



City of Kent, Ohio

Office of the City Manager

To: Mayor and Members of Council
From: *SPS*
Suzanne Stemnock, Executive Assistant
Date: November 21, 2016
RE: New Event Road Closure

The City Manager's Office has obtained an application for a special event that requires a street closure not previously approved by Council. The application is for the event, "Kent Potterfest" sponsored by Main Street Kent. This request will take place on July 29, 2017 and is requested due to the high attendance and success of the event previously.

Staff is respectfully requesting Council time to discuss the proposed road closures and seek Council's approval.

Thank you.

APPLICATION FOR SPECIAL EVENT
PARADES, FESTIVALS, CARNIVALS, PUBLIC ASSEMBLIES, ETC.
City of Kent, 319 S. Water Street, Kent, OH 44240

NAME OF EVENT Kent Potterfest
ORGANIZATION SPONSORING EVENT Main Street Kent
APPLICANT NAME Heather Malarcik PHONE 330.677.8000
ADDRESS 138 E. Main St., Ste. 201B Kent, OH 44240

NAMES AND PHONE NUMBERS OF ALL PERSONS WHO ARE IN CHARGE AND/OR WILL BE IN A RESPONSIBLE POSITION DURING THE EVENT:

Heather Malarcik 330.696.9117
Lesley Sickle 330.554.9586

DATE OF EVENT Sat., July 29, 2017 NO. OF PARTICIPANTS 5,000+

REQUESTED PERMIT TIME: Start Set up 10:00 am Start Event 12:00 pm
End Event 9:00 pm End Cleanup 11:00 pm

IF PARADE: STARTING POINT N/A ENDING POINT N/A

USE OF CITY WATER NEEDED? NO

(IF YES, PLEASE EXPLAIN)

USE OF CITY ELECTRIC NEEDED? YES. FROM LIGHT POSTS

(IF YES, PLEASE EXPLAIN)

In addition to the application please submit the following information:

- Attach map to application showing proposed streets to be blocked off for event, and route of parade or race. (May be hand drawn.)
- Proof of Insurance is required before permit can be issued.
- Please attach list of possible vendors/booths to be part of event (food, retail, etc.).

Please submit application for permit at least 30 days in advance, but no sooner than one year in advance. For additional requirements please review Chapter 316 of The Codified Ordinance of the City of Kent. Please be advised that the use of marking paint on City pavement, curbs, sidewalks or other property is prohibited except if purchased at cost from Service Department (330-678-8105).

By signing this application, I am certifying that I have received a copy of the rules and regulations of Chapter 316 of the Codified Ordinances of the City of Kent, and I fully understand that should the permit be approved, it can be revoked if any of the provisions of this Chapter are violated.

Heather Malarcik
Name of Applicant

Heather Malarcik
Signature of Applicant

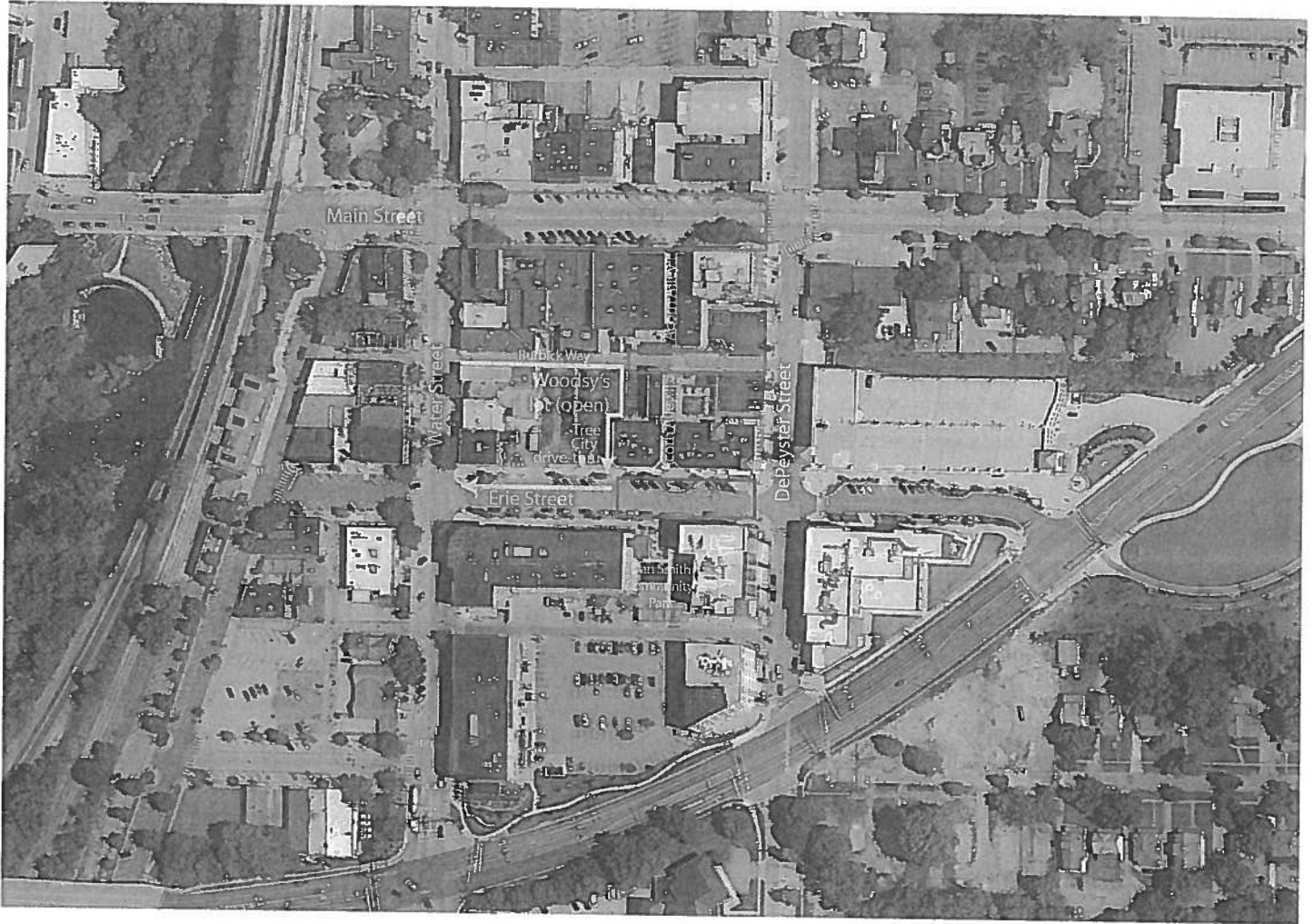
Office Use. Do not write below this line. _____ Sent to:
Safety, Service, Fire, Police, and Health Departments for review and approval
via email on 11/21/16.

MEMORANDUM AGREEMENT YES NO
APPLICATION APPROVED APPLICATION DISAPPROVED

PROOF OF INSURANCE REQUIRED BY ORDINANCE 316.04 HAS BEEN REVIEWED AND APPROVED.

Law Director Date

IF APPLICATION IS APPROVED, PERMIT WILL BE ISSUED BY THE CITY MANAGER.



POTENTIAL VENDORS
2017 KENT POTTERFEST

Contact	Business Name	Email	Business Type
Courtney Cable & Wei Zeng	Cable Creations & Wei Zeng Designs	courtneytara007@gmail.com	metalsmithing & jewelry
Melanie Strohecker	Main Street Decals	melaniestrohecker@gmail.com	HP crafts, mugs, shirts, decals
Miriam Daniel		braveteachermim@gmail.com	magic wands
Dawn Kensingler	County Line Clothing	countylineclothing@gmail.com	shirts, decals, wood signs
Nora Custer	Charmed Crystals & Herbs	nora@noracuster.com	handmade novelties using gemstones, wands, jewelry, sage bundles
Will & Nina	Maiden Moon Apothecary	maidenmoonapothecary@yahoo.com	natural home products; wands; hand screened tees
Todd Zverloff		toddzverloff@yahoo.com	vinyl stickers & wall art
Megan Petras & Katie Terwilliger	AccioDesigns	katie.terwilliger@icloud.com	HP themed posters
Tiffany Jacobs	Blimp City Jewelry & Gifts	tiffanyjacobs61009@gmail.com	tile coasters, framed tiles, lightswitch plates, jewelry, keychains, potion bottles
Kathleen Strawder	Ardently Crafted	ardentlycrafted@gmail.com	HP paper dolls
Denyse Carbonell	Artist at Heart	Denyse21467@yahoo.com	canvas paint class - HP theme
Val Henry	Kent Hogwarts	vhenry@kent.edu	book giveaway, yule ball promotion, craft

* Note: We are considering a few food vendors as well, and will provide those details as plans develop.

Petition to Businesses: Kent Potterfest July 29, 2017 Road Closure

After a very successful Kent Potterfest on Sat., July 30, 2016, Main Street Kent is planning a similar event for Sat., July 29, 2017. Due to the incredible amount of foot traffic created by this event, we feel it is imperative to the safety of event attendees and our community to close two streets for the event:

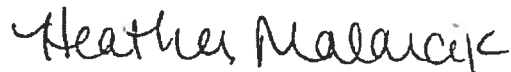
1. E. Main St., from Water St. to Depeyster St.
2. E. Erie St., from the Tree City Coffee drive-thru to Depeyster St.



We realize this may inconvenience some of our business owners; however the event planning committee feels this is necessary to ensure a safe, successful event.

We are asking all business owners to sign this petition in approval of the proposed road closure. This petition will be presented to Kent City Council for approval before moving forward with further planning. Thank you for your cooperation.

Sincerely,



Heather Malarcik
Executive Director
Main Street Kent
330-677-8000
heather@mainstreetkent.org



MAINSTR-61

SOHARE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/17/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Maury, Donnelly & Parr
CONTACT NAME:
PHONE (A/C, No, Ext): (410) 685-4625
FAX (A/C, No): (410) 685-3071
INSURER(S) AFFORDING COVERAGE: American Casualty Co. of Reading, PA NAIC #: 20427

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSD WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Includes rows for Commercial General Liability, Automobile Liability, Umbrella Liab, and Workers Compensation.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Kent is an Additional Insured with respects to the Kent Potterfest on Saturday, July 29th, 2017.

CERTIFICATE HOLDER CANCELLATION

CERTIFICATE HOLDER: City of Kent, 930 Overholt Road, Kent, OH 44240
CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Tara Grim

FROM: Jim Bowling

DATE: December 15, 2016 *S/B*

RE: Firestone Complete Auto Care – License Agreement Request

The Service Department is requesting Council time to review a request from Firestone Complete Auto Care (Firestone) located at 202 E. Main Street to enter into License Agreement that would permit Firestone to store up to two vehicles in the right-of-way.

Firestone has a long history of operation at 202 E. Main Street. During that period it had become a practice of the store to locate customer vehicles in the right-of-way. The vehicles were stored off the sidewalk, which is striped across the property, and in the paved area between the curb and sidewalk. This practice is not permitted in the Kent Codified Ordinances and recent enforcement actions have led Firestone to seek a legal resolution. Firestone has requested the City relocate a trash can so that it can park up to three (3) vehicles in the right of way during normal operating hours, which are Monday thru Friday 7am to 7pm, Saturday 7am to 6pm and Sunday from 9am to 5pm. Cars will not be stored overnight. The Traffic Engineering and Safety committee has reviewed the request and found no safety issues involved with the request and that up to two spots can be provided without relocating City services (trash can). Therefore, a proposed license agreement is attached for Council's review that would permit up to two vehicles to be stored.

Attached is a copy of Firestone's request and the proposed License Agreement.

C: Melanie Baker
Jim Silver
Tom Wilke
Suzanne Stemnock
file

CITY OF KENT, OHIO
LICENSE AGREEMENT

THIS AGREEMENT is made by and between the CITY OF KENT, OHIO, hereinafter called "City" and _____, hereinafter called the "Licensee."

The City is the owner, in fee simple, of land, hereinafter known as the "Property." For and in consideration of the covenants, conditions, agreements and stipulations of the License expressed herein, the City does hereby agree the Property may be used by the Licensee for the purpose as outlined in Part 1 below, in accordance with the laws and Charter of the City of Kent. The Property is more particularly described in the attached exhibits listed below.

Exhibit "A" – Site Plan showing exact area being leased.

The parties hereto covenant and agree as follows:

1. NATURE OF INTEREST:

The Licensee understands that by issuing this license, the City has merely granted the Licensee the right to occupy the right-of-way and this license does not grant or convey to the Licensee any interest in the Property.

2. USE:

2.1 The Property shall be used for the purpose of: parking up to 2 vehicles during normal business hours when Firestone Complete Auto Care is open to the public.
and for no other purpose.

2.2 No structural alterations may be made to the City's property without the express written permission of the City of Kent, Director of Public Service.

3. TERM:

The City does hereby agree the Property may be used by the Licensee for a term of one (1) year commencing on _____, 2017, and ending on _____, 2018 unless terminated earlier by either party. This license will automatically renew yearly unless one (1) month before expiration either party notifies the other of its intention to terminate per Paragraph 14.

4. NECESSARY LICENSES AND PERMITS:

4.1 Licensee shall be licensed to do business in the State of Ohio and City of Kent, and upon request, Licensee shall demonstrate to the City that any and all such licenses are in good standing. Correspondence shall be addressed as follows:

All correspondence to the City shall be addressed:

Service Director
City of Kent
930 Overholt Road
Kent, Ohio 44240

All correspondence to the Licensee shall be addressed:

4.2 Licensee shall secure all necessary permits required in connection with the use of the Property and shall comply with all federal, state and local statutes, ordinances, rules, or regulations which may affect, in any respect, Licensee's use of the Property. Licensee shall, prior to the commencement of any work, obtain and thereafter maintain, at its sole cost and expense, all licenses, permits, etc., required by law with respect to its business use of the Property.

5. **STORAGE AND VENDING:**

No storage of materials or supplies of any nature will be permitted on the Property except as directly related to the agreed business use of the Property.

6. **TAXES:**

Licensee agrees to be responsible for and to timely pay all taxes and/or assessments that may be legally assessed on Licensee's interest, or on any improvements placed by Licensee on said Property, during the continuance of the license hereby created, including any real estate taxes. The Licensee must provide written notice to the City, at the address referenced in Paragraph 4.1, within thirty (30) days of payment of all taxes and/or assessments.

7. **DIRECTOR OF PUBLIC SERVICE TO ACT FOR CITY:**

The granting of this permit shall not be construed as an abridgment or waiver of any rights which the Director of Public Service has in exercising his jurisdictional powers over the City property, easements or right-of-ways. The City Director of Public Service shall act for and on behalf of the City of Kent in the issuance of and carrying out the provisions of this permit.

8. **CITY USE OF PROPERTY:**

If for any reason the Director of Public Service or his duly appointed representative deems it necessary to order the removal, reconstruction, relocation or repair of the Licensee's changes to the City's property, then said removal, reconstruction, relocation or repair shall be promptly undertaken at the sole expense of the Licensee's thereof. Failure on the part of the Licensee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the Director of Public Service deems necessary.

9. **MAINTENANCE OF PROPERTY:**

Licensee shall, at its sole expense, keep and maintain the Property free of all weeds, debris, and flammable materials of every description, and at all times in an orderly, clean, safe, and sanitary condition consistent with neighborhood standards. A high standard of cleanliness, consistent with the location of the area as an adjunct of the City, will be required. Defoliant, noxious, or hazardous materials or chemicals shall not be used or stored on the Property.

10. **MAINTENANCE OF IMPROVEMENTS:**

10.1 Licensee, at Licensee's own cost and expense, shall maintain all of his/her improvements to the Property. Licensee shall take all steps necessary to effectively protect the Property from damage incident to the Licensee's use of such Property, all without expense to the City.

10.2 Licensee shall be liable to, and shall reimburse the City for, any damage to City owned property that in any way results from or is attributable to the use of said Property by the Licensee or any person entering upon the same with the consent of the Licensee, expressed or implied.

11. **HOLD HARMLESS:**

Licensee shall occupy and use Property at its own risk and expense and shall save the City, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person, entering upon same with Licensee's consent, expressed or implied, caused by any acts or omissions of the Licensee.

12. **INSURANCE:**

12.1 At the time of the execution of this Agreement, Licensee shall, at its own expense, take out and keep in force during the terms of this Agreement:

(a) Liability insurance, in a company or companies to be approved by the City to protect against any liability to the public incident to the use of, or resulting from injury to, or death of, any person occurring in or about,

the Property, in the amount of not less than *Five Hundred Thousand Dollars (\$500,000.00)*, to indemnify against the claim of one person, and in the amount of not less than *One Million Dollars (\$1,000,000.00)* against the claims of two (2) or more persons resulting from any one (1) accident.

(b) Property damage or other insurance in a company or companies to be approved by the City to protect Licensee, and the City against any and every liability incident to the use of or resulting from any and every cause occurring in, or about, the Property, including any and all liability of the Licensee, in the amount of not less than *One Hundred Thousand Dollars (\$100,000.00)*. Said policies shall inure to the contingent liabilities, if any, of the Licensee and the City, and shall obligate the insurance carriers to notify Licensee and the City, in writing, not less than thirty (30) days prior to cancellation thereof, or any other change affecting the coverage of the policies. If said policies contain any exclusion concerning property in the care, custody or control of the insured, an endorsement shall be attached thereto stating that such exclusion shall not apply with regard to any liability of the Licensee and the City.

12.2 A copy of the "Certificate of Insurance" will be submitted to the City at the time of execution of license and annually thereafter.

13. **MODIFICATION:**

The terms of this Agreement may be modified upon agreement of the parties.

14. **REVOCAION AND TERMINATION:**

14.1 The City may revoke this license at any time. The Licensee may terminate this Agreement at any time.

14.2 In the event this license is revoked or the Agreement is terminated the Licensee will peaceably and quietly leave, surrender, and yield up to the City the Property. The Property will be restored to its previous condition at the expense of the Licensee and no costs for removal will be reimbursed by the City.

14.3 Upon revocation of the license or upon termination or expiration of Agreement, any personal property, or other appurtenances, including all footings, foundations, and utilities, placed on the City property will be removed by Licensee. If any such appurtenances are not so removed after ninety (90) days written notice from the City to the Licensee, the City may proceed to remove the same and to restore the Property and the Licensee will pay the City, on demand, the reasonable cost and expense of such removal and restoration.

15. RELOCATION:

A Licensee who licenses property from the City shall not be eligible for relocation payments.

IN WITNESS WHEREOF, this Agreement has been executed in duplicate by the parties hereto as of the date herein last written below. Licensee acknowledges receipt of a copy of this Agreement and agrees to comply with the provisions herein contained.

LICENSEE(S):

Signature

Signature

Mailing Address

Telephone

Date

CITY OF KENT, OHIO

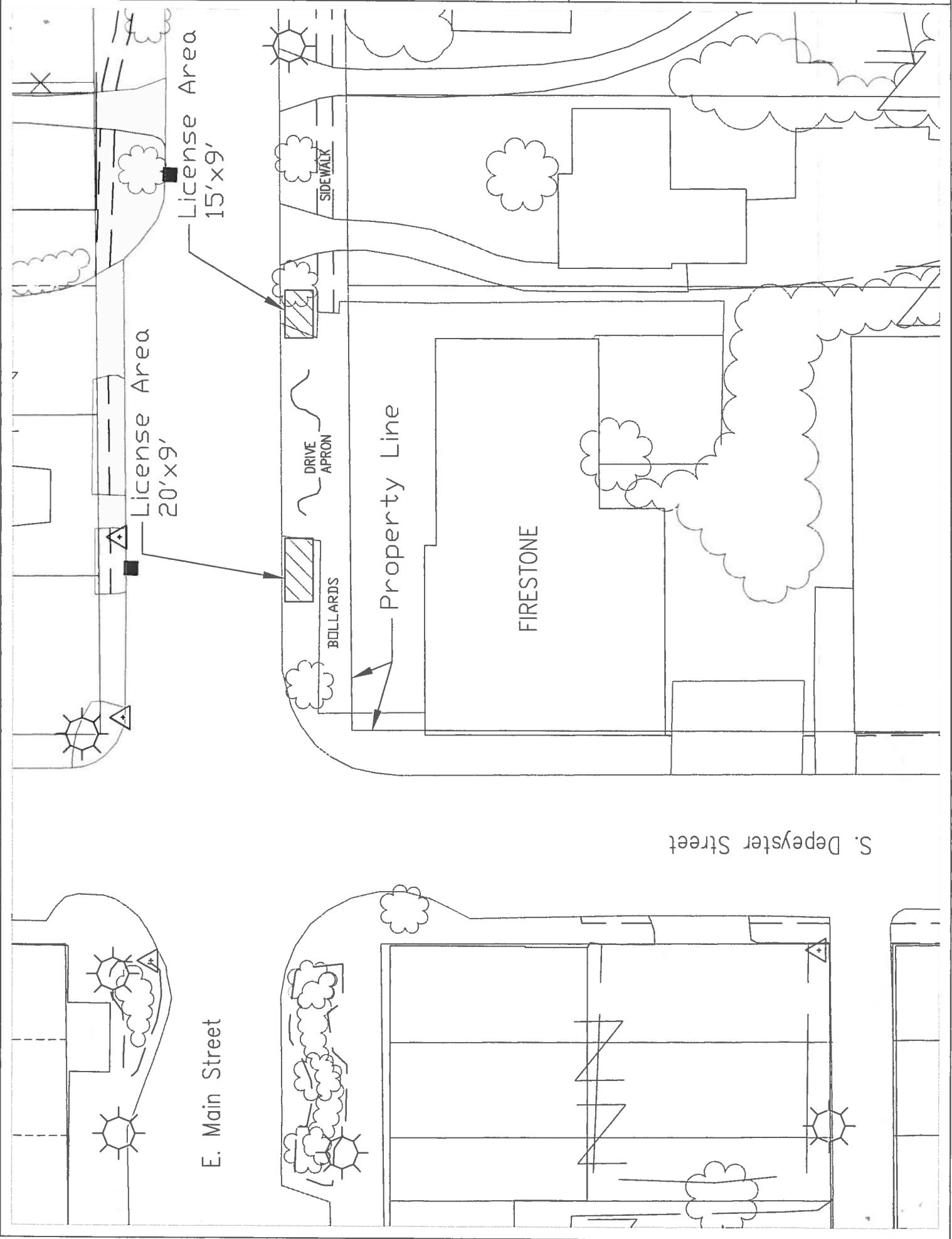
Director of Public Service

Date

APPROVED AS TO FORM:

James R. Silver, Law Director
City of Kent

EXHIBIT "A"
SITE PLAN



RECEIVED

OCT 13 2016

COMMUNITY DEVELOPMENT
CITY OF KENT

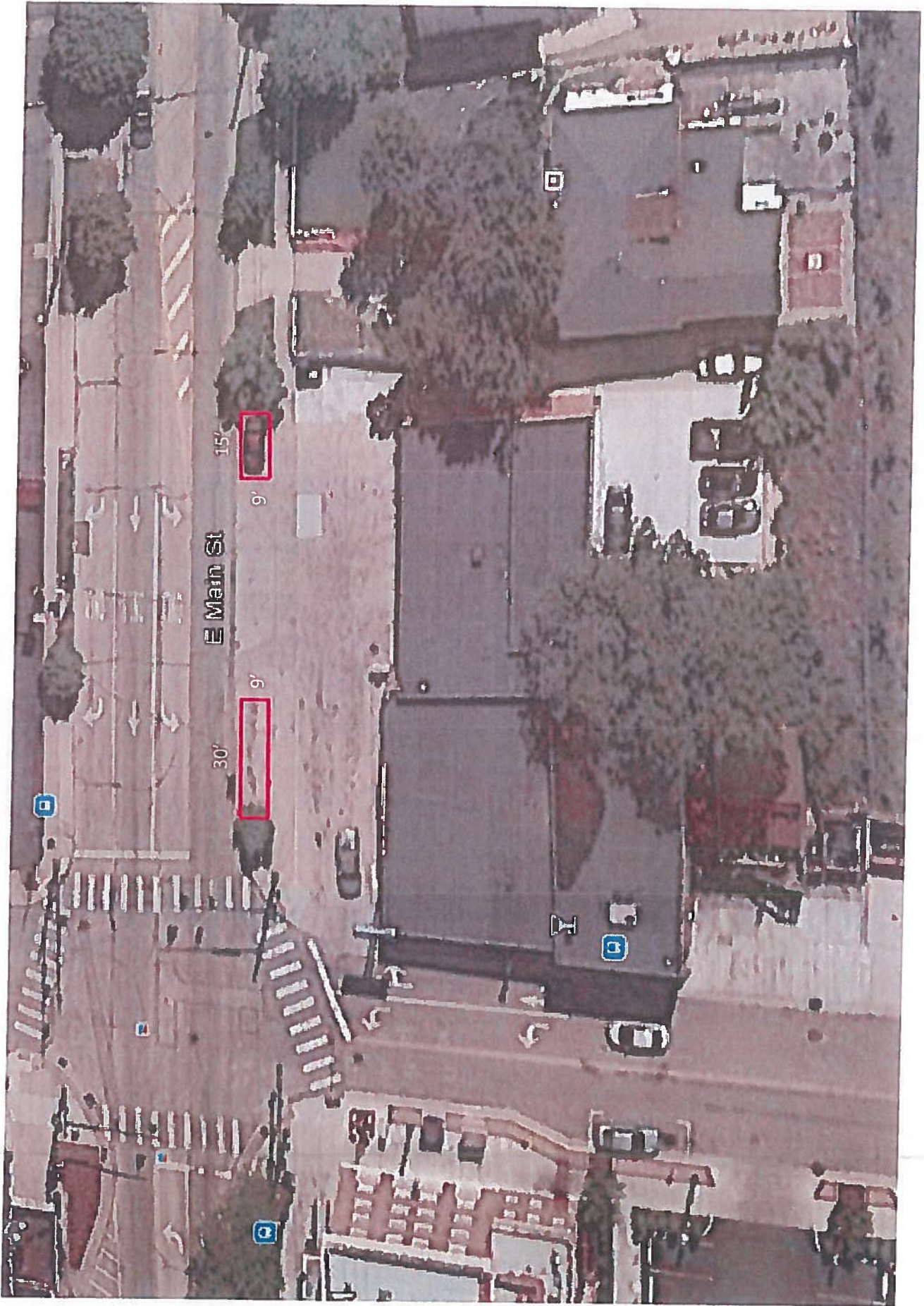
License to Occupy Request
Firestone Complete Auto Care
202 E. Main St., Kent, OH 44240

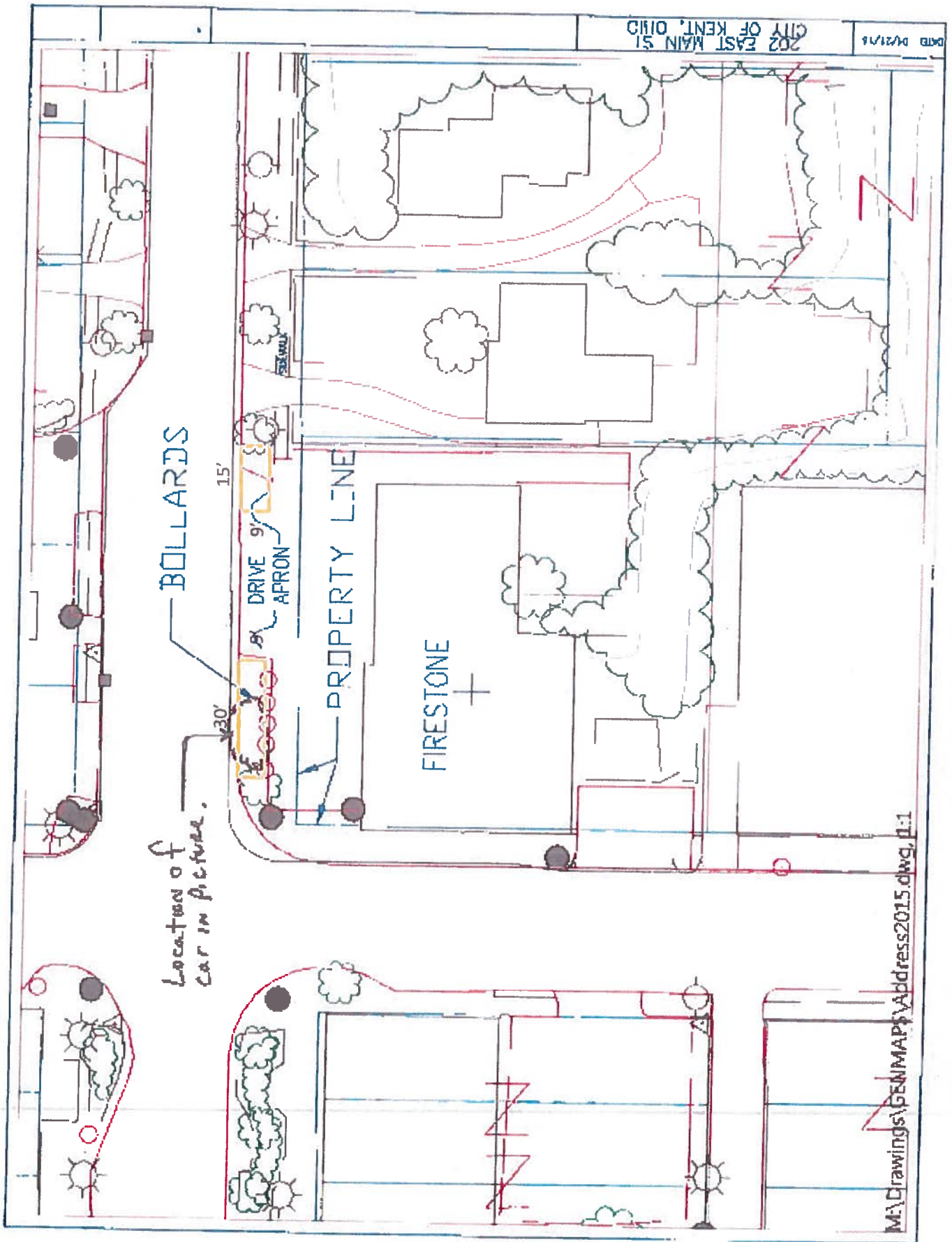
The Firestone Complete Auto Care Store located at 202 E. Main St. is respectfully requesting a License to Occupy (LTO) the city right of way (ROW) immediately adjacent to the north of its property for the purpose of storing up to three customers' cars during peak business hours.

The LTO would encompass two areas in the city's ROW depicted in the attached drawings; one accommodating two vehicles and the other accommodating one vehicle. The first area would begin at the tree located in the west side of the ROW and would extend 30 feet to the east, be 9 feet wide and would be centered between the curb and the sidewalk allowing for approximately 1 foot on each side. This area would require the relocation of the city's trash can that was recently installed there. The second area would begin at the "No Parking" sign located at the east end of the ROW and would extend 15 feet to the west, be 9 feet wide and would be centered between the curb and the sidewalk allowing for approximately 1 foot on each side. No physical changes would be made to the LTO areas.

The LTO areas would be used as dictated by business needs during normal operating hours which are 7 am to 7 pm on Monday through Friday, 7 am to 6 pm on Saturday and 9 am to 5 pm on Sunday. The LTO areas would not be used when the store is closed and disabled cars would not be stored in them.

Any questions regarding this request can be directed to the Store Manager, Thomas Shaw, at 330-673-1700. Thank you for your consideration.

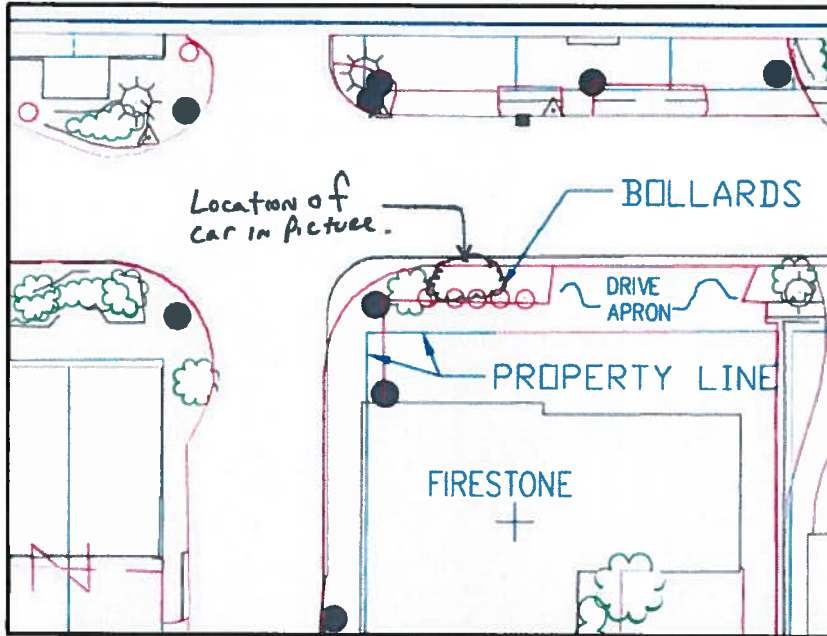




Location of car in picture.

Firestone Parking Request

Private Property (blue) and City Right of Way (pink) lines



← Edge of sidewalk
← Edge of City Right of Way

Unauthorized Parking in Public Right of Way



1 2 3
Firestone Requested Parking Spaces in ROW

MEMORANDUM
DEPARTMENT OF COMMUNITY DEVELOPMENT
City of Kent

Date: December 5, 2016

To: Dave Ruller, City Manager

From: Jennifer Barone, Development Engineer *JB*

Re: Chapter 1103 – Definitions
Chapter 1122 – Rooming and Boarding Houses

Copy: Tara Grimm, Clerk of Council
Jim Silver, Law Director
Bridget Susel, Director of Community Development
Eric Fink, Assistant Law Director
file

I hereby respectfully request City Council agenda time on January 4, 2017 to consider amendments to the zoning code (Part 11 of the Codified Ordinances).

On November 15, 2016 the Kent Planning Commission held public hearings and discussed proposed changes to two (2) zoning code chapters.

KCO Chapter 1103 – Definitions: The changes involved adding, deleting, revising definitions and reorganizing the location to have all similar items together. A new section, 1103.04 was added to address specialty use definitions and regulations. The definitions in this section pertain to “adult activities” and have been moved from section 1103.03. The Planning Commission voted 3-0 to recommend to City Council to amend zoning code Chapter 1103.

KCO Chapter 1122 – Rooming and Boarding Houses. The definition of Rooming House and of Boarding House states, “A dwelling unit housing three (3) to fifteen (15) unrelated persons...” The parking requirement in KCO 1122 conflicts with this definition. The parking requirements for 16 persons and greater should be deleted to match the definition. The Planning Commission voted 3-0 to recommend to City Council to amend zoning code Section 1122.

Since this is a text amendment and not an amendment to the Zoning Map, only a newspaper advertisement of City Council’s public hearing is required by Chapter 1111 of the Kent Zoning Code. As such, this item will need to be scheduled for a public hearing and Land Use Committee review by Kent City Council with 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.

CHAPTER 1103
DEFINITIONS

1103.01	Interpretation	1103.02	Computation of Time
1103.03	Definitions	1103.04	Specialty Use Definitions and Regulations

1103.01 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Code, as most recently amended, shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, morals, or general welfare. Unless otherwise specifically provided, or unless clearly required by the context, for the purpose of this Land Use Ordinance, certain terms or words are herein defined, and the words and terms used herein shall be interpreted as follows:

- a) The word "person" includes a firm, association, organization, partnership, trust, company, corporation or other legal entity, as well as an individual.
- b). Inconsistency. If two or more provisions within this Zoning Code are in conflict or are inconsistent with one another, then the provision which is most restrictive shall apply.
- c) Text. If there are found to be differences between the meaning or implication of the text of this Zoning Code and any drawing, table, figure or title or section heading, the text of this Zoning Code shall apply.
- d) Delegation of Authority. If a provision in this Zoning Code requires the department head or other city officer to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- e) Mandatory and Permissive Terms. The words "shall", "will", and "must" are mandatory requirements; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
- f) Words Used. Any word or term not defined herein shall be given a meaning defined as the most common usage of the language found in Webster's Dictionary.
- g) The words "used" or "occupied" include the words "intended, designed, constructed, converted, altered or arranged to be used or occupied."
- h) Singular/Plural Form. If words are used in singular form, the plural form shall apply and vice versa, unless in context it clearly indicates the contrary.

i) As used in this ordinance, words importing any ~~the masculine gender~~ shall include ~~the feminine and neuter.~~ **all other genders** as well.

j) Conjunctions. "And" shall be construed to include all connected items in a series, conditions, and provisions; and "or" shall be construed to include one or more of the items in a series, conditions, and provisions, unless in context it clearly suggests the contrary.

1103.02 COMPUTATION OF TIME

Unless otherwise specifically provided, the time frame within which an act is to be done shall be computed in total calendar days including Saturdays, Sundays, and all legal holidays. In the event a time frame ends on a Saturday, Sunday, or legal holiday, the time frame shall be extended to the end of the next business day.

1103.03 DEFINITIONS

a) Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Zoning Code.

Abut: To physically touch or border upon; or to share a common property line or a street right-of-way line or other boundary.

Accessory Structure: A subordinate building or structure detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Accessory structures include, but are not limited to garages, fences, decks, sheds, and various commercial and/ or industrial accessory structures.

Accessory Use or Structure: A use ~~or structure~~ on the same lot with, and of a nature customarily incidental and subordinate to, the principal use ~~or structure~~. A guest house or accessory living quarters shall be considered an accessory use.

Adaptive Re-Use: The development of a new use for an existing building originally designed for a special or specific purpose.

~~Adult Book Store: An establishment which derives twenty five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty five percent (25%) or more of its retail selling area for the display of, or both, books, magazines, other periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; as defined hereafter.~~

~~Adult Cabaret: Means a nightclub, bar, restaurant or similar commercial establishment which regularly features person(s) who appear in a state of nudity, or live performances~~

CITY OF KENT, OHIO ZONING CODE
CHAPTER 1103
DEFINITIONS

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~~which are characterized by the exposure of specified anatomical areas or by specific sexual activities, as defined below. For the purpose of this section, "specified anatomical areas" means: Less than completely and opaquely covered Human genitals, pubic region; Buttock; and Female breast with less than a fully opaque covering of any part of the nipple. Human genitals in a discernable turgid state, even if completely and opaquely covered.~~

~~And, "specified sexual activities" means: Human genitals in a state of sexual stimulation or arousal; acts or simulation of acts of human masturbation, sexual intercourse or sodomy; bondage, sadomasochism or bestiality; Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.~~

~~Adult Motion Picture Theater: An enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons which have as their major or dominant theme matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereafter.~~

~~Adult Care Facility: An Adult Care Facility can be either an Adult Family Home or an Adult Group Home as separately defined. An Adult Care Facility is a residence, facility, institution, hotel, or congregate housing project licensed by the Department of Health under ORC Chapter 3722, which provides accommodations and supervision to three (3) to sixteen(16) unrelated adults, at least three of whom are provided personal care services consisting of assistance in activities of daily living, and self-administration of medicine, and preparation of special diets, regardless of how the facility holds itself out to the public. An Adult Care Facility does not include a facility operated by a hospice care program; a nursing home or home for the aging; a community alternative home; an alcohol and drug addiction program; a habilitation center; a licensed residential facility for the mentally ill; a licensed methadone treatment facility; a MR/DD residential facility regulated / licensed under the Department of Mental Retardation and Developmental Disabilities; a facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care; any facility that receives funding for operating costs from the State of Ohio and/or Federal government to provide emergency shelter housing or transitional housing for the homeless; terminal care facility for the homeless that has entered into agreement with a hospice care program; a facility approved by the Veterans Administration; or an assisted living facility.~~

~~Adult Family Home: Adult Family Home is an Adult Care Facility that provides accommodations to three (3) to five (5) unrelated adults where supervision and personal care services is provided to at least three of those adults.~~

**CITY OF KENT, OHIO ZONING CODE
CHAPTER 1103
DEFINITIONS**

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~~Adult Group Home: An Adult Group Home is an Adult Care Facility that provides accommodations to six (6) to sixteen (16) unrelated adults where supervision and personal care services are provided to at least three of those adults.~~

Agriculture: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for parking, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Airport: Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: See Thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Apartment: See **Dwelling Unit** ~~Dwelling, Multifamily.~~

~~Auto-Body Repair Shop: Building and premises where major mechanical and body work is performed, including, but not limited to: straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found are conducted.~~

~~Automotive Repair: The repair, re-building, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.~~

Automotive, Mobile Home, Trailer and Farm Implement Sales: The sale or rental of two or more new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Repair Shop: Automotive Repair Shop/Automotive Service: A business that performs general maintenance and the repair, re-construction, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of

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vehicles. Such a business may include the temporary outdoor storage of disabled vehicles.

Automotive Used Car Lot: See Automotive, Mobile Home, Trailer and Farm Implement Sales.

~~Automotive Washing Facility, Full Service~~: A building or portion thereof containing facilities for washing automobiles using production line methods and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

~~Automotive Washing Facility, Self Service~~: A building or portion thereof containing facilities for washing automobiles wherein the customer provides labor and where no self-propelled wash racks are provided and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

Automotive Washing Facility: A building or portion thereof containing the facilities for washing automobiles (1) manually by employees, (2) using production line methods or a self-propelled wash rack, or (3) manually where the customer provides the labor and where no self-propelled wash racks are provided. Such a facility may have a fuel dispensing station or convenience store as an ancillary or primary function.

Automotive Wrecking/Automotive Wrecking Yards: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the long term (more than fourteen (14) days), storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked or disabled vehicles or their parts.

~~Auto Wash or Automobile Laundry~~: A building or portion thereof containing facilities for washing more than two (2) automobiles, or using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical device and which may include on the same site the fueling of automobiles when such fueling is ancillary and preliminary to the principal function of washing vehicles.

Awning: Any structure made of cloth or metal with a frame attached to a building and/ or projecting over a sidewalk, when the same is so erected as to permit its being raised to a position flat against the building when not in use. Awnings with advertising and/or lettering may also fall under the definition of a sign.

Bar, Tavern, or Saloon: An area primarily devoted to the sale and serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

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Basement: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. A basement shall not be counted as a story for the purpose of height regulations.

Bed & Breakfast: A detached, owner occupied, single family or two family structure wherein only lodging and breakfast are provided to transient guests for compensation. A "bed and breakfast" does not include such uses as rooming and boarding/rooming houses, hotels, motels, dormitories or temporary shelters as otherwise regulated in this Zoning Code.

Berm: An earthen mound or embankment, usually two to six feet in height, used to shield or buffer properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

Best Management Practice (BMP): Permit condition used in place of or in conjunction with effluent limitations to prevent or control the discharge of pollutants. BMP's may include schedule of activities, prohibition of practices, maintenance procedure, or other management practice. BMPs may also include, but are not limited to, treatment requirements, operating procedures, or practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

Billboard: ~~See Outdoor Advertising Sign.~~

Bikeway or Bike Lane: A dedicated public right-of-way often paved or improved and separated from streets and sidewalks that is limited to bicycle and pedestrian uses.

Board of Zoning Appeals: Five elected, unpaid volunteers empowered by of the Kent City Ordinances, and as created by Chapter 1109 this Zoning Code. The Board of Zoning Appeals also serves as the Property Maintenance Appeals Board.

Boarding Houses and Rooming Houses (Including Lodging Houses): ~~See Chapter 1122.~~

Bond, Surety: ~~See Performance Bond.~~

Buildable Lot Area: The area of a lot remaining after setback regulations and open space is accounted for.

Building: ~~A structure with a roof, walls, and permanent foundation~~ Any structure designed or for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building, Accessory: ~~See Accessory Structure~~ A subordinate building or structure detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Accessory structures include,

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~~but are not limited to garages, fences, decks, and various commercial and/or industrial accessory structures.~~

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

~~Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances and furniture; department stores, and discount stores.~~

~~Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.~~

Business, Office Type: Quasi-commercial uses which may often be transitional between retail businesses and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting, and medical. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

Business, Personal Service: Commercial establishments which cater to the general public and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Typical convenience uses include, but are need not be limited to drug stores, shoe repair, watch repair, beauty salons, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, grocery stores, and similar activities but excluding sexually-oriented businesses. Uses in this classification tend to serve a day-to-day need in a neighborhood.

Building, Principal: The building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Professional: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

~~Business, Service: Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.~~

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Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Canopy: Any structure, attached to a building or freestanding, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

Caregiver: An unrelated person who provides medical or personal care to an elderly person, a person with a recognized disability, or a juvenile, without which the recipient of said care would not be able to live independently.

Carport: A covered automobile parking space not completely enclosed by walls or doors. A carport shall be subject to all the provisions prescribed in these regulations for a private garage.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Centralized Sewer System: A system where individual lots are connected to a common sewerage system, whether publicly or privately owned and operated.

Centralized Water System: A system where individual lots are connected to a common water distribution system, whether publicly or privately owned and operated.

~~Change in Residential Use: A "change in use" status will exist when a residential structure(s) is converted from one use category to another. Such a conversion shall be made in conformance with all applicable Sections of this Ordinance prior to the issuance of a Zoning Permit. The residential use categories are as follows: Single family dwelling, two family dwelling, Multifamily dwelling, and Rooming, Boarding or Lodging House.~~

Change In Use: Any use which substantially differs from the previous use of a building or land. A change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. Specifically, this occurs whenever:

- A. The change involves a substantial change from one principal use category to another.
- B. If the original use changes to such an extent that the parking requirements for the overall use are altered.
- C. If the original use is a planned residential development, the relative proportions of different types of dwelling units change.
- D. If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or

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- a mixed use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or mixed use category as the previous type of business).
- E. A mere change in the status of property from unoccupied to occupied, or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than one (1) year or has been abandoned.
 - F. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.
 - G. **A change in the number of household units occupying a dwelling unit is a change in use.**

~~Change in Commercial, Industrial and other Non-Residential Use: In this category, a "change in use" status will exist when the previous or existing use of a structure, building or portion thereof is or has ceased and the new or converted use is not the same as that previous or existing use. Such conversions shall be made in conformance with all applicable Sections of this Ordinance prior to the issuance of a Zoning Permit.~~

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

~~Child Day Care Facility: A child day care center or family day care home, defined herein, licensed by the Department of Job and Family Services pursuant to ORC 5104 in which persons other than the parents or guardians, custodians, or relatives by blood, marriage, or adoption of the children involved administer to the non-educational needs of infants, toddlers, preschool children, and school children outside of school hours for any part of the twenty-four hour day in a place or residence other than a child's own home.~~

~~Child Day Care Home, Type A: Pursuant to ORC 5104, a permanent residence of the administrator in which private or publicly funded child day care, defined herein, is provided for seven (7) to twelve (12) children at one time, or a permanent residence of the provider in which child day care is provided for four (4) to twelve (12) children at one time if four (4) or more are under two (2) years of age.~~

~~Child Day Care Home, Type B: Pursuant to ORC 5104, a permanent residence of the provider in which child day care is provided for one (1) to six (6) children at one time and in which not more than three (3) children are under two (2) years old at one time. In counting children for the purposes of this section, no children of the day care provider shall be counted.~~

~~Child Day Care Center: Any place, other than a dwelling unit, in which child day care is provided for seven (7) or more children at one time. All such facilities are to adhere to any~~

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~~and all requirements as set forth by the State of Ohio. Pursuant to ORC 5104, any place where child day care is provided for 13 or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for 7 to 12 children.~~

Church: See "Institution, Religious"

~~Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are provided with board, room or kept overnight (but not more than three (3) consecutive nights) on the premises.~~

~~Club Clubhouse, Commercial: A building or portion thereof or premises owned or operated by a person, persons, or organization primarily for the exclusive use of its members and their guests, principally for a commercial use, and not for residential use. Examples include, but are not limited to, Elks Club, Eagles, Motorcycle Clubs, VFW, and American Legion.~~

~~Club Clubhouse, Private: A building or portion thereof or premises owned or operated by a person, persons, or organization for social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests. A building or portion thereof or premises owned or operated by a person, persons, or organization primarily for the exclusive use of its members and their guests, principally for a social, literary, political, educational or recreational purpose and not for residential or commercial use. Examples include, but are not limited to, Girl Scouts, Boy Scouts, Fraternal Order of Police, and community service organizations.~~

~~Club, Night: A commercial establishment dispensing alcoholic beverages for consumption on the premises operated as a place of entertainment, characterized by dancing or live, recorded, or televised entertainment, including, but not limited to magicians, musicians, or comedians.~~

~~Commercial Entertainment Facilities: A facility for any profit making activity which is generally related to providing entertainment the provides entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, bowling alleys, billiard halls, and similar entertainment activities.~~

Commission: See Planning Commission.

~~Community Alternative Home: A Community Alternative Home is a residence or facility that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have Acquired Immunodeficiency Syndrome (AIDS) or a condition related to AIDS. A community alternative home does not include nursing homes, rest homes, or hospice care facilities.~~

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Community Development Director: The Director of the Community Development Department or his **or her** designee as empowered by the City of Kent Zoning Code and other applicable ~~C~~community development plans, or any employee of that department designated by the Director to perform the duties under ~~this chapter~~ **the City Ordinances**.

Community Development Plans: Plans, reports, documents, or any portion thereof, adopted by the Planning Commission and/or the legislative authority of the City, showing the general location and extent of present and proposed physical, economic, social, political, aesthetic, and related factors of the community involved, facilities including housing, industrial and commercial uses, major streets, parks, schools and other community factors facilities. These plans establish the goals, objectives, and policies of the community.

~~Conditional~~ **Conditionally Permitted Use**: A use permitted within a district other than a principally permitted use, requiring a Conditional **Zoning** Certificate and approval of the Planning Commission.

Conditional **Zoning** Use Certificate Permit: A permit certificate issued by the Community Development Department upon approval by the Planning Commission to allow a Conditionally Permitted Use in accordance with the requirements of Chapter 1107 of this Zoning Code.

Condominium: **See ORC 5311** ~~The land together with all buildings, improvements, and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property which have been submitted to the provisions of Ohio R.C. Chapter 5311.~~

Conservation Easement: An incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominately in their natural, scenic, open, or wooded condition, including, but not limited to, the use of land in agriculture when consistent with and in furtherance of the purpose of retaining those areas in such a condition, or retaining their use predominately as suitable habitat for fish, plants, or wildlife that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of those purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

~~Convalescent Home: A "rest home" or "boarding home" for the aged or mentally or physically infirm, operated within any abode, building, institutional residence, or home used for the reception and care, for a consideration of three or more persons, who by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five (65) years of age or upwards, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.~~

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Convenience Store: A retail store with a floor area of less than 2,500 square feet that sells a limited line of groceries and household items, and that may also sell gasoline, motor oil, lubricants, and minor accessories, but does not include automotive service stations, or vehicle repair shops. Goods sold at these facilities are primarily prepackaged perishable items, hot beverages, and fountain-style beverages for self-service by the consumer.

Council: The Kent City Council.

~~Court: An open, unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.~~

Crematory: A place used to dispose of human remains through the use of a pathological retort or incinerator. A crematory may provide room for the private viewing of the cremation by members of the deceased's family but may not be used to conduct public or private funeral services.

Cul-de-Sac: See Thoroughfare.

Curb: A concrete or stone edging along the street pavement, which may, but need not, be integrated with the pavement or the gutter; this term includes curbs with gutters.

Dead-End Street: See Thoroughfare.

~~DBA (Decibel A Weighted): Sound pressure level as measured on the "A" scale of sound level meter manufactured in accordance with the specifications of the American National Standards Institute, Inc. (ANSI), Type 2, ANSI S1.4 (1983), or any future revisions. Unless otherwise noted, measurements shall be made in the slow response mode of the meter.~~

~~Decibel (dB): A unit of sound pressure, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).~~

Density, Residential: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The number of dwelling units per acre of the total land to be developed.

Density, Net: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Design Guidelines: Guidelines, standards and criteria governing the design of buildings, site layouts and/or the preservation of historic structures which have been adopted by the City of Kent. See Chapters 1120 and 1121 of this Zoning Code.

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Development Engineer: Shall be a licensed professional engineer designated by the Community Development Director to be responsible for performance of all engineering and inspection services as may be assigned by the Community Development Director.

Development Site: Land composed of one or more parcels in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Developmentally Disabled: A person who has a disability that originated before the attainment of age eighteen and can be expected to continue indefinitely, that constitutes a handicap to the person's ability to function normally in society, and that is attributable to ~~mental retardation~~, cerebral palsy, epilepsy, autism or any other condition found To be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services.

~~Discarded Motor Vehicle: Any inoperable motor-propelled vehicle or accessory to the same, which is in the process of being wrecked, dismantled or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.~~

District, Zoning: A section or sections of the incorporated territory of the City for which the regulations governing the use of buildings and premises, or the height and area of buildings are uniform.

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. (Ord. 2013-80. Passed 8-21-13).

Driveway Approach: The portion of a concrete, asphalt, or brick driveway surface with an adequate base connecting the sidewalk or street right-of-way line to a street pavement.

Driveway Culvert: A conduit located under a drive approach which conveys storm water runoff from a roadside ditch or swale on one side of the driveway to the other side.

Duplex: See Dwelling, Two-Family.

Dwelling: Any building, ~~or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multifamily but not including hotels, motels, boarding/rooming houses, lodging houses and tourist dwellings bed and breakfasts. An attached garage for purposes of determining the front, side and rear yards shall be considered a part of the dwelling. A dwelling shall also be considered to be an industrialized unit and a permanently sited manufactured home as defined hereunder.~~ **or portion thereof, which is designed or used primarily for residence purposes, including single family, a household unit as that term is defined in Part 11, rooming house, boarding**

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house, two-family, and multifamily but not including hotels, motels, and bed and breakfasts.

~~Dwelling, Single Family, Attached: Single family dwelling units, not more than three (3) in any one building, which are physically attached, one to another, by a combination of common or adjoining vertical walls or floors which have individual heating and plumbing systems. Each unit shall be designed to be separately owned in fee simple or through a condominium association.~~

~~Dwelling, Single Family, Unattached: A building consisting of a single Dwelling Unit~~ Single family dwellings not described by the definition of single family attached dwellings; the term "single family dwelling" where it appears in this Zoning Ordinance shall be synonymous with a single family unattached dwelling.

~~Dwelling, Two Family: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances. Each dwelling unit may only house one family.~~

~~Dwelling, Multifamily~~ **Multi-Family**: A building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and parting walls. Individual kitchen, dining and restroom/bathing facilities shall be provided in each separate dwelling unit. Multifamily housing may include public housing and industrialized units. Each dwelling unit may only house one family.

~~Dwelling, Group: A group of single family, two family or multifamily dwellings, or their combination, located on one lot and around a common court or courts.~~

~~Dwelling, Tourist: A dwelling where overnight accommodations are provided for tourists.~~

~~Dwelling, Town House: A unit of single family attached dwelling units not less than three (3) nor more than eight (8), in any one single story building or two (2) story building if the second story space is part of dwelling units each of which occupy at least an equal area of floor space on the first floor; such units are physically attached one to another by a combination of common or adjoining vertical walls and floors, have individual heating and plumbing systems, and are individually owned, sold as condominiums or rented.~~

~~Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable household unit with facilities that are used or intended to be used for living, sleeping, cooking and eating by a family.~~ **residence household unit with facilities that are used or intended to be used for living, sleeping, cooking and eating, with a restroom(s) and bathing facility(ies) to be utilized by a family, a household unit as that term is defined in this Chapter, or three or more unrelated individuals.**

~~Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.~~

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Egress: Access or departure point or exit.

Elderly: Persons sixty-five (60 65) years of age or older. See also KCO 1175.

Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Environmentally Sensitive Areas: Distinct geologic, topographic, or botanical natural resource areas, such as riparian corridors, floodplains, wetlands, woodlands, steep slopes, and groundwater recharge areas, which require conservation to maintain ecologic balance and to reduce problems created by intensive development or urban-type land uses.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electric, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

~~Excessive Sound: Those sounds which exceed the maximum allowable limits of this Zoning Code.~~

Existing Use: The current use of a lot or structure.

Family: See Chapter 1122. Individuals who are related by marriage, legally recognized civil union, adoption, or who are within three (3) degrees (or fewer) of consanguinity. See attached Table of Consanguinity.

~~Family Care Home: A residential care facility, licensed by the State of Ohio, providing room and board, and personal care and supervision for at least two (2) but not more than eight (8), aged, mentally retarded or developmentally disabled persons who are able to be integrated into a family type setting.~~

Family Day Care Home, Type A: Pursuant to ORC 5104, a permanent residence of the administrator in which private child care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time, or a permanent residence of the administrator provider in which private child day care is provided for four (4) to twelve (12) children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this section division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home, no children of the administrator's shall be counted. "Type A Family Day Care Home" and "Type A home" do not include any child day camp.

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Family Day Care Home, Type B: Pursuant to ORC 5104, a permanent residence of the provider in which child day care is provided for one to six children at one time and in which ~~not~~ no more than three children are under two years of age at one time. In counting children for the purposes of this ~~division section~~, any children under six years of age who are related to the provider and who are on the premises of the Type B home ~~no children of the day care provider~~ shall be counted. "Type B Family Day Care Home" and "Type B home" do not include any child day camp.

Fence: A barrier constructed so as to contain or enclose an area as a protective measure, for privacy, or for decorative purposes.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area Ratio: A mathematical expression determined by dividing the total floor area of a building by the area of the lot on which it is located.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage or processing of food products. Examples of these include bakeries, dairies, canneries and other similar businesses.

Foster Home: ~~A Foster Home is a private residence certified by the Ohio Department of Job and Family Services pursuant to ORC 5103.0318 in which no more than five (5) children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children care, supervision, or training twenty-four hours a day.~~

Frontage: All the property on one side of a street adjacent to and contiguous with the line of a street.

Front Property Line: A property line which abuts a street or alley right-of-way line.

Functional Family: ~~See Chapter 1121.~~

Funeral Home: A place used to prepare for the burial or disposition of dead human bodies and where funerals or similar services are conducted. Cremations may be conducted in funeral homes in instances where the installation and operation of the equipment meets all local, State and Federal law.

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Garages, Private: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises. ~~No more than one (1) commercial vehicle per dwelling unit may be parked or stored on the premises and the commercial vehicle permitted shall not exceed two (2) tons capacity. Such structures may not be leased commercially for storage or for parking of cars not registered to the resident(s) of the residential dwelling unit(s) on the property.~~

Garage, Public Parking: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no vehicle service shall be provided for remuneration.

~~Garage, Auto Service Shop: A building or portion which repairs are made to motor vehicles and in which there is no painting of cars or body and fender work done; and no retail sale of automotive parts.~~

~~Garden Apartment: A group of buildings not more than two and one half (2 1/2) stories in height, each building containing not more than eight (8) dwelling units.~~

Gasoline Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be are supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributor parts;
- B. Tire servicing and repair, but not recapping or re-grooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
- D. Radiator cleaning and flushing;
- E. Washing, polishing, and sale of washing and polishing materials;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps and lines;
- H. Minor servicing and repair of carburetors or engine control systems;
- I. Adjusting and repairing brakes;
- J. Minor motor adjustment not involving removal of the head on crank-case or racing the motor;
- K. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- L. Provisions of road maps and other informational material to customers, provision of restroom facilities, and
- M. Warranty maintenance and safety inspections.

Uses permissible as a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating

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condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop.

Grade, Finished: The final elevation of ground surface after man-made alterations to a site in conformance with the approved plans or designs relating thereto. For buildings abutting one street only, the elevation of the sidewalk at the center of the wall facing the street (or the elevation of the centerline of the street where no sidewalk exists); for buildings having walls facing more than one street, the average elevation of the sidewalk at the centers of all walls facing the streets; for buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. Any wall approximately parallel to a street line is to be considered as facing the street.

Grade, Natural: The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Grading: The shaping of the ground adjacent to the street and/or sidewalk to conform to the plan grades approved in the Site Plan or Development Plan.

Gross Acre: Land area, measured on the horizontal plane, and including land occupied by all natural and man-made features of the landscape.

~~Group Home: A State or County licensed or State certified home that provides residential care and supervision for individuals who are unrelated to the resident house parents or supervisors, and who are the elderly; abused, neglected, dependent or unruly children; or juvenile offenders as defined herein, or who are developmentally disabled, mentally retarded, mentally ill or physically handicapped.~~

Guest: A person, who does not meet the definition of a resident, temporarily staying in a dwelling unit with the consent of a member of household, who has express or implied authority to so consent.

~~Hearing: A proceeding that takes place before a body charged with judicial functions wherein evidence is taken for the purpose of determining an issue of fact and reaching a decision on the basis of that evidence.~~

Hearing, Administrative: The purpose of an administrative hearing is the determination of the rights of the applicant, according to the standards contained in the Zoning Code, and of whether such application should be granted based upon evidence presented at the hearing. Administrative hearings are conducted by the Planning Commission, Board of Zoning Appeals, Council and Architectural Review Board.

~~Highway Director: The Director of the Ohio Department of Transportation.~~

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Historic District: ~~An area designated as a "Historic District" by ordinance or zone which contains within definable geographic boundaries, the buildings, structures, appurtenances, and places, and properties that may or may not be landmarks, but which are of importance because of their contribution to the overall historical character of the designated area, through their association with history, or because of their unique architectural style, or their archeological significance.~~

Home Business, Limited: See Chapter 1119

Home Occupation: See Chapter 1119

Home, Assisted Living: See Home, Convalescent.

Home, Community Alternative: A Community Alternative Home is a residence or facility that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have Acquired Immunodeficiency Syndrome (AIDS) or a condition related to AIDS. A community alternative home does not include nursing homes, rest homes, or hospice care facilities.

Home, Convalescent: A "rest home" for the aged or mentally or physically infirm, operated within any abode, building, institutional residence, or home used for the reception and care, for a consideration of three or more persons, who by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five (65) years of age or upwards, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.

Home, Developmental Disability Residential Facility: A residential home or facility inspected and licensed by the Department of Developmental Disabilities pursuant to ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting by a person not a relative or legal guardian for mentally retarded or developmentally disabled persons. An DD Residential Facility may also include a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only developmentally disabled residents are in an independent living arrangement or are being provided supported living.

Home, Family Care: A residential care facility, licensed by the State of Ohio, providing room and board, and personal care and supervision for at least two (2) but not more than eight (8), aged, or developmentally disabled persons who are able to be integrated into a family type setting.

Home, Foster: A Foster Home is a private residence certified by the Ohio Department of Job and Family Services pursuant to ORC 5103.0318 in which no more than five (5) children are received apart from their parents, guardian, or legal custodian, by an individual providing the children care, supervision, or training twenty-four hours a day.

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Home, Group: A State or County licensed or State certified home that provides residential care and supervision for individuals who are unrelated to the resident house parents or supervisors, and who are the elderly; abused, neglected, dependent or unruly children; or juvenile offenders as defined herein, or who are developmentally disabled, mentally retarded, mentally ill or physically handicapped.

Home, Hospice Care: See **Home**, Convalescent Home

Home, Nursing: A home or facility maintained for the purpose of providing skilled nursing care and medical supervision of persons requiring extended special care at a lower level than that available in a hospital and licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home; or a facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; or a nursing facility as defined in ORC Section 5111.20, other than a portion of a hospital certified as a nursing facility.

Home, Rest: **See Home, Convalescent** —A home that provides either of the following:

- A. — ~~Accommodations for 17 or more unrelated individuals, and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or in the case of a rest home component of a home for the aging, accommodations to three or more individuals and supervision and personal care services for at least three of those individuals.~~
- B. — ~~Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and supervision of special diets and of the administration of medication to at least one of those individuals. accommodations for 17 or more unrelated individuals, and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment.~~

Hospital: ~~Any building or other structure containing beds for at least four (4) patients and devoted to medical diagnosis, treatment or other care of human ailments.~~

Hotel or Motel and Extended Stay Apartment Hotel: A facility or building in which transient lodging and/or boarding is provided **on a daily rate, weekly rate, monthly rate, or any other time period not specified by an executed lease**, and offered to the general public for compensation. Often, additional **Additional** services are provided such as restaurants, meeting rooms, and recreational activities **may be provided**. As such, a **Hotel, Motel, or**

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Extended Stay Hotel it is open to the public in contradistinction to a boarding/rooming or lodging house, or dormitory bed and breakfast which is herein separately defined.

House, Boarding: ~~A dwelling unit housing~~ residential building originally built as a single family or two family dwelling that has been approved by the Planning Commission and/or the Community Development Department to house three (3) to fifteen (15) unrelated persons, one of whom is the owner of the dwelling unit. See also Chapter 1122.

House, Illegal Rooming: A dwelling unit containing three to fifteen unrelated persons that has not been approved by the Planning Commission and/or the Community Development Department, does not comply with the current zoning code, and has not received a Certificate of Nonconforming Use.

House, Lodging: See House, Rooming.

House, Rooming: ~~A dwelling unit housing~~ residential building originally built as a single family or two family dwelling that has been approved by the Planning Commission and/or the Community Development Department to house three (3) to fifteen (15) unrelated persons. See also Chapter 1122.

House, Temporary Shelter: ~~A building operated, and under the full-time supervision of a public service agency, in which lodging and/or meals are provided for a period not to exceed seven (7) days in a thirty (30) calendar days~~ day period.

Household: See Chapter 1122.

Household Unit: A family, a family and one unrelated person, a single person, two unrelated persons, or any of these four designations and a caregiver(s) (as these terms are defined by the City of Kent Zoning Ordinance) residing in a dwelling unit. Persons residing in a rooming house, boarding house, hotel, group dwelling, fraternity, or sorority house, together, do not constitute a household unit.

Improvements: Includes, but is not limited to grading, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, bikeways, street signs, street lights, street trees, streetscaping, and the appropriate appurtenances required to render land suitable for the use proposed.

Industrial Park: A large tract of land that has been planned, subdivided and/ or developed and operated as an integrated facility for a number of individual industrial uses.

Industrialized Unit: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed constitutes a dwelling unit, except for necessary preparations for its placement. A building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of aggregate structures, and

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that requires transportation to the site of intended use. An industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.

Ingress: Access, entry point or entrance.

Institution, Human Care: Buildings and/or land designed to aid individuals in need of medical, mental, therapeutic and rehabilitative counseling and/or instruction.

Institution, Religious, Religious Worship and Other: A building, together with all accessory buildings and uses, including temple, rectory, convent, private school, meeting hall, cemetery, and mosque wherein persons regularly assemble for associated activities and that are maintained and controlled for non-profit purposes by recognized and legally established religious organization.

Integrated Planned Commercial Development: A grouping of three or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, excluding projects located in the C-D: Commercial – Downtown Zoning District.

Intermodal Transportation Plan: An overall plan for transportation, including, but not limited to vehicular, mass transit, bicycle, or pedestrian traffic. The plan may incorporate capital improvement plans and transportation strategies. Such a plan shall may also be part of an overall Comprehensive Plan Document approved by the Planning Commission and adopted by City Council.

Juveniles/Harmful to Juveniles: A juvenile means an unmarried person under the age of eighteen. Any adult material or performance is "harmful to juveniles," if it is offensive to prevailing standards in the adult community with respect to what is suitable for juveniles, and if any of the following apply:

- A. It tends to appeal to the prurient interest of juveniles;
- B. It makes repeated use of foul language; and
- C. It contains a display, description, or representation in lurid detail of the violent physical torture, dismemberment, destruction, or death of a human being.

~~Juvenile Offender: Any child who has been adjudicated guilty of the commission of a crime or a specified delinquent act. a crime, except any child who has been found guilty of crimes, which, if committed by an adult, would have been classed as a felony or misdemeanor within two years prior to assignment to a group home, and except any child guilty of crimes which, if committed by an adult, would have been felonies under any of the following sections of the Ohio Revised Code:~~

~~2903.01 Aggravated murder~~ ————— ~~2907.12 Felonious sexual penetration~~

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2903.02 Murder	2909.02 Aggravated arson
2903.03 Voluntary manslaughter	2909.03 Arson
2903.04 Involuntary manslaughter	2925.11 Drug abuse
2903.05 Aggravated vehicular homicide	2911.01 Aggravated robbery
2911.02 Robbery	
2903.11 Felonious assault	2923.12 Carrying concealed weapons
2903.12 Aggravated assault	
2923.13 Having weapons while under disability	
2905.01 Kidnapping	
2923.15 Using weapons while intoxicated	
2905.02 Abduction	
2923.16 Improperly handling firearms in a motor vehicle	
2905.04 Child stealing	
2923.17 Unlawful possession of dangerous ordnance	
2907.02 Rape	
2923.19 Failure to secure dangerous ordnance	
2907.03 Sexual battery	2925.02 Corrupting another with drugs
2907.05 Gross sexual imposition	2925.03 Trafficking in drugs
2907.07 Impertuning	2925.21 Theft of drugs

Kennel or Cattery: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Kennel, Animal Day Care: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed during the traditional work day for compensation (but not overnight) and may include grooming and training, but not breeding, selling, or medical treatment.

Kennel, Animal Grooming: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are groomed for compensation, but does not include housing, boarding, training, selling, or medical treatment.

Land: Ground, soil, or earth including structures on, above or below the surface.

Land Use and Thoroughfare Plan: See Comprehensive Development Plan. Mapped and/or written proposals for the future development of the City of Kent. Such a plan shall may also be part of an overall Comprehensive Plan Document approved by the Planning Commission and adopted by City Council.

LeQ: ~~The symbol for "Equivalent A-Weighted Sound Pressure Level" and it means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.~~

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Line, Setback: A line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards).

Live Entertainment:. On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purpose of this Ordinance, a lot is a division of land separated or proposed to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map, or by metes and bounds for purposes of sale, lease or separate use and which is of sufficient size to meet minimum zoning requirements. ~~for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of: a single lot of record; a portion of a lot of record; or a combination of complete lots of record and portions of lots of record, or of portions of lots of record. (See "corner", "double frontage," "interior", "reversed frontage," and "through" lots.)~~

Lot, Buildable: A lot that meets all zoning requirements such as setbacks, lot coverage, lot frontage, lot depth and similar requirements set forth in this Ordinance.

Lot, Corner: A lot located at the point of intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of a lot meet at an interior angle of less than 135 degrees.

Lot Coverage: The ratio of enclosed ground floor area of all impervious surfaces (including: buildings, and parking areas and driveways) on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rearmost points of the side lot lines in the rear.

Lot, Double Frontage: A lot, other than a corner lot that abuts more than one (1) street.

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Lot Frontage: The front of a lot shall be construed to be the portion nearest abutting the street right-of-way. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot, Interior: A lot other than a corner lot with only one frontage on a street.

Lot Lines: The property lines defining the limits or boundaries of a lot.

Lot Line(s), Front: The line(s) separating a lot from a street or alley right-of-way on which the lot abuts.

Lot Line(s), Rear: The lot line opposite and most distant from the front lot line(s). On corner lots, the rear lot line shall be the line opposite the front lot line with the least amount of frontage.

Lot Line(s), Side: Any lot line other than a front lot line(s) or rear lot line.

Lot Line, Interior Side: A side lot line separating a lot from another lot or lots.

Lot, Minimum Area Of: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

Lot, Nonconforming: A lot, the area, dimensions or location that was lawful prior to the adoption, revision or amendment of this Zoning Code, or amendment thereto (and was not created for the purposes of evading the restrictions of this Ordinance), but which fails by reason of such adoption, revision or amendment to meet the minimum present area, dimensional or locational requirements of the zoning district in which the lot is located.

Lot of Record: An existing lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Split: See "Subdivision, Minor."

Lot, Substandard: See KCO 1161.09.

Lot, Through: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may also be referred to as a double frontage lot.

Lot Width: The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points

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(where they intersect with the street right-of-way lines) shall not be less than eighty (80) percent of the required lot width.

Lumen: A unit of measure of the quality of light that falls on an area from the source of one candela. A light source of one candela emits a total of 12.57 one square foot every point of which is one foot lumens.

Maintenance and Storage Facilities: Land, buildings and structures devoted primarily to the maintenance and storage of equipment and materials.

Major Thoroughfare Plan: The comprehensive Community Development Plan adopted by the City indicating the general location recommended for arterial, collector, and local thorough-fares within the corporate limits of the City and/or unincorporated areas within three (3) miles thereof.

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

Manufactured Mobile Home Park: Any site or tract of land upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

Manufactured Home, Permanently Sited: A permanently sited manufactured home is a manufactured home that meets all of the following criteria:

- A. The manufactured home is affixed to a permanent foundation and connected to appropriate utilities.
- B. The manufactured home was manufactured after January 1, 1995.
- C. The manufactured home is not located in a manufactured home park as defined herein.
- D. The manufactured home, excluding any addition, has a width of at least twenty-two (22) feet at one point and a length of at least twenty-two (22) feet at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least nine hundred (900) square feet or equal to or greater than any minimum dwelling size applicable within an applicable zoning district.
- E. The manufactured home has a minimum 3:12 residential roof pitch, or equal to or greater than any minimum roof pitch requirement within an applicable

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zoning district which seeks to control the aesthetic compatibility of the zoning district neighborhood.

- F. The manufactured home has conventional residential siding and a six (6) inch minimum eave overhang, including appropriate guttering.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics, resin or liquors.

Manufacturing, Extractive: Any mining, processing, storing, separating, cleaning or marketing of any mineral natural resource, excluding gas and oil.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the zoning district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Marquee: Any hood or awning of permanent construction protecting protruding from the wall of a building above an entrance and extending over a street or sidewalk, or portion thereof.

Mentally ill Person: All persons who have a substantial disorder or thought, or mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality, or the ability to meet the ordinary demands of life; provided however, that persons who represent a substantial risk of physical harm to themselves or to others or have been discharged from any facility after being found incompetent to stand trial or found not guilty by reason of insanity after trial shall not be permitted to reside in a group home in the City.

~~Developmentally Disabled Handicapped Person: A person whose intellectual and social capacity is below normal for his/her chronological age to such an extent that he/she lacks sufficient control, judgment and discretion to manage himself/herself and his/her affairs, and who by reason of that deficiency requires supervision, guidance or control for his/her own welfare or for the welfare of others in the community.~~

Mobile Home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length, or when erected on site, is three

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hundred twenty or more square feet, built on a permanent thirty-five chassis and is transportable in one or more sections, and does not qualify as a manufactured home.

Modular Home: See Dwelling, Mobile Home.

Motel: See Hotel.

Developmental Disabilities Family Home: A DD residential facility for one (1) to eight (8) persons.

Developmental Disabilities Group Home: A DD residential facility for between nine (9) and sixteen (16) mentally retarded or developmentally disabled persons.

Developmental Disability Residential Facility: A residential home or facility inspected and licensed by the Department of Developmental Disabilities pursuant to ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting by a person not a relative or legal guardian for mentally retarded or developmentally disabled persons. An DD Residential Facility may also include a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

Multi-Modal Transportation Center: A building, structure, or area, open to the public, designed and used for persons changing transportation modes and including such amenities as parking stalls, bicycle and pedestrian facilities, bus, rail, or aircraft terminals and concourses, and direct access connectivity to the downtown or major transportation thoroughfares.

Multi-Stage Development: A development project that is constructed in stages, each stage being capable of existing independently of the others.

Nonconforming Lot: A lot, the area, dimensions or location of which existed was lawful prior to the adoption, revision or amendment of this Zoning Code, or amendment thereto (and was not created for the purposes of evading the restrictions of this Ordinance), but which fails by reason of such adoption, revision or amendment to meet the minimum present area, dimensional or locational requirements of the zoning district in which the lot is located.

Nonconforming Situation: A situation that occurs when, on the effective date of this Ordinance, any existing lot, structure, or use does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and

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~~setback requirements) is not in conformity with this Ordinance, or because the land or buildings are used for the purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article VIII (Nonconforming Uses), but shall be governed by the provisions of Article XIV, Chapter 1232 (Nonconforming Signage).~~

Nonconforming Sign: See 1165.03. ~~Any sign lawfully existing on the effective date of the current zoning ordinance or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.~~

Nonconforming Structure: A structure or building the size, dimensions or location of which existed was lawfully prior to the adoption, revision or amendment of this Zoning Code the current zoning ordinance or amendment thereto (and was not created or the purposes of evading the restrictions of this Ordinance), but which fails by reason of such adoption, revision or amendment to meet the minimum conform to the present requirements of the zoning district in which the lot is located.

Nonconforming Use: A nonconforming situation that occurs when a use of a building, structure or parcel of land existing at the time of enactment of this Zoning Code zoning ordinance or any amendments thereto, that is used for a purpose or is used in a manner which does not conform to the regulations applicable to of the zoning district or zone in which it is situated. The term also refers to the activity that constitutes the use made of the property.

~~Nudity or State of Nudity: Means the quality or state of being naked. The appearance of a human bare, unclothed buttock, anus, male genitals, female genitals, or female breasts. The showing of a) the female or male genitals, pubic area, or buttocks with less than a fully opaque covering, or b) the female breast with less than a fully opaque covering of any part of the nipple.~~

~~Nude Model Studio: An establishment where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or partly by taxation, or in a structure, provided such institution meets all of the following criteria: _____~~

- ~~A. _____ In order to participate in a class a student must enroll at least three days in advance of the class; and~~
- ~~B. _____ No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.~~

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- ~~C. — There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing. —~~

Nursery - Plant Materials: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or offered for retail sale on the premises including products used for gardening or landscaping.

~~Nursing Home: A home or facility maintained for the purpose of providing skilled nursing care and medical supervision of persons requiring extended special care at a lower level than that available in a hospital and licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home; or a facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; or a nursing facility as defined in ORC Section 5111.20, other than a portion of a hospital certified as a nursing facility.~~

~~Obscene: Any sexually oriented material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series or displays or descriptions of sexual anatomy or activities, extreme or bizarre acts of violence, or bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:~~

- ~~A. — Human male genitals, open female labia, or the female breast areola in a discernibly turgid state of sexual stimulation or arousal; —~~
- ~~B. — Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, or female breasts; —~~
- ~~C. — Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;~~
- ~~D. — Excretory functions, actual or simulated, including urination, defecation, ejaculation, or the aftermath of ejaculation. —~~

Occupancy: The installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building.

Open Air Market: A periodic market, held out of doors, in an open area or vacant lot where groups of individual sellers offer goods for sale to the public.

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Open Space, Usable: The required portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors. The area should be unobstructed to the sky and shall not include any driveways or off-street parking and loading areas. The aforementioned space is subject to the following guidelines:

- A. Minimum Requirement -Thirty percent (30%) of lot size to be used as open space.
- B. Accessibility - The designated area shall be proximate to the dwelling unit(s) and be linked to the dwelling unit(s) by a continuous access path. The Planning Commission shall determine adequacy based on site and project design characteristics. The area shall be at least twenty feet from all first story dwelling unit windows.
- C. Configuration - Usable open space area shall have a least dimension of fifty feet, an average dimension of 100 feet, and a minimum area of 10,000 square feet.
- D. Natural Features - Site characteristics of natural significance which may offer aesthetic or ecological value (for example, a riparian corridor, stands of old trees or wetlands) may substitute for traditional usable open space; the application of this guideline is subject to the judgment of the Planning Commission.
- E. Acceptable Water Body Surfaces -Up to twenty percent (20%) of detention or retention ponds may substitute for usable open space, and up to sixty percent (60%) of natural ponds may substitute. The Planning Commission has the ability to determine that retention basins may account for more than twenty percent (20%) if the basin design potentially offers some recreational utility (for example, volleyball court).
- ~~F. Balconies and Decks - Fifty percent (50%) of the area of balconies at least four feet six inches wide, decks at least ten feet wide, and roof areas which are improved for and suitable as recreational areas may be counted as usable open space.~~
- G. Obscuring Fences and Walls - Side and rear yards abutting lot lines which have obscuring fences or walls at least five feet high between the open spaces and adjacent property lines may also be counted as usable open space.
- H. Recreational Facilities - The Planning Commission may determine that certain recreational facilities can substitute as open space. The substitution shall be approved provided that the facility is planned and built according to certain standards. For example, a volleyball court's dimensions shall meet those required by a national volleyball court authority.
- I. Steep Slopes - Slopes over fifteen percent (15%) may account for only ten percent (10%) of usable open space requirements.

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- J. Exceptions to Standards - The Planning Commission may permit minor deviations from open space standards when it can be determined that: The objectives underlying these standards can be met without strict adherence to them; and/or because of peculiarities in the tract of land or facilities proposed, it would be unreasonable to require strict adherence to these standards. If a developer applies for a variance that substantially reduces the required usable open space for a project, in addition to showing compliance with subsection (132)J. hereof, the developer shall be required to notify all property owners adjacent to and abutting the proposed project, as is required under Section 1115.10, prior to a hearing on the application. Substantial variances shall be defined, for purposes of this section, to mean a request of more than a ten percent (10%) reduction of the required usable open space for any given project.

Outdoor Advertising Sign: ~~See 1165.03(a)(37) Sign. A fixed or portable appliance, structure, or surface, including the supporting structure made necessary thereby, which is, or is to be erected upon the ground, or wall of a building, or above the roof of a building, and which is used, erected, intended and/or designed to be used for the public display of posters, painted displays, electrical displays, pictures or other pictorial or reading matter, for the benefit of a person, organization, business or cause located or not residing on the lot or in the building or on a lot adjoining the lot or building where such appliance, structure or surface is or is to be located.~~

Park: An open space with natural vegetation and landscaping; may include noncommercial, not-for-profit facilities designed to serve the recreational, educational, or scenic needs of a community. Such facilities may include all types of recreational facilities and or open space such as: neighborhood parks, community parks, regional parks, state or national parks, and special use facilities. Such facilities may also include, but shall not be limited to school and religious institution athletic fields and playgrounds if they meet the above definition. Commercial amusement facilities such as go-cart tracks, water slides, miniature golf courses, and the like shall not be considered parks. Also, any area designated by the City as a park, or zoned as Open Space/ Recreation District (O-R) as provided for in this Zoning Code.

Parking Lot, Private: An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles, which is not a publicly owned or operated facility with the control of access to such an area being operated as a profit-making activity by the property owner or an agent for the property owner.

Parking Lot, Public: An open area, excluding a street or other public way, used for the parking of automobiles and available to the public, whether for free or for compensation.

Pedestrian Walkways: ~~A dedicated area or public right-of-way limited to pedestrian use.~~

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~~Peak Level: A maximum instantaneous sound pressure level, as measured with standard peak detection circuitry (ANSI S1.4 (1983)).~~

Performance **Bond** or **Surety Bond**: An financial guarantee by a subdivider or developer of land which is provided to the City for the purpose of guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider or developer's agreement or construction contract with the City.

Pet Shop: A retail sales establishment primarily engaged in the sale of domestic animals, such as dogs, cats, fish, birds, and rodents, but excluding exotic animals and ~~farm animals such as~~ **livestock**, horse, sheep, goat, pig, and poultry.

Planning Commission or Commission: The City of Kent Planning Commission.

~~Planning Jurisdiction: The geographical area over which the Planning Commission has, or from time to time shall have jurisdiction for planning purposes.~~

~~Planting: Topsoiling and seeding or sodding, fertilizing and mulching and may include other landscaping items such as shrubbery, ground cover, and trees.~~

Plat: A final map of all or a portion of a subdivision which, if approved, may be recorded; a map prepared by a registered surveyor representing a tract of land, showing the boundaries and location of individual properties and streets; a map prepared by a registered surveyor of a subdivision. A plat shall be prepared in accordance with any requirements set forth by the State of Ohio, Portage County and/or the City of Kent.

Plat, Dedication: The final map prepared by a registered surveyor of all or a portion of a subdivision or a site plan which is presented to City Council for acceptance and responsibility or the improvements that have been completed.

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Principal Use: The primary or predominant use of any lot.

Private Survey Plat: A map of one or more parcels of land, prepared by a registered surveyor, for the purpose of providing information necessary or incident to the transfer of such parcels in cases not requiring the platting of such parcels.

~~Professional Businesses: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.~~

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Public Display: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, high-way, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult materials are on display to the public.

Public Utility: Any person, firm, corporation, governmental agency or board fully authorized to furnish and currently furnishing to the public, electricity, gas, steam, communication/ data transfer, cable television, telephone, telegraph, transportation, stormwater, water or any other similar public utilities.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electric, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools and administrative and cultural structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, bikeway, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-Public Use: A **structure or portion thereof** use owned or operated by a **government designated** nonprofit, religious, or similar type of public program, including, but not limited to: **Churches, churches**, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or **government non-profit** nature.

Recreational Campground: An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are accommodated with or without charge, including any building structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreational Facilities, Extensive: Public or private facilities that ~~may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use.~~ Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. ~~Intensive~~

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~~facilities generally require less land (used more intensively) and include but need not be limited to miniature golf courses, amusement parks, stadiums and bowling alleys.~~

Recreational Facilities, Intensive: Public or private facilities that generally require less land (used more intensively) and include but need not be limited to miniature golf courses, amusement parks, stadiums and bowling alleys.

Recycling Center: A building in which recyclable materials are processed for sale and/or reuse; materials are collected in closed containers.

~~Recyclable Materials:~~ Any material which can be converted into a raw material for use and/or reuse in a manufacturing process. ~~Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.~~

~~Rehabilitation:~~ The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

Regional Land-Use Plan: A plan showing the proposed location of uses in the region.

Related Persons: An individual who meets the definition of family. See Family.

Research Activities: Research, development and testing related to such fields as chemical, pharmaceutical, medical, bio-medical, liquid, crystal, telecommunication, software, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line.

Resident: A person staying overnight in a dwelling unit for more than fourteen (14) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period.

~~Rest Homes:~~ A home that provides either of the following:

- ~~A. Accommodations for 17 or more unrelated individuals, and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or in the case of a rest home component of a home for the aging, accommodations to three or more individuals and supervision and personal care services for at least three of those individuals.~~
- ~~B. Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and supervision of special diets and of the administration of medication to at least one of those individuals. accommodations for 17 or~~

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~~more unrelated individuals, and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment.~~

Restoration: The replication or reconstruction of a building's original architectural features.

Right-of-Way: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, communication/ data transfer, sanitary or storm sewer and other similar uses; Generally, the right of one to pass over the property of another.

Riparian Corridor: An area of land comprised of vegetative and wildlife habitat adjacent to perennial and intermittent streams, rivers, lakes, shorelines, wetlands, or other areas strongly influenced by courses or bodies of freshwater.

Roadside Stand: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.

Roof: A structural covering over any portion of buildings or structures including the eaves and similar permanently attached projections beyond the walls or supports of the building or structure excluding chimneys, antennas, vents, and any other mechanical equipment. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than 75 percent are regarded as walls.

~~Roof, Flat: A roof which is not pitched and the surface of which is parallel to the ground.~~

~~Roof, Hip: A roof with sloping ends and sides.~~

~~Roof, Gable: A ridged roof forming a gable at both ends of the building.~~

~~Roof, Gambrel: A gable roof with two (2) steep slopes on each side, the lower steeper than the upper.~~

~~Roof, Mansard: A roof with two slopes on each of four sides, the lower steeper than the upper.~~

Rooming House: **See House, Rooming** A dwelling unit housing three (3) to fifteen (15) unrelated persons.

~~Row House: See Town House.~~

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Satellite Signal Reception Device: A structure or combination of structures specifically designed to receive television broadcasts or other signals relayed by microwave signals from earth-orbiting communication satellites. Such structures shall be considered as accessory structures for the purpose of regulation in this ordinance and amendments hereto.

Sale or Transfer: To convey any interest in real property except by lease, mortgage, or lien foreclosure. The sale or transfer shall be deemed to occur upon the transfer of title, the execution of a land contract, or the exercise of an option to purchase realty.

Screening Strip: A strip of land to be used as a planting strip on which shall be placed evergreen, hedge, shrubbery or other planting materials maintained in a neat and orderly manner.

Seat: For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Secretary: ~~The Secretary of the Planning Commission or Board of Zoning Appeals.~~

Setback Line: ~~A line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said codes. (See Yards).~~

Sexually Oriented Business: ~~An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually oriented materials. Sexually oriented businesses include, but are not limited to the following uses: sexually oriented cabaret/movie houses, sexually oriented media stores, and sexually oriented motels, more specifically defined hereunder by this regulation.~~

~~Other businesses which feature sexually oriented materials which are prohibited, include: sexually oriented encounter centers; sexually oriented escort agencies; sexually oriented spas; or sexually oriented viewing booths, more specifically defined hereunder by this ordinance.~~

Sexually Oriented Cabaret/Movie House: ~~An auditorium, bar, concert hall, movie house, nightclub, restaurant, theater, or similar adult oriented business establishment which, for any form of consideration, features sexually oriented materials to patrons in a seating area exceeding 150 square feet as a substantial portion of its entertainment or presentation time. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media, including films,~~

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motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.

~~Sexually Oriented Encounter Center: An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or persons of the same sex in a private or semi-private area when one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities, including wrestling or tumbling, lap dancing, or body painting.~~

~~Sexually Oriented Escort Agency: An establishment which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a companion, guide, or date for a service which includes specified sexual activities or the exposure of specified sexual anatomical areas. This service also includes the private modeling of lingerie or private striptease performances.~~

~~Sexually Oriented Materials: Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities or which are otherwise harmful to juveniles or obscene. Such materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.—~~

~~Sexually Oriented Media Store: A business establishment which offers sexually-oriented materials for retail sale or rental.~~

~~Sexually Oriented Motel: A hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration which provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually-oriented materials; and which: —~~

- ~~A. — Has a sign visible from the public right-of-way that advertises the availability of sexually-oriented materials along with room rentals; or —~~
- ~~B. — Offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours. —~~

~~Sexually Oriented Spa: An establishment not operated by medical professionals or certified massage therapists which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a massage, bath, sauna,~~

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~~exercise equipment, shower, or hot tub service, and which includes sexually-oriented material or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexually-oriented encounter center.~~

~~Sexually-Oriented Viewing Booth: Any booth, cubicle, stall, or compartment less than or equal to 150 square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually-oriented materials, such as live entertainment, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-Rom, books, magazines, or periodicals).~~

~~Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.~~

~~Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.~~

~~Sidewalk: That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic. See "Walkway".~~

~~Sign: See Chapter 1165 for all definitions related to signage.~~

~~Site Plan Review: A process through which certain types of multifamily, commercial or industrial adoptive reuse and/or new development must proceed pursuant to Chapter 1113 of this Zoning Code.~~

~~Sound Level: That which is measured with the "A" weighting network on a sound level meter. The level so read is designated dB(A) or dBA.~~

~~Sound Level Meter: The instrument, meeting the requirements of ANSI S1.4(1983) Type II rating, or future revisions, used for making sound level measurements. All sound level meters used for determining compliance with this ordinance need to be calibrated within two (2) hours before and immediately after being used for measurement. The calibration of the sound level meter shall be performed with a field calibrator that is laboratory calibrated against a working standard that is directly traceable to the National Institute of Standards and Technology.~~

~~Specified Sexual Anatomical Areas: The non-obscene showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, or the lower portion of the female breast below the highest point of the areola, but not including any portion of the cleavage of the human female breast exhibited by a dress,~~

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~~blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.~~

~~Specified Anatomical Areas: Less than completely and opaquely covered: Human genitals, pubic region; Buttocks; and Female breasts with less than a fully opaque covering of any part of the nipple. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

~~Specified Sexual Activities: Human genitals in the state of sexual stimulation or arousal; Acts or simulation of acts of human masturbation, sexual intercourse or sodomy; bondage, sadomasochism or bestiality; Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.~~

~~Stable, Private: A stable with a capacity of not more than two (2) animals owned by the occupants of the dwelling to which it is an accessory use.~~

Staff: Employees of the City of Kent, including but not limited to Community Development Department personnel.

~~Stationary Source: Any sound source operating or occurring on any public or private property, not including a public right-of-way.~~

Stormwater Management Plan: A description of controls appropriate for each construction operation covered by these regulations in order to control storm water damage and sediment pollution of water resources, wetlands, riparian areas, other natural areas, and public and private lands.

Story: The part of a building between the surface of a floor and the ceiling immediately above. Unless otherwise defined, this distance shall be set at ~~eight (8)~~ ten (10) feet.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Street, Private: A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements thereto.

Street, Public: A public thoroughfare which has been dedicated to the public use and accepted by the City or subject to public easements thereof, and which affords the principal means of access to abutting property.

Street Right-of-Way Line: A dividing line between a lot, tract or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center

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of the street, the street right-of-way line then becomes the inside line of land reserved for street purposes.

Streetscape: Areas either abutting or contained within a public or private street right-of-way that may contain such visual improvements and physical amenities as sidewalks, street lamps, street furniture (i.e. benches), bicycle racks, flower boxes, landscaping or trees, and similar features created for the purpose of improving aesthetics and/ or promoting pedestrian use.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include, but are not limited to buildings, mobile homes, swimming pools, sheds, garages, basketball courts or poles/ hoops, tennis courts, benches, flagpoles, walls, and billboards, and signs.

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

Subdivider: Any individual, firm, association, corporation, trust or any legal entity, including agents commencing proceedings under this Zoning Code these Regulations to subdivide land.

Subdivision: The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Subdivision, Minor: Any a-division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street, or road, or public sewer, water, storm drainage or other public facilities; and involving not resulting in more than five lots after the original tract has been completely subdivided. Also known as a "Lot Split".

Subdivision, Major: Any subdivision that does not meet the requirements of a minor subdivision.

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Subdivision Regulations or "Regulations": The Subdivision regulations of the City of Kent, Ohio as amended.

Substantial Construction/ Improvement: Any construction, improvement, reconstruction, repair, or alteration of a lot or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the construction, improvement, reconstruction, repair, or alteration to the lot or structure, or if damaged, the value of the structure to be restored prior to being damaged.

~~Substantial Portion: A measurement, count, or ratio used in the determination whether an establishment is a sexually oriented business, and is computed as follows:~~

- ~~A. For sexually oriented materials in displays visible or self-accessible to the public more than ten (10) percent of the content, stock-in-trade, shelf space or inventory of the establishment.~~
- ~~B. For sexually oriented materials in separate rooms or areas with access controls which isolate the room or area from other parts of the store and prevents patrons from viewing sexually oriented material from the rest of the establishment more than twenty five (25) percent of the gross floor area of the establishment;~~
- ~~C. For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of:
 - ~~1. Presentations emphasizing specified sexual activities, specified sexual anatomical areas, or material that is harmful to juveniles or obscene; or~~
 - ~~2. The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an "adults only" rating, including, but not limited to; "NC-17," "X," "XX," or "XXX," or unrated films with comparable content.~~~~

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

~~Sustainable Development: Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment and its resources on which people and economies depend. Sustainable~~

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development meets the needs of the present without compromising the ability to meet the needs of the future as well.

~~Sustainability Goals: A list of goal and strategies adopted by the Sustainability Commission of the City, and approved by City Council for the purpose of guiding public policy towards creating and maintaining a sustainable environment within the City. These goals are to be reviewed periodically by the Environmental Commission and modified accordingly.~~

~~Swimming Pool, Family: A body of water in an artificial receptacle or other container partly or completely above or below grade, n in-ground or above-ground having a capacity e of 5,000 or more gallons, a depth in excess of 18 inches, or a surface area exceeding 150 square feet swimming pool used or and intended to be used solely by the owner or lessee thereof and his/her family, and by friends invited to use it without payment of any fee, including a wading pool, but not including an ornamental reflecting pool, fish pond, or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.~~

~~Swimming Pool, Commercial: A body of water in an artificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon the adults or children, operated and maintained by any person as herein defined, whether he/she be an owner, lessee, operator, licensee or concessionaire, exclusive of a family pool as defined herein, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels and community associations.~~

Technical Plan Review: A process following site plan approval in which detailed technical information pertaining to all applicable local building, fire and municipal codes are presented to and reviewed by the City Community Development Department for conformance.

~~Technological Feasibility: Controls for the noise emitter in question are commercially available, the controls can be applied to the situation at hand, and the controls will reduce the Leq (1 hour) by at least three (3) dBA.~~

Telecommunication Antenna, Amateur Radio: A free standing or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Telecommunication Antenna, Satellite Dish: A structure or combination of structures incorporating a reflective surface that is in the shape of a shallow dish, cone, horn or

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cornucopia specifically designed to transmit and/or receive radio electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, But not be limited to, what are commonly referred to as satellite earth stations, television reception only satellite dish antennas (TVROs), and satellite microwave antennas. Such structures shall be considered as accessory structures for the purpose of regulation in this ordinance and amendments hereto.

Telecommunication Tower: Any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and mast, designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. A telecommunication tower may include, but not be limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and personal communication service towers. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Telecommunication and Data Transfer Facilities: Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure.

Telecommunication Antenna, Facade Mounted: A telecommunication antenna mounted on the facade of a structure such as a building, water tower, steeple, stack, existing light pole or communication tower.

Telecommunication -- Co-location: The use of a telecommunication and data transfer facility by more than one telecommunications provider.

Telecommunication Equipment Shelter: The structure in which the electronic receiving and relay equipment for a telecommunication and data transfer facility is housed.

Telecommunication – Monopole: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Telecommunication - Support Structure: Any building or other structure other than a tower which can be used for location of telecommunication facilities.

~~Temporary Shelter: A building operated, and under the full-time supervision of a public service agency, in which lodging and/or meals are provided for a period not to exceed seven (7) thirty (30) calendar days.~~

Temporary Structure: A structure without any foundation or footings and which is **capable of being** removed when the designated time period, activity or use for which the temporary structure was erected has ceased. ~~The time limit or all temporary structures shall be limited to no longer than a seven (7) calendar day period.~~ This provision does not pertain

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to include the provisions addressing temporary signage, which is herein separately defined.

Thoroughfare, Street or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Collector Street: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-Sac: A local street of relatively short length having one end open to vehicular traffic and the other end permanently or temporarily terminating by a vehicular turnaround.
- E. Dead-End Street: A street temporarily having only one point of egress outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street: A street primarily for providing access to residential, commercial or other abutting property.
- G. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- H. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)
- I. Highway: A term applied to streets and roads that are under the jurisdiction of the state highway commission. A multilane highway, whether divided or undivided is a major artery of an area's circulation network and serves a high volume of traffic for both short and long trips, therefore, any access to abutting properties is designed for with a degree of control with a standard of safety in mind.
- J. Minor Arterial: A street with signals at important intersections and stop signs on side streets that collect and distribute traffic to and from collector streets; or minor arterial streets serve as routes with linkages to cities, larger towns, and other traffic generators that attract moderate traffic volumes at moderate speeds over similarly longer distances of travel. They provide an interconnecting network between larger cities and towns.

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Traffic Calming: A concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. It usually involves reducing vehicle speeds, providing more space, and increasing safety for pedestrians and non-motorized vehicles.

Transit Center: See Multi-Modal Transportation Center.

Tree Lawn: The space between the street right-of-way line and the edge of the road pavement.

Use: The purpose of which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicated the use or intended use.

~~Use Permit: A document issued by the Community Development Director authorizing the change in use or occupancy of lots, structures, land, and/or vacant land or any purpose otherwise mandated by this ordinance. This document shall not be issued until after construction, reconstruction, alteration, or the like has ceased and the building has been inspected and certified by the Community Development Director as being in compliance with this Zoning Code.~~

~~Used Car Lot: Any lot on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.~~

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

~~Vehicle Trip End: The total of entering and exiting vehicles for a proposed development at full build out and occupancy.~~

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Kent in order to better locate and orient the area in question.

~~Viewshed: The area within view from a defined observation point.~~

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~~Walkway: A dedicated public way, four (4) feet or more in width, for pedestrian use, whether along the side of a road or not.~~

~~Walkways, Pedestrian: An improved path provided for pedestrian and non-motorized vehicle travel from one point to another.~~

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility. In the event that a front property line must be determined and where the street right-of-way has not been established, the right-of-way shall be assumed to be sixty (60) feet.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning District: The scheme of land use classifications contained in this Zoning Code ~~Zoning Code.~~

Zoning Map: The Zoning Districts Map of the City of Kent, Portage County, Ohio.

Zoning / Use Certificate: The certificate adopted for use by the Director of Community Development for the purpose of implementing Section 1105.16 of this Zoning Code.

1103.04 SPECIALTY USE DEFINITIONS AND REGULATIONS

For ease of use, the following definitions have not been modified in substance, but have been relocated from KCO 1103.03 to KCO 1103.04.

Adult Book Store: An establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of, or both, books, magazines, other periodicals, films, tapes and cassettes, which materials have as their major or dominant theme matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas"; as defined hereafter.

Adult Cabaret: Means a nightclub, bar, restaurant or similar commercial establishment which regularly features person(s) who appear in a state of nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specific sexual activities, as defined below. For the purpose of this section, "specified anatomical areas" means: Less than completely and opaquely covered Human genitals, pubic region; Buttock; and Female breast with less than a fully opaque covering of any part of the nipple. Human genitals in a discernable turgid state, even if completely and opaquely covered.

And, "specified sexual activities" means: Human genitals in a state of sexual stimulation or arousal; acts or simulation of acts of human masturbation, sexual intercourse or sodomy; bondage, sadomasochism or bestiality; Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Adult Motion Picture Theater: An enclosed motion picture theater or motion picture drive-in theater which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons which have as their major or dominant theme matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined hereafter.

Nudity or State of Nudity: Means the quality or state of being naked. The appearance of a human bare, unclothed buttock, anus, male genitals, female genitals, or female breasts. The showing of a) the female or male genitals, pubic area, or buttocks with less than a fully opaque covering, or b) the female breast with less than a fully opaque covering of any part of the nipple.

Nude Model Studio: An establishment where a person who exhibits specified sexual anatomical areas is to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A Nude Model Studio shall not include a proprietary school licensed by the State of Ohio or a College, Junior College, or University supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a College, Junior College, or University supported entirely or

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partly by taxation, or in a structure, provided such institution meets all of the following criteria:

- A. In order to participate in a class a student must enroll at least three days in advance of the class; and
- B. No more than one person exhibiting specified sexual anatomical areas is on the premises at any one time.
- C. There is no sign visible from the exterior of the structure and no other advertising that indicates a person exhibiting specified sexual anatomical areas is available for viewing.

Obscene: Any sexually oriented material or performance that when considered as a whole and judged with reference to ordinary adults is "obscene" if it contains a series or displays or descriptions of sexual anatomy or activities, extreme or bizarre acts of violence, or bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake, or in a way that inspires disgust or revulsion in persons with ordinary sensibilities, or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose. Obscene sexually oriented material shall include any of the following activities as part or in connection with any of the uses of an establishment set forth in this Zoning Code:

- A. Human male genitals, open female labia, or the female breast areola in a discernibly turgid state of sexual stimulation or arousal;
- B. Fondling, rubbing, penetration, or other erotic touching or display of human genitals, pubic region, buttock, anus, or female breasts;
- C. Actual sexual activity, normal or perverted, including human masturbation, the penetration of any orifice with a male penis or sex toy, sexual intercourse, sodomy, cunnilingus, fellatio, bestiality, or sadomasochistic activities or other extreme or bizarre violence, cruelty, or brutality used to arouse lust;
- D. Excretory functions, actual or simulated, including urination, defecation, ejaculation, or the aftermath of ejaculation.

Sexually-Oriented Business: An establishment where a substantial portion of the use is distinguished or characterized by its emphasis on sexually-oriented materials. Sexually-oriented businesses include, but are not limited to the following uses: sexually-oriented cabaret/movie houses, sexually-oriented media stores, and sexually-oriented motels, more specifically defined hereunder by this regulation.

Other businesses which feature sexually-oriented materials which are prohibited, include: sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented spas; or sexually-oriented viewing booths, more specifically defined hereunder by this ordinance.

Sexually-Oriented Cabaret/Movie House: An auditorium, bar, concert hall, movie house, nightclub, restaurant, theater, or similar adult oriented business establishment which, for any form of consideration, features sexually-oriented materials to patrons in a seating area exceeding 150 square feet as a substantial portion of its entertainment or presentation time. Entertainment or presentations may include on-site live performances, such as exhibitions, dance routines, gyrational choreography, strippers (male or female), female impersonators, lingerie modeling, or lingerie dancers; or other adult media, including films, motion pictures, computer files or software, laser discs, video cassettes, DVD's, slides, and similar photographic reproductions or media.

Sexually-Oriented Encounter Center: An establishment that for any form of consideration, offers activities or physical contact between male and female persons and/or persons of the same sex in a private or semi-private area when one or more of the persons displays or exhibits specified sexual anatomical areas or performs specified sexual activities, including wrestling or tumbling, lap dancing, or body painting.

Sexually-Oriented Escort Agency: An establishment which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a companion, guide, or date for a service which includes specified sexual activities or the exposure of specified sexual anatomical areas. This service also includes the private modeling of lingerie or private striptease performances.

Sexually-Oriented Materials: Media, matter, visual representations, performances, or services distinguished or characterized by the emphasis on specified sexual anatomical areas or specified sexual activities or which are otherwise harmful to juveniles or obscene. Such materials may include any one or more of the following: books, magazines, newspapers, periodicals, pamphlets, posters, prints, pictures, photographs, slides, transparencies, figures, images, descriptions, motion picture films, previews, trailers, video cassettes, compact discs, laser discs, DVDs, computer files or software, phonographic records, tapes, or other printed matter, visual representations, tangible devices or paraphernalia designed for use in connection with specified sexual activities, plays, shows, skits, dances, exhibitions, or any service capable of arousing prurient or scatological interests through sight, sound or touch.

Sexually-Oriented Media Store: A business establishment which offers sexually-oriented materials for retail sale or rental.

Sexually-Oriented Motel: A hotel, motel, or similar business establishment that offers accommodation to the public for any form of consideration which provides patrons with close-circuit television transmissions, films, motion pictures, laser discs, videocassettes, DVDs, slides, or other photographic reproductions that are characterized by the depiction or description of sexually-oriented materials; and which:

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- A. Has a sign visible from the public right-of-way that advertises the availability of sexually-oriented materials along with room rentals; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Sexually-Oriented Spa: An establishment not operated by medical professionals or certified massage therapists which for a fee, tip, or other consideration advertises to furnish, offers to furnish, or furnishes as its primary business a massage, bath, sauna, exercise equipment, shower, or hot tub service, and which includes sexually-oriented material or engages in or offers to engage patrons in specified sexual activities, or activities commonly associated with a sexually-oriented encounter center.

Sexually-Oriented Viewing Booth: Any booth, cubicle, stall, or compartment less than or equal to 150 square feet in area that is primarily designed, constructed, or used to hold or seat patrons therein, who are charged a fee or some other form of consideration for viewing sexually-oriented materials, such as live entertainment, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-Rom, books, magazines, or periodicals).

Specified Sexual Anatomical Areas: The non-obscene showing of less than completely and opaquely covered human genitals, pubic region, vulva, buttocks, anus, anal cleft, or the lower portion of the female breast below the highest point of the areola, but not including any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bath suit, or other wearing apparel provided the areola or nipple is not exposed in whole or in part.

Specified Anatomical Areas: Less than completely and opaquely covered: Human genitals, pubic region; Buttocks; and Female breasts with less than a fully opaque covering of any part of the nipple. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in the state of sexual stimulation or arousal; Acts or simulation of acts of human masturbation, sexual intercourse or sodomy; bondage, sadomasochism or bestiality; Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Substantial Portion: A measurement, count, or ratio used in the determination whether an establishment is a sexually oriented business, and is computed as follows:

- A. For sexually-oriented materials in displays visible or self-accessible to the public – more than ten (10) percent of the content, stock-in-trade, shelf space or inventory of the establishment;

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- B. For sexually-oriented materials in separate rooms or areas with access controls which isolate the room or area from other parts of the store and prevents patrons from viewing sexually-oriented material from the rest of the establishment – more than twenty-five (25) percent of the gross floor area of the establishment;

- C. For performance activities or the showing of films, motion pictures, video cassettes, slides, or similar visual or photographic reproductions – more than ten (10) percent of the presentations or performances within any ninety (90) day period in the establishment are characterized by the depiction or description of:
 - 1. Presentations emphasizing specified sexual activities, specified sexual anatomical areas, or material that is harmful to juveniles or obscene; or
 - 2. The showing of movies where the Motion Picture Association of America Movie Rating System or a rating system using similar constitutionally acceptable standards would apply an “adults only” rating, including, but not limited to; “NC-17,” “X,” “XX,” or “XXX,” or unrated films with comparable content.

All new and expanded rooming and boarding houses shall provide adequate parking to their tenants based on the following:

(a) Location - Parking areas shall be located in rear yards and are prohibited in the required front and side yard building setbacks as applicable to the zoning district in which the property is located. Parking may be permitted in the required side yard setbacks up to within five (5) feet of the side property line as long as the applicant can demonstrate to the satisfaction of the Planning Commission that such proximity will not negatively impact the abutting property.

(Ord. 2011-15. Passed 3-16-11.)

(b) Number of Spaces - Unless otherwise permitted, all of the parking spaces shall be located on the subject property. Minimum parking shall be provided as follows:

~~— 0-15 residents on the parcel = 1.25 parking spaces per bed~~

~~— 16-20 residents on the parcel = 20 parking spaces~~

~~— 21-24 residents on the parcel = 1 parking space per bed~~

~~— 25+ residents on the parcel = 0.80 parking spaces per bed~~

(Ord. 2013-121. Passed 11-20-13. Amended _____)

(c) Off-Site Parking - Off-site parking, including parking on a public street, may not be used for meeting the minimum parking requirements as set forth in this Chapter, unless the applicant can adequately demonstrate to the Planning Commission that they have exclusive permission from an adjoining property owner to use "excess" spaces available on the adjoining property. "Excess" spaces are spaces not needed to meet the parking requirements for the use occupying the adjoining property and/or not allocated to the exclusive use of another property. Not more than sixty (60) percent of the actual rear yard area shall be occupied by the parking area and driveway.

(d) Surfacing and Drainage - Parking provided on site shall be paved using concrete or asphalt, however the parking may be installed using a gravel surface if the gravel is contained with an adequate barrier that prevents it from being spread outside of the approved parking area. Adequate storm drainage shall be provided in accordance with applicable sections of the Kent Codified Ordinances. In paved lots, the parking spaces shall be striped to the proper dimension. In gravel lots, parking wheel stops or marked railroad ties shall delineate the parking space locations. Where gravel parking is used, drive aprons must be installed in accordance with City standards and the first twenty (20) feet of the driveway back from the street must be paved.

(e) Size and Layout of Parking Spaces - Parking spaces shall be no less than nine (9) feet wide and eighteen feet (18) deep. Parallel parking spaces shall be adequately sized in accordance with accepted design practice. Drive aisles shall be adequately sized to permit the unobstructed movement of vehicles in and out of the site. Parking areas should be designed, to the extent feasible, in a way that allows cars to pull forward out of the driveway into the street rather than having to back out into the street. Driveway areas may not be counted as parking spaces unless the driveway is of adequate dimension to allow for the separation of parked cars and cars moving in and out of the site.

(f) Landscaping - Landscaping shall be provided around the perimeter of parking areas to the degree practical and possible and shall be fully contained on the property housing the

rooming and boarding house use. In areas where parking is immediately adjacent to a residential structure on an adjoining property, landscaping shall be provided in a manner so as to provide adequate screening from car lights and outdoor activity areas.

(Ord. 2015-80. Passed 4-15-15.)