

ORDINANCE NO. 2023 -051

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO INCORPORATE CLARIFYING LANGUAGE IN CERTAIN EXISTING SECTIONS AND TO ADD NEW REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, on June 16, 2021, Council adopted an updated Zoning Code in order to make the Code more understandable and user friendly; and

WHEREAS, on June 20, 2023, staff met with the Planning Commission to discuss the proposed text amendments and voted unanimously to approve the proposed changes; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1105: Conditions Applicable to Specific Land Uses;
- 2) Chapter 1106: General Provisions;
- 3) Chapter 1109: Signs;
- 4) Chapter 1111: Administrative Boards and Commissions.

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: August 16, 2023
Date

EFFECTIVE: August 16, 2023
Date

ATTEST: Amy Wilkens
Amy Wilkens, CMC
Clerk of Council

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

I, AMY WILKENS, 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. 2023-051, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON August 16, 2023.

(SEAL)

Amy Wilkens
AMY WILKENS, CMC
CLERK OF COUNCIL

Chapter 1105: CONDITIONS APPLICABLE TO SPECIFIC LAND USES

SECTION 1105.57: SEXUALLY ORIENTED USES AND BUSINESSES

(A) Definitions.

(2) **Sexually-Oriented Business:** An establishment where a substantial portion of the use (i.e., ~~more than a minimal use-but not necessarily a majority of the use which~~. A minimal use does not exceed one percent (1%) or 30 square feet, whichever is less, of the available retail display space) is distinguished or characterized by its emphasis on sexually-oriented materials. Sexually-oriented businesses include, but are not limited to the following uses: adult book stores, adult cabarets or nightclubs, adult motion picture theaters, sexually-oriented media stores, sexually-oriented motels, sexually-oriented encounter centers; sexually-oriented escort agencies; sexually-oriented spas; or sexually-oriented viewing booths.

Chapter 1106: GENERAL PROVISIONS

SECTION 1106.07: EXTERIOR LIGHTING AND GLARE

(A) ~~Commercial-Parking~~ Areas Lighting.

- (1) **Shielding.** All outdoor lighting must be directed toward and confined to the ground areas. Full cut-off fixtures must be used to prevent light from projecting above a ninety (90) degree horizontal plane. See ~~Error! Reference source not found.~~
- (2) **Light Trespass Limits.** Exterior lighting sources must be designed, constructed, located, and maintained in a manner that ~~minimizes~~ eliminates light trespass onto neighboring properties. The light trespass from a property must not exceed 0.0-foot candles at the property line, measured at grade.
- (3) **Up-lighting.** All up-lighting used for the external illumination of buildings must be placed and shielded so as to not interfere with the vision of persons off the property

(B) Prohibited Lighting.

- (1) **Flashing or Moving Lights.** All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.
- (2) **Recreational Facility Lighting.** No outdoor recreational facility, public or private, will be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.
- (3) **Laser Source Light.** The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.

(4) **Searchlights.** The operation of searchlights for advertising purposes is prohibited.

(5) **Lighting for Advertising.** The use of lighting for advertising and/or conspicuous purposes is prohibited, except where such lighting is approved by the Community Development Department, as part of a sign, and in compliance with all the requirements of this Zoning Code.

SECTION 1106.10: ACCESSORY BUILDINGS

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

(A) **Accessory Buildings:** Accessory buildings must not be located closer than fifteen (15) feet to the 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 principal building height.

Chapter 1109: SIGNS

SECTION 1109.09: STANDARDS FOR SPECIFIC SIGN TYPES

(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%) of the area within a single window pane, and the total area of window signs must not exceed fifty percent (50%) 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) signs per tenant, and must be fixed lighting (i.e. no flashing, scrolling, dissolving, osculating, spinning, twirling, or any other type of motion).

Chapter 1111: ADMINISTRATIVE BOARDS AND COMMISSIONS

Section 1111.02: PLANNING COMMISSION

(D) Conducting Site Plan review and Issuing Permitted, Conditionally Permitted, or Specially Permitted Zoning Use Certificates.

- (1) **Application Procedures for Minor Site Plan Review.** For a minor site plan review, the Community Development Department will ~~identify~~ specify what documentation is required.
- (2) **Application Procedures for Major Site Plan Review.** An application for Major Site Plan Review must be submitted to the Community Development Department on forms provided for that purpose by the Community Development Department. Each application must be accompanied by the payment of any applicable fees. Applicants will be required to submit the following information, as specified by the Community Development Department, along with the completed application form:

- (a) **Cover Letter.** The cover letter must provide a statement supported by substantiating evidence regarding the requirements enumerated in ~~Error!~~ ~~Reference source not found.~~ or Section 1101.01:(D)(2)(c) and include, where applicable, the following:

- Description of the proposed project;
- Solid Waste Management;
- Number of Parking Spaces;
- Hours of Operation;
- Lighting;
- Signage;
- Landscaping; and
- Number of Occupants (i.e., employees, tenants, etc.)

- (b) **Proof of ownership or site control.**

- (c) **Site Plan.** The applicant must submit the number of scaled sets of plans required by the Community Development Department for the proposed project showing the items, as specified by the Community Development Department in the table below: