

**ORDINANCE NO. 2024 - 103**

**AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCLUDE ELEMENTS FROM THE RECENTLY UPDATED DESIGN GUIDELINES AND DECLARING AN EMERGENCY.**

**WHEREAS**, Kent City Council approved an updated Design Guideline in December, 2023 in the Kent Zoning Code. The first grouping includes signs and lighting in the Overlay District; and

**WHEREAS**, on September 17, 2024, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to recommend Council approve all the proposed text amendments; and

**WHEREAS**, the following chapters will be amended:

- 1) Chapter 1102: Definitions;
- 2) Chapter 1103: Zoning Districts, Land Use, and Zoning Map;
- 3) Chapter 1104: Supplemental Zoning District Standards and Overlay Zoning Districts;
- 4) Chapter 1106: General Provisions;
- 5) Chapter 1109: Signs.

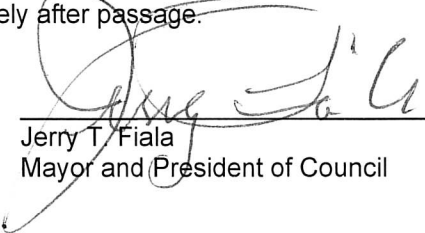
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That Kent City Council does hereby authorize the amendments of the City of Kent's Zoning Code and is more fully set forth in Exhibit "A", attached hereto and incorporated herein.

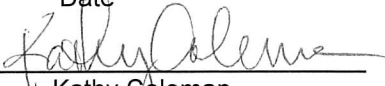
**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: October 16, 2024  
Date

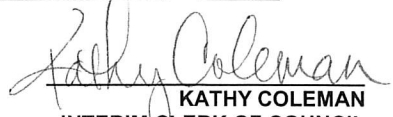
  
\_\_\_\_\_  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: October 16, 2024  
Date

ATTEST:   
\_\_\_\_\_  
Kathy Coleman  
Interim Clerk of Council

I, KATHY COLEMAN, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF **ORDINANCE NO. 2024-103**, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON October 16, 2024.

(SEAL)

  
\_\_\_\_\_  
KATHY COLEMAN  
INTERIM CLERK OF COUNCIL

## Proposed Zoning Code Text Amendments

### 1102.03 DEFINITIONS.

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

(2) **Accessory Subordinate Building and Accessory Subordinate Structure:** A subordinate secondary 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 A subordinate building or structure includes, but are not limited to, garages, carports, decks, sheds, and various commercial and/or industrial accessory uninhabitable buildings or structures.

(3) **Accessory Use:** A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

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### 1106.10 ACCESSORY SUBORDINATE BUILDINGS AND SUBORDINATE STRUCTURES.

An accessory subordinate building or structure may be erected upon a lot on which a principle principal structure already exists. The use of the accessory subordinate building or structure must be secondary and incidental to the principle principal use. An accessory subordinate building or structure cannot exist without a principle principal building on the same lot.

(a) **Accessory Subordinate Buildings or Structures:** Accessory Subordinate buildings or structures must not be located closer than fifteen (15) feet to the principle principal building and not less than ten (10) feet from the side and rear property lines. Subject to the following:

(1) One or more accessory buildings must not occupy more than thirty (30) percent of a required rear yard. No more than two (2) detached accessory buildings are permitted per lot.

(2) Accessory buildings must not be located in front of the primary structure.

(3) Detached accessory buildings in residential zoning districts must not exceed fifteen (15) feet in height.

(4) In all other zoning districts, the maximum height must not exceed the principle building height.

(b) **Substandard Lot Exception:** On any substandard lot as defined in Section 1106.06 (a) of this Code, accessory buildings must:

- (1) Not be located closer than ten (10) feet to the main building.
  - (2) Not less than five (5) feet from the side and rear property lines.
  - (3) One or more accessory buildings must not occupy more than fifty (50) percent of a required rear yard.
  - (4) Accessory buildings must not be located in front of the primary structure.
  - (5) Detached accessory buildings in residential zoning districts must not exceed fifteen (15) feet in height.
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#### **1104.01 ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICTS.**

##### **1104.01 (f). Downtown / West River Overlay District Exterior Design Requirements.**

###### **(1). Signs and Lighting**

- i. Box and cabinet wall signs are prohibited.
  - ii. Internally lit signs are prohibited.
  - iii. Wall and blade signs for street level and second story uses must be externally lit.
  - iv. Wall and blade signs must use dimensional letter forms, a minimum of a half-inch in depth, and cannot be painted acrylic.
  - v. Back-lit/halo illumination signs can be installed on buildings with a minimum of three (3) or more stories, measured from street level finished grade, and that contain commercial or mixed uses.
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## 1109.06 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS.

The following conditions apply to all signs erected or located in any zoning district:

### (A) Sign Location.

(1) **Right-of-Way Prohibited.** Except as provided, no sign will be placed or deposited within any public right-of-way or on any tree, pole, post, meter, or similar object located within the public right-of-way.

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

B. Under no circumstance may any signs that are permitted in the public right-of-way interfere with vehicular or pedestrian visibility.

(2) **Clear Vision Triangle Area Prohibited.** No sign will be located in the clear vision triangle area described in Section 1106.09.

(3) **Sign Height.** No sign otherwise permitted will project above the maximum sign height limitation of the zoning district as specified in the "Dimensional Regulations" in each zoning district.

(4) **Alterations** - No sign will be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Chapter. Restoring a sign to its original condition by repainting or refacing the sign is not an alteration within the meaning of this Chapter.

(5) **Sign Attachment and Support** - A sign must not be attached to or supported by a tree, utility pole, light pole, trash receptacle, bench, vending machine, gasoline pump or hose, public shelter, or be painted or drawn upon rocks or other natural features.

**(B) Sign Power Source.** All power sources, raceways, and conduit must be concealed from view.

## 1109.08 PROHIBITED SIGNS.

The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and are prohibited in all zoning districts:

(a) A sign made of a material not designed for outdoor signage, including but not limited to, bed linens, tarps, or untreated or unfinished plywood;

(b) Abandoned Signs;



(c) Any advertising device that simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic;

(d) Any sign containing off-premise commercial content, except as permitted by Section [1109.11](#);

(e) Any sign that is deemed structurally or electrically unsafe by the Chief Building Official;

(f) Any sign, structure, support or frame that was previously part of an on-premise commercial sign, but no longer supports or contains a sign relating to a commercial activity, business, or usage on the premises, which has been discontinued at least ninety (90) days must be removed in accordance with Section [1109.15](#) or brought into compliance with this chapter.

(g) Bench signs;

(h) Billboard sign;

(i) Feather Signs;

(j) Festoons air-activated, and balloon signs except for decorations commemorating a time limited event or holiday. This time period is determined at the sole discretion of the Community Development Director;

(k) Obscene sign, which is any signs containing words or pictures that are lewd, obscene, profane, or libelous;

(l) Pole signs, including signs attached to light poles, utility poles, street sign post, and trees. Prohibited pole signs do not include pole signs lawfully installed by an authorized public entity;

(m) Portable message signs unless authorized by the appropriate government entity in a public or private road Right-of-Way;

(n) Roof signs;

(o) Signs that obstruct any fire escape;

(p) Signs within any public right-of-way unless specifically authorized under Section [1109.06\(a\)\(1\)](#); and

(q) Vehicle signs; and

(r) Mounting of neon signs on the exterior façade of any building.

## 1109.09 STANDARDS FOR SPECIFIC SIGN TYPES.

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

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

(2) **Prohibited Locations.** Awnings and canopies must not extend beyond the width of the building or tenant space, nor encroach above the roof line.

(3) **Extension.** Such signs must not extend more than six (6) feet from the face of the building to which they are attached.

(4) **Minimum clearance.** A minimum clearance of eight (8) feet must be maintained above sidewalks.

(5) **Illumination.** Internal illumination is prohibited.

(6) **Material.** Awnings and canopies must be constructed of materials designed specifically for outdoor use.

### **(B) Blade Signs.**

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

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

(3) **Maximum Distance from the Wall.** The distance between a blade sign and the wall to which it is attached may not be greater than twenty-four (24) inches.

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

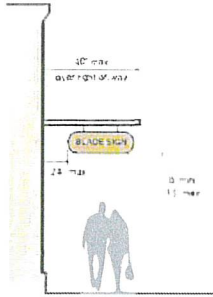
(5) **Square footage.** A maximum of six (6) square feet will be allowed.

(6) **Illumination.** Internal illumination is prohibited.

(7) **Minimum Setback from Intersections.** Blade signs must not be located closer than ten (10) feet to any intersecting of a public right-of-way with another public right-of-way.

(8) **Review of Blade Signs in the Public Right-of-Way.** Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign must receive the approval of the City.

(9) **Design of Hardware, Supports, and Brackets.** Mounting hardware, such as supports and brackets, must complement the design of the sign, the building, or both. See Figure 33.



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

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

(1) **Surface Coverage.** Window signs, both permanent and temporary, must not exceed ~~fifty percent (50%)~~ **thirty (30%)** of the area within a single windowpane, and the total area of window signs must not exceed ~~fifty thirty~~ **thirty** percent (~~50% 30%~~) of the total window area per tenant.

(2) **Illumination.** Window Signs may be internally illuminated. ~~illuminated internally.~~ Internally illuminated window signs are limited to no more than two (2) **illuminated** signs per tenant and must be fixed lighting (i.e. no flashing, scrolling, dissolving, osculating, spinning, twirling, or any other type of motion). (Ord. 2023-051. Passed 8-16-23.)

**PROPOSED 1103.07(B)**

**Table of Residential Uses by Zoning District**

Specific Zoning Land Use Category by Zoning District	Zoning District														
	O-R	R-1	R-2	R-3	R-3A	R-4	R-C	C-R	IC-R	C	C-D	N-C	U	R-T-O	I
(70) Dwelling, Apartment Complex						C							C		
(71) Dwelling, Dormitory													C		
(72) Dwelling, Multifamily				C	C	C	C	C	C	C	C	C	C		
(73) Dwelling, Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P		
(74) Dwelling, Two Family				P	P	P	P	P	P	P	P	P	P		
(105) House, Boarding						C	C	C	C	C	C	C			
(106) House, Rooming						C	C	C	C	C	C	C			

**NOTES**

Must consider definitions for each word in Zoning Land Use Category.  
 Numbers in parentheses reference definition # in CH 1102

**KEY**

C: Conditionally Permitted Use  
 P: Permitted Use  
 Gray Cell: Not permitted nor conditionally permitted in zoning district

**General Definitions**

- (69) Dwelling: Any building, or portion thereof, which is designed or used primarily for residential purposes, including single family, a household unit, or three (3) or more unrelated individuals, but not including hotels, motels, and bed and breakfasts.
- (75) Dwelling Unit: Any room or group of rooms located within a dwelling and forming a residential 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 defined in this Chapter, or three or more unrelated individuals.
- (79) Family: Individuals who are related by marriage, legally recognized civil union, adoption, or who are within three (3) degrees (or fewer) of consanguinity.
- (107) Household Unit: A family, a single family and one (1) unrelated individual, a single individual, two (2) unrelated individuals, or any of these four (4) designations and a caregiver(s) (as defined by this Code) residing in a dwelling unit. Individuals residing in an apartment complex, rooming house, boarding house, hotel, motel, group dwelling, dormitory, fraternity house, or sorority house, together, do not constitute a household unit.