

ORDINANCE NO. 110-17

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF MEDINA, OHIO SECTIONS 1147.13, 1147.16, 1155.01, AND 1135.13 (C) OF PART 11 – THE PLANNING AND ZONING CODE.

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

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

WHEREAS: The Planning Commission, at its February 9, 2017 meeting, approved a recommendation to City Council to amend the following sections of Part 11 – Planning and Zoning Code of the City of Medina Codified Ordinances, Sections 1147.13, 1147.16, 1155.01, and 1135.13 (C) as presented in the Planning Commission staff report for case P17-02 dated February 9, 2017; and

WHEREAS: The public hearing relative to these Planning and Zoning Code amendments was duly held June 26, 2017.

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

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

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

ORD. 110-17
ELH. A

1. Changes to Section 1147.13 preamble of 1147.13 SIGNS IN THE M-U DISTRICT.

The following signs shall be conditionally permitted in the Multi-Use District and subject to the guidelines set forth in Section 1147.16:

2. Changes to Section 1147.16 preamble of 1147.16 CONDITIONAL SIGN PERMIT DESIGN GUIDELINES.

In reviewing a proposal for a conditional sign permit, the Historic Preservation Board (~~Historic District~~) and Planning Commission (~~M-U and TC-OV Districts~~) subject to Section ~~1116.08~~, as well as all electronic message center and pole signs, and outline lighting of the building or roof line, as applicable, shall consider whether the proposal proposed sign or lighting meets the following design guidelines, which are in addition to the design criteria for all signs listed in Section 1147.07(d):

3. Changes to Sections 1155.01 FENCES.
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)	<u>Front yard with side street lot line</u> (height in feet)	Side Yard (height in feet)	Rear Yard (height in feet)
Residential	3	<u>6⁴</u>	6 ¹	6 ¹
Commercial	3 ²	<u>6⁴</u>	10 ³	10 ³
Industrial	6 ^{2,3}	<u>6⁴</u>	10 ³	10 ³
Public Facilities (parks, playgrounds, etc.)	8	<u>6⁴</u>	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 <u>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.</u>

(d) Materials.

(1) No fence, with the exception of these fences used for agricultural purposes, shall contain an electric charge. ~~unless approved by the Board of Zoning Appeals.~~

(2) Barbed wire, razor wire, or any other type of anti-climbing wire shall only be permitted, ~~upon administrative review and approval of the Board of Zoning Appeals,~~ 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.

4. Changes to Section 1135.13(c) of 1135.13 BUILDING DEVELOPMENT STANDARDS.

(c) Materials.

(1) The exterior use of ~~ender block~~ concrete masonry units, vinyl siding or metal siding shall be ~~prohibited~~ no more than 15% of the area of a building façade in this District where 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.

1. Changes to Section 1147.13 preamble of 1147.13 SIGNS IN THE M-U DISTRICT.

The following signs shall be permitted in the Multi-Use District.

2. Changes to Section 1147.16 preamble of 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):

3. Changes to Sections 1155.01 FENCES.**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.

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Attachment 1 – Clean after amendments

	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.
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(d) Materials.

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- (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.
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- (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.
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