MEETING DATE: 12-10-15

PLANNING COMMISSION

Case No. P15-37

Citywide

Various Zoning Code Text Amendments

CITY of MEDINA

Planning Commission

January 14, 2016 Meeting

Case No: P15-37

Applicant: City of Medina

Subject: Various Zoning Code Text Amendment

Submitted by: Jonathan Mendel, Community Development Director

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The attached proposed text amendments to Part 11 (Planning and Zoning Code) of the City of Medina Codified Ordinances is intended to do the following:

- Provide clarity and/or flexibility for certain regulations
- Remove regulatory duplication and/or contradiction
- Cleanup minor and substantive editing mistakes stemming from 2013-2014 Zoning Code Update process that took effect in July 2014.

Staff proposes the attached text amendments in an effort to make the Zoning Code a more useful and effective tool for the management and administration of land use within the City of Medina.

Therefore, Staff requests the Planning Commission recommend approval, and forward to City Council, the proposed text amendments outlined in this staff report.

1. Add "dust" to Sections 1105.02 & 1105.03 to provide more specificity to the types of secondary impacts a manufacturing use may generate when determining whether a specific operation is light or heavy manufacturing.

1105.02 MANUFACTURING, HEAVY
"Heavy manufacturing" means a building or land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily create smoke, dust, noise, fumes, odor, glare or potential safety hazards (e.g. explosive materials processing).

1105.03 MANUFACTURING, LIGHT
"Light manufacturing" means a building or land used for the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create smoke, dust, noise, fumes, odor, glare or potential safety hazards (e.g. explosive materials processing).

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2. Add specific conditionally permitted use regulations "37 and 38" superscripts to the "Heavy Manufacturing" use in the Conditionally Permitted Use table in order to provide further regulatory strength to the conditional zoning certificate review process for such uses. The specific text of regulations 37 & 38 are at the end of page 4 of this report.

Lastly, Remove "Office - Professional, Medical and Administrative" use from the I-1 Conditionally Permitted Use table and add it to the I-1 Principally Permitted Uses table. There are no compelling reasons to classify such office uses as a conditional use when many of the currently permitted uses in the I-1 zoning district are more intensive uses than professional or medical office. There are many properties throughout the I-1 zoned areas of the City that are designed as flexible office/light industrial properties and making professional and medical office a permitted use in the I-1 district permits a wider use of the properties without unnecessary delay.

A minor edit is needed for the Conditionally Permitted Use regulation #38 to remove the reference to the "I-3" zoning district which no longer exists.

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 an Residential District
		• Veterinary Office or Hospital in an Enclosed Building
		• Warehousing
		• Wholesale Establishment

1141.04 CONDITIONALLY PERMITTED USES.
The following uses shall be permitted as conditionally permitted uses in the I-1 Industrial District subject to the requirements of Chapter 1153, Conditional Uses. Numerical identification after each item corresponds to specific standards in Section 1153.04, Conditionally Permitted Use Regulations.

Residential	**Public/Semi-Public**	**Commercial**
• None	• Conservation Use	• Commercial Entertainment
	• Educational Institution for Higher Education	• Commercial Recreation
	• Passenger Transportation Agency and Terminal	• Contractor's Equipment Storage Yard or Plant, or Storage and Rental of Equipment Commonly Used by Contractors - Must be Completely Enclosed if Facing a Non-Residential District
	• Publicly Owned or Operated Governmental Facility [3,7,8,11]	• Cremation Facility
	• Wireless Telecommunication Facility	• Heavy Manufacturing [37, 38]
		~~• Office - Professional, Medical and Administrative [37,39]~~
		• 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

(Specific Conditionally Permitted Use regulations for the "Heavy Manufacturing" use from Section 1153.04(a))

(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 ~~or I-3~~ 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.

3. Remove "Planned Unit Development" from the list of conditionally permitted uses in Sections 1121.04, 1123.04, 1125.04 & 1127.04 because the Planned Unit Development review process was removed in the 2014 Zoning Code Update and supplanted by modifying the Special Planning District (Chapter 1114 of the Zoning Code) review process.

The "Mobile Home Park" specific conditionally permitted use regulation reference superscripts are modified to reflect the appropriate specific regulations outlined in Section 1153.04 of the Zoning Code. This applies to Sections 1125.04 and 1127.04.

A minor change to correct the zoning district name in the preamble paragraph of Section 1125.04. It currently says "R-2" when it should be "R-3".

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]	
~~• Planned Unit Development~~	• Public and Parochial Educational Institution for Primary Education [1,2,3,5,6,11]	
	• Publicly Owned or Operated Governmental Facility [3, 7, 8, 11]	

1123.04 CONDITIONALLY PERMITTED USES.
The following uses shall be permitted as conditionally permitted uses in the R-2 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	
~~• Planned Unit Development~~	• Public or Quasi-Public Owned Park or Recreation Facility [1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25]	
• Two Family Dwelling	• Public and Parochial Educational Institution for Primary Education [1,2,3,5,6,11]	
• Nursing Home, Assisted Living Facility,	• Public and Parochial Educational Institution for Secondary Education	

Independent Living Facility [1,2,3,5,7,9,11,14]	[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]	

1125.04 CONDITIONALLY PERMITTED USES.
The following uses shall be permitted as conditionally permitted uses in the R-~~2~~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	
~~• Planned Unit Development~~	• Public or Quasi-Public Owned Park or Recreation Facility [1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25]	
• Two Family Dwelling	• 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]	
• Mobile Home Park [3,5,8,9,10,11,14,24,26,27,28,~~29~~,30, ~~31~~]	• Publicly Owned or Operated Governmental Facility [3, 7, 8, 11]	
	• Religious Place of Worship [1,3, 7,11,12,14]	

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, ~~29~~,30, ~~31~~]	• Public or Quasi-Public Owned Park or Recreation Facility [1, 2, 3, 4, 5, 9, 11, 14, 22, 24, 25]	
• Multi-Family Dwelling	• Public and Parochial Educational	

5,11,16,26,27,28,29	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]	
~~• Planned Unit Development~~	• Religious Place of Worship [1,3, 7,11,12,14]	

4. Delete incorrect and add the correct Conditionally Permitted Use Regulations superscripts for the "Motor Vehicle Filling Station with or without Convenience Retail" use listed in Sections 1133.04, 1135.04 and 1137.04 conditionally permitted use tables.

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 ~~30,32~~]
	• 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

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 ~~30,32~~
	• 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

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
	• 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] ~~[30,32]~~
		• 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]

5. The deletions and additions to Section 1147.14 (below) are simple clean up items from the 2014 Zoning Code Update. The C-4 zoning district no longer exists and the C-B district was renamed to C-S.

1147.14 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.
(c) In the C-3 ~~and C-4~~ 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.

(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 ~~B~~ and C-3~~, and C-4~~ 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.

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6. Delete subsections (1) and (2) of Section 1113.05(m) and rename subsection "(3)" to become "(1)". Subsections (1) and (2) need to be deleted because they are duplicative of the same regulations in Section 1155.08 and 1155.09, which cover the same subject but provide more regulatory depth.

1113.05 GENERAL USE REGULATIONS.
(m) Accessory Use.

~~(1) 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.~~

~~(2) 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. Exception: from April 1st to October 1st these vehicles may be parked on the driveway. At no time may such vehicle be used for living quarters.~~

(1) ~~(3)~~ 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.

Existing Regulations (for comparison to above, no changes)

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, BUSSES, 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.

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7. Delete subsection D of Section 1153.04(a) because it is duplicative and/or contradictory to sign regulations in Chapter 1147 (Signs) of the Zoning Code and references a part of the City Code no does not exist.

1153.04 CONDITIONALLY PERMITTED USE REGULATIONS.

(a) Regulations applicable to conditionally permitted uses are as follows:

(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.

~~D. All signs, streamers, announcements, flags and other attention and/or advertising devices not specifically permitted under Title Five - Sign Code, of Part Thirteen - Building Code of these Codified Ordinances shall have the prior and temporary approval of the Planning Commission before installation or use.~~