



# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: August 1, 2013  
TO: Dave Ruller, City Manager  
FROM: Bridget Susel, Community Development Director *B.S.*  
RE: Zoning Code Amendments

The Community Development staff has been working with the members of the Planning Commission to make needed amendments to sections of the City's Zoning Code. Significant changes to the Zoning Code took effect in April 2011 and since that time, staff has identified some items that need to be clarified as well as corrections to sections that were redundant or conflicted with other sections of the Zoning Code. The proposed amendments include:

### Signage-Chapter 1165

Various changes to the text where conflicting language was identified. Adds criteria for political signs and standardized height and set back requirements for signs;

### Section 111.05 (Chapter 1111-Zoning Amendments)

Changes the time allowed for the Clerk of Council to set a public hearing to receive comments on proposed Zoning Code changes, from the current 60 day period, to 90 days.

### Section 1103.03 (Chapter 1103-Definitions)

Add definition of driveway to the Zoning Code. Also will require amending Section 1161 "Supplementary Regulations" by adding a section on driveway criteria that is more delineated. This amendment will also result in a modification to the Kent Traffic Code (351.15 (A)) that will create consistency in defining a driveway between the two codes.

All of the proposed Zoning Code changes are text amendments and all were approved by the Planning Commission. Public hearings were held on July 24, 2013 for the three proposed amendments and no comments were received.

I am requesting time at the August 7, 2013 Committee session to discuss the proposed changes with Council and to request formal approval of the Zoning Code amendments.

Thank you.

Cc: Jim Silver, Law Director  
Linda Jordan, Clerk of Council

The adoption of the new Chapter 1165 of the Kent Zoning Code will require the repeal of the existing Chapter 1165 as well as Sections 1109.01 (27), (126), (133), (161)(a-m), and (162)(a-b) of the current Kent Codified Ordinances

CHAPTER 1165  
SIGNAGE

1165.01	Purpose	1165.02	Applicability
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1165.11	Signs Not Requiring Permits	1165.12	Comprehensive Sign Plan
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**1165.01 PURPOSE**

The purpose of this Chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and enhancement of the Municipality **City of Kent's** image. Signs shall be regulated relative to time, place, and manner. The individual user's right to convey a message must be balanced with the public's right to be free of signs which unreasonably distract drivers and pedestrians. This Chapter is based on the premise that signs are subject to control as much as noise, odor, debris, and other similar characteristics of land use, and that if not regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties within the community. The provisions of this Chapter are intended to:

(a) Encourage creative and well-designed signs that contribute in a positive way to the Municipality **City of Kent's** visual environment, express local character, and help develop a distinctive image for the Municipality **City of Kent**;

(b) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property;

(c) Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction, or confusion to the public due to the undue proliferation of signs;

(d) Encourage a healthful economic and business environment in the community;

- (e) Limit the height and size of signs to those that are appropriate in scale to the community; and,
- (f) Provide adequate way-finding signage for motorists and pedestrians.
- (g) Reduce visual clutter.
- (h) Minimize the risk of damage and injuries from signs that are structurally unsafe.
- (i) Prevent blight characterized by oversized, overcrowded, abandoned, obsolete, and/or dilapidated signs.
- (j) Protect the public's right to receive information protected by the First Amendment of the United States Constitution.

#### **1165.02 APPLICABILITY**

(a) Generally - Except as otherwise provided in this Section, all signs placed, erected, installed, painted, modified or altered shall conform to the standards set forth in this Chapter and shall require permits in accordance with Section 1165.10 of this Chapter. Erection, modification, alteration, placement, replacement or other action involving a sign that is in any way inconsistent with this Chapter 1165 shall be a violation of the Zoning Code and subject to penalties and remedies as permitted by the Kent Codified Ordinances, *including penalties set forth for Civil Infractions as stipulated in Section 501.13 of the Kent Codified Ordinances.*

(b) Sign Standards - The sign standards provided in this Chapter are intended to apply to signs in each zoning district in the ~~Municipality~~ **City of Kent**. Only signs authorized by this Chapter shall be allowed.

(c) Existing Signs: Continuance - Except as otherwise specifically provided, nothing in this Chapter shall require removal or discontinuance of an existing on-premises or existing off- premises sign. No existing signs shall be enlarged or extended without meeting the requirements of this Chapter and obtaining a Sign Permit. Such nonconforming signs shall not be enlarged or extended and these signs shall be deemed a nonconforming sign under the terms of the Zoning Code.

(d) Nonconforming Signs -

(1) Any legal nonconforming sign, as defined in Section 1165.03, may be continued in use if maintained in accordance with this sub-section. Temporary signs shall not be considered legal, non-conforming signs.

(2) All pre-existing illegal nonconforming signs must be removed in accordance with this sub-section. The Zoning Inspector shall issue an order for the sign to be removed within fifteen (15) days. The cost of removal will be assessed to the property owner. If the property owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to the property owner's tax records.

(3) Any nonconforming sign displayed on the premises shall be removed or brought into conformance with the provision of this Chapter before a permit for a new sign may be issued.

(4) A legal nonconforming sign shall immediately lose its legal nonconforming designation and shall be immediately brought into compliance with this Chapter including obtaining the required permits and approvals as set forth herein. Such signs shall be removed upon any of the following occurrences:

A. The nonconforming sign is structurally altered, enlarged, relocated, or replaced.

B. The nonconforming sign is determined by the Zoning Inspector or the Chief Building Official to be in a dangerous or defective condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.

C. The nonconforming sign face and/or supportive structure is destroyed or damaged in excess of sixty percent (60%) of the combined replacement value of the sign and supportive structure, by any cause.

D. Upon the discontinuance of the present use of property for which the sign was intended for a period of more than ninety (90) days.

(5) A nonconforming sign shall not be moved in whole or in part to any other location unless such sign is made to conform to this Chapter. If an owner is forced to move a nonconforming sign by ~~Municipal~~ **City of Kent**, state, or federal officials for any reason other than enforcement, such sign shall maintain its nonconforming status, but must still adhere to the setback requirements.

(6) Nothing in this section shall prevent the ordinary repair, maintenance, and non-structural alteration of nonconforming signs. Maintaining the nonconforming sign to the exact legal nonconforming design shall be allowed; however, any proposed changes to a nonconforming sign, except for re-facing an existing sign, shall require that the sign be made to conform to the requirements of this Chapter. Re-facing an existing nonconforming sign shall not be considered an alteration as long as the re-facing constitutes an exact replica of the existing sign face. The design, color scheme, translucency, graphics and text font must exactly match those existing.

No structural alterations shall be made in, to, or upon such nonconforming sign, except those required by law to make the sign conform to the requirements of this Chapter.

### 1165.03 DEFINITIONS

(a) The following are definitions of specialized terms and phrases used in this Chapter and as may otherwise be appropriate in the Kent Codified Ordinances:

(1) Abandoned Sign - means any sign that advertises a business, leaser, owner, product, service or activity that is no longer located on the premises where the sign is displayed.

(2) Alteration - means any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

(3) Animated or Moving Sign - means a sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

(4) Awnings and Canopies - means roof-like covers that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

(5) Awning Sign - means any sign copy or logo attached to or painted on an awning.

(6) Banner or Pennant - means any non-rigid cloth, canvas, bunting, plastic, paper, or similar material that is mounted to any structure, staff, pole, line, or framing by a string, rope, wire, or frame at one or more edges. ~~Such signs are typically related to a public demonstration or for the promotion of civic, welfare or charitable enterprises. National, State or municipal flags and the official flag of any institution or business shall not be considered a banner or pennant.~~

(7) Blade Sign - means a small, pedestrian-oriented sign mounted so that the sign face is perpendicular to the face of the building. A blade sign may be hung beneath a canopy or awning.

(8) Building Frontage, Primary - means that portion of the building frontage that faces the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. ~~A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.~~

- (9) Building Sign – A sign which is affixed or secured to or on any building.
- (10) Changeable Copy Sign - means a sign which displays words, lines, logos, or symbols that can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature signs.
- (11) Channel Letters - means three-dimensional individually cut letters or figures whether or not illuminated, affixed to a structure.
- (12) Copy - means words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
- (13) Double-faced Sign - means a sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.
- (14) Edge of Roof - means on a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three (3) feet above the roof deck, whichever is less.
- (15) Electronic Reader Board Sign Or Electronic Graphics Sign - means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- (16) External Illumination - means the lighting of an object from a light source located a distance from the object.
- ~~(17) Foot Candle (FC) means a quantitative unit measuring the amount of light (illumination) falling onto a given point. One foot candle equals one lumen per square foot. **Renumber all paragraphs accordingly.**~~
- (18) Flashing Sign - means a sign that contains an intermittent or sequential flashing light source.
- (19) Freestanding Sign - means any sign not affixed to a building. Freestanding signs may be permanent or temporary (**i.e. pylon signs, cantilever signs, signs on wheels, etc.**).
- (20) Gasoline Pump Sign - means a temporary sign affixed to a gasoline pump. The sign may be affixed to the top or side of the pump itself or to the structure surrounding the pump. The signage may also be attached to the gasoline hose.
- (21) Height of Sign: For the purpose of this Chapter, the height of a sign shall be measured from the ground elevation directly under the entire width and length of a

sign to the top of the sign's face or supporting structure (whichever is higher). ~~No portion of the sign shall exceed the maximum height permitted.~~

(22) Inflatable Device - means an object that is blown up with air or gas.

(23) Internally Illuminated Sign - means a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

(24) Joint Identification Sign - means a sign which serves as a common or collective identification for two or more uses located within the same building, or which share a common wall, or for two or more buildings located within a jointly used area, provided the buildings are in close proximity to one another.

(25) Monument Sign - means a permanent, freestanding sign where the entire bottom of the sign is either affixed to the ground or raised not more than one (1) foot above the ground. A monument sign may not be attached to a building.

(26) Multiple Tenant Building - means a development consisting of two or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.

(27) Neon Sign - means a glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

(28) Nonconforming Sign - means any sign lawfully erected and maintained prior to the effective date of this Chapter, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its size, height, location, design, or construction is no longer in conformance with the regulations of this Chapter.

(29) Nonresidential District - means any of the following zoning districts: Neighborhood Commercial District (N-C), Commercial – High Density Multifamily Urban Residential (C-R), Commercial – Downtown (C-D), Commercial (C), Intensive Commercial – Residential (IC-R), Industrial (I), Light Industrial (LI), Industrial Research and Office (I-R), University (U), and Open Space – Recreation (O-R).

(30) Off-Premise Sign - means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the lot or premises on which the sign is located.

(31) On-Premise Sign - means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the lot or premises on which the sign is located.

(32) Permanent Sign - means a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

(33) Pole Sign - means a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is ten feet or more above finished grade.

(34) Projecting Sign - means a sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.

(35) Residential District - means any of the following zoning districts: Low Density Residential (R-1), Medium Density Residential (R-2), High Density Residential (R-3), Extended High Density Residential (R-3A), Multifamily Residential (R-4), and High Density Multifamily Urban Residential – Commercial (R-C).

(36) Roof Sign - means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the highest point of building with a flat roof, the eave line of a building with gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

(37) Sandwich Board Sign - means a sign that is not affixed to a structure or the ground **that can be and is brought inside at the close of business.** ~~A sandwich board sign shall be considered a temporary, freestanding sign for purposes of this Chapter.~~

(38) Sign - means an object, device display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination, or projected image. Unless otherwise noted, the term “sign” includes both on-premises and off-premises signs.

(39) Sign Area, Allowable - means the entire area within a perimeter defined by a continuous line composed of right angles which enclose the extreme limits of lettering, logo, trademark, or other graphic representation, together with any frame or structural trim forming an integral part of the display used to differentiate the sign from the background against which it is placed.

(40) Sign Height - means the vertical distance from the uppermost point of the sign to the finished grade immediately below the base of the sign, including all base and/or other mounting material.

(41) Temporary Sign - means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. Examples of temporary signage include banners, sandwich



board signs, gasoline pump signs, and political signs. Changeable copy may be used on temporary signs.

(42) Three-Dimensional Signs - means signs that have a depth or relief on their surface greater than six inches.

(43) Vehicle Sign - means a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

(44) Wall Sign - means a sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

(45) Window Area - means the area shall be computed by calculating each window pane or panel. The area shall be separate for each building face, and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six (6) inches apart.

(46) Window Sign - means a sign (~~temporary or permanent~~), poster, symbol, numerals, or letters, posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is considered a window sign for the purpose of calculating the total area of all window signs.

#### 1165.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

(a) Signs in Public Rights-of-Way - Except as provided, no sign shall be placed or deposited within any public right-of-way or on any tree, pole, post, meter, or similar object located within the public right-of-way. Under no circumstance may any signs that are permitted in the right-of-way interfere with vehicular or pedestrian visibility. **Signs in the right-of-way interfering with vehicular sight distance and visibility** are prohibited unless they fall under subsection (1) below.

(1) The following signs may be installed in the public rights-of-way without a Sign Permit:

- A. Signs conforming to the Manual of Uniform Traffic Control Devices;
- B. Signs required by a state or federal statute;
- C. Signs required by an order of a court of competent jurisdiction;
- D. Public directional and safety signs, including signs installed by the City of Kent for a public purpose.

(2) Blade signs attached to a building may project a maximum of forty inches over a public right-of-way provided the lowest part of the sign is at least eight feet but no more than fifteen feet above the pedestrian thoroughfare and provided said sign has received a Sign Permit from the Zoning Inspector.

(b) Sign Coverage - Letters may not occupy more than seventy-five percent (75%) of any sign panel.

(c) Measurement of Sign Area -

(1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles.

(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area unless it too contains advertising lettering, materials or symbols.

(3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point. Only one face of an identical double-faced sign shall be measured when determining maximum allowable area.

(4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane.

(5) Regardless of their spacing, the letters forming a word or name shall be considered a single sign. The area of such a sign shall be measured as provided in this Chapter.

(d) Measurement of Sign Height - The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location of the crown of the nearest public street providing access; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

(e) Alterations - No sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Chapter. The repainting of signs shall not be deemed to be an alteration within the meaning of this Chapter.

(f) Sign Maintenance - Signs and supporting hardware shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, exposed lighting sources or wires, falling parts, or broken and missing parts are evidence that a sign is in a state of disrepair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

(g) Notice to Repair - When the Zoning Inspector determines that such a sign exists in a state of disrepair, the Zoning Inspector shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action. Any party receiving such notice may appeal the notice to the Board of Zoning Appeals in accordance with Chapter 1109 of the Zoning Code. If such an appeal is not filed within fifteen (15) days of the date on which the notice is sent, persons receiving the notice shall be responsible for repairing the sign or otherwise bringing it into conformance with this Chapter. The repair work shall be accomplished within thirty (30) days of the date of the notice, unless the person undertaking the work files a request with the Zoning Inspector for an extension. If such request shows diligence and good faith such as ordering materials or signing a contract with a contractor, the Zoning Inspector shall grant an extension of thirty days for completion of the work. If an appeal is filed in accordance with the Board of Zoning Appeals, the time for performance shall be delayed until resolution of the appeal. If the Zoning Inspector finds that the lack of repair constitutes a danger to persons or to property other than that of those persons receiving the notice, the Zoning Inspector shall so state in the notice and the ~~Municipality~~ **City of Kent** may seek immediate relief under the Building Code or under the laws of public nuisance.

(h) Sign Removal or Replacement - When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.

(i) Sign Attachment and Support - No sign shall be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, gasoline pump or hose, or public shelter, nor shall such sign be painted or drawn upon rocks or other natural features.

(j) Changeable Copy Signs - Manual or electronic changeable copy signs shall be permitted on permanent freestanding signs, temporary signs, sandwich board signs and building signs only. Manual copy signs shall comprise no more than thirty percent (30%) of the total area of the sign. The changeable copy portion of the sign will contribute toward the maximum sign area. The Architectural Review Board may allow signs with a changeable copy area of up to sixty (60) percent of the total area of the sign.

**(1) Sign must not have animation, no scrolling, flashing, must not revolve or oscillate;**

**(2) Sign brightness should adjust as ambient light levels change;**

(3) **Sign messages must remain in place for at least seconds (six (6) seconds;**

(4) **Sign message changes must take place in less than two (2) seconds; and**

(5) **Signs must have a default message in case of malfunction.**

(k) Illumination – No sign shall be illuminated in a manner which causes the lighting of the sign to be directed onto the public right-of-way in a manner where the lighting distracts or creates a safety hazard for traffic. Sign lighting shall also be controlled in a manner where it does not direct intense light into residential areas.

#### **1165.05 PERMANENT SIGNS**

(a) **SIGNS IN ALL RESIDENTIAL AND O-R DISTRICTS (BUT EXCLUDING R-C):**

(1) **Small Scale Conditionally Permitted Uses (i.e. home occupations, bed and breakfasts, etc.):** The Planning Commission may permit signage for small scale conditional uses in a zoning district as part of the review of the Conditional Zoning Certificate for the use. The Commission shall determine that the proposed sign is compatible with the proposed use as well as the surrounding area and that the proposed sign does not present a threat or impairment to public safety. If the proposed use is in a residential zoning district, the sign may not be illuminated. Under this provision, one (1) sign may be permitted on the building with the maximum area of the sign not to exceed four (4) square feet.

(2) **Larger Scale Conditionally Permitted Uses (i.e. churches, hospitals, schools, etc.):** When a Conditionally Permitted Use is required by the zoning code to provide twenty (20) or more parking spaces on the site or if the size of the site exceeds one (1) acre, the Planning Commission may permit up to two (2) signs on the site as part of the review of the Conditional Zoning Certificate for the use.

Such signs shall be reviewed and approved by the Architectural Review Board and be determined to be compatible with the development as well as the surrounding area and that the proposed signage does not present a threat or impairment to public safety. The following additional requirements shall apply:

A. Maximum Number: Two (2). ~~Only one (1) of the signs may be a monument sign.~~

B. Permitted Type Placement: Building or Monument Sign.

C. Maximum Area: The total area permitted for just one sign shall not exceed twenty-five (25) square feet. If two signs are permitted, the total area for the sum of both signs shall not exceed fifty (50) square feet. In the

case of the latter, the Commission may permit one sign to be larger than twenty-five (25) square feet as long as both signs combined do not exceed fifty (50) square feet.

- D. Minimum Setback from Street Right-of-Way Line: Ten (10) feet.
- E. Maximum Monument Sign Height: Eight (8) feet from ground to top of sign.
- F. Temporary or Special Event Signs shall be permitted subject to the provisions of Section 1165.06 of this Chapter.

(3) Signage related to the operation of a "roadside stand". Such signage shall relate to the sale of items produced on the premises. Such signage shall not be illuminated and shall be removed at the end of seasonal sales.

- A. Maximum Number: One (1).
- B. Permitted Type Placement: Building, Monument or Pole Sign.
- C. Maximum Area: Twenty (20) square feet.
- D. Minimum Setback from Street Right-of-Way: Ten (10) feet.
- E. Maximum Pole or Monument Sign Height: The maximum height of a Monument Sign shall be eight (8) feet from ground to top of sign. The maximum height of a Pole Sign shall be fifteen (15) feet.

(4) Entry Signage to a residential development (qualifying as a Major Subdivision) or consolidated single family, two family or multifamily development with 10 or more units of housing.

- A. Maximum Number: One per entry at a public street intersection.
- B. Permitted Type Placement: Monument Sign.
- C. Maximum Area: The maximum size of each sign permitted shall not exceed forty (40) square feet.
- D. Minimum Setback from Street Right-of-Way: Ten (10) feet, except when placed at the intersection of two public streets or one public street and a private driveway, where such setback shall comply with other restrictions governing obstructions at corners. The City may direct the actual placement of such signs in a manner where they do not negatively affect sight distance and public safety.

E. Maximum Monument Sign height: Eight (8) feet from ground to top of sign.

(b) SIGNS IN R-C AND U DISTRICTS

(1) **Small Scale Conditionally Permitted Uses (i.e. home occupations, bed and breakfasts, etc.):** The Planning Commission may permit signage for small scale conditional uses in a zoning district as part of the review of the Conditional Zoning Certificate for the use. The Commission shall determine that the proposed sign is compatible with the proposed use as well as the surrounding area and that the proposed sign does not present a threat or impairment to public safety.

If the proposed use is in a residential zoning district, the sign may not be illuminated. Under this provision, one (1) sign may be permitted on the building with the maximum area of the sign not to exceed four (4) square feet.

(2) **Larger Scale Conditionally Permitted Uses (i.e. churches, hospitals, schools, etc):** When a Conditionally Permitted Use is required by the zoning code to provide twenty (20) or more parking spaces on the site or if the size of the site exceeds one (1) acre, the Planning Commission may permit up to two (2) signs on the site as part of the review of the Conditional Zoning Certificate for the use.

Such signs shall be reviewed and approved by the Architectural Review Board and be determined to be compatible with the development as well as the surrounding area and that the proposed signage does not present a threat or impairment to public safety. The following additional requirements shall apply:

A. Maximum Number: Two (2). ~~Only one (1) of the signs may be a monument sign.~~

B. Permitted Type Placement: Building or Monument Sign.

C. Maximum Area: The total area permitted for just one sign shall not exceed twenty-five (25) square feet. If two signs are permitted, the total area for the sum of both signs shall not exceed fifty (50) square feet. In the case of the latter, the Commission may permit one sign to be larger than twenty-five (25) square feet as long as both signs combined do not exceed fifty (50) square feet.

D. G. Minimum Setback from Street Right-of-Way Line: Ten (10) feet.

E. H. Maximum Monument Sign Height: Eight (8) feet from ground to top of sign.

F. I. Temporary or Special Event Signs shall be permitted subject to the provisions of Section 1165.06 of this Chapter.

(3) Entry Signage to a residential development (qualifying as a Major Subdivision) or consolidated single family, two family or multifamily development with 10 or more units of housing.

A. Maximum Number: One per entry at a public street intersection.

B. Permitted Type Placement: Monument Sign.

C. Maximum Area: The maximum size of each sign permitted shall not exceed forty (40) square feet.

D. Minimum Setback from Street Right-of-Way: Ten (10) feet, except when placed at the intersection of two public streets or one public street and a private driveway, where such setback shall comply with other restrictions governing obstructions at corners. The City may direct the actual placement of such signs in a manner where they do not negatively affect sight distance and public safety.

E. Maximum Monument Sign height: Eight (8) feet from ground to top of sign.

(c) SIGNS IN C, IC-R AND C-R DISTRICTS

(1) A church, school, community center, institution or other public or quasi-public building may have signage which publicizes the name of the facility. Such sign may have an announcement or bulletin board attached to it.

A. Maximum Number: One (1). The Planning Commission, at its discretion, may permit a second sign at the applicant's request as part of a Conditional Zoning Permit review and approval when such sign is determined to be compatible with the development and the surrounding area and does not present a threat or impairment to public safety.

B. Permitted Type Placement: Building, ~~or~~ Monument **or Pole** Sign.

C. Maximum Area: Fifty (50) square feet, except when the Planning Commission permits a second sign, the total maximum area of all signs shall not exceed one hundred (100) square feet.

D. Minimum Setback from Street Right-of-Way: Ten (10) feet

E. Maximum Monument Sign or Pole Sign Height: Eight (8) feet from ground to top of **Monument Sign** and **fifteen (15) feet from ground to top of Pole Sign**.

(2) Signage related to the advertisement of a business or service conducted on the premises. Such signage shall be of permanent construction and installation.

A. Maximum Number: ~~One (1) per each street right-of-way on which the property abuts, but not to exceed two in total on the site.~~ **Two (2).**

B. Permitted Type Placement: Building, Pole or Monument mounting Sign.

C. Maximum Area: The total combined area of all signage permitted on the site shall not exceed one hundred (100) square feet.

D. Minimum Setback from Street Right-of-Way: **Ten (10) feet for Monument Sign or Pole Sign.**

E. Maximum Monument Sign or Pole Sign Height: ~~Twenty (20) feet for pole signs and eight (8) feet for monument signs.~~ **Eight (8) feet from ground to top of Monument Sign and fifteen (15) feet from ground to top of Pole Sign.**

F. Temporary, special event signage related to the advertisement of a business or service conducted on the premises as permitted under Section 1165.06 of this Chapter.

G. Exceptions for multiple tenant buildings and large sites: See Section 1165.08 of this Chapter.

(3) Entry Signage to a residential development (qualifying as a Major Subdivision) or consolidated single family, two family or multifamily development with 10 or more units of housing.

A. Maximum Number: One per entry at a public street intersection.

B. Permitted Type Placement: Monument Sign.

C. Maximum Area: The maximum size of each sign permitted shall not exceed forty (40) square feet.

D. Minimum Setback from Street Right-of-Way: Ten (10) feet, except when placed at the intersection of two public streets or one public street and a private driveway, where such setback shall comply with other restrictions governing obstructions at corners. The City may direct the actual placement of such signs in a manner where they do not negatively affect sight distance and public safety.



E. Maximum Monument Sign height: Eight (8) feet from ground to top of sign.

(d) SIGNS IN C-D AND N-C DISTRICT.

(1) General Requirements:

A. Except as provided for in Subsection ~~(3)~~ **(C)** hereof, the maximum area of all signs shall be limited to fifty (50) square feet.

B. As part of the maximum permitted sign area, a business may erect the following types of signs:

(i) No more than one (1) Wall Sign.

(ii) No more than one (1) Projecting **Sign or Blade Sign**. Projecting **and Blade** signs shall be exempt from the requirement of 1165.09 (a)(1).

(iii). No more than one (1) ~~permanent~~ Window Sign.

C. Additional signage beyond that permitted by Subsections (1) and (2) hereof shall be permitted if any of the following conditions are met:

(i) If a business has a secondary customer entrance facing a public street or alley, an additional Wall ~~or projecting~~ Sign not exceeding ~~thirty-two (32)~~ **twelve (12)** square feet in area **or Blade Sign not exceeding six (6) square feet** shall be permitted.

(ii) If a business has a secondary customer entrance from a parking lot, an additional Wall ~~or projecting~~ Sign not exceeding thirty-two (32) square feet in area **or Blade Sign not exceeding six (6) square feet** shall be permitted.

(iii) Any use located on a floor other than at street level shall be permitted one (1) window sign not to exceed fifteen (15) square feet, provided however, that if such use is one of several uses served by one entrance, all uses shall be identified by one (1) common wall or window sign not to exceed twenty-five (25) square feet.

D. Permanent freestanding signs shall not be permitted in the "C-D" and "N-C" Districts.

E. All new signage and any existing signage which is to be modified in size, shape, form, display material or face replacement shall comply with any design requirements and their governing ordinances if and when adopted by the

City of Kent. No sign shall be installed or modified as just described and no zoning permit shall be issued unless a Certificate of Appropriateness has been issued by the Architectural Review Board - See Chapter 1120 of the Kent Codified Ordinances. In cases where there is a conflict between the requirements of this Chapter and the requirements of the design requirements and their governing ordinances, the provisions of the design requirements and their governing ordinances shall apply.

(2) Requirements for Specific Types of Signs:

A. The maximum sign area for a Projecting Sign shall be twelve (12) square feet. The maximum horizontal or vertical dimension shall be four (4) feet provided that no part of the sign shall extend nearer than one (1) foot to a curb line. The lowest point of any part thereof shall be at least ten (10) feet above a sidewalk or other walkway.

~~B. Permanent Window signs, which shall be any window sign displayed for more than thirty (30) days, shall have a maximum area not greater than twenty five percent (25% 20%) of the total Window Area of the space occupied by the activity. Temporary window signs must be attached to the inside of the window and may be displayed for thirty (30) days or less. The total area of permanent and temporary signage shall not exceed the maximum sign area or twenty five percent (25%) of the total window area of the space occupied by the activity, whichever is less.~~

C. Temporary or special event signage shall be permitted subject to the provisions of Section 1165.06 of this Chapter.

(e) SIGNS IN I-R AND I DISTRICTS

(1) A church, school, community center, institution or other public or quasi-public building may have signage which publicizes the name of the facility. Such sign may have an announcement or bulletin board attached to it.

A. Maximum Number: One (1). The Planning Commission, at its discretion, may permit a second sign at the applicant's request as part of a Conditional Zoning Permit review and approval when such sign is determined to be compatible with the development and the surrounding area and does not present a threat or impairment to public safety.

B. Permitted Type Placement: Building, or Monument or Pole Sign.

C. Maximum Area: Fifty (50) square feet, except when the Planning Commission permits a second sign, the total maximum area of all signs shall not exceed one hundred (100) square feet.

D. Minimum Setback from Street Right-of-Way: Ten (10) feet.

E. Maximum Monument Sign or Pole Sign Height: Eight (8) feet from ground to top of **Monument Sign and fifteen (15) feet from ground to top of Pole Sign.**

(2) Signage related to the advertisement of a business or service conducted on the premises. Such signage shall be of permanent construction and installation.

A. Maximum Number: ~~One (1) per each street right-of-way on which the property abuts, but not to exceed two in total on the site.~~ **Two (2), but only one sign can be a Pole Sign.**

B. Permitted Type Placement: Building, ~~pole or Monument mounting or Pole Sign.~~

C. Maximum Area: The total combined area of all signage permitted on the site shall not exceed one hundred (100) square feet.

D. Minimum Setback from Street Right-of-Way: **Ten (10) feet.**

E. Maximum Monument Sign or Pole Sign Height: **Eight (8) feet from ground to top of Monument Sign and fifteen (15) feet from ground to top of Pole Sign.** ~~Twenty (20) feet for pole signs and eight (8) feet for monument signs.~~

F. Temporary, special event signage related to the advertisement of a business or service conducted on the premises as permitted under Section 1165.06 of this Chapter.

G. Exceptions for multiple tenant buildings and large sites: See Section 1165.08 of this Chapter.

## 1165.06 TEMPORARY SIGNS

(a) Residential Districts - Temporary signs, other than those utilized by uses covered under Section 1165.06(a)(1), (2), or (3) in this Chapter are prohibited in residential zoning districts. For those uses covered under Section 1165.05 (a)(1), (2), (3), or (4), the provisions set forth in Section 1165.06 (b)(1-13) shall apply. In addition, the following types of signs and displays are permitted in residential zoning districts and do not require zoning or sign permits:

(1) Political advertising signs as regulated in **Section 1165.11(c)(4)** this Chapter.

(2) Displays noting the celebration of a special family event such as a birthday, anniversary, birth of a child or similar event shall conform to the following standards as well as the other applicable standards of this Chapter and the Kent Codified Ordinances:

A. Such signs and displays may not be utilized for more than three (3) consecutive days.

B. Such signs may not be offensive by displaying profane language, or nudity.

(3) Signs advertising garage or yard sales as regulated by Chapter 769 of the Kent Codified Ordinances.

(4) Temporary signs may not be placed in or on top of vehicles.

(5) Electronic, changeable copy is prohibited on temporary signs.

(b) Non-Residential Districts - Temporary signs in non-residential districts shall conform to the following standards as well as the other applicable standards of the Codified Ordinances:

(1) **Political advertising signs as regulated in Section 1165.11(c)(4).**

(2) **Maximum Number** -

A. On lots of five (5) acres or less, no more than one (1) **temporary** sign is permitted at once.

B. On lots of five (5) acres or more, **or with three (3) or more businesses**, no more than two (2) **temporary** signs are permitted at once. ~~The use of the two signs must run concurrently with each other and be included under the same Temporary Sign Permit.~~

(3) **Permitted Type** - Temporary Freestanding Signs, Wall Signs, and **Banners and Pennants** are the only type of temporary signs permitted.

(4) **Maximum Area** – Temporary Signs shall not exceed forty (40) square feet in area.

(5) **Minimum Setback from Street Right-of-Way Setbacks** – **Except for the C/D zoning district**, Temporary Signs shall be located no closer than **ten (10) fifteen (15)** feet from the public right-of-way line.

(6) **Maximum Height** – Temporary Signs shall be no more than six (6) feet in height.

(7) **Display period** – For Each Temporary Sign **permitted, a business or other entity may not display the Temporary Sign** ~~may not be displayed~~ for more than forty-five (45) days per lot in a six month period. **Further, any Temporary Sign that is not exempted by any other provision within the Zoning Code and advertises for a business, corporation, or any other entity that is not a charity, non-profit, or government entity must also be located on the lot where the business, corporation or any other entity that is not a charity, non-profit, or government entity functions, conducts business, is located, and/or owns.**

(8) **Mounting brackets and posts** - All materials used to anchor the Temporary Sign, including mounting brackets and posts, shall be removed when the Temporary Sign is removed.

~~(7) **Illumination** – Signs shall only be illuminated using internal lighting.~~

(9) **Permit requirements** - Unless otherwise stated, all temporary signs in nonresidential districts require a Temporary Sign Permit which shall be obtained before the sign is installed. The fee for the Temporary Sign permit shall be doubled if the permit is not obtained prior to installation.

(10) Temporary signs may not be placed in or on top of vehicles.

(11) **Comprehensive Sign Plan** – On sites where a Comprehensive Sign Plan has been approved by the Planning Commission, the provisions of the approved plan shall supersede subsections 1165.06 (b) (1-9) above.

(12) **Removal** – Temporary signs shall be removed within **two (2) one (1)** calendar days from the expiration day of the temporary sign permit issued for the sign. The display or use of the sign or its support structure beyond the expiration of the permit is prohibited and shall constitute a violation of the ordinance and be subject to enforcement under Section 1165.99 of this Chapter.

(13) Electronic, changeable copy is prohibited on temporary signs.

## 1165.07 STANDARDS FOR SPECIFIC SIGN TYPES

(a) **Awning and Canopy Signs** - Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied and shall meet the following conditions:

(1) **Location** - Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.

(2) Extension - Such signs shall not extend more than three (3) feet from the face of the building to which they are attached.

(3) Minimum clearance - A minimum clearance of ten (10) feet shall be maintained above sidewalks.

(4) Setbacks - The awning shall comply with the same setbacks established for the building.

(5) Copy - The copy on an awning sign shall not exceed fifty (50) percent of the sign's total area.

(6) Illumination - Internal illumination is prohibited.

(b) Blade Signs -

(1) Location - Blade signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.

(2) Height above finished grade - The lowest point of a blade signs shall be at least eight (8) feet but no more than fifteen (15) feet above finished grade. Blade signs shall not extend vertically above the roof line.

(3) Sign structure - Sign supports and brackets shall be compatible with the design and scale of the sign. Brackets and/or hardware for the sign may not extend more than four inches from the outside face of the sign.

(4) Square footage - A maximum of six (6) square feet will be allowed.

(5) Illumination - Internal illumination is prohibited.

(c) Banner or Pennant Signs - Banner or Pennant Signs are Temporary Signs and subject to the following conditions:

(1) Maximum Number – **Banner and Pennant Signs are subject to the same number requirements as any other Temporary Sign governed by 1165.06(b)(2).** ~~No more than one (1) banner may be displayed on the property at any one time.~~

(2) Maximum Area and Height - The maximum area and height of the Banner or Pennant Sign shall not exceed that allowed for a Permanent Wall Sign in the applicable zoning district.

(3) Permits per year – **Banner and Pennant signs are subject to the same display periods as any other Temporary Sign governed by 1165.06(b)(7).** ~~No site will be issued more than two (2) temporary Banner or Pennant Sign permits per year, with each permit being limited to a 45-day period.~~

(4) The Banner or Pennant Sign shall not be displayed above the roof line of any structure.

(5) The Banner or Pennant Sign shall be safely secured to a building, structure, **pole, framing**, or stake. If a stake or structure is used, the stake or structure must be removed at the time the banner is removed.

(6) The Banner or Pennant Sign shall have ventilated faces to reduce wind load if the banner is more than five (5) feet in length.

(d) Freestanding Signs -

(1) Posts - Pylon signs shall not have posts with a diameter greater than twelve (12) inches. Posts may not be higher than two (2) feet above finished grade and no more than two (2) posts may be used. The height of the posts will be included in the maximum height permitted for the sign.

(2) Base material of Monument Signs - The base of monument signs shall be brick, stone, or stucco. The exposed base of a monument sign may not exceed two (2) feet in height. The height of the base will be included when calculating the height of the sign.

(3) Cantilever signs - The post used to anchor cantilever signs shall be wood or another natural material such as brick or stone.

(4) Landscaping - Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. Landscaping is not required on temporary, freestanding signs.

(5) Location - The sign must be located along frontage adjoining a public street.

(6) Setbacks - The front setback for freestanding signs shall be **ten (10)** ~~twenty five (25)~~ feet from the public right-of-way line unless otherwise stated. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

(e) Joint Identification Signs -

(1) Type. Primary and secondary freestanding joint identification signs must be monument signs.

(2) Setbacks - The front setback for freestanding joint identification signs shall be ~~ten (10) fifty (50)~~ feet from the public right-of-way. The sign must also meet the side yard setback for the applicable zoning district unless otherwise stated.

(f) Sandwich Board Signs -

(1) Zoning districts where permitted - Sandwich Board signs are only permitted in Neighborhood – Commercial (N-C) and Commercial – Downtown (C-D) zoning districts.

(2) Maximum area and height - Such signs shall be not more than four (4) feet high and three (3) feet in width. There shall be no more than two (2) sides to such sign.

(3) Illumination - Sandwich Board signs shall not be illuminated.

(4) Use during operating hours - The sign shall be taken inside the establishment when the business closes each night and shall not be placed outside again until the business opens each morning. Three (3) or more violations of this provision during any sixty day (60) period shall be grounds for the ~~Municipality~~ **City of Kent** to suspend or revoke the right of the violator to have a sandwich board sign.

(5) Placement - The sign shall be located directly in front of the business establishment and within ten (10) feet of the principal public entrance to the establishment. The sign shall be placed in a manner where it does not obstruct the public sidewalk or present a danger or hazard to the public. The City may order the relocation or removal of such signs which are considered hazardous or a danger to the public.

(6) Permit requirements - A permit is not required.

(g) Wall Signs -

(1) Location - All wall signs shall be mounted on the building which houses the establishment advertised by such signs, except as otherwise specifically authorized by this Zoning Code. Such signs shall be located on or along a wall of such a building which faces a street, parking lot, or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher.

(2) Projection from wall - All wall signs shall be parallel to the wall on which they are installed. The sign shall not project above the edge of the roof of the structure and from the surface upon which it is attached more than twelve (12) inches in a non-residential district. In a residential district, a wall sign shall not project more than three (3) inches.



(3) A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.

(h) Window Signs - Window Signs are permitted in any non-residential zoning district and do not require a Sign Permit. However, **unless further restricted in this Chapter**, all window signs shall meet the following conditions:

(1) Number - No more than one (1) ~~permanent or temporary~~ Window Sign is permitted per window.

(2) Surface Coverage - Window Signs may not be larger than twenty-five percent (25%) **of each of the** ~~aggregate~~ Window Area.

(3) Illumination - Window **Signs** may be illuminated internally.

#### **1165.08 ADDITIONAL SIGNAGE PROVISIONS FOR MULTIPLE TENANT BUILDINGS AND LARGE SITES**

(a) In addition to the signage requirements stated throughout this Chapter, the following additional provisions shall be applicable to properties where more than a single tenant or use occupies a site or property (multiple tenant buildings), or where the use of the regulations stated herein is impractical for large sites exceeding three (3) acres in size:

(1) In the event that a site qualifies under Section 1165.08 (a) of this Chapter, the property owner (or his designee), on behalf of the tenants, may submit a Comprehensive Sign Plan as provided for in Section 1165.12 of this Chapter.

#### **1165.09 PROHIBITED SIGNS**

(a) Prohibited Signs - The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and are prohibited in all zoning districts:

(1) Signs within any public right-of-way unless specifically authorized under Section 1165.04(a).

(2) Air actuated attraction devices.

(3) Roof signs.

(4) Signs advertising goods or services not sold on the premises.

**1165.10 SIGN PERMITS**

(a) Sign Permits Required - To ensure compliance with the regulations of this Chapter, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are do not require permits consistent with the requirements of Sections 1165.04(a)(1), **1165.06(a)(1), (2), and (3)** and 1165.11.

A Sign Permit is also required for the lighting of new or the relighting of existing signs. Granting of a Sign Permit from the Zoning Inspector does not constitute a building permit, and any sign subject to the provisions of the Ohio Building Code, shall also be required to submit the appropriate information needed for review under the Ohio Building Code. The applicant will be required to obtain a Building Permit when required by the Ohio Building Code prior to installation.

(b) Review Authority - The Zoning Inspector will review all Sign Permit applications within the Municipality City of Kent. If the Zoning Inspector grants a Sign Permit with conditions, the Zoning Inspector shall state the conditions in writing, with citations to relevant sections of this Chapter. The applicant shall sign a statement acknowledging the conditions set forth by the Zoning Inspector. If the Zoning Inspector denies a permit application, the Inspector shall do so in writing and state in writing the reason for denial, with citations to relevant sections of this Chapter or other provisions of the Codified Ordinances. The applicant may appeal the decision of the Zoning Inspector as provided in Chapter 1109 of the Zoning Code.

(c) Information Required - Applicants for a Sign Permit must submit the following information. Incomplete applications will be denied.

- (1) Color sign rendering.
- (2) Site plan and elevations.
- (3) Sign dimensions and dimensions of sign mounting material, where applicable.
- (4) Building façade dimensions, where applicable.
- (5) Distance of sign from all public rights-of-way.
- (6) Style, type, wattage, and location of all lighting.
- (7) Landscaping plan for freestanding signs.
- (8) List of construction materials, including sign mounting material, where applicable.

(d) Criteria for Approval - The Zoning Inspector shall approve a Sign Permit if the proposed sign conforms to all applicable requirements of this Chapter. In areas where a review is required by the Architectural Review Board, a Certificate of Appropriateness shall be issued before the Zoning Permit for the sign(s) can be given by the Zoning Inspector. Permits for signs installed as part of an approved Comprehensive Sign Plan shall not be issued until such Plan has been approved by the Planning Commission and the Architectural Review Board.

#### 1165.11 SIGNS NOT REQUIRING PERMITS

(a) Signs Exempt from Regulations - Any sign located entirely inside a building and not visible from the public right-of-way or from private property other than the property on which such sign is located shall be entirely exempt from regulation under this Chapter.

(b) Permanent Signs Allowed in Any District without a Permit and Not Included in Dimensional Limitations - Sign Permits shall not be required for the signs listed herein. These signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (1) Signs conforming to the Ohio Manual of Uniform Traffic Control Devices;
- (2) Signs required by a state or federal statute or agency;
- (3) Signs required by an order of a court of competent jurisdiction;
- (4) One (1) wall sign on or over a window or door not exceeding one (1) square foot in area.
- (5) **Directional signs not to exceed three (3) square feet in area.**
- (6) **Residential name plates not to exceed four (4) square feet in area.**
- (7) **Signs advertising the lease or sale of a property. Such signs are limited to a maximum size of six (6) square feet per sign and may not be located in the public right-of-way. One of these signs is permitted per front yard (i.e. corner lots may have two such signs – one per street frontage). Such signs cannot be affixed to the exterior of buildings.**

(c) Temporary Signs Allowed without a Permit -

- (1) Official and legal notices required by a court or governmental agency.
- (2) Temporary signs in residential areas as enumerated in Section 1165.06(a) of this Chapter.

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- (3) Seasonal outside table umbrellas.
- (4) Political signs so long as all of the following requirements are met:
- A. No more than one (1) sign per candidate or issue permitted per every one hundred (100) feet of lot frontage,
  - B. No more than thirty (30) days prior to and five (5) days after an election,
  - C. No more than nine (9) square feet in maximum area,
  - D. No more than six (6) feet in maximum height, and
  - E. Signs shall not be placed on or over public property or right-of-ways.
- (5) One sign denoting the architect, engineer, or contractor when placed upon work under construction. Such sign shall not exceed twelve (12) square feet in area.

*Flag section*

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*1* (6) National Flags, State Flags, municipal flags, and the official flag of any charitable, non-profit, or public sector entity shall be exempt from all City of Kent sign regulations. One corporate flag shall also be exempt from these sign regulations so long as all of the following conditions are met:

- 1* A. The corporate flag is flown in conjunction with the flag of the United States of America, State of Ohio, or City of Kent;
- 2* B. The corporate flag is no larger than the flag of the United States of America, State of Ohio, or City of Kent with which it is being flown in conjunction; AND
- 3* C. The corporate flag is less than sixteen (16) square feet.

**1165.12 COMPREHENSIVE SIGN PLANS**

(a) Purpose - A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Chapter.

(b) Applicability - The approval of a Comprehensive Sign Plan shall be required when three (3) or more non-exempt signs are proposed for a new or existing development or if a joint identification sign is proposed.

(c) Approval Authority - The Planning Commission must approve a Comprehensive Sign Plan prior to issuance of a Sign Permit by the Zoning Inspector. Such request and approval shall be treated as a Conditionally Permitted Use in the zoning district in which it is permitted. The Architectural Review Board shall review and approve all Comprehensive Sign Plans prior to review by the Planning Commission.

(d) Application Requirements - An application for a Comprehensive Sign Plan shall include all information and materials required in Section 1165.10 (c), the payment of the standard application fee required for a Conditional Zoning Permit and the filing fee set by Council. In addition to the submission requirements set forth in 1165.10 (c), the following additional information shall be submitted at the time of application:

(1) A statement by the property owner which may be submitted through the property manager, indicating the manner in which the property owner will enforce compliance with the approved comprehensive sign program by both the owner and the tenants on the site.

(2) Acknowledgement that a copy of the Comprehensive Sign Plan approval will be provided by the property owner / property manager to each existing tenant and any new tenants.

(3) A statement identifying the time period for which the use of the signage to be covered by the Plan is to cover. A Comprehensive Sign Plan approval may not be granted for a period exceeding ten (10) years.

**(4) When a Comprehensive Sign Plan expires (or up to one (1) year prior to the expiration), the property owner must reapply for a new Comprehensive Sign Plan.**

**A. If in the opinion of the Community Development Department Director there are no substantial changes in the Comprehensive Sign Plan, the Plan may be approved administratively pursuant to standards developed by the Community Development Department.**

**B. All other Comprehensive Sign Plans must be approved as a new filing according to statute.**

(e) Standards - A Comprehensive Sign Plan shall comply with the following standards:

(1) The Planning Commission may allow signage which otherwise exceeds the number, type, size and placement as otherwise permitted in this Chapter when it

determines that such additional signage is warranted due to the size, nature, number of tenants or other features of the site as they may exist.

(2) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign plan, to the structures and/or developments they identify, and to surrounding development;

(3) The Plan shall accommodate future revisions that may be required because of changes in use or tenants; and

(4) That the Plan is consistent with the Design Guidelines that may be applicable to a designated area as may be identified in Chapter 1121 of the Kent City Zoning Code. In areas of the City not governed by the Design Guidelines identified in Chapter 1121, the Plan, to the degree feasible, shall comply with the recommended Sign Design Guidelines set forth in Appendix B of the Zoning Code.

(f) Revisions to Comprehensive Sign Programs - The Zoning Inspector may approve the substitution of sign panels provided the panels are the same size as those being replaced and meet the all the requirements of Chapter 1165. If additional signage is proposed or if any aspect of the original Comprehensive Sign Plan is modified with the exception of sign panels, approval from the Planning Commission is required.

(g) Performance Guarantee – The property owner shall provide the City of Kent with a Cash Deposit of \$250.00 at the time that the Zoning Permit for the approved Comprehensive Sign Plan is issued. This guarantee shall be provided to ensure compliance with the approved Plan for the duration of the approval or until such signage is removed. The Planning Commission may set a higher amount (as permitted by law) for the guarantee in situations where the applicant has previous committed documented actions of non-compliance with the provisions of this Chapter.

(1) Assignment / Transfer – In the event that the property transfers ownership during the timeframe of the approved Plan, the previous property owner to whom the Plan approval was granted may either assign the Cash Deposit in favor of the new property owner or request that the Cash Deposit be returned as stipulated below:

A. Assignment – The selling property owner may designate in writing to the City that ~~he~~ **the property owner** is assigning the Cash Deposit previously submitted to the City, to the new property owner and that the benefit of the Cash Deposit, including its refund may be made to the new property owner.

Such written designation shall also include a signed statement from the new property owner indicating that ~~they have~~ **the new property owner has** received a copy of the approved Plan and agree to comply with it, unless ~~they submit~~ **the**

**new property owner submits** and receive approval for a revised Comprehensive Sign Plan.

B. Refund - The selling property owner may request a refund of the Cash Deposit previously submitted to the City. Such request must be made in writing and identify the name, address and contact information of the new property owner. In order for the refund to be issued, the Cash Deposit must still be in place (not forfeited by non-compliance), the site must be in compliance with the approved Plan at the time of refund, and a new Cash Deposit be provided to the City by the new property owner. The new property owner shall also include a signed statement from the new property owner indicating that ~~they have the new property owner has~~ received a copy of the approved Plan and ~~agree~~ **agrees** to comply with it, unless ~~they submit and receive the new property owner submits and receives~~ approval for a revised Comprehensive Sign Plan.

(h) Non-Compliance with Approved Plan - In the event that property owner and/or any of the tenants at the property fail to comply with the provisions of the Comprehensive Sign Plan, the City shall take any or all of the following actions against the property owner of the subject property.

(1) The City will issue not more than one (1) written warning per calendar year advising that the property is in violation of the approved Comprehensive Sign Plan and that they have seven (7) calendar days from the date of the letter to resolve the violation.

(2) In the event that the property owner does not comply with the written warning provided in subsection (1) above, or is found to have more than one (1) violation per calendar year (resolved or unresolved), or is found to have more than three (3) violations during the approved Plan period (resolved or unresolved), the Cash Deposit will be forfeited to the City. The forfeiture will be noted through a written notice from the City to the property owner sent by Certified Mail documenting the incidents of non-compliance. The property owner may appeal such notice within seven (7) calendar days by filing a written application with the City's Board of Zoning Appeals using the standard zoning appeal process provided in Chapter 1109. In the event that no appeal is filed and/or an appeal is unsuccessful, the City shall deposit the forfeited funds in the appropriate City account.

(3) In the event of noncompliance as described by subsection (2) above, the Planning Commission, upon the request of the Community Development Department, may consider the revocation of the Comprehensive Sign Plan and Conditional Zoning Permit under which it was approved in accordance with Section 1107.08

In the event that the approval of the Plan is subsequently revoked due to non-compliance, the property owner shall have thirty (30) calendar days to remove the

signage from the property or submit a new application for a Comprehensive Signage Plan.

(4) Any other penalties provided for within the Kent Codified Ordinances, including penalties for civil infractions as set forth in Section 501.13 of the Kent Codified Ordinances.

~~(i) Expiration of Plan Approval: At the expiration of the approval (use) period applicable to an approved Comprehensive Sign Plan, the property owner / agent may submit a new Comprehensive Sign Plan for review and approval or seek an extension for the existing Plan subject to the review and approval of the Planning Commission (and Architectural Review Board. Such requests shall be processed as a new application for a Comprehensive Sign Plan, and the Planning Commission may grant, modify or refuse to approve new applications or requests for extensions.~~

### **1165.13 ABANDONED SIGNS**

(a) Abandonment Defined - If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

(1) Any sign associated with the abandoned nonconforming use.

(2) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) days.

(b) Determination of Abandonment - When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, the Zoning Inspector shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Board of Zoning Appeals as provided in Chapter 1109 of the Kent Zoning Code.

(c) Right to Remove - If the sign is not removed as ordered, the sign may be removed by the ~~Municipality~~**City of Kent** at the expense of the lessee or owner. If the ~~Municipality~~**City of Kent** is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

### **1165.14 SUBSTITUTION OF MESSAGES FOR A PUBLIC USE**



Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this Chapter (i.e. Amber alerts, community announcements, etc.).

#### 1165.15 SEVERABILITY

(a) Generally - If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Chapter shall be considered independent, valid, and enforceable.

(b) Severability Where Less Speech Results - Without diminishing or limiting in any way the declaration of severability set forth in Section 1165.15(a), or elsewhere in this Chapter, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Chapter shall be considered independent, valid, and enforceable.

(c) Severability of Provisions Pertaining to Prohibited Signs - Without diminishing or limiting in any way the declaration of severability set forth in Section 1165.15(a) and (b), or elsewhere in this Chapter, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 1165.09 of this Chapter.

Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter 1165 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter 1165. It is intended that if any part, section, subsection,

paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Chapter shall be considered independent, valid, and enforceable.

(d) Severability of Prohibition on Signs Bearing Off-premise Commercial Messages

- If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter and/or any other provisions of the Zoning Code or the Codified Ordinances are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on signs bearing off-premises commercial messages as contained herein. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Chapter shall be considered independent, valid, and enforceable.

**1165.99 VIOLATIONS, PENALTIES, AND REMEDIES**

Any person, firm or corporation violating any requirement or prohibition of this Chapter shall be considered in violation of the Zoning Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Inspector, shall render such person, firm or corporation subject to the penalties provided for within this Chapter and any other applicable Sections of the Kent Codified Ordinances, including penalties set forth for civil infractions as stipulated in Section 501.13 of the Kent Codified Ordinances.

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CHAPTER 1111  
ZONING AMENDMENTS

1111.01	Council May Amend	1111.02	Initiation of Amendments
1111.03	Contents of Application	1111.04	Action By Planning Commission
1111.05	Action By City Council		

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**1111.01 COUNCIL MAY AMEND**

Council may, from time to time, amend by ordinance the number, shape, area of districts on the Zoning Districts Map as well as any part of the written regulations set forth within the text of this Zoning Ordinance.

**1111.02 INITIATION OF AMENDMENTS**

Amendments to the Zoning Text and/or the Zoning Districts Map may be initiated by:

- (a) Motion of the Planning Commission, or
- (b) Adoption of a resolution by the Board of Zoning Appeals (with certification to the Planning Commission), or
- (c) Adoption of a resolution by City Council (with certification to the Planning Commission), or
- (d) Filing of an application to City Council by one or more property owners within the area proposed to be changed or affected by the proposed amendment to the Zoning Ordinance, or
- (e) Recommendation by City Staff.

**1111.03 CONTENTS OF APPLICATION FOR AMENDMENT**

Applications for amendments to the Zoning Ordinance shall include the following, as applicable:

**CITY OF KENT, OHIO ZONING CODE  
CHAPTER 1111  
ZONING AMENDMENTS**

Page 1111 - 2

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(a) For all applications, regardless of whether they are text amendments or zoning map amendments:

(1) If application is initiated under Section 1111.02(d), application shall be submitted on forms made available by the Community Development Department.

(2) If application is initiated under Section 1111.02(d), the fee as specified in Section 1312.01(c)(2) of the Kent Codified Ordinances. Payment of the fee is not refundable.

(3) Any and all information required by the Community Development Department and this Chapter of the Kent Zoning Code.

(b) In addition to the requirements set forth in 1111.03(a), for applications involving the amendment of the City's Zoning Map including the amendment of zoning district boundary lines and/or the creation of new zoning districts:

(1) In the event that the applicant is not the owner of the property / properties to be rezoned, and if the application is initiated under Section 1111.02(d), the applicant shall provide evidence of written authorization from the property owner(s) of the properties involved in the amendment that they have been authorized to pursue the map amendment or change on behalf of the property owner(s).

(2) A clear delineation on a map showing property lines, tax map, survey or other document which describes the parcel(s) to be included in the proposed amendment.

(3) A written description of the proposed amendment, including a specific indication of how the zoning map is to be amended, including but not limited to a description of the current zoning classification(s) of the properties to be amended, the proposed classification(s) of the properties to be amended and how the proposed rezoning does not constitute "spot" zoning.

(4) A written description of how the proposed amendment is consistent with any City Master Land Use Plan or other approved City plan as well as how the proposed change is beneficial to the subject property / properties, how the proposed change is beneficial to the City and surrounding neighborhood and how the proposed change will not negatively impact the surrounding neighborhood.

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CHAPTER 1111  
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(5) If the application is initiated under Section 1111.02(d), a list of current property owners within and contiguous to and directly across the street from any part of the defined area to be amended or 500 feet from such area, whichever is greater, as well as the addresses of such owners which shall be those that appear on the County Auditor's Tax List or the Treasurer's mailing list.

(6) If the application is initiated under Section 1111.02(d), a certified copy of each and every tax map page used to obtain the list of names of the property owners being submitted.

(c) In addition to the requirements set forth in 1111.03(a), for applications involving the amendment of the text of the Zoning Code, including amendments to existing chapters or the creation of new chapters:

(1) A statement of the proposed text change in the regulations set forth in this Zoning Ordinance. This statement should reference the specific Section(s) of the existing code which are proposed to be amended along with the proposed wording to be added, modified or deleted as part of the amendment.

(2) A written description of how the proposed amendment is consistent with any City Master Land Use Plan or other approved City plan as well as how the proposed change is beneficial to the City and other land uses within the City.

**1111.04 ACTION BY PLANNING COMMISSION**

Upon its own initiative or upon or upon initiation of an application for amendment as provided in Section 1111.02 of this Chapter, the Planning Commission shall consider the proposed amendment along with any supporting documentation provided by the applicant both in writing and in written or oral testimony provided at the public hearing for the proposed amendment. The Commission shall also consider any other written or oral testimony presented during the public hearing, as well as any written documents submitted to the City prior to the public hearing which are related to the proposed amendment. The public hearing shall be conducted in the following manner:

(a) Public Hearing: The Planning Commission shall hold at least one public hearing to consider a proposed amendment to this Zoning Ordinance. Each public hearing shall be publicized in the following manner:

(1) In all cases, by one publication of the time and place of such hearing in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing date. Such notice shall include a statement that opportunity shall be afforded to any person interested to be heard.

**CITY OF KENT, OHIO ZONING CODE  
CHAPTER 1111  
ZONING AMENDMENTS**

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(2) Written notice of hearings pertaining to the amendment of a zoning district(s) on the Zoning District Map shall be mailed by the Zoning Inspector by certified mail at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from any part of the defined area to be amended or 500 feet from such area, whichever is greater.

The addresses of such owners shall be those that appear on the County Auditor's Tax List or the Treasurer's mailing list. The notice shall include an indication to such owners of the change in zoning to be considered by the Commission at the hearing on the proposed amendment.

(3) The applicant shall post a sign advertising the proposed project, the date and time of the initial Public Hearing. The sign shall be provided to the applicant by the Community Development Department and shall be posted at the site not less than seven (7) days prior to the date of the initial Public Hearing. The posting shall be placed in as conspicuous place as possible so as to be visible from the street.

(b) Recommendation: Within twenty (20) days of the public hearing, the Planning Commission shall make its recommendation on the proposed amendment. In no case shall the Commission be allowed more than sixty (60) days from the date of certification, or a time period acceptable to the parties involved, to render such a recommendation. All recommendations, regardless of their content shall be submitted to City Council in writing. No amendment shall be acted upon by City Council until the Commission has submitted its report and recommendation to City Council.

#### **1111.05 ACTION BY CITY COUNCIL**

Upon receipt of a recommendation from the Planning Commission, City Council shall consider the proposed zoning amendment application together with any supporting documentation forming a part of or referred to in such proposed amendments. The Clerk of Council shall, upon receipt of such recommendation from the Planning Commission regarding the proposed amendment shall set a time for a public hearing on such proposed amendment which date shall not be more than ~~sixty (60)~~ **ninety (90)** days from the date of the receipt of such recommendation from the Planning Commission. Notice of such hearing shall be publicized in the following manner:

(a) In all cases, by one publication of the time and place of such hearing in a newspaper of general circulation in the City at least thirty (30) days prior to the hearing date. Such notice shall include a statement that opportunity shall be afforded to any person interested to be heard.

**CITY OF KENT, OHIO ZONING CODE  
CHAPTER 1111  
ZONING AMENDMENTS**

(b) If the proposed amending ordinance intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first class mail, at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by Council.

(c) Access to Records: During the thirty (30) days subsequent to giving notice of the public hearing, the file containing all pertinent information related to the application for amendment, including any maps, plans or documents related to the proposed amendment shall be maintained on file, for public examination, in the City of Kent Community Development Department.

(d) Action by Council: Within thirty (30) days after the public hearing, City Council shall adopt the proposed amendment by a majority vote. Any vote that is less than a majority for approval shall be deemed as denial of the requested change. If the amendment adopted by City Council violates, differs from or departs from the recommendation submitted by the Planning Commission, it shall only take effect if it is approved by at least three-fourths (3/4) of the membership of Council.

TO: Dave Ruller, City Manager

CC: Linda Jordan, James Silver, Bill Lillich, Bridget Susel

FROM: Eric Fink, Assistant Law Director

RE: Planning Commission's Motion to Modify Zoning Code Regarding Driveways

Pursuant to KCO 1111.04, the Planning Commission held a public hearing on April 16, 2013 to consider modifying the zoning code in such a matter that would permit driveways with "turn-arounds," "bump-outs," and side entry garages.<sup>1</sup> After reviewing the concerns of staff and the public comment, the Planning Commission adopted the following recommendation to City Council:

**Modify the Kent Traffic Code as follows:**

Presently: 351.15(A)

- (1) "Driveway" means an improved area used as a means of ingress and egress, not exceeding twenty-four feet in width and being of equal width from the traveled portion of the public or private road right of way to the terminus of the improved area, provided that such driveway shall not occupy over forty percent (40%) of the total required front yard on the lot.

Replace with: 351.15(A)

- (1) "Driveway" shall be defined in accordance with the City's Zoning Code.

**Amend "KCO 1103.03 – Definitions" by inserting the following language in the appropriate alphabetic location:**

Driveway: The improved area used as a means of ingress and egress, from the public or private road right of way to the terminus of the improved area.

**Amend "KCO 1161 – Supplementary Regulations" by adding KCO 1161.27**

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<sup>1</sup> Please note the Planning Commission only has authority to recommend changes to the zoning code. The proposed change includes a change to the KCO 351. Planning Commission has no authority to recommend this change and, as such, does not require action from City Council. The inserts to KCO 1103 and 1161, however, do require action.



1161.27 – Driveways are governed by the following regulations:

- (A) Driveways may not exceed twenty-four (24) feet in width and must be of equal width from the traveled portion of the public or private road right of way to the terminus of the improved area
- (B) In all residential zoning districts (R-1, R-2, R-3, R-3A, and R-4), driveways shall not exceed forty percent (40%) of the total required front yard on the lot.
- (C) An applicant may seek a variance from the City of Kent Board of Zoning Appeals to install or alter a driveway not in conformance with the KCO 1161.27(A) and/or (B).
- (D) An applicant may seek a zoning permit from the Community Development Department if the applicant is only seeking to expand the width of the driveway at the terminus only in order to service a multi-car garage.
- (E) In R-1 and R-2 Zoning Districts only, an applicant may seek a zoning permit from the Community Development Department if the applicant is only seeking to install a “bump-out” or “turn-around” in the applicant’s driveway.
- (F) The Community Development Department is not obligated to grant such a zoning permit requested under KCO 1161.27(D) or (E) and shall review applications in accordance with any standards set forth by the Community Development Director. If an application is denied, the applicant may seek a variance from the City of Kent Board of Zoning Appeals.

**PURPOSE OF THESE CHANGES:**

- (1) Modifying KCO 351.15 as described will not prevent the police from doing their job of enforcing the prohibition against front yard parking if the definition for a driveway is maintained elsewhere in the code.
- (2) Inserting the language in 351.15 and adding KCO 1161.27(A) and (B) will keep the original driveway definition in the code.
- (3) These changes will permit anyone who wants to have a driveway not be of equal width from road right-of-way to terminus to seek a variance from the Board of Zoning Appeals. Currently, there is no mechanism to permit this to occur. This is particularly important to narrow driveways servicing two-car garages and wider driveways servicing three-car garages or for driveways servicing side-entry garages.
- (4) These changes will permit anyone who wants to have a “bump-out” or “turn-around” in their driveway a mechanism to apply for same.
- (5) These changes will allow certain (perhaps, less controversial) changes to be handled administratively by the Community Development office (similar to minor site-plan reviews).



# CITY OF KENT, OHIO

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## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: August 1, 2013  
TO: Dave Ruller, City Manager  
FROM: Bridget Susel, Community Development Director  
RE: Fire Suppression / Alarm Permit Fee Schedule Adjustment

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The City of Kent implemented an update building permit fee schedule which went into effect on January 1, 2013. The new fee structure changed the amount charged for all permit categories and allowed the City to charge rates that were in the median range when compared to permit fees charged by other communities in this region.

The new fee schedule has worked well, but two recent large commercial projects involving residential units has brought to light that the amount of .05 per square foot used when calculating the cost of a fire suppression alarm permit can generate a permit cost that is on the higher end, when compared to other communities.

I am requesting time at the August 7, 2013 Committee session to discuss this item with Council and to request Council authorization to reduce the .05 per square foot figure used in calculating the permit fee to .03 per square foot in order to make the total cost for a fire suppression alarm permit less cost prohibitive.

Please let me know if you need additional information in order to add this item to the agenda.

Thank you.

Cc: Jim Silver, Law Director  
Linda Jordan, Clerk of Council  
Building Department



# City of Kent

## Fire Suppression/Alarm Permit Application

### Residential Permits (1, 2, or 3 Family Structures)

	<u>Fee Due</u>
New Construction (empty parcel) -----	\$100.00 + .05 per sq. ft. per residential unit
Addition (attached or unattached) -----	\$50.00 + .05 per sq. ft. per addition
Repair (within existing structure footprint) -----	\$50.00 per residential unit

### Commercial Residential (Residential in nature but not 1, 2, or 3 Family Structures)

New Construction (empty parcel) -----	\$150.00 + .05 per sq. ft. per residential unit
Addition (attached or unattached) -----	\$100.00 + .05 per sq. ft. per residential unit
Repair/Remodel (within existing structure footprint) -----	\$50.00 per residential unit
Suppression Equipment (Hood, Hood Suppression, etc) -----	\$100.00 each

### Commercial (Non-Residential)

New Construction (empty parcel) -----	\$150.00 + .05 per sq. ft. per structure
Addition (attached or unattached) -----	\$100.00 + .05 per sq. ft. per structure
Repair/Remodel (within existing structure footprint) -----	\$50.00 + .05 per sq. ft. per structure
Suppression Equipment (Hood, Hood Suppression, etc) -----	\$100.00 each

Subtotal: \_\_\_\_\_

1% Residential or 3% Commercial Residential/Commercial: \_\_\_\_\_

### Plan Review Fees (Typically only Commercial Residential/Commercial)

3 or less plan reviews (not hours) .....	\$75.00 per hour	Fee calculated
4 or more plan reviews (not hours) .....	\$250.00 per hour	after plan review
Fire Department Plan Review/Inspection Fee .....	\$100 per permit issued	_____

**Total Due at Time of Permit Issuance:** \_\_\_\_\_

**Reinspection Fees** – Based on the CBO’s determination, reinspection fees are charged for reinspections not due to the normal progress of the job. You will be billed at a later date if applicable.

Residential: \$50.00 per inspection    Commercial/Commercial Residential: \$100/dwelling unit/inspection

Job Address: \_\_\_\_\_

Type of Property:    \_\_\_\_\_ Residential                      \_\_\_\_\_ Commercial Residential                      \_\_\_\_\_ Commercial

Sq. ft. of project    \_\_\_\_\_                      Estimated Cost of Construction:    \_\_\_\_\_

OBC Use Group    \_\_\_\_\_                      OBC Const. Type    \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_  
*if different*

Contractor: \_\_\_\_\_

Job Description: \_\_\_\_\_

\_\_\_\_\_  
*Homeowner/Representative or Contractor's Signature*

\_\_\_\_\_  
*Printed as signed*

\_\_\_\_\_  
*Date*

**KENT CITY PLANNING COMMISSION  
BUSINESS MEETING  
AUGUST 6, 2013**

**COUNCIL CHAMBERS  
KENT CITY HALL  
325 S. DEPEYSTER STREET  
7:00 P.M.**

**A G E N D A**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. READING OF PREAMBLE**

**IV. ADMINISTRATION OF OATH**

**V. CORRESPONDENCE**

**VI. OLD BUSINESS**

- A. PC13-012 CITY OF KENT  
Zoning Code Text Amendment  
Chapter 1167-Site Access, Parking & Loading**

**The applicant is seeking review of the proposed zoning code text amendment to Chapter 1167 to amend the number of required parking spaces and to clarify other elements of this chapter.**

- 1) Public Hearing**
- 2) Planning Commission Discussion/Action**

- B. PC13-014 CITY OF KENT  
Zoning Code Text Amendment  
Chapter 1103-Temporary Structures**

**The applicant is seeking review of the proposed amendments to Section 1103.03, to clarify allowable timeframe for Temporary Structures in the Kent City Zoning Code.**

- 1) Public Hearing**
- 2) Planning Commission Discussion/Action**

**VII. NEW BUSINESS**

- A. PC12-028      ART & HEART GALLERY  
aka - THE CRUCIBLE  
707 S. Water Street  
Conditional Zoning Certificate & Site Plan Review**

**The Planning Commission is being asked to review the Conditional Zoning Certificate and Site Plan for the tattoo/body piercing business for non-compliance of the previously approved site. The Commission may modify the conditions or revoke the site plan approval.**

- 1)      Public Hearing**
- 2)      Planning Commission Discussion/Action**

**VIII. MEETING MINUTES:      JULY 16, 2013**

**IX. OTHER BUSINESS**

**X. ADJOURNMENT**



# CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

**DATE:** July 31, 2013  
**TO:** Kent City Planning Commission  
**FROM:** Jennifer Barone, PE, Development Engineer  
**RE:** Staff Report for the August 6, 2013 Planning Commission Meeting

The following items appear on the agenda for the August 6, 2013 Planning Commission meeting:

## **OLD BUSINESS**

CASE NO: PC13-012

APPLICANT: CITY OF KENT

REQUESTED ACTION: The proposed Zoning Code Text Amendment is being forwarded to the Commission for review and comment.

APPLICABLE CODE SECTIONS: Chapter 1167 of the Kent Codified Ordinances.

### ANALYSIS:

#### UPDATE:

This item was tabled at the July 16, 2013 meeting because staff had not provided the proposed language.

#### PROJECT DESCRIPTION:

In continuation of the Zoning Code update, Section 1167 - Site Access, Parking and Loading is being presented for review. Staff compared the parking space requirements with other local communities and found that our current numbers are fairly consistent with others. A chart is being added to more easily identify the requirements.

#### RECOMMENDATION:

The Planning Commission may forward a favorable recommendation to Kent City Council that the zoning code parking language be amended. The following language may be used:

In continuation of the Zoning Code update, Section 1167 - Site Access, Parking and Loading is being presented for review. Staff compared the parking space requirements with other local communities and found that our current numbers are fairly consistent with others. A chart is being added to more easily identify the requirements.

**RECOMMENDATION:**

The Planning Commission may forward a favorable recommendation to Kent City Council that the zoning code parking language be amended. The following language may be used:

I move that in Case PC13-012, the Planning Commission recommends to Council to amend zoning code Chapters 1167 Site Access, Parking and Loading to modify the required number of parking spaces and to clarify other elements in regard to this chapter.

**List of Enclosures for this Project:**

1. The proposed code language amendments for Chapters 1167.

**CASE NO:**

**PC13-014**

**APPLICANT:**

**CITY OF KENT**

**REQUESTED ACTION:**

The proposed Zoning Code Text Amendment is being forwarded to the Commission for review and comment.

**APPLICABLE CODE SECTIONS:**

Chapter 1103 of the Kent Codified Ordinances.

**ANALYSIS:**

***UPDATE:***

*At the July 16, 2013 meeting, the Commission was asked if the temporary structure language should be separated into its own section or just modify the existing definition. The Commission's direction was to modify the existing definition.*

***PROJECT DESCRIPTION:***

A situation has arisen that required staff to revisit the definition of Temporary Structure in Section 1103.03. Staff is suggesting altering the definition to more clearly identify the allowable timeframe. Staff has not finalized a recommendation. Enclosed is one possible language change and Hudson's temporary structure section that is more comprehensive.

**RECOMMENDATION:**

The Planning Commission may forward a favorable recommendation to Kent City Council that the zoning code definition language for temporary structure be amended. The following language may be used:

I move that in Case PC13-014, the Planning Commission recommends to Council to amend zoning code Chapter 1103.03 Definitions to modify the definition of a temporary structure.

List of Enclosures for this Project:

1. The proposed code language modification for Chapters 1103.

## **NEW BUSINESS**

<u>CASE NO:</u>	<b>PC12-028</b>
<u>APPLICANT:</u>	<b>Art &amp; Heart Gallery</b>
<u>SITE LOCATION:</u>	707 South Water Street
<u>STATUS OF APPLICANT:</u>	The applicant is leasing the property.
<u>REQUESTED ACTION:</u>	Conditional Zoning Certificate and Site Plan Review and Approval for a tattoo/body piercing business
<u>ZONING:</u>	R-C: High Density Multifamily – Commercial
<u>TRAFFIC:</u>	The site is accessed from South Water Street and East Hall Street.
<u>SURROUNDING LAND USES:</u>	The property is surrounded by commercial uses on the south & west sides and residential on the north and east sides.
<u>APPLICABLE CODE SECTIONS:</u>	Chapters 1113 and 1137 of the Kent Codified Ordinances (KCO).

## ANALYSIS:

### *PROJECT DESCRIPTION:*

This project was approved at the January 8, 2013 Planning Commission meeting with the following conditions.

1. Only one tattoo artist is to be working at any given time.
2. The ingress/egress is to be modified to meet engineering requirements with adjustment to the curb cut, striping of parking spaces and delineation of 'no parking' areas.
3. A raised landscape bed is to be installed around the sign pole.
4. In the case where the storage area is converted to usable space, the applicant is to return to the Planning Commission for approval.
5. The closing time for operating hours is 9:00 pm.
6. Technical Plan Review.



This case has returned to the Commission because the applicant has not complied with the conditions. The applicant has been reminded verbally and in writing to comply or return to the Planning Commission for a change in the conditions.

1. The applicant, Jason Miller, has stated before this Commission on June 18, 2013 during the public hearing for Wendi Koontz & Carlos Gonzales project located at 812-850 South Water Street that he is hiring additional artists. This is a change from the testimony provided on January 8, 2013 where Mr. Miller indicated he would be the only artist.
2. Plans have not been submitted for review depicting how the parking situation will be resolved. Six spaces are required by the code. The applicant requested and was granted a variance from the Board of Zoning Appeals to have 3 spaces. The spaces need to be re-striped so that the vehicles do not back out over the curb onto South Water Street. There is also a question as to whether the parking spaces off of East Hall Street are adequately sized to not impede the sidewalk. The parking layout will need to be adjusted. There is on-street parking available on the north side of East Hall Street.
3. Plans have not been submitted showing a raised landscape bed around the pole sign nor has landscaping been provided.
4. There has been no evidence that the storage area has been converted to usable space. The applicant may be in compliance with this condition.
5. The Crucible (new name for this business) has two different hours listed, noon to 9 pm and noon to 10 pm.
6. Plans have not been submitted for technical plan review.

**RECOMMENDATION:**

Planning Commission may modify the conditions or may revoke the site plan approval.

**List of Enclosures for This Project:**

1. Print out from the website showing hours.
2. Reminder letters dated April 3, 2013 and June 24, 2013.
3. Aerial Topo and Zoning Map.

CC: Bridget Susel, Community Development Director  
Jim Bowling, City Engineer  
Eric Fink, Assistant Law Director  
Heather Phile, Development Planner  
Applicant  
PC Case File



## KENT FIRE DEPARTMENT MONTHLY INCIDENT REPORT JUNE 2013

### FIRE INCIDENT RESPONSE INFORMATION

#### Summary of Fire Incident Alarms

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	38	53	41	278	325	254
Kent State University	3	10	15	39	104	109
Franklin Township	12	16	16	62	98	68
Sugar Bush Knolls	0	0	0	3	0	0
Mutual Aid Given	7	4	4	30	24	25
<b>Total Fire Incident Alarms</b>	<b>60</b>	<b>83</b>	<b>76</b>	<b>412</b>	<b>551</b>	<b>456</b>

#### Summary of Mutual Aid Received by Location

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	1	1	1	5	10	3
Kent State University	0	0	0	1	2	0
Franklin Township	0	1	0	1	4	0
Sugar Bush Knolls	0	0	0	0	0	0
<b>Total Mutual Aid</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>7</b>	<b>16</b>	<b>3</b>

### EMERGENCY MEDICAL SERVICE RESPONSE INFORMATION

#### Summary of Emergency Medical Service Responses

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	168	156	166	1125	1078	1166
Kent State University	12	14	23	149	200	152
Franklin Township	31	51	28	212	225	150
Sugar Bush Knolls	3	1	0	7	7	5
Mutual Aid Given	4	2	4	25	18	12
<b>Total Emergency Medical Service Responses</b>	<b>218</b>	<b>224</b>	<b>221</b>	<b>1518</b>	<b>1528</b>	<b>1485</b>

#### Summary of Mutual Aid Received by Location

	CURRENT PERIOD			YEAR TO DATE		
	2013	2012	2011	2013	2012	2011
City of Kent	0	2	2	17	7	9
Kent State University	0	0	0	0	2	2
Franklin Township	0	0	0	2	7	2
Sugar Bush Knolls	0	0	0	0	0	0
<b>Total Mutual Aid</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>19</b>	<b>16</b>	<b>13</b>

### TOTAL FIRE AND EMERGENCY MEDICAL SERVICE RESPONSE INCIDENTS

	2013	2012	2011	2013	2012	2011
<b>TOTAL FIRE AND EMERGENCY MEDICAL SERVICE RESPONSE INCIDENTS</b>	<b>278</b>	<b>307</b>	<b>297</b>	<b>1930</b>	<b>2079</b>	<b>1941</b>