and shall have a valid license plate and registration.
- (d) No occupancy for human habitation shall be maintained or business conducted in any vehicle while parked or stored on the residential lot.
- (e) The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, except for service, nor shall any trailer be permanently affixed to the ground.
- (f) No such vehicle shall be connected to sanitary sewer, electric or water unless servicing such vehicle or preparing the vehicle for travel.

1155.09 PARKING OF COMMERCIAL VEHICLES, BUSES, TRAILERS OR TRUCKS IN RESIDENTIAL DISTRICTS.

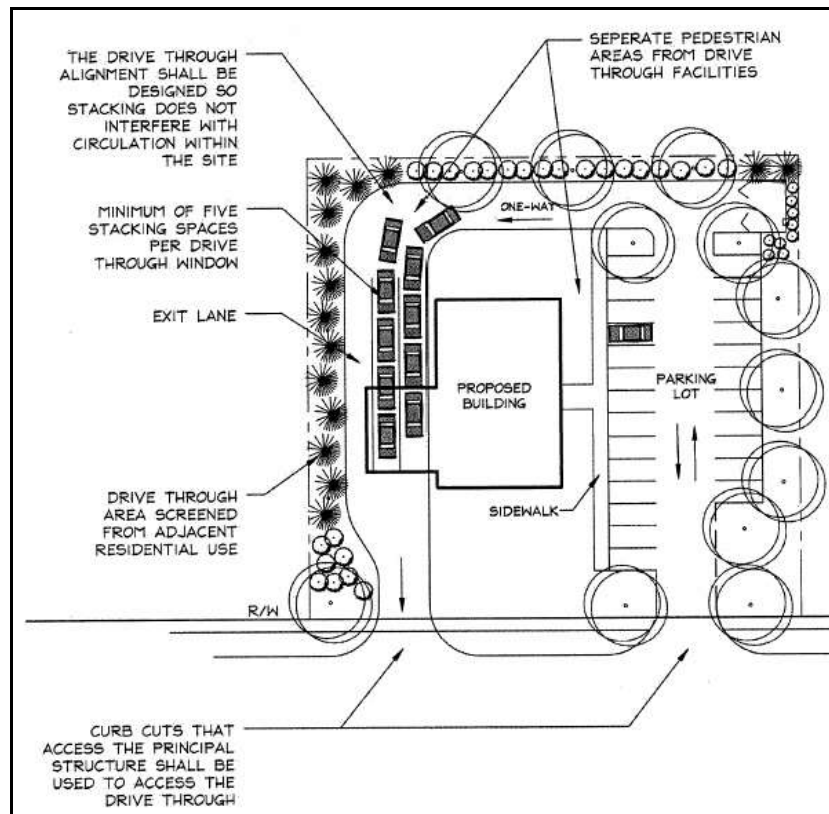
On properties used primarily for residential purposes, no commercial vehicle, bus, trailer or truck of any type in excess of 7,000 pounds gross vehicle weight shall be parked upon a driveway or yard, except for

emergencies, making deliveries or loading, or as approved under the towing policy of the City of Medina Police Department; provided the approved vehicle does not exceed 14,000 pounds gross vehicle weight and is not parked in the yard.

1155.10 REGULATIONS FOR DRIVE-IN, DRIVE-THROUGH, OR CARRY-OUT EATING AND DRINKING ESTABLISHMENTS.

In addition to the other relevant District regulations, drive-in, drive-through or carry-out eating and drinking establishments shall be reviewed by the Planning Director and shall be further regulated as follows:

- (a) The establishment must be located on an arterial road that is adequately designed to carry the additional traffic generated by the establishment. The City may require the applicant to conduct a traffic impact study by a qualified traffic engineer to determine the adequacy of the roadway. Such study shall be at the applicant's expense.
- (b) A minimum of five (5) stacking spaces per drive-thru lane is recommended.
 - (1) Such waiting areas shall not obstruct off-street parking spaces or internal circulation on site.
 - (2) Waiting spaces shall be situated in such a manner that vehicles using the drive through or drive-in facilities are traveling in a continuous forward motion.
 - (3) A bypass lane is recommended to permit unimpeded circulation around a drive through lane. A bypass lane shall not include parking spaces.



- (c) A solid fence or wall four (4) to six (6) feet in height shall be constructed where any off-street parking area is located in a side or rear yard, adjacent to any residentially zoned parcel of land. An evergreen hedge maintained in good condition may be substituted for the required fence or wall, provided however, that the evergreen hedge provides an opaque screen to prevent the glare of

headlights onto adjoining properties and provided that the Planning Director approves such screening.

- (d) Speakers used for taking orders shall be positioned to minimize the sound on adjacent property.

1155.11 OUTDOOR STORAGE AND OUTDOOR DISPLAY OF BULK GOODS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following regulations shall apply to outdoor bulk storage or displays in commercial and industrial districts:

- (a) The outdoor storage or display of bulk goods including retail and seasonal items such as firewood, landscaping materials, bagged materials, construction materials, mulch and the like shall be controlled by the following regulations:
- (1) The outdoor storage or display of merchandise, inventory or materials shall not interfere with required off-street parking or the safe and unobstructed use of vehicular or pedestrian access ways or walkways or block any natural drainage.
 - (2) Outdoor storage shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water, weeds and vermin.
 - (3) Outdoor storage or display locations shall be approved by the Planning Director.

1155.12 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.

The outdoor storage of materials in a residential district shall not be permitted in the front yard for more than seventy-two (72) hours. Outdoor storage shall be located behind the front building line of the dwelling and shall be stored in an orderly manner (e.g. stacked) and shall remain free of stagnant water, weeds and vermin. The City may require the screening of items stored outdoors on a case by case basis.

1155.13 IN-LAW SUITES.

The construction of an in-law suite is permitted in single-family dwellings provided the following requirements are satisfied:

- (a) A maximum of one in-law suite is permitted per detached dwelling.
- (b) An in-law suite shall not be any greater than forty percent (40%) of the total gross floor area of the dwelling.
- (c) The in-law suite shall be used for housing family members only. No in-law suite shall be rented to non-family members nor shall commercial use of the in-law suite shall be permitted.
- (d) The family member residing in the in-law suite must have direct internal access to the common areas of the Dwelling Unit.
- (e) The in-law suite shall not have separate gas and electric utilities.
- (f) The in-law suite shall not be located in any detached accessory building.
- (g) Interior modifications may require review and approval by the Building Department.

1155.14 WIND TURBINE AND WIND ENERGY SYSTEMS.

- (a) Purpose. The City of Medina recognized the importance of clean, sustainable and renewable energy resources. The intent of these regulations is to establish general guidelines for the location of wind turbine and wind energy systems for non-commercial use. The City recognizes that in some specific instances, under carefully controlled circumstances, it may be appropriate to permit the placement of wind turbines or wind energy systems in certain areas of the City. City Council also recognizes the need to protect the safety, health and welfare of adjacent properties from unnecessary and unreasonable visual interference, noise radiation and the incorrect placement of

wind turbine or wind energy systems may such that they may have a negative effect on surrounding property values. As such, this Section seeks to:

- (1) Protect public and private property from the potential adverse impacts of wind turbines or wind energy systems.
 - (2) Permit wind turbines or wind energy systems only through the review and confirmation of these regulations.
 - (3) Ensure the public health, welfare and safety of City residents in connection with wind turbine or wind energy systems.
 - (4) Avoid potential damage to real and personal property from the wind turbines or wind energy systems from the failure of such structures and related operations.
- (b) Definitions.
- (1) Anemometer - A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind turbine or wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
 - (2) Fall Zone - The potential fall area for a tower-mounted wind turbine or wind energy system as measured as the radius around the center point of the base of the tower.
 - (3) Structure-Mounted Wind Turbine or Wind Energy System - A wind turbine or wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
 - (4) Net Metering - The process by which surplus energy generated by a customer, as measured by the difference between the electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.
 - (5) Power Grid - The transmission system created to balance the supply and demand of electricity for consumers in Ohio.
 - (6) Professional Engineer - A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
 - (7) Shadow Flicker - Shadow flicker occurs when the blades of the turbine rotor cast shadows that move across the ground and nearby structures.
 - (8) Tower Mounted Wind Turbine or Wind Energy System - A wind turbine or wind energy system mounted on a tower that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.
 - (9) Tower - The monopole or guyed monopole constructed to support a wind turbine or wind energy system.
 - (10) Total Height - Is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind turbine or wind energy system.
 - (11) Tower Height - The height above grade of the fixed portion of the tower, excluding the wind turbine or wind energy system.
 - (12) Wind Turbine or Wind Energy System - A system that converts the kinetic energy of the wind into electricity available for use beyond that used by the system.

- (c) Applicability. No wind turbine or wind energy system governed by this Section shall be constructed, erected, installed or located within City limits until proper siting approval has been obtained pursuant to this Zoning Code as follows:
- (1) Wind turbine or wind energy systems shall be conditionally permitted pursuant to Chapter 1153, Conditional Zoning Certificates, in all zoning districts.
 - (2) No wind turbine or wind energy system shall be erected, constructed, installed or modified, except as permitted in Section 1155.14(d), Development Standards, without first receiving a conditional use permit pursuant to Chapter 1153, Conditional Zoning Certificates.
 - (3) No wind turbine or wind energy system shall be erected, constructed, installed or modified, except as permitted in Section 1155.14(d), Development Standards, without first receiving zoning compliance pursuant to Section 1107.03, Zoning Certificate Required.
 - (4) No wind turbine or wind energy system shall be erected, constructed, installed or modified without first receiving a building permit from the appropriate approving agency.
 - (5) Only one wind turbine or wind energy system shall be permitted per property.
- (d) Development Standards. Wind turbine or wind energy systems shall be evaluated for compliance to the following standards:
- (1) Fall Zone.
 - A. A tower mounted wind turbine or wind energy system shall have a fall zone at least 150% of the total height from:
 1. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
 2. Any future road right-of-way pursuant to the Medina Thoroughfare Plan or thoroughfare plan of adjacent jurisdictions, where appropriate.
 3. All overhead utility lines.
 4. All property lines, unless the affected land owner provides written permission through a recorded easement allowing the wind turbine or wind energy system's fall zone to overlap with the abutting property.
 5. Any principal structure.
 - B. Guy wires used to support the tower of a tower mounted wind turbine or wind energy system are exempt from the wind turbine or wind energy system fall zone requirements.
 - C. A building mounted wind turbine or wind energy system shall have a fall zone of at least 150% of the total height of the system supporting the wind turbine or wind energy system, excluding the building itself.
 - (2) Ground Mounted.
 - A. A ground-mounted wind turbine or wind energy system shall not exceed 100 feet in height as measured from construction grade. The construction grade shall not be increased above that of the surrounding property so as to artificially add height to the tower unless good cause can be shown by the applicant that the increase in grade is essential for the operation of the wind turbine or wind energy system.
 - B. The applicant shall provide evidence that the proposed tower height of a tower mounted wind turbine or wind energy system does not exceed the height recommended by the manufacturer of the wind turbine or wind energy system.
 - C. All electrical connections shall be located underground.
 - (3) Building Mounted. A wind turbine or wind energy system that is erected on a building or structure other than a tower shall project no more than fifteen (15) feet above the highest point of the roof excluding chimneys, antennae, and other similar protuberances.

- (4) Sound Level. Operation of wind turbine or wind energy systems shall not exceed fifty-five (55) 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 turbine or wind energy system, and all readings, if necessary, shall be taken from the nearest neighboring property line.
- (5) Shadow Flicker. Wind turbine or wind energy systems shall be sited in a manner that does not result in shadow flicker impacts on adjacent property. The applicant has the burden of proving that their wind energy system does not have an impact on neighboring or adjacent uses either through siting or mitigation.
- (6) Signs. All signs, both temporary and permanent, are prohibited on wind turbine or wind energy systems, except as follows:
 - A. Manufacturer's or installer's contact identification information on the wind turbine or wind energy system which shall be affixed to the base of the tower limited to two (2) square feet in size.
 - B. Appropriate warning signs and placards.
 - C. Advertising of any type shall not be permitted on the wind turbine or wind energy system.
- (7) Code Compliance. Wind turbine or wind energy systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.
- (8) Aviation. Wind turbine or 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 Conditional Use application.
- (9) Visual Impacts. It is inherent that wind turbine and wind energy systems may pose some visual 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 turbine or wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind turbine or wind energy system design or appearance, buffering, and screening of ground mounted electrical and control equipment.
 - B. The color of wind turbine or wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.
 - C. Wind turbine or 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 turbine or wind energy system.
- (10) Utility Connection. Wind turbine or wind energy systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision.
- (11) Access.
 - A. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

- B. The tower of a tower mounted wind turbine or wind energy system shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of ten (10) feet above the ground.
- (12) Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of wind turbines or wind energy systems and as otherwise prescribed by applicable laws, regulations and ordinances.
- (13) Wiring and electrical apparatuses. All wires and electrical apparatuses associated with the operation of a tower-mounted wind turbine or wind energy system, except guy wires, shall be located underground.
- (14) Maintenance.
 - A. All wind turbine or wind energy systems shall be maintained in good working order.
 - B. Any physical modification to the wind turbine or 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.
- (15) Historic Sites.
 - A. No wind turbine or wind energy system shall be located within 1,000 feet of any registered historic site or historic district.
 - B. Written proof of compliance with this requirement must be provided by the Ohio Historic Preservation Office and be submitted with the conditional use application.
- (16) Controls and Brakes.
 - A. All wind turbine and wind energy systems shall be equipped with a redundant braking system which must include:
 - 1. Aerodynamic over-speed controls which include variable pitch, tip and other similar systems; and
 - 2. 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.
- (e) Procedure for Review.
 - (1) In accordance with Chapter 1153, Conditional Zoning Certificates, a wind turbine or wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof. The issuance of a conditional use permit shall comply with the following requirements:
 - A. Site Plan Review. A site plan shall be submitted for review. The following items shall be the minimum requirements to be considered a complete application. The site plan shall include the following:
 - 1. Property lines and physical dimensions of the applicant's property.
 - 2. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.
 - 3. Location of the proposed wind turbine or wind energy system, foundations, guy wires and associated equipment.
 - 4. Fall Zone depicted as a radius around the center of the tower for a tower mounted wind turbine or wind energy system.
 - 5. The right-of-way or future right-of-way according to the Medina Thoroughfare Plan of any public road that is contiguous with the property.
 - 6. Two (2) foot contours of the applicant's property and properties contiguous to the subject property.
 - 7. All overhead utility lines.

8. The site plan must be prepared and stamped by a professional engineer or surveyor licensed to practice in the state of Ohio.
 - B. System specifications, including manufacturer, model, kilowatt size and generating power, rotor diameter in addition to tower height and tower type, if tower mounted, for wind turbine or wind energy systems.
 - C. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.
 - D. Tower foundation blueprints or drawings for tower mounted systems, including the color of the unit.
 - E. Tower blueprints or drawings for tower mounted systems including all safety measures including anti-climb devices and lightning protection.
 - F. Sound level analysis prepared by the manufacturer or qualified engineer.
 - G. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).
 - H. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
 - I. A maintenance schedule and dismantling plan.
 - J. Compliance with all development standards as outlined in Section 1155.14(d), Development Standards.
- (2) Zoning Compliance. A Zoning Certificate must be obtained in accordance with Section 1107.03, Zoning Certificate Required.
 - (3) Building Permit. A Building Permit must be obtained from the appropriate approving agency as directed by the Planning Department.
- (f) Decommissioning Plan. Prior to receiving site and conditional use approval under Chapter 1153, Conditional Zoning Certificate, the applicant, owner and/or operator must formulate a decommissioning plan to ensure that the wind turbine or wind energy system is properly decommissioned. The decommissioning plan shall include the following process/provisions:
- (1) A provision in the conditional use approval shall be included that the approved decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns or heirs.
 - (2) At such time that a wind turbine or wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Planning Director by certified U.S. mail of the proposed date of discontinuation of operations.
 - (3) Upon decommission or discontinuation of use, the owner shall physically remove the 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 Planning Director. "Physically remove" shall include, but not be limited to:
 - A. Removal of the wind turbine or wind energy system.
 - B. Removal of any tower and other related above ground structure.
 - C. Restoration of the location of the wind turbine or wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
 - (4) 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 (2) year period. After two (2) years of inoperability, the Planning Director may issue a Notice of Decommission to the owner of the wind turbine or wind energy system. The owner shall

have the right to respond to the Notice of Decommission within thirty (30) days from the date of receipt. The Planning Director 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 turbine or wind energy system has not been decommissioned.

- (5) If the owner fails to respond to the Notice of Decommission or if after review by the Planning Director it is determined that the wind turbine or wind energy system has been decommissioned or discontinued, the owner of the wind turbine or wind energy system shall remove the wind turbine or 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.
- (g) Anemometer. The construction of an anemometer tower for the purpose of collecting data to develop a wind turbine or wind energy system shall conform to the following requirements:
 - (1) Anemometer towers shall adhere to the wind turbine or wind energy system standards as described in Section 1155.14(c), Applicability.
 - (2) Anemometer towers shall be installed on a temporary basis not to exceed eighteen (18) months.
 - (3) Anemometers must meet all applicable requirements of Section 1155.14(d), Development Standards.
- (h) Insurance. The owner or operator of each wind turbine or wind energy system shall maintain a current general liability policy covering bodily injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence.

1155.15 PEDESTRIAN CONNECTION.

Where a sidewalk exists in a public right-of-way adjacent to a site, or when a sidewalk is required to be constructed as part of development approval, a pedestrian connection shall be constructed from the building to the public sidewalk.

Appendix Transition Corridor Overlay District (TC-OV)

- TCOV.1 Purpose.**
- TCOV.2 General design regulations.**
- TCOV.3 Site development.**
- TCOV.4 Vehicular circulation and access.**
- TCOV.5 Landscaping.**
- TCOV.6 Location, orientation, size and shape of buildings.**
- TCOV.7 Exterior renovation or alterations of existing structures.**
- TCOV.8 Building materials and appurtenances.**
- TCOV.9 Building and lot aesthetics.**

TCOV.1 Purpose.

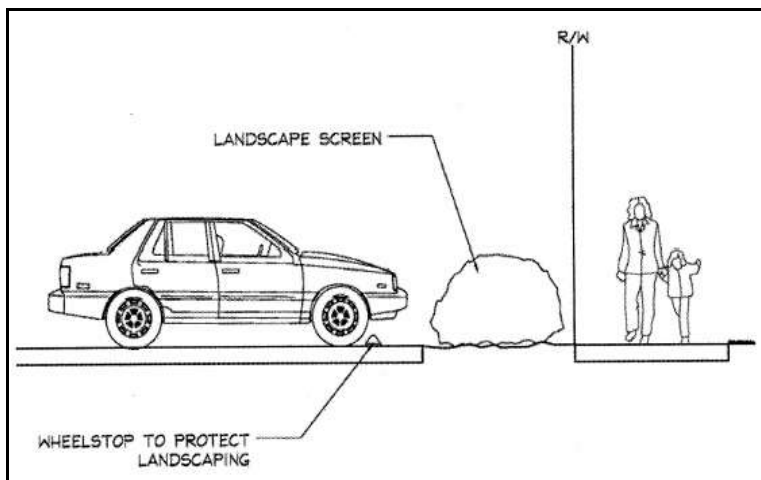
The purpose of Transition Corridor Overlay District (TC-OV) regulations is to assist with the development and redevelopment of land and structures to be compatible with the environment and to protect the quality of the urban environment in those locations where the characteristics of the area are of significant public value and are vulnerable to damage by development permitted under conventional zoning and building regulations. These regulations shall be administered as per Chapter 1116, Overlay Districts, of this Zoning Code.

TCOV.2 General Design Regulations.

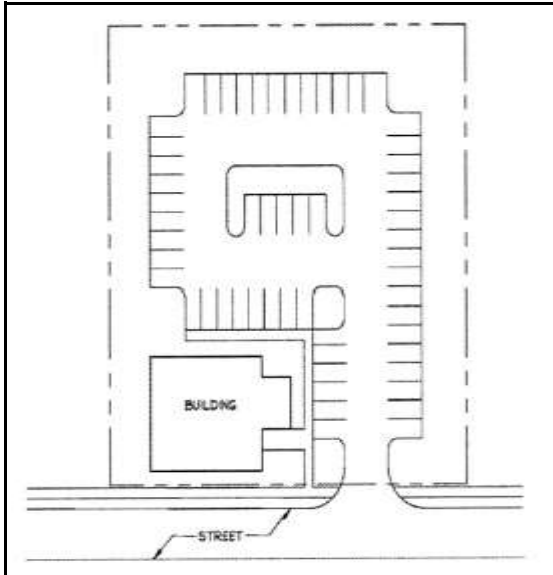
The Planning Commission will use these regulations in their review of development applications in areas designated as Transitional Corridor Overlay Districts on the official zoning map of the City. Diagrams and photos have been provided to help illustrate the design principles being recommended. The Planning Commission shall have the authority to interpret and apply these regulations on a case by case basis and have no binding authority to consider a previous decision or case when making decisions on individual cases that may be in front of them for review and approval.

TCOV.3 Site Development.

- (a) Parking areas shall be treated to minimize the visual impact of parked cars as viewed from the public right-of-way and adjacent properties through the use of plantings and earth berms.



- (b) Off-street parking shall not occupy any part of any front yard in a residentially zoned district with the exception of an approved driveway, but may be included in a required side and rear yard within five (5) feet of the property line. Joint use of parking areas, including shared access, is encouraged. The Planning Commission may permit parking to extend to the side or rear property line in the case of a joint parking or shared access parking area.

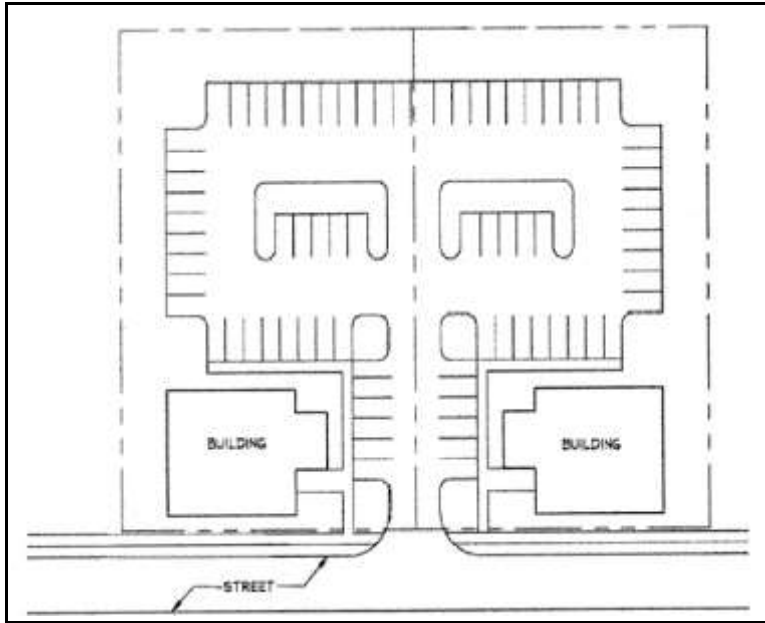


Consider side and rear yard parking

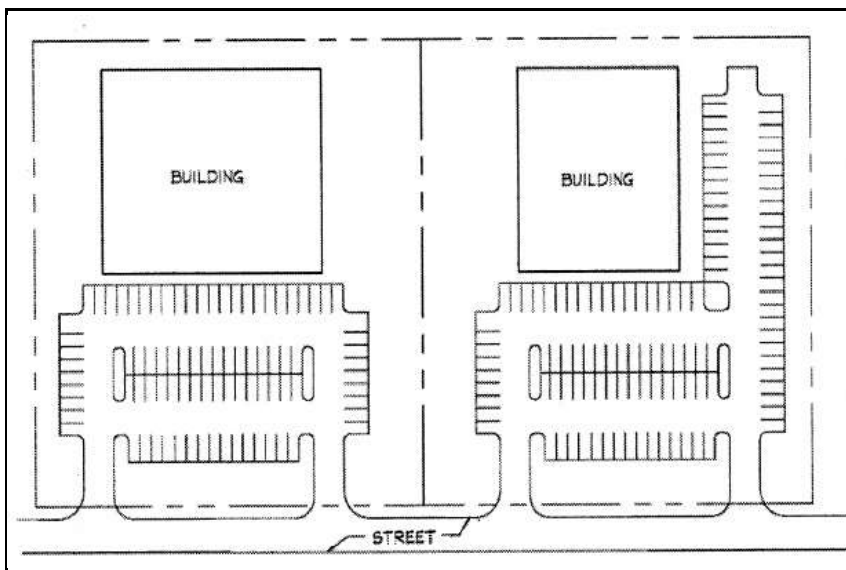
- (c) The height and scale of each new building shall be compatible with existing surrounding buildings.
- (d) New buildings should have setbacks consistent with surrounding established patterns.
- (e) Where a sidewalk exists in the right-of-way, a pedestrian connection shall occur from the building to the existing sidewalk.
- (f) Site features such as service entrances and loading zones shall be screened from adjacent properties and the public right-of-way and located in the side or rear of the lot.
- (g) Mechanical equipment and dumpsters shall be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation is not possible, the facilities shall be screened from public view with materials compatible with those used in the building.
- (h) Commercial outdoor storage shall not be allowed in the front yard.

TCOV.4 Vehicular Circulation and Access.

- (a) Minimize the number of vehicular turning movements by limiting access point to one. Points of ingress and egress shall be clearly defined and promote the safe movement of traffic.
- (b) Provide for the safe and functional movement of vehicles and pedestrians both on and off-site.
- (c) Give consideration to the location of existing access points, adjacent to and directly across the street from the site.
- (d) All sites shall be designed so the plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
- (e) Vehicular circulation between parcels is encouraged. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems to minimize curb cuts along the street (see figure below).



Consider shared access and parking.



Avoid separate access and parking.

- (f) Pedestrian safety and residential character shall be priority issues used to evaluate access design elements.
- (g) Continuous access along the frontage of the site shall be prohibited.

TCOV.5 Landscaping.

- (a) Landscaping should be used to improve the appearance of developed areas.
- (b) Plan materials should be chosen which are indigenous, moderately fast-growing and require minimal maintenance. The landscape design should incorporate the entire site and consist of a palette of plants with year round appeal which may include: annuals, perennials, shrubs and trees.
- (c) Where landscaping is used as screening, it shall be opaque year round (e.g. coniferous).

- (d) Landscape screening shall be of a height and density so that it provides the full desired effect within three (3) years growing time.
- (e) Landscaping, walls, planters or similar means should be used to screen parked cars. Whenever structures such as walls or fences are used to create a screen, plants should be located at the base of the structure which can be seen from the surrounding streets, walks and other properties which are used by the public. Landscape plans shall be reviewed and approved by the City Forester.
- (f) New and remodeled buildings should include landscaping in the form of street trees, shrubbery along the public rights-of-way, and at the front façade of the building. All street trees should be at least three and one-half (3½) inch caliper and should be spaced a minimum of twenty- five to thirty (25-30) feet apart.
- (g) Tree species should be hardy city types and be approved by the City Forrester.

TCOV.6 Location, Orientation, Size and Shape of Buildings.

- (a) Preserve the linear continuity of buildings by placing primary building facades parallel to the street.
- (b) New and remodeled buildings should be compatible with their surroundings. Architectural style, bulk, shape, massing, scale and form of new and remodeled buildings and the shape between and around buildings should be consistent with the character of the area and be in harmony with neighboring buildings.
- (c) The front of the buildings should not exceed fifty (50) feet in horizontal length. A minimum of sixty percent (60%) of the front building façade shall consist of windows, doorways, awnings, etc., in order to break up the visual mass of the structure.
- (d) All buildings shall provide a pedestrian entrance oriented to the street.

TCOV.7 Exterior Renovation or Alterations of Existing Structures.

- (a) The distinguishing original qualities of a building or structure should not be destroyed. The removal or alteration of historic materials or distinctive architectural features should be avoided when possible.
- (b) Architectural elements shall be sensitively designed to reflect detailing associated with the particular style of building.
- (c) The design elements and scale of a building addition shall be compatible with the design elements of the principal structure, in particular, building materials and color, roof lines and shapes and window proportions and alignment.

TCOV.8 Building Materials and Appurtenances.

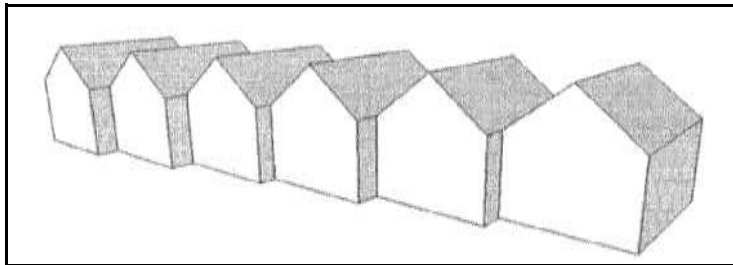
- (a) The architectural character and exterior building materials of new and remodeled buildings should be harmonious with surrounding buildings in color and texture, proportion, scale, patterns and opening sizes and shapes.
- (b) Construction materials and colors for walls and fences that are visible from the street should be uniform and compatible with the architectural style, color and building material of the building and its surroundings.
- (c) The original pattern of window and door openings and their shape and configuration should not be altered. Window and door openings should not be reduced, enlarged, or filled-in on street facade. Replacement windows and doors should match the original in size, shape and design.
- (d) Original materials should be repaired, restored, and reused whenever possible. Where necessary missing or deteriorated materials should be replaced with appropriate recycled or new materials which match the original as closely as possible.

TCOV.9 Building and Lot Aesthetics.

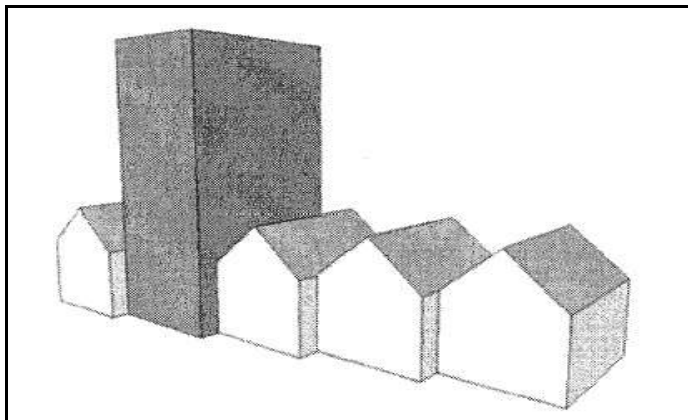
The specific guidelines for building and lot aesthetics in the following section have been formatted to provide an illustration of the preferred and not preferred methods of building design as it relates to height, scale, massing, setback and other issues. For each specific guideline in the following section a description of the recommended approach that the applicant/property owner should "consider" is provided, with an illustration of the result of the design. Similarly, a description is provided of the design approach that the applicant/property owner should "avoid" when designing or remodeling structures in the Overlay District.

(a) Height.

- (1) Consider relating the overall height of new construction or renovation of existing structures to that of adjacent structures.

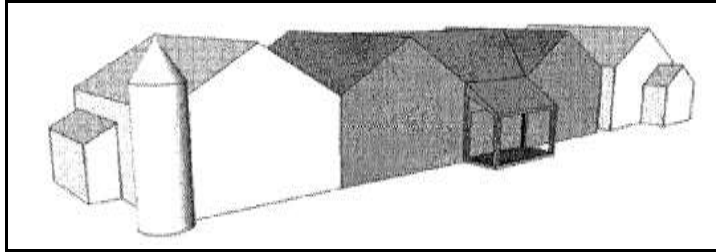


- (2) Avoid new construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

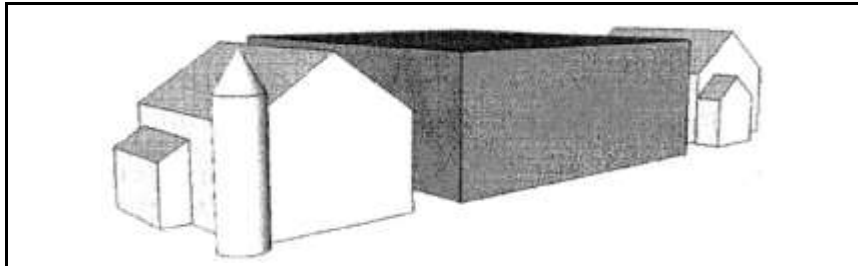


(b) Scale.

- (1) Consider relating the size and proportion of new structures to the scale of adjacent buildings. Although much larger in terms of square footage, the building shown below maintains the same scale and rhythm as the existing buildings.

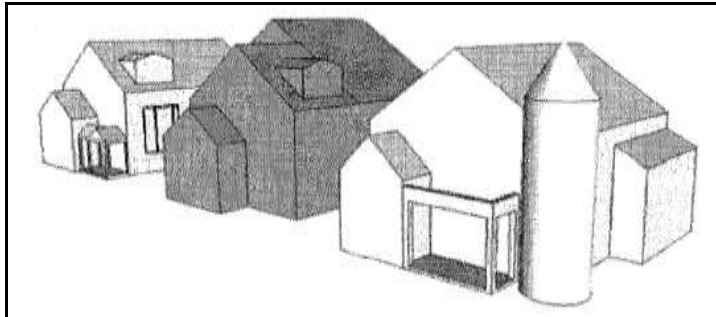


- (2) Avoid buildings that in height, width or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape.

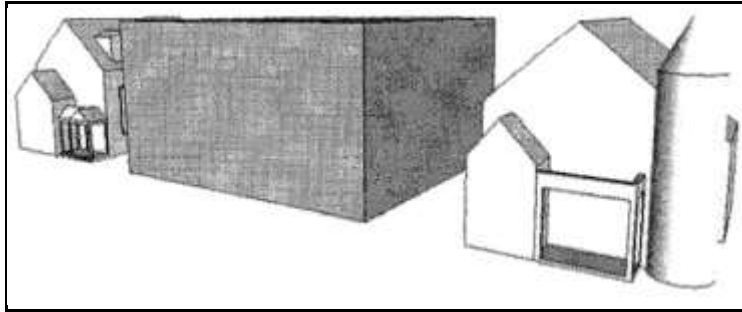


(c) Massing.

- (1) Consider breaking up uninteresting boxlike forms into smaller, varied masses such as are common on most older buildings. Variety of form and massing are elements essential to the character of the streetscape.

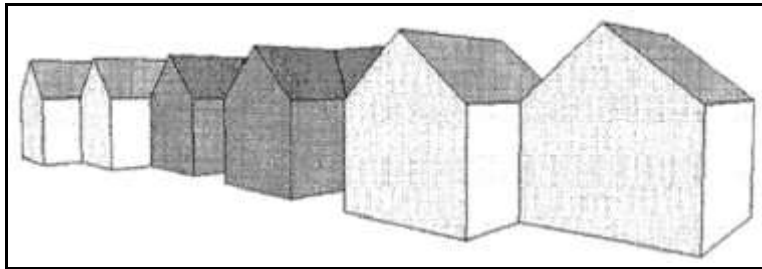


- (2) Avoid single monolithic forms that are not relieved by variations in massing. Boxlike facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and façade articulation.

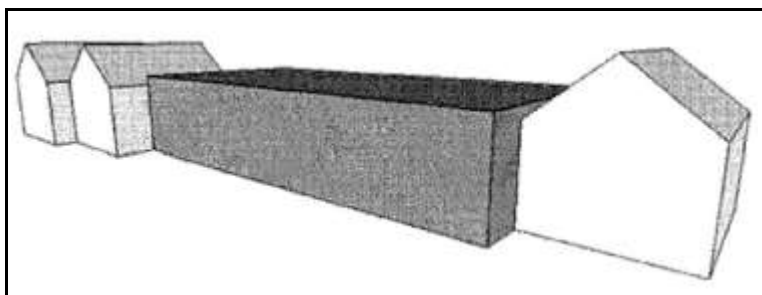


(d) Directional Expression.

- (1) Consider relating the vertical or non-directional façade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical adjacent structures by breaking the façade into smaller masses that conform to the primary expression of that streetscape.

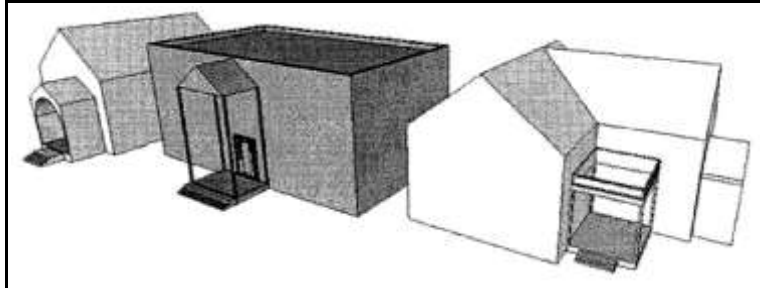


- (2) Avoid strongly horizontal or vertical façade expressions unless compatible with the character of structures in the immediate area. The new building shown does not relate well to either its neighbors or to the rhythm of the streetscape because of its unbroken horizontal façade.

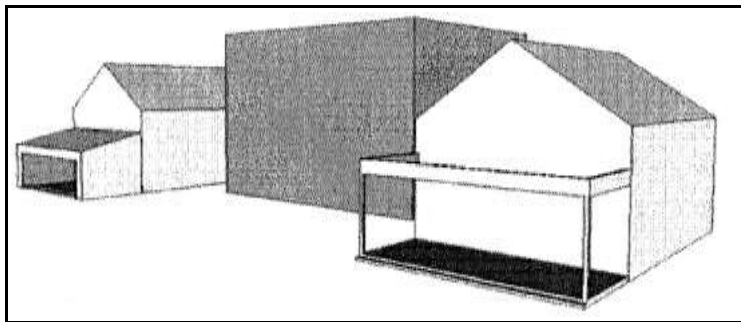


(e) Setback.

- (1) Consider maintaining the architectural façade lines of streetscape by locating front walls of new buildings in the same plane as facades of adjacent buildings. If existing setbacks vary, the new building should conform to historic siting patterns.

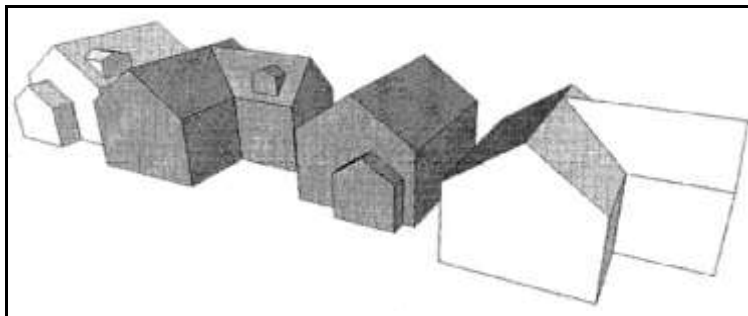


- (2) Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic façade line. Avoid placing buildings at odd angles to the street unless in an area where diverse siting already exists.

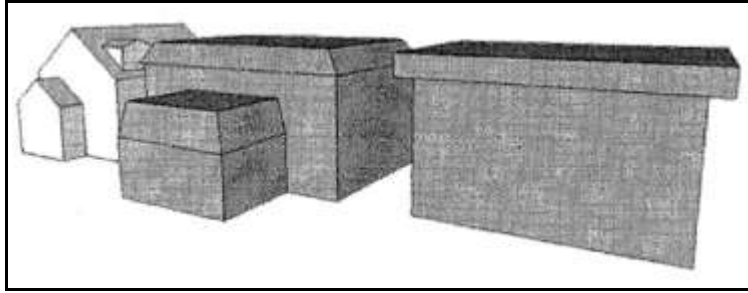


(f) Sense of Entry.

- (1) Consider articulating the main entrances to the building with covered porches, porticos and other pronounced architectural forms.

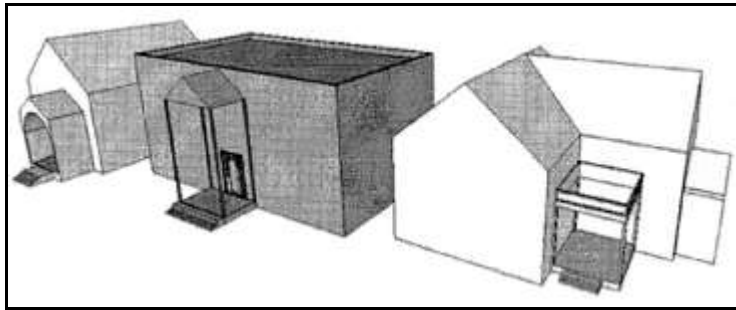


- (2) Avoid facades with no strong sense of entry. Side entries or entries not defined by a porch or similar transitional element result in an incompatible "flat" first floor façade.

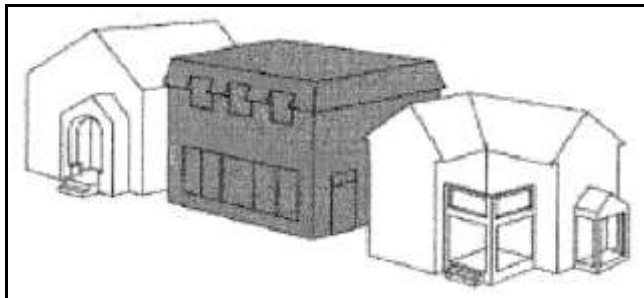


(g) Roof Shapes.

- (1) Consider relating the roof forms of the new building to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches and materials on new construction is one way of making new structures more visually compatible.



- (2) Avoid introducing roof shapes, pitches or materials not traditionally used in the area.



(h) Rhythm of Openings.

- (1) Consider respecting the recurrent alternation of wall area with door and window elements in the façade. Also consider the width-to-height ratio of bays in the façade. The placement of openings with respect to the façade's overall composition symmetry, or balances asymmetry should be carefully studied.



- (2) Avoid introducing incompatible façade patterns that upset the rhythm of openings established in the surrounding structures. Glass walls and window and door shapes and their locations shown in the examples are disrespectful to the adjoining buildings.

