

ORDINANCE NO. 2011 - 15

AN ORDINANCE REPEALING CHAPTER 1107, "TITLE, INTERPRETATION AND CONFLICT"; CHAPTER 1109, "DEFINITIONS"; CHAPTER 1111, "ADMINISTRATION AND ENFORCEMENT"; CHAPTER 1113, "CONDITIONAL ZONING CERTIFICATES AND SPECIALLY PERMITTED USES"; CHAPTER 1115, "BOARD OF ZONING APPEALS"; CHAPTER 1117, "AMENDMENTS"; CHAPTER 1119, "SITE PLAN REVIEW AND CONFORMANCE"; AND CHAPTER 1165, "SIGN REGULATIONS"; AND TO CREATE CHAPTER 1101, "TITLE, INTERPRETATION, AND CONFLICT"; CHAPTER 1103, "DEFINITIONS"; CHAPTER 1105, "ADMINISTRATION AND ENFORCEMENT"; CHAPTER 1107, "CONDITIONAL ZONING CERTIFICATES AND SPECIALLY PERMITTED USES"; CHAPTER 1109, "BOARD OF ZONING APPEALS"; CHAPTER 1111, "AMENDMENTS"; CHAPTER 1113, "SITE PLAN REVIEW AND CONFORMANCE"; CHAPTER 1119, "HOME BASED BUSINESSES"; CHAPTER 1120, "ARCHITECTURAL DESIGN REVIEW"; CHAPTER 1121, "DESIGN OVERLAY DISTRICTS"; CHAPTER 1122, "ROOMING AND BOARDING HOUSES"; CHAPTER 1165, "SIGN REGULATIONS"; APPENDIX A, "DESIGN GUIDELINES FOR THE KENT DESIGN OVERLAY DISTRICT"; AND APPENDIX B, "SIGN DESIGN GUIDELINES", OF PART ELEVEN OF THE CITY OF KENT'S PLANNING AND ZONING CODE.

WHEREAS, the City of Kent has been reviewing the Kent City Zoning Code for approximately two years; and

WHEREAS, this comprehensive process has included members of various boards and commissions, City staff, Kent City Council members, and citizens of the City of Kent; and

WHEREAS, the City of Kent's Planning Commission met on January 18, 2011 and by a vote of 3-0, recommended approval of the amendments.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto:

SECTION 1. That Council does hereby amend the Part Eleven of the Kent City Planning and Zoning Code, by adding the language attached hereto, a copy of which is marked as Exhibit "A" and incorporated herein, to said Chapter.

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 shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 03/16/2011
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2011-15 as duly enacted this 16 day of March, 2011, by the Council of the City of Kent, Ohio.

Clerk of Council

**CITY OF KENT, OHIO ZONING CODE
CHAPTER 1101
TITLE**

**CHAPTER 1101
TITLE, INTERPRETATION AND CONFLICT**

1101.01	Title
1101.02	Interpretation
1101.03	Conflict

1101.01 TITLE

The provisions of Title's One through Five of this part Eleven - Planning and Zoning Code shall be known as the "Zoning Ordinance of the City of Kent. Ohio".

1101.02 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance, as most recently amended, shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare.

1101.03 CONFLICT OF LAW

Whenever the regulations of this Zoning Ordinance require a greater width or size of yards or other open spaces, a lower height limit, greater percentage of lot to be left unoccupied, a lower density of population, a more restricted use of land, or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, these regulations shall govern.

CHAPTER 1103 DEFINITIONS

1103.01	Interpretation	1103.02	Computation of Time
1103.03	Definitions		

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. other gender 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 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 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.

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, 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 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 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 Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked 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.

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.

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

Building: Any structure designed or for the support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building, Accessory: 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, 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.

Building Line/ Building Setback Line: See Setback Line.

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

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.

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.

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.

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 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 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.

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 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 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 on the premises.

Club: 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.

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 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.

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

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 Use: A use permitted within a district other than a principally permitted use, requiring a Conditional Use Permit Certificate and approval of the Planning Commission.

Conditional 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 this Zoning Code.

Condominium: 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.

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.

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 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.

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: 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: 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.

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

Egress: Access or departure point or exit.

Elderly: Persons sixty-five (60) years of age or older.

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.

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 or publicly funded child day care is provided for 7 to 12 children at one time, or a permanent residence of the provider in which private child day care is provided for 4 to 12 children at one time if four or more are under two years of age. In counting children for the purposes of this section, no children of the administrator's shall be counted.

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 more than three children are under two years old one time. In counting children for the purposes of this section, no children of the day care provider shall be counted.

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.

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 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 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.

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.

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

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 and offered to the general public for compensation. Often, additional services are provided such as restaurants, meeting rooms, and recreational activities. As such, 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.

Household: See Chapter 1122.

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 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.

Junk Buildings, Junk Shops, and Junk Yards: Any area of more than seventy- five (75) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

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
- 2903.02 Murder
- 2903.03 Voluntary manslaughter
- 2903.04 Involuntary manslaughter
- 2903.05 Aggravated vehicular homicide
- 2903.11 Felonious assault
- 2903.12 Aggravated assault
- 2905.01 Kidnapping
- 2905.02 Abduction
- 2905.04 Child stealing
- 2907.02 Rape
- 2907.03 Sexual battery
- 2907.05 Gross sexual imposition
- 2907.07 Importuning
- 2907.12 Felonious sexual penetration
- 2909.02 Aggravated arson
- 2909.03 Arson
- 2911.01 Aggravated robbery
- 2911.02 Robbery
- 2923.13 Having weapons while under disability
- 2923.15 Using weapons while intoxicated
- 2923.16 Improperly handling firearms in a motor vehicle
- 2923.17 Unlawful possession of dangerous ordnance
- 2923.19 Failure to secure dangerous ordnance
- 2925.02 Corrupting another with drugs
- 2925.03 Trafficking in drugs
- 2925.11 Drug abuse
- 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.

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.

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.

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 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, 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 (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 thoroughfares 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 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 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 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: 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.
- 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 residing of an individual(s) overnight in a dwelling unit, or 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.

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.
- 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: 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.

An outdoor advertising sign shall include any card, cloth, paper, metal, painted glass, wood, plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

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.

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

Performance 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 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.

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 use owned or operated by a nonprofit, religious, or similar type of public program, including, but not limited to: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

Recreation Camp: 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.

Recreation Facilities: 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 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.

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.

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.

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 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.

Row House: See Town House.

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, 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, 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, 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) 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 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.

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 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, in-ground or above-ground having a capacity 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 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 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 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 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 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.

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.

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.

**CHAPTER 1105
ADMINISTRATION AND ENFORCEMENT**

1105.01	Zoning Inspector	1105.02	Planning Commission
1105.03	Zoning Permit Required	1105.04	Application For Zoning Permit
1105.05	Issuance Of Zoning Permit	1105.06	Zoning Permit Expiration
1105.07	Performance Bond	1105.08	Fees And Bond Deposits
1105.09	Certificate Of Occupancy	1105.10	Maintenance of Records
1105.11	Remedy for Violation	1105.12	Penalty
1105.13	Special Costs	1105.14	Payment of Fees
1105.15	Park & Recreation Fee	1105.16	Zoning / Use Certificate

1105.01 ZONING INSPECTOR

The Director of Community Development, or other such person(s) as he/she may designate, shall be the Zoning Inspector for the purpose of effecting proper enforcement of this Zoning Ordinance. The Director may designate such Assistant Zoning Inspectors as he/she chooses.

1105.02 PLANNING COMMISSION

The Planning Commission shall have the power to administer Chapters 1107 and 1113 of this Zoning Ordinance as well as all other pertinent Sections as identified throughout this Ordinance.

1105.03 ZONING PERMIT REQUIRED

A Zoning Permit shall be required under the following circumstances:

- (a) The construction or structural alteration of any building or accessory building constructed upon a permanent foundation.
- (b) The change in use of any structure, building or parcel of land. For the purpose of this ordinance, the term "change in use" shall be identified in the following manner:
 - (1) Residential Uses - For the purpose of this Section, the residential use categories are as follows: A) Single family dwelling, B) Two family dwelling, C) Multifamily dwelling, or D) Rooming, Boarding or Lodging House. A "change in use" status shall 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.
 - (2) Commercial, Industrial and other Non-Residential Uses - In this category, a "change in use" status shall 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

con-versions shall be made in conformance with all applicable Sections of this Ordinance prior to the issuance of a Zoning Permit.

- (c) The change in the use of land.
- (d) The erection or enlargement of signage as regulated by Chapter 1165 of this Ordinance.
- (e) For any other purpose in which the issuance of a Zoning Permit is mandated by this Ordinance.

1105.04 APPLICATION FOR ZONING PERMIT

All applications for Zoning Permits shall be submitted to the Zoning Inspector, must be completed in full and must be accompanied by the payment of the appropriate fee as identified in Section 1105.14. In addition, the applicant shall also submit a plot plan or drawing which identifies the construction to take place, the location of the proposed structure as well as all existing structures and appurtenances, all lot dimensions and setback distances as well as the relative location of any and all nearby public or private streets. Applications for Zoning Permits regarding signs shall be accompanied by data as required by the Community Development Department.

1105.05 ISSUANCE OF ZONING PERMIT

The issuance of zoning permits shall be subject to the following provisions:

- (a) Within thirty (30) days of the receipt of application and payment of fees as required in Section 1105.14, the Zoning Inspector shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance. Otherwise, he/she shall give written notice of denial, stating the reasons therefore over his/her signature.
- (b) Variances. Upon approval of a Zoning Variance, as regulated in Chapter 1109 of this Ordinance, the Zoning Inspector shall issue a Zoning Permit upon the expiration of a ten (10) day appeal period. The applicant must re-submit an application for a Zoning Permit along with the required fee as set forth in Section 1105.14, prior to the issuance of the Permit.
- (c) Conditional Zoning Certificate. Upon approval of a Conditional Zoning Certificate as regulated in Chapter 1107 of this Ordinance, the Zoning Inspector shall issue a Zoning Permit upon the expiration of a ten (10) day appeal period. The applicant must re-submit an application for a Zoning Permit, along with the required fee as set forth in Section 1105.14, prior to the issuance of the Permit. Any conditions set forth by the Planning Commission in their Certificate of Approval must be completely satisfied prior to the issuance of the Permit, unless otherwise specified.
- (d) Site Plan Approval. Upon approval of a Site Plan as regulated in Chapter 1113 of this Ordinance, the Zoning Inspector shall issue a Zoning Permit. The applicant shall be responsible for securing the Permit during the Approval "validity period". The applicant must re-submit an application for a Zoning Permit, along with the required fee as set forth in Section 1105.14, prior to the issuance of the Permit. Any conditions set forth by the Planning Commission in their Certificate of Approval must be completely satisfied prior to the issuance of the Permit, unless otherwise specified.

1105.06 ZONING PERMIT EXPIRATION

The Zoning Permit shall become void at the expiration of one year after the date of issuance, unless construction has begun. If no construction is started within one year of the date of the Permit, a new permit is required and reapplication must be made.

1105.07 PERFORMANCE BOND OR OTHER FINANCIAL GUARANTEE

In all cases where a performance bond or other financial guarantee is required by this Zoning Ordinance, such bond or guarantee shall be placed with the City and shall be returned to the applicant only if, and after a Certificate of Occupancy is issued to the applicant.

1105.08 FEES AND BOND DEPOSITS

All fees, bond forfeitures and all fines shall be deposited in the General Fund and the Director of Finance is hereby authorized to accept such funds and to deposit same and that he/she be and is hereby authorized to draw his/her warrants upon such fund in payment of such costs incurred.

1105.09 CERTIFICATE OF OCCUPANCY

No premises shall have its use changed and structure erected, altered, extended or changed in use, shall be occupied, until a Certificate of Occupancy is issued by the Building Inspector. In any and all applicable cases, no Certificate of Occupancy shall be issued prior to the issuance of a Zoning Permit.

1105.10 MAINTENANCE OF RECORDS

(a) Permanent records of all applications, fees, bonds, certificates, permits, plans, meetings, notices, hearings, special studies, amendments and other actions conducted in the administration and enforcement of this Zoning Ordinance shall be maintained in the Office of Zoning Inspection, and shall be made available to the public in accordance with the City of Kent's Public Records Management Policy.

(b) The Zoning Inspector shall make monthly and yearly reports to the City Manager and Council regarding activities related to the enforcement and administration of this Ordinance.

(c) A record of non-conforming uses, as prescribed in Chapter 1169 shall be maintained in the Office of Zoning Inspection.

(d) An original or master copy of the Zoning Ordinance text shall be retained in the Office of Zoning Inspection, maintained current with amendments, and be available to the public. All revisions or amendments shall be incorporated into the original master text within a period of two (2) weeks from the effective date of the enacting ordinance.

Copies of each amendment enacting ordinance shall be attached as a permanent appendage to the original master text.

(e) The original or master of the Zoning District Map shall be retained in the Office of Zoning Inspection, maintained current with amendments, and be available to the public. All revisions or amendments shall be incorporated on the master map within a period of two (2) weeks from the effective date of the enacting ordinance. The boundary lines of each zoning

change shall be described and attached as a permanent appendage to the original master map.

1105.11 REMEDY FOR VIOLATION

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any provision of this Zoning Ordinance or amendments thereto, Council, the Director of Law, the Zoning Inspector or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute in-junction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

1105.12 PENALTY

Any person violating any provision of this Zoning Ordinance or amendment thereto shall be fined not more than one hundred dollars (\$100.00). Each day of continuation of violation shall be deemed a separate offense. Alternatively, zoning violations may also be enforced under the provisions for Civil Infractions as per the stipulations set forth in Sections 501.01 and 501.13 inclusive of the Kent Codified Ordinances.

1105.13 SPECIAL COSTS

When the Planning Commission or Board of Zoning Appeals finds it necessary to maintain a strict record of public hearing procedures, or when the Commission or Board deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.

1105.14 PAYMENT OF FEES

The fees for zoning permits and applications as provided for in the various Chapters of the Kent Zoning Code are enumerated in Section 1312.01 of the Kent Codified Ordinances. These fees shall be collected at the time of application and/or zoning permit issuance.

1105.15 PARK AND RECREATION FEE

The impact fees related to park and recreation which are invoked at the time of Subdivision or development are outlined in Chapter 1191 of the Kent Codified Ordinances. These fees shall be paid in the manner prescribed in Chapter 1191.

1105.16 ZONING/USE CERTIFICATE

The following provisions shall apply to the issuance of Zoning / Use Certificates:

(a) Every owner of real property located entirely or in part in the City, prior to entering into a contract for the sale or transfer of such realty, shall tender to the prospective buyer a copy of a Zoning / Use Certificate issued by the Director of Community Development within six (6) months prior to the execution of the contract of sale. The buyer shall give the seller a receipt for the certificate. The certificate shall not be required in a sale or transfer by one governmental agency to another.

(b) When an escrow agent has been established in connection with the sale of such real property, the escrow agent shall not transfer title or distribute funds until there has been deposited in escrow an acknowledgement from the buyer of the receipt of a copy of the Zoning/Use Certificate.

(c) The Zoning / Use Certificate shall be in such manner and form as may be adopted by the Director of Community Development and shall at a minimum include the following:

- (1) The address of the premises;
- (2) Designation of the zoning district the premises are located in;
- (3) The present permitted and conditionally permitted uses of such premises.

(d) The Zoning / Use Certificate shall be valid for a period of six months from the date of issuance. A Zoning / Use Certificate is not a warranty or guarantee that the premises are lawfully used, nor shall the City be held responsible for any errors or omissions in the Zoning/Use Certificate.

(e) A Zoning / Use Certificate may be requested in writing, in person, or by telephone or FAX from the Director and they shall be provided in person or by mail or FAX without charge or fee.

(f) Any person, firm or corporation violating any provision of this section shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

(g) The provisions of Section 1105.16 shall not apply to:

- 1) A sale or transfer which has been closed prior to the effective date of Section 1105.16.
- 2) A sale or transfer where the seller or transferor and the purchaser or transferee have signed a purchase agreement prior to the effective date of Section 1105.16.

(h) The Community Development Department shall monitor the land transfers within the City of Kent that are filed with the Portage County Recorder's Office. Should a transfer be filed, for which no zoning / use certificate was issued, the Community Development Department shall send a zoning / use certificate to the new owner within thirty (30) days of discovery of the transfer.

(i) The provisions of Section 1105.16 are severable, and if any sentence or other part of this section should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

CHAPTER 1107

CONDITIONAL ZONING CERTIFICATES AND SPECIALLY PERMITTED USES

1107.01	Purpose	1107.02	Application Procedures
1107.03	Submission Of Application	1107.04	Planning Commission Review
1107.05	Basis Of Determination	1107.06	Issuance Of Certificate/Permit
1107.07	Reapplication	1107.08	Compliance With Conditions
1107.09	Compliance With Other Law	1107.10	Termination

1107.01 PURPOSE

The purpose of the provisions of this Chapter is to provide for the issuance of Conditional Zoning Certificates where conditionally permitted uses are provided for, and Specially Permitted Uses where such uses are provided for in this Zoning Ordinance.

1107.02 APPLICATION PROCEDURES

All applications for a Conditional Zoning Certificate or a Specially Permitted Use shall be submitted to the Community Development Department on forms provided for that purpose by the Community Development Department. Each application shall be accompanied by the payment of a fee as specified in Chapter 1312.01 of the Kent Codified Ordinances. Applicants shall be required to submit the following information along with the completed application form:

- (a) Cover Letter: A letter, submitted by the applicant which describes the proposed project and what it encompasses. Such letter shall be of no specific form but shall be as descriptive as possible. The cover letter shall also provide a statement supported by substantiating evidence regarding the requirements enumerated in 1107.05(a) or (b).
- (b) Site Plan: The applicant shall submit eighteen (18) paper copies of a site plan of the proposed project showing the following items:

- (1) General Vicinity Map
- (2) Property Boundary Lines
- (3) Elevation Marks & Contours
- (4) Traffic & Circulation Plan
- (5) Adjacent Streets
- (6) Parking & Loading Plan
- (7) Landscaping Plan
- (8) Grading & Surface Drainage Plan Including Preliminary Storm Water Calculations & Description of Best Management Practices
- (9) Utilities Plan (Water and Sanitary Sewer)
- (10) Proposed Signage
- (11) Any additional information requested by the Community Development

Department or the Planning Commission which is deemed necessary for the review of the application.

The Community Development Department shall make the final determination as to the adequacy of the submission and may reject any submission which is determined to be incomplete.

(c) Property Owner List: The applicant shall obtain the names and addresses of property owners within 200 feet of the property lines of the property being considered. The names and addresses shall be those that appear on the County Auditor's current tax list or the County Treasurer's mailing list. Alternatively, the City may waive this requirement if the City can provide this information.

(d) Certificate of Appropriateness: In accordance with Chapter 1120 and Chapter 1121 of this Zoning Code (if and when adopted), the applicant shall provide a copy of the Certificate of Appropriateness as issued by the Architectural Review Board, when such a review is applicable. The Certificate shall be issued for the specific project and plans being presented for the Conditional Zoning Certificate or Specially Permitted Use.

1107.03 SUBMISSION OF APPLICATION

Once a completed Conditional Zoning Certificate or Specially Permitted Use application has been received, the Community Development Department shall determine an appropriate date at which the application shall be presented to the Planning Commission. At the applicant's request, the project may be presented conceptually to the Commission prior to the formal review for the Planning Commission's comments, however, no final action is permitted as part of the conceptual review. Upon submission of the full and complete application by the applicant, the following procedure shall be followed:

(a) Administrative Review: The Community Development Department shall circulate copies of the submitted site plans to the following departments or committees: Engineering, Building, Police, Safety, Fire, Health, Community Development and the Parks / Recreation Department where appropriate. Each reviewer shall be asked submit their comments on the project as appropriate.

(b) Public Notification: The date, time and place of the Planning Commission public hearing involving the review of the request for a Conditional Zoning Certificate or Specially Permitted Use shall be published in each of the following ways:

(1) Once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing.

(2) Written notice of the hearing shall be mailed by the Community Development Department by certified mail at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from any part of the property or 200 feet from the property, whichever is greater, and the addresses of such owners shall be those as appear on the County Auditor's current tax list or the Treasurer's mailing list. The notice shall include an indication to such owners the intent of the Conditional Zoning Certificate or Specially Permitted Use request to be considered by the Commission at the public hearing.

(3) The Community Development Department shall post a sign advertising the proposed project, the date and time of the initial Public Hearing. The sign shall be posted at the site not less than seven (7) days prior to the date of the meeting.

1107.04 PLANNING COMMISSION REVIEW

The Planning Commission shall hold a public hearing to review the proposed development as presented on the submitted application, plans and specifications in accordance with the standards established in this Zoning Ordinance. The Commission may also take into account comments from the administration or the general public in its evaluation of the project. Whenever it feels necessary, the Commission may attach conditions to the approval of a Conditional Zoning Certificate or Specially Permitted Use in order to insure the health, safety or welfare of the public as well as the integrity of an existing neighborhood in proximity to the development.

(a) Special Studies Required: In the event that the Planning Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the administration to conduct additional studies, or seek expert advice. The cost of such studies shall be borne by the applicant but in no event shall such cost exceed one thousand (1,000) dollars, which sum shall be on deposit with the City, upon request of the Commission.

(b) Decision: The Planning Commission shall approve or disapprove all applications for Conditional Zoning Certificates or Specially Permitted Uses to come before it within sixty (60) days of the initial public hearing. Such period may be extended by the Commission in the event that additional studies are required.

1107.05 BASIS OF DETERMINATION

The applicant shall be required to establish by clear and convincing evidence that the general standards of this Zoning Ordinance, this Chapter and the specific standards pertinent to each proposed use shall be met throughout the period of the proposed use.

The Planning Commission shall determine compliance or non compliance and shall insure that the general standards, the specific standards and other terms of this Ordinance pertinent to the proposed use shall be satisfied by the completion and operation of the proposed development.

(a) General Standards: The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find that such use of the proposed location:

(1) Shall be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use and Thoroughfare Plan (Comprehensive Development Plan) of current adoption;

(2) Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use shall not change the essential character of the same area;

(3) Shall not be hazardous or disturbing to existing or future neighboring uses;

(4) Shall not be detrimental to property in the immediate vicinity or to the

community as a whole;

(5) Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures; or that the persons or agencies responsible for the establishment of such use shall be able to provide adequately any such service including refuse disposal; and

(6) Shall have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

(b) Additional Standards For Special Zoning Permit Uses: The Planning Commission shall review each Special Zoning Permit application for conformance to the following additional general standards:

(1) That the proposed use shall not be contrary to the public interest or injurious to nearby properties.

(2) That the proposed use shall not enlarge or encourage the development of a blighting influence.

(3) That the establishment of an additional regulated use in the area shall not be contrary to any program of neighborhood conservation.

(4) That all applicable regulations of this Section shall be observed.

1107.06 ISSUANCE OF CERTIFICATE OR PERMIT

Only upon conclusion of hearing procedures relative to a particular application through adequate review and study may the Planning Commission authorize issuance of a Conditional Zoning Certificate or Special Zoning Permit. Once this approval has been authorized, the Community Development Department shall issue the Zoning Permit as specified in Section 1105.05(c).

1107.07 REAPPLICATION

No applicant for a Conditional Zoning Certificate or Specially Permitted Use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence as proof of changed conditions which would be sufficient to justify reconsideration as determined by the Commission. Each reapplication shall be accompanied by a fee as specified in Section 1312.01 of the Kent Codified Ordinances.

1107.08 COMPLIANCE WITH GRANTED CONDITIONS AND REVOCATION OF CERTIFICATE OR PERMIT

Prior to the issuance of a Certificate of Occupancy and from time to time thereafter, or upon the receipt of a complaint lodged with the Community Development Department concerning uses and/or operations directly or indirectly associated with a Conditional Zoning Certificate or Specially Permitted Use, the Community Development Department shall conduct an inspection of the premises in question to assure compliance with the granted conditions or the validity of a particular complaint.

The breach of any condition, safeguard or requirement shall automatically invalidate the Certificate or Permit granted and shall constitute a violation of this Ordinance. Such violation shall be punishable as per Section 1105.12.

1107.09 COMPLIANCE WITH OTHER LAW

All uses and associated premises, structures, activities, roads, parking areas, utilities and construction, established after the effective date of this Zoning Ordinance shall be in compliance with City Subdivision Regulations, Building Code, Property Maintenance Code, Health Code, Housing Code and all other applicable regulations.

1107.10 TERMINATION

The Conditional Zoning Certificate or Specially Permitted Use approval shall become void at the expiration of two years after the date of approval unless the legal construction of the project is started or the approved new or expanded use is legally changed.

CHAPTER 1109

BOARD OF ZONING APPEALS

1109.01	Board Established	1109.02	Composition & Appointment
1109.03	Organization	1109.04	Quorum
1109.05	Meetings	1109.06	Witnesses
1109.07	Proceedings	1109.08	Planning Commission Review
1109.09	Powers & Duties	1109.10	Application Procedures
1109.11	Review by BZA	1109.12	Decisions
1109.13	Issuance of Zoning Permit		

1109.01 BOARD ESTABLISHED

There shall be a Board of Zoning Appeals which shall have the power and duties prescribed by law and by this Zoning Ordinance.

1109.02 COMPOSITION AND APPOINTMENT

The Board of Zoning Appeals shall be constituted in the following manner:

(a) Composition - The Board of Zoning Appeals shall consist of five (5) members appointed by City Council. A member serving on the Board at the time of the official adoption of this Ordinance may complete the term of their original appointment, but in the event of the death or resignation of such member, Council shall fill the vacancy for the unexpired portion of the term of that member.

(b) Appointment - All appointments made subsequent to those described in subsection (a) hereof shall be for a period of three (3) years. The members of the Board shall be residents of the City of Kent and shall serve without compensation.

1109.03 ORGANIZATION

The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a recording secretary, and shall prescribe rules for the conduct of its affairs.

1109.04 QUORUM

Three (3) members of the Board of Zoning Appeals shall constitute a quorum and a concurring vote of three (3) members of the Board shall be necessary to affect an order or resolution. Whenever less than a full membership of the Board is present at the meeting, each applicant shall have the option of requesting a postponement.

1109.05 MEETINGS

Whenever there are matters to come before the Board, the Board shall meet on the third (3rd) Monday of each month, at the call of its Chairman or at other such times as it may determine. Whenever the third (3rd) Monday of the month falls on a legal holiday, that meeting shall be scheduled for the fourth (4th) Monday of each month. All meetings of the Board shall be open to the public.

1109.06 WITNESSES

The Chairman of the Board of Zoning Appeals may direct the Law Director, or his/her designee to administer oaths and compel by issuance of a subpoena, the attendance of witnesses in all matters coming within the purview of the Board and take testimony of any and all persons appearing before it.

1109.07 PROCEEDINGS

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and the Board shall keep records of its official actions which shall be filed in the City's Community Development Department. All minutes shall be formally approved by a quorum of the Board's membership before becoming the official record of the meeting.

1109.08 PLANNING COMMISSION REVIEW

The Board of Zoning Appeals may request in writing an advisory opinion from the Planning Commission on any question. The Commission shall submit a written report to the Board of such advisory opinion within thirty (30) days of its receipt of such request.

1109.09 POWERS AND DUTIES

The Board of Zoning Appeals shall have the power under the authority of the Zoning Code to determine the following:

(a) Appeals: The Board of Zoning Appeals shall hear and determine all appeals from any decision or action of the Zoning Inspector in the administration or enforcement of the Zoning Ordinance. The Board of Zoning Appeals shall hear and determine all appeals from the refusal of the Zoning Inspector or Planning Commission to issue zoning certificates or conditional zoning certificates. The Board may decide appeals by reversing or affirming, wholly or in part, or by modifying such decision, action or refusal.

(b) Variances:

(1) When practical difficulties, unnecessary hardship or results inconsistent with the general purpose of the Zoning Ordinance result through the strict and literal interpretation and enforcement of the provisions thereof, the Board shall have the authority, subject to the provisions of this chapter, to grant upon such conditions as it may determine, such variances from the provisions of the Zoning Ordinance as may be in harmony with its general purpose and intent, so that the spirit of the Zoning Ordinance shall be observed, public safety, health and welfare secured and substantial justice done. The Board may grant a variance as applied for or a variance

constituting a modification thereof. In granting a variance, the Board may attach thereto such conditions relating to the location of the proposed structure or use, or the duration of the variance as it may deem necessary in order to further the purposes of the Zoning Ordinance. The Board may require such evidence and guarantee or bond as it may deem necessary to insure that all such conditions so attached are being and shall be complied with. The Board shall not have the authority to authorize, through the granting of a variance, a change in the use of any parcel of land. The Board is not empowered to change the zoning classification for any zone district, but may in such instances as desired initiate an amendment to the Zoning Ordinance in accordance with Chapter 1111.

(2) In carrying into effect its powers to grant or to recommend variances, the Board shall be guided by the following criteria:

- A. In general, the power to authorize a variance from the terms of this Zoning Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
- B. Any variance granted shall be the minimum needed to alleviate the difficulty or hardship involved.
- C. A limitation upon the financial gain from the land in use shall not in and of itself constitute a hardship.
- D. Any difficulty or hardship constituting the basis for a variance shall not be self-created.
- E. Mere evidence that a variance was previously granted under similar circumstances shall not be considered sufficient grounds for granting a variance.

(3) In every instance where the Board grants or recommends a variance, there must be a finding by the Board that:

- A. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Ordinance.
- B. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district.
- C. The granting of such variance shall not be of substantial detriment to the public interest or to adjacent property or improvements in such district in which the variance is sought, and shall not materially impair the purpose of the Zoning Ordinance.

(c) Interpretation: The Board of Zoning Appeals shall, upon application filed as hereinafter provided, have the power to hear and decide any question involving the interpretation of any provision of the Zoning Ordinance, including a determination of the exact location of any district boundary if there is uncertainty with respect thereto. In considering an

interpretation of the Zoning District Map, the Board shall give due regard to the nature and conditions of all adjacent uses and structures as well as the public interest.

(d) Other Duties: The Board of Zoning Appeals may hold other duties and responsibilities outside of the Zoning Code as approved by Kent City Council through legislation or resolution. Application procedures, required documentation, advertisement of meetings and the criteria for making decisions shall be stipulated in applicable legislation or resolution. In cases where the separate said legislation or Council resolution does not spell out specific procedures related to the Board's authority in those areas, the Community Development Department or administering City Department shall establish the criteria for making applications and determining meeting dates.

1109.10 APPLICATION PROCEDURES

All applications for appeals, variances or interpretations must be filed on forms prescribed by the Board of Zoning Appeals and the Community Development Department. All such applications shall be submitted, completed in full and accompanied by the appropriate fees as specified in Section 1312.01(c)(1) of the Kent Codified Ordinances. In the event that an application is submitted which is incomplete or which is not accompanied by supporting documents or data as required on the application, it may be returned to the applicant for re-application. It shall be the applicant's responsibility to obtain and submit accurate information. The following information shall be required as part of the completed application:

(a) Interpretations:

(1) A form or cover letter completed by applicant which identifies in specific, the Section or District Boundary in dispute. The Board may table its decision on any such request which it feels is unclear until such time as it is clarified to their satisfaction. Such information shall include a detailed explanation of the question as well as any supporting information or documentation which may support the applicant's opinion on the matter.

(b) Appeals:

(1) A form or cover letter completed by applicant which specifies the decision, the date of the decision, a specific reference to the action or refusal involved as well as the grounds for the appeal. The applicant should specifically state one or more reasons with supporting documentation that establishes their position in calling for the adverse action to be set aside, modified or overturned.

(2) Such appeal must be filed with the Community Development Department within fifteen (15) days of the receipt of the alleged adverse decision, action or refusal. The date of receipt shall be established by the date which is marked on the Certified Mailing's return receipt.

(3) If required by the Community Development Department, a list showing the names and addresses of property owners within 200 feet of the property lines of the property being considered. The names and addresses shall be those that appear on the County Auditor's current tax list or the County Treasurer's mailing list.

(4) If required by the Community Development Department, a certified copy of each and every tax map page used to obtain the list of names of the property owners being submitted.

(c) Variances:

(1) A form and any required supporting documentation requested by the Community Development Department, completed by the applicant or his authorized representative which specifies the variance being requested, the specific section(s) on which the variance is being requested, the details of the variance and the grounds on which it is claimed that the variance should be granted. The supporting documentation should reference specifically the criteria provided in Section 1109.09 (b) of this Chapter and how the request for variance addresses or satisfies those criteria.

(2) A plan, drawn to reasonable scale showing the entire property under consideration, the location and names of all abutting streets, the location and dimensions of all existing and proposed structures as well as the acreage and dimensions of the property under consideration. The applicant or their authorized representative is responsible for the accuracy of the drawing(s) submitted and the information contained on them. Inaccurate information could lead to a delay in the Board's decision on a variance request.

(3) If required by the Community Development Department, a list showing the names and addresses of property owners within 200 feet of the property lines of the property being considered. The names and addresses shall be those that appear on the County Auditor's current tax list or the County Treasurer's mailing list.

(4) If required by the Community Development Department, a certified copy of each and every tax map page used to obtain the list of names of the property owners being submitted.

1109.11 REVIEW BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall review each application or request in accordance with the standards established in this Zoning Ordinance. Upon acceptance of each application, the Community Development Department shall establish the time and date of the public hearing to be held to consider the application or request by placing the application on the agenda of the next regularly scheduled Board meeting.

(a) Notice: The date, time and place of the Board of Zoning Appeals' public hearing involving the review of the request for a variance and/or appeal shall be published in each of the following ways:

(1) Once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing.

(2) Written notice of the hearing shall be mailed by the Zoning Inspector by certified mail at least fifteen (15) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from any part of the property or 200 feet, whichever is greater and the addresses of such owners shall be those as appear on the County Auditor's current tax list or the

Treasurer's mailing list. The notice shall include an indication to such owners the nature of the variance and/or appeal being requested by the applicant.

(3) The applicant shall post a sign advertising the proposed project, the date and time of the initial Public Hearing. The sign will be provided to the applicant by the Community Development Department and shall be posted at the site not less than seven (7) days prior to the date of the initial Public Hearing.

1109.12 DECISIONS

The following provisions shall apply to decisions by the Board of Zoning Appeals for those duties defined specifically in this Chapter under Sections 1109.09 (a) – (c):

(a) The Board of Zoning Appeals shall decide all appeals and rule on all requests for variances or interpretations within seventy-five (75) days after the date of the initial hearing, except that such time may be extended by mutual consent, or in the event that inaccurate information has been submitted by the applicant or their designee.

(b) In the event that a meeting of the Board is commenced with only three (3) members of the Board present, an applicant shall have the right to have the hearing of his/her application postponed until the next regular Board meeting.

(c) Every decision of the Board of Zoning Appeals shall be by resolution or order, each which shall contain a record of the findings of the Board by case number, together with all documents pertaining thereto.

(d) A copy of the Board's written resolution or order, signed by the Chairman of the Board or his/her designee, shall be sent to the applicant not more than fifteen (15) days after the decision was made. Copies shall also be kept on file in the Community Development Department. Such decisions shall be binding upon all City employees, officers, boards and commissions and shall be incorporated in any permit or certificate, subsequently issued to the application pursuant to such decision.

1109.13 ISSUANCE OF A ZONING PERMIT

In the case where a variance has been approved, the applicant may obtain a zoning permit in accordance with Section 1105.05(b) of this Ordinance. The applicant shall comply with all the regular procedures and restrictions set forth in Chapter 1105 of this Ordinance.

The applicant shall have two years from the date on which the variance was approved, in which to obtain the necessary zoning permit. In the case that a permit is not obtained within this time period, the approval shall lapse and become null and void. In order to have the variance re-approved, the applicant must comply with all application procedures and requirements set forth in this Chapter.

In cases where the Planning Commission or other board or commission as may be provided for in this Zoning Ordinance has review authority over the project and that review comes after the Board of Zoning Appeals decision, the two year period for obtaining the zoning permit shall start from the date of the last applicable approval.

CHAPTER 1111
ZONING AMENDMENTS

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

1111.01 COUNCIL MAY AMEND

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

1111.02 INITIATION OF AMENDMENTS

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

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

1111.03 CONTENTS OF APPLICATION FOR AMENDMENT

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

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

- (1) If application is initiated under Section 1111.02(d), application shall be submitted on forms made available by the Community Development Department.
- (2) If application is initiated under Section 1111.02(d), the fee as specified in Section 1312.01(c)(2) of the Kent Codified Ordinances. Payment of the fee is not refundable.
- (3) Any and all information required by the Community Development Department and this Chapter of the Kent Zoning Code.

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

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

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

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

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

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

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

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

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

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

1111.04 ACTION BY PLANNING COMMISSION

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

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

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

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

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

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

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

1111.05 ACTION BY CITY COUNCIL

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

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

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

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

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

CHAPTER 1113
SITE PLAN REVIEW

1113.01	Purpose	1113.02	Projects Requiring Review
1113.03	Application Procedures	1113.04	Submission Of Application
1113.05	Planning Commission Review	1113.06	Approval
1113.07	Re-Application	1113.08	Staged Development
1113.09	Technical Plan Review	1113.10	Violations and Penalties

1113.01 PURPOSE

The purpose of this Chapter is to identify a procedure for the review and approval of site plans for various projects as may be required and enumerated herein. Generally, those projects which involve the substantial construction of buildings, site improvements, changes in use, parking lots, or large activity areas will be required to undergo a Site Plan Review.

1113.02 PROJECTS REQUIRING REVIEW

For the purposes of this Zoning Code, there is established two levels of Site Plan Review based on the size and extent of the project.

(a) Minor Site Plan Review: A Minor Site Plan Review shall be conducted for those projects falling under Section 1113.02 (a)(1-4). Projects falling under the classification of a Minor Site Plan Review shall be those projects where the subject use of the property is a multifamily, commercial or industrial permitted use (not including conditionally permitted uses or non-conforming uses) and where the modifications fall within one or more of the following descriptions:

- (1) The project involves the construction of a building addition or separate accessory structure of not greater than 15,000 square feet, and / or
- (2) The project involves the construction of additional parking which abuts or is connected to an existing parking lot on the same property where the additional parking area does not exceed 20 parking spaces or a total additional improved area of 6,000 square feet, and
- (3) The construction of the project or any portion thereof is not closer than 50 feet to an abutting or adjoining residential property.
- (4) Any type of private driveway or curb cut relocation where the new driveway will be relocated to within 25 feet of the existing driveway location or where a driveway or curb cut is being totally eliminated.

(b) Major Site Plan Review: A Major Site Plan Review shall be conducted for those projects not qualifying as a Minor Site Plan Review and where one or more of the following

events occur for a Permitted, Conditionally Permitted or Non-conforming Use:

(1) The project involves the new construction and development on any parcel of land of multifamily, commercial or industrial uses where such uses did not previously exist or where the proposed building addition or separate accessory structure exceeds 15,000 square feet in size. The proposed use must be a legal use on the property as otherwise defined in this Zoning Code.

(2) The project involves the new construction of and/or the conversion of an existing structure to one or more units meeting the definition of a Rooming and Boarding House. The proposed use must be a legal use on the property as otherwise defined in this Zoning Code.

(3) The project involves the conversion of any residential property into a commercial, industrial or other non-residential use. The proposed use must be a legal use on the property as otherwise defined in this Zoning Code. The proposed use must also be able to satisfy all applicable building code requirements.

(4) The project involves the construction of 21 or more parking spaces and/or where the total area of the new parking lot is equal to or greater than 6,001 square feet in size on a property containing anything other than a single family or two family use. The proposed use must be a legal use on the property as otherwise defined in this Zoning Code.

1113.03 APPLICATION PROCEDURES

All applications for either a Minor or Major Site Plan Review shall be submitted to the Community Development Department on forms provided for that purpose by the Community Development Department. Each application shall be accompanied by the payment of a fee as specified in Chapter 1312.01 of the Kent Codified Ordinances. Applicants will be required to submit the following information along with the completed application form:

(a) Cover Letter: A letter, submitted by the applicant which describes the proposed project and what it encompasses. Such letter shall be of no specific form but shall be as descriptive as possible. The cover letter shall also provide a statement supported by substantiating evidence regarding the requirements enumerated in 1107.05(a) or (b).

(b) Site Plan: The applicant shall submit the number of sets of plans required by the Community Development Department for the proposed project showing the following items:

- (1) General Vicinity Map
- (2) Property Boundary Lines
- (3) Elevation Marks & Contours
- (4) Traffic & Circulation Plan
- (5) Adjacent Streets
- (6) Parking & Loading Plan
- (7) Landscaping Plan
- (8) Grading & Surface Drainage Plan Including Preliminary Storm Water Calculations & Description of Best Management Practices
- (9) Utilities Plan (Water and Sanitary Sewer)
- (10) Proposed Signage
- (11) Any additional information requested by the Community Development Department or the Planning Commission which is deemed necessary for

the review of the application. The Community Development Department may waive the need to provide one or more of the above noted information submittals for projects only requiring Minor Site Plan Review.

The Community Development Department will make the final determination as to the adequacy of the submission and may reject any submission which is determined to be incomplete.

(c) Property Owner List: The applicant shall obtain the names and addresses of property owners within 200 feet of the property lines of the property being considered. The names and addresses shall be those that appear on the County Auditor's current tax list or the County Treasurer's mailing list. Alternatively, the City may waive this requirement if the City can provide this information.

(d) Certificate of Appropriateness: In accordance with Chapter 1120 and Chapter 1121 of this Zoning Code (if and when adopted), the applicant shall provide a copy of the Certificate of Appropriateness as issued by the Architectural Review Board, when such a review is applicable. The Certificate shall be issued for the specific project and plans being presented for Minor or Major Site Plan Review.

1113.04 SUBMISSION OF APPLICATION

Once a completed Minor or Major Site Plan Review Application has been received, the Community Development Department shall determine the appropriate review and course of action for the project and advise the applicant accordingly. If the project requires zoning variances, those variances must be reviewed and approved prior to the completion of a Minor Site Plan Review and prior to going in front of the Planning Commission for a Major Site Plan Review. For projects required to undergo a Major Site Plan Review an appropriate date at which the application will be presented to the Planning Commission will be tentatively set. At the applicant's request, the project may be presented conceptually to the Commission prior to the formal review for the Planning Commission's comments, however, no final action is permitted as part of the conceptual review. Upon submission of the full and complete application by the applicant, the following procedure shall be followed:

(a) Minor Site Plan Review: Projects only subject to a Minor Site Plan Review will be reviewed internally by the Community Development Department and other City Departments as may be appropriate. Such plans may be rejected, approved as submitted or approved with modifications and conditions by the Community Development Department. Any denial or rejection of such plans may be appealed to the Board of Zoning Appeals as prescribed in the appeal process set forth in Chapter 1109 of the Zoning Code. There shall be no public hearing or other public notification for such projects. A zoning permit may not be issued until the plans submitted for a Minor Site Plan Review have been reviewed and approved for compliance with all City and State Codes, including but not limited to this Zoning Code and Chapter 1339 (Technical Plan Review) of the Kent Codified Ordinances.

(b) Major Site Plan Review: Projects requiring a Major Site Plan Review shall be processed in the following manner:

- (1) Administrative Review: The Community Development Department will circulate copies of the submitted site plans to the following departments or committees: Engineering, Building, Police, Safety, Fire, Health, Community Development and the Parks / Recreation Department where appropriate. Each reviewer will be asked submit their comments on the project as appropriate
- (2) Public Notification: The date, time and place of the Planning Commission public meeting involving the review of the request for a Major Site Plan Review shall be published in each of the following ways:
 - (A) Once in a newspaper of general circulation in the City at least fifteen (15) days prior to the date of the hearing.
 - (B) Written notice of the meeting shall be mailed by the Community Development Department by regular mail at least fifteen (15) days before the date of the meeting to the owners of property within and contiguous to and directly across the street from any part of the property or 200 feet from the property, whichever is greater, and the addresses of such owners shall be those as appear on the County Auditor's current tax list or the Treasurer's mailing list. The notice shall include an indication to such owners the nature of the project to be considered by the Commission at the meeting.
 - (C) The Community Development Department shall post a sign advertising the proposed project, the date and time of the initial meeting. The sign shall be posted at the site not less than seven (7) days prior to the date of the meeting.

1113.05 PLANNING COMMISSION REVIEW

The Planning Commission shall review the proposed development as presented on the submitted application, plans and specifications in accordance with the standards established in this Zoning Ordinance. The Commission may also take into account comments from the administration or the general public in its evaluation of the project. Whenever it feels necessary, the Commission may attach conditions to the approval of a Site Plan in order to insure the health, safety or welfare of the public as well as the integrity of an existing neighborhood in proximity to the development.

(a) Special Studies Required: In the event that the Planning Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the administration to conduct additional studies, or seek expert advice. The cost of such studies shall be borne by the applicant but in no event shall such cost exceed one thousand (1,000) dollars, which sum shall be on deposit with the City, upon request of the Commission.

(b) Decision: The Planning Commission shall approve or disapprove all applications for a Major Site Plan Review to come before it within sixty (60) days of the initial public meeting at which the project appeared. Such period may be extended by the Commission with the applicant's consent or at the applicant's request.

1113.06 APPROVAL

Only upon conclusion of review procedures relative to a particular application through adequate review and study may the Planning Commission authorize issuance of a Site Plan Approval. Once this approval has been authorized, the Community Development Department shall issue the Zoning Permit as specified in Section 1105.05(c) subject to the satisfaction of any or all conditions of approval or evidence thereof.

1113.07 REAPPLICATION

No applicant for a Major Site Plan Review which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence as proof of changed conditions which would be sufficient to justify reconsideration as determined by the Commission. Each reapplication shall be accompanied by a fee as specified in Section 1312.01 of the Kent Codified Ordinances.

1113.08 STAGED DEVELOPMENT

Where a proposed site plan indicates a staged site development approach, the later stages of the proposed development may be constructed within ten (10) years of the initial approval providing that the approval of the staged development is stated in the Community Development Department's approval of a Minor Site Plan or the Planning Commission's approval of a Major Site Plan. Later stages of the overall site plan must be built in conformance with the approved site plan or be submitted as a separate, new project, subject to whatever review requirements and zoning requirements that may apply at that time. Modified projects requiring a new review do not vest in right to be constructed at their initial approval.

1113.09 TECHNICAL PLAN REVIEW

Any project subject to review under this Chapter as a Minor or Major Site Plan shall also be subject to review under 1339 of the Kent Codified Ordinances if so stipulated. Where Technical Plan Review and Approval is required under Chapter 1339, the Zoning Permit for the project may be withheld by the Community Development Department until Technical Plan Review is completed and the plans are approved. An applicant may be required to submit revised plans to the Planning Commission where projects involving Major Site Plan Review are concerned if the revised plan deviates significantly from the version of the plans approved by the Planning Commission.

1113.10 VIOLATIONS AND PENALTIES

A Minor or Major Site Plan Approval shall become void at the expiration of two years after the date of approval unless the legal construction of the project is started or the approved new or expanded use is legally changed. Any violation of a site plan or condition of approval during construction or once construction is completed and the use has shall be treated as a Zoning Violation and be subject to any and all legal recourses provided by law including citation as a Civil Infraction as provided for in the Kent Codified Ordinances.

**CHAPTER 1119
HOME BASED BUSINESSES**

1119.01	Purpose	1119.02	Definitions
1119.03	Districts Where Permitted	1119.04	Limited Home Businesses
1119.05	Home Occupations	1119.06	Compliance / Revocation

1119.01 PURPOSE

The purpose of this Chapter is to both define and set forth the regulations for business operations being run from a home. Limited Home Businesses and the more intensive Home Occupation are both intended to be clearly incidental as a second use since the primary use of the structure is to be residential. The intent of these regulations is to allow reasonable utilization of the home for business purposes while at the same time protecting the inhabitants of the structure and the surrounding neighborhood from potentially negative impacts which adversely affect the health, safety and welfare of all concerned.

1119.02 DEFINITIONS

Two separate forms (levels) of home business are permitted in accordance with the provisions of this zoning code and are defined below:

a) Limited Home Business: A Limited Home Business is the less intensive form of home-based business where the operation is conducted entirely by the residents of the home and there is no advertising contained on the interior or exterior of the structure or property. The business does not generate traffic or other persons visiting the home. The specific requirements for a Limited Home Business are contained in Section 1119.04 of this Chapter.

b) Home Occupation: A Home Occupation is the more intensive form of home based business where there may be involvement by residents of the home and one or more persons living outside the home (as may be approved by the Planning Commission). In addition, the operation may generate advertising on the property, as permitted in Chapter 1165 of this Zoning Code, and may generate some additional traffic in the neighborhood. The specific requirements for a Home Occupation are contained in Section 1119.05 of this Chapter.

1119.03 DISTRICTS WHERE PERMITTED

a) Limited Home Business: Limited Home Businesses are a permitted use in any residential structure containing a legal residential use, regardless of zoning district. Persons or other entities operating a Limited Home Business should obtain written approval from the City of Kent Community Development Department noting that the proposed use has been reviewed and approved as a Limited Home Business.

b) Home Occupation: Home Occupations are permitted or conditionally permitted uses as identified in specific zoning districts. Where such uses are conditionally permitted,

the proposed use shall be reviewed and approved by the Planning Commission in accordance with Chapter 1107 and the provisions and conditions contained in Chapter 1119 herein.

1119.04 LIMITED HOME BUSINESSES

The following requirements apply to Limited Home Businesses:

- a) No one other than those persons residing on the premises shall be engaged in the business activity.
- b) Where such uses are proposed for rental properties, the operator of the proposed business shall provide the City with written evidence showing that the property owner has given permission for the proposed use to be operated. It is suggested that the operator and owner both consult with their insurers to determine if such operations require additional insurance coverage.
- c) There shall be no change in the outside appearance of the building or premises indicating that a business activity is taking place at the property. There shall be no signage placed on the building or anywhere on the property indicating the business activity.
- d) The operation of the business must be conducted entirely within the main residential structure and may not be conducted outside the structure in the lawn, driveway or in any accessory building or structure. There may be no storage of equipment or vehicles at the property which are related to the business, except that (1) licensed motor vehicle per household occupant using the vehicle may be parked in the driveway. Such vehicles shall not be parked in the front, side or rear yards, nor shall they be parked on an adjacent public street.
- e) The operation shall not generate customers, clients or other individuals coming to the home and shall not generate an unreasonable quantity of traffic compared to what would normally be seen on the street.
- f) Persons or other entities operating a Limited Home Business should obtain written approval from the City of Kent Community Development Department noting that the proposed use has been reviewed and approved as a Limited Home Business. In order to gain this approval, the operator of the proposed Limited Home Business shall provide the City with a written letter addressing subsections a) through e) above as well as any supporting documentation required. The proposed use shall be fully described including anticipated hours of operation and the extent to which the operation will utilize space within the home. Upon a finding that the proposed use is consistent with the provisions for a Limited Home Business, the Community Development Department will issue a letter of approval. The Community Development Department may request additional information as needed to make a final determination of approval, if necessary. The Community Development Department may deny any request which it believes to be noncompliant with the provisions for a Limited Home Business and state the reasons for denial.

1119.05 HOME OCCUPATIONS

The following requirements apply to Home Occupations:

- a) The types of uses permitted as home occupations shall be controlled by the following factors:

1) Such uses should be generally related to the provision of services to persons or other entities which can be controlled through appointments or other scheduling.

2) Any retail operation to be conducted on the premises should be restricted to those type of operations where customers can be scheduled for appointments rather than just being open generally to the public as walk-in traffic.

3) The repair of equipment, vehicles or other machinery is generally prohibited except that small items such as personal computers and small appliances may be repaired as long as such operations can be conducted entirely within the space approved for the home occupation.

b) Not more than one (1) person other than residents of the home in which the operation will be conducted shall be engaged in the operation. The Planning Commission may at its sole discretion allow more than one person outside the home to be engaged in the business if it can be shown that the engagement of the additional individuals in the operation will not adversely affect the surrounding neighborhood and can be adequately accommodated in regard to on-site parking.

c) The total floor area of the home to be utilized for a home occupation should not exceed more than 25% of the entire floor area of the structure. For the purpose of calculating the total floor area, only the main living area of the home shall be counted. Garages as well as unfinished basements or attic areas shall not be counted towards the total floor area. In situations where there are two or more dwelling units attached, the calculation of the total floor area shall be limited to the area of the dwelling unit in which the operation will be located.

d) Where such uses are proposed for rental properties, the operator of the proposed business shall provide the City with written evidence showing that the property owner has given permission for the proposed use to be operated. It is suggested that the operator and owner both consult with their insurers to determine if such operations require additional insurance coverage.

e) There shall be no change in the outside appearance of the building or premises indicating that a business activity is taking place at the property. Signage is permitted and limited to the provisions set forth for home occupations in Chapter 1165 of the Kent Zoning Code.

f) The use of accessory buildings, including attached and detached garages is generally prohibited. The Planning Commission, at its sole discretion, may allow the use of these types of structures upon request by the applicant in such cases where the applicant can demonstrate to the Planning Commission that such use is not detrimental to the inhabitants of the subject property or the surrounding neighborhood, and where the applicant can demonstrate as part of their application, that the use of such structures can be undertaken in compliance with all applicable City, State or Federal codes.

g) The Home Occupation shall not generate an unreasonable amount of traffic for the neighborhood in which it is located, in a significantly greater volume than what is normally experienced. The Planning Commission will carefully evaluate this component based on substantive evidence presented to it during its review of any such application.

h) Parking for the Home Occupation should be adequate and contained on the site of the proposed use. On-street parking generally should not be counted toward meeting the parking need, unless the on-street parking is located within a commercially zoned or utilized area and the City permits such parking. Where rental properties are involved, the parking to be utilized for the home occupation must be in addition to the on-site parking required by the zoning code for the use of the tenants, including the occupants of the dwelling unit being used by the home occupation.

i) Any operations to be undertaken as part of a Home Occupation shall be safe to the occupants of the subject dwelling unit, any attached or detached dwelling units on the subject property and adjacent homes or other legal uses. There shall be no electrical interference, noise, fumes, odors or other noxious omissions generated by the home occupation.

j) Persons or other entities operating a Home Occupation shall obtain all necessary approvals and permits required by law prior to starting the operation. Where the Home Occupation is a conditionally permitted use, Planning Commission approval of a Conditional Zoning Permit is required and shall be issued in accordance with Chapter 1107 of this Zoning Code. In order to gain this approval, the operator of the proposed Home Occupation shall provide the City with a written letter addressing subsections a) through i) above as well as any supporting documentation required. The proposed use shall be fully described including anticipated hours of operation and the extent to which the operation will utilize space within the home. Upon a finding that the proposed use is consistent with the provisions for a Home Occupation, the Planning Commission may issue a Conditional Zoning Permit and attach any additional conditions to the approval deemed appropriate. The Planning Commission may request additional information as needed to make a final determination of approval, if necessary. The Planning Commission may deny any request which it believes to be noncompliant with the provisions for a Conditional Zoning Permit and state the reasons for denial.

In cases where the Home Occupation is a permitted use, the Community Development Department may review and approve the proposed Home Occupation using the same submission requirements and criteria as stipulated herein. The Community Development Department will issue a Zoning Permit to the applicant when such uses are approved.

1119.06 COMPLIANCE / REVOCATION

In the event that there is evidence that a previously approved Limited Home Business or Home Occupation is not being operated in compliance with the provisions contained herein or with any other applicable codes, the City may consider the revocation of the Conditional Zoning Permit or the Zoning Permit. The revocation will be considered by the Planning Commission in all cases upon the request of the Community Development Department. Where such action is to be undertaken, the Planning Commission will hold a public hearing in accordance with the requirements set forth in Chapter 1107 of the Zoning Code.

The Planning Commission will consider all evidence presented to it as part of the public hearing and proceedings related to the revocation. The Commission may revoke the

approval of the Conditional Zoning Permit or Zoning Permit upon a finding that the operation is not in compliance with the requirements set forth herein, as well as noncompliance with any other applicable law. The Commission may also sustain the previous approval as granted or sustain the previous approval with additional conditions.

**CHAPTER 1120
ARCHITECTURAL DESIGN REVIEW**

1120.01	Purpose	1120.02	Design Guidelines
1120.03	Applicability	1120.04	Severability
1120.05	Definitions	1120.06	Arch Review Board
1120.07	Role in Development Process	1120.08	Arch Review Board Duties
1120.09	Certificate of Appropriateness	1120.10	Application Requirements/Fees
1120.11	Penalties		

1120.01 PURPOSE

The purpose of the Chapter is to define the process for project review, define and establish the Architectural Review Board and standards, and identify other procedures related to Architectural Design Review as defined and designated by Kent City Council. The application and enforcement of this Chapter and related Kent Codified Ordinance sections shall be to encourage physical modifications to buildings and their related signage which are consistent with the architectural and historical style of buildings and to encourage such modifications so that they are compatible and complementary to surrounding properties.

1120.02 DESIGN GUIDELINES

The specific design guidelines applicable to a designated area of the City are enumerated in Chapter 1121- Architectural Design Review Overlay Districts. In addition to designating such districts in Chapter 1121, the guidelines applicable to each district designated shall be identified by reference.

1120.03 APPLICABILITY

The provisions of this Chapter and related sections of the Kent Codified Ordinances shall be applicable to properties located within an Architectural Design Review Overlay District. All projects subject to review shall be reviewed for compliance with the requirements set forth herein. All such projects shall obtain a Certificate of Appropriateness from the Architectural Review Board prior to submitting applications for other additional reviews which may be required, including Site Plan Review, Conditional Zoning Certificates, Sign Permits, Zoning Permits or Building Permits.

1120.04 SEVERABILITY

If a court of competent jurisdiction shall adjudge any provision of this Chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

1120.05 DEFINITIONS

The following definitions shall apply to the provisions of this Chapter including the criteria to be applied by the Architectural Review Board in the implementation of this Chapter:

(a) Alter or Alteration - any change in the external architectural features of a building or structure.

(b) Certificate of Appropriateness - a Certificate issued by the City which is authorized by the Architectural Review Board and applicable to projects and improvements within an Architectural Design Review Overlay District and as may be otherwise defined herein. The issuance of a Certificate Of Appropriateness indicates that the Architectural Review Board has reviewed and approved the proposed improvements but does not constitute a building or zoning permit.

(c) Community Development Director – the Community Development Director of the City of Kent.

(d) Architectural Review Board - the Architectural Review Board shall be responsible for reviewing projects and improvements conducted on buildings, structures and sites within one or more of the Architectural Design Review Overlay District(s) and shall have the authority to issue Certificates of Appropriateness for those projects which it finds to be in compliance with the applicable Design Guidelines

(e) Demolition - the complete razing or removal of any structure or portion of a structure.

1120.06 ARCHITECTURAL REVIEW BOARD

(a) Composition - The Architectural Review Board shall be comprised of five (5) members, appointed by Kent City Council. Of the five (5) members, composition to the extent feasible shall be as follows:

(1) A minimum of two (2) professionals practicing in one or more of the following fields: architecture, planning, landscape architecture, history or historic preservation, urban design.

(b) Term - Members shall serve a term of three years, however the initial appointments made to the Board may be made for a longer time frame in order to allow for the structuring of staggered terms. The staggered terms should be structured in a manner to ensure that no more than two (2) of the terms are open at the same time.

(c) Quorum – A quorum of the Board shall be comprised of a simple majority of the seated (appointed) membership. Any business of the Board may be transacted by a simple majority vote of those members attending the meeting.

(d) Meetings - The Board will meet as needed but generally at least once a month at a time to be determined by the Chairperson, in consultation with Community Development Department staff. All meetings shall be considered public meetings subject to local and state law.

(e) Records – Record of all Board meetings and decisions will be made public in accordance with public record laws. The Community Development Department will provide staff support for the Board and will supply and individual who will be responsible for keeping minutes of all meetings.

(f) Amendments – The Board may recommend from time to time changes to this Chapter as well as changes to any of the Design Guidelines. In the event that any changes to this Chapter or to any of the Design Guidelines are requested by persons or groups separate from the Architectural Review Board, the Architectural Review Board shall review all such amendments and shall recommend to Kent City Council whether such changes shall be adopted. Kent City Council shall have the final authority to amend this Chapter or any of the Design Guidelines.

(g) Conflict of Interest – Prior to the beginning of the discussion of any application or request for Certificate Of Appropriateness, any Board member whose participation would constitute a conflict of interest shall disclose the nature of the conflict and recuse himself / herself from any discussion and subsequent vote on the application. Any member believing that they may have a conflict of interest should disclose this concern with the Community Development Director, who may in turn seek counsel from the City’s Law Department.

1120.07 ROLE IN DEVELOPMENT REVIEW PROCESS

The Architectural Review Board shall review all new construction, exterior structural modifications, building and site modifications involving all properties located within an Architectural Design Review Overlay District(s). Where only zoning and/or building permits are required for such projects, the Architectural Review Board shall issue a Certificate of Appropriateness prior to the issuance of an building or zoning permit.

In cases where a project requires review by the Planning Commission and/or Board of Zoning Appeals, the Architectural Review Board shall review the project and only issue conditional approval of a Certificate of Appropriateness which shall be subject to the approval of the Planning Commission and/or Board of Zoning Appeals.

1120.08 ARCHITECTURAL REVIEW BOARD DUTIES

It shall be the responsibility of the Architectural Review Board to promote interest and appreciation in historic preservation and compatible building design within the City of Kent. The Commission shall have the following specific responsibilities and duties:

(a) Certificates of Appropriateness – The Architectural Review Board shall have the responsibility of reviewing all proposed projects, building modifications, modifications to existing signage as well as all new signage within an Architectural Design Review Overlay District(s) for the purpose of issuing Certificates of Appropriateness.

The Architectural Review Board shall also review for the purpose of issuing a Certificate Of Appropriateness, any building or structure which by itself or as part of a larger project is being provided financial assistance, loans, tax incentives through the City of Kent or from other local, State or Federal programs.

(b) Advisory Comments – The Architectural Review Board shall advise the City of Kent of any efforts which should be considered directed at the protection of local historic or architecturally significant resources. The Architectural Review Board may provide advisory comments (non-binding) to any project being undertaken in the City which is not otherwise subject to review under the provisions of this Chapter.

(c) Certified Local Government – The Architectural Review Board may assist with the application for Certified Local Government status should the City of Kent seek certification. Should the certification be granted, the Architectural Review Board may assist with the implementation of the program if so designated by the City of Kent.

1120.09 CERTIFICATES OF APPROPRIATENESS

The rules of the Architectural Review Board and its procedures are governed by the Codified Ordinances of the City of Kent and its Charter. The rules and procedures for the processing of applications for Certificates of Appropriateness are as follows:

(a) Exclusions - Nothing in this Chapter within any of the approved Design Guidelines shall be construed to prevent the ordinary maintenance or repair of any building or structure which is subject to review under the provisions of this Chapter, provided such work involves no alteration to the exterior architectural features of the building, structure or sign which would be subject to review.

(b) When Required - A Certificate Of Appropriateness is required for all proposed projects, building modifications, modifications to existing signage as well as all new signage located within the Architectural Design Review Overlay District(s) where such projects shall be reviewed for conformance with the Design Guidelines.

(c) Amended Certificate Of Appropriateness – At any time after an initial Certificate Of Appropriateness is issued to a project, an applicant may seek an amendment to the Certificate Of Appropriateness or its conditions in the event that the design is altered or if the site plan presented as part of the Certificate Of Appropriateness is significantly altered as determined by the Community Development Director. The applicant shall be required to pay all fees required herein and submit the information relevant to the proposed project changes that require amending the Certificate Of Appropriateness.

(d) Expiration – Once a Certificate Of Appropriateness has been issued, all other permits (excluding mechanical permits) shall be obtained within twelve (12) months of the date the Certificate Of Appropriateness is issued, and construction shall begin within eighteen (18) months of the date the Certificate Of Appropriateness is issued. The Architectural Review Board, upon application as described herein, may grant extensions to either of the above two expiration dates up to twelve (12) additional months.

1120.10 CERTIFICATE OF APPROPRIATENESS APPLICATION REQUIREMENTS / FEES

The following application requirements and fees shall apply to applications for Certificates Of Appropriateness, amendments to Certificates Of Appropriateness and requests for extensions:

(a) Fees -

(1) Application Fee – The fee for a Certificate Of Appropriateness application shall be \$100 for projects involving building construction or modifications. The fee for projects involving new or modified advertising signs shall be \$50.

(2) Amendment Fee – The fee for requesting an amendment to an existing Certificate Of Appropriateness shall be the same as the Application Fees stated above.

(3) Extension Fee – The fee for requesting an extension to an existing Certificate Of Appropriateness where there are no modifications proposed shall be 50% of the Application Fee. Extensions only apply to Certificates Of Appropriateness where no modification or amendment to the initial Certificate Of Appropriateness is requested. In the event that the extension involves a modification to the Certificate Of Appropriateness, the application shall be treated as an amendment.

(b) Initial Application Submission Requirements – In order for an application to be reviewed and approved, the applicant shall submit drawings, photographs, specifications and material samples as required by the Community Development Department. The Community Development Department shall maintain a list of such requirements as part of its Rules and Procedures for implementing the provisions of this Chapter and shall review such rules and procedures or any modifications to those rules and procedures with the Architectural Review Board. Applications shall be filed in a timely manner in regard to the scheduling of Architectural Review Board meetings and must be complete at the time of submission. Applications for this formal review may be filed concurrently with any Planning Commission or Board of Zoning Appeals application or prior to those applications.

(1) Informal Review – Applicants are encouraged to review the Design Guidelines (current version) and the Rules and Procedures applicable to the review process in order to be familiar with requirements that will be applicable to their project. Applicants are also encouraged to discuss their project and relevant Certificate Of Appropriateness requirements with the appropriate Community Development Department staff prior to making any formal submissions. An informal review with the Architectural Review Board may be requested by the applicant or recommended by staff but is not mandatory.

(2) Formal Review - Upon the submission of a complete application for a Certificate Of Appropriateness, the Community Development Department will schedule a meeting date for the Architectural Review Board to review the application. The meeting will be scheduled within 30 days of the application's submission. In the event that the meeting cannot be scheduled within 30 days of the date of application, the applicant will be notified in writing of the delay and the reason for the delay. During the time between the submission of the application and the formal review of the Architectural Review Board, City staff shall review the plan conceptually for issues regarding the basic layout of the project.

Staff shall advise the applicant and the Architectural Review Board of any potential concerns regarding public safety or other code compliance that it is able to determine given the information provided with the application.

The applicant, at any point in time prior to Architectural Review Board action, may request that their project be continued, postponed or otherwise delayed for any reason. Such requests shall be made in writing to the Community Development prior to the scheduled Architectural Review Board meeting or may be made in public session at the Architectural Review Board meeting at which the project is being reviewed.

(3) Architectural Review Board Action – After completing its review of the application and the information provided by the applicant, along with any input received from City staff or the general public, the Architectural Review Board shall make a determination of whether to issue a Certificate Of Appropriateness within 30 days of the initial meeting date for the application.

In the event that the Architectural Review Board denies the Certificate Of Appropriateness, it shall provide specific reasons for the denial in writing to the applicant.

When such approvals are granted for projects being reviewed by the Planning Commission and/or the Board of Zoning Appeals, the approval of the Certificate of Appropriateness shall be made subject to the approval of the project and/or zoning variances by the Planning Commission and/or Board of Zoning Appeals.

(4) Appeal – An applicant may appeal any decision of the Architectural Review Board to the Board of Zoning Appeals within 15 days of the date of the Architectural Review Board decision. The appeal will be scheduled at the next available Board of Zoning Appeals meeting as long as it is submitted at least fourteen (14) days prior to the scheduled meeting date. The applicant will be notified of the tentative meeting date at the time the appeal is filed. The application for appeal shall state the reason(s) for the appeal and the requested resolution should the Board of Zoning Appeals decide to overturn the Architectural Review Board's decision.

(5) Re-application - Any applicant who has been turned down for a Certificate Of Appropriateness by the Architectural Review Board may submit a new application with changes that they believe will address the previous reasons for denial without a waiting period. In the event that an applicant intends to re-apply with the same plan as was previously denied by the Architectural Review Board, the applicant must wait one (1) year from the date of the previous denial.

(6) Issuance of Permits – Projects which do not require Planning Commission or Board of Zoning Appeals approval must obtain their Certificate Of Appropriateness (when a Certificate Of Appropriateness is required) before a Zoning Permit and/or Building Permit is issued.

(7) Certificate Of Appropriateness Decisions Binding – Certificates Of Appropriateness and conditions attached to a Certificate Of Appropriateness are binding on City staff and the City's Boards and Commissions unless it can be demonstrated that they are in conflict with applicable building and zoning code requirements, or unless variances to those other requirements have been requested by the applicant and granted by the appropriate authority.

1120.11 PENALTIES

The following provisions for penalties shall apply to violations pertaining to the provisions of this Chapter, the applicable Design Guidelines or the conditions of a Certificate Of Appropriateness which is issued for a project.

(a) Violation Order - In the event that any provisions of this Chapter are being violated, all work shall cease upon notification and no work shall be performed except to correct the violation. All violations shall be corrected within the time frame specified in the violation order. Any violations not corrected within the specified time frame may be enforced as a Civil Infraction under Section 501.13 of the Kent Codified Ordinances, or pursued through a court of appropriate jurisdiction. Compliance with any previously given violation order shall be indicated in writing by the Community Development Department.

(b) Failure to Comply - Anyone who constructs, reconstructs or alters any exterior architectural feature without a Certificate Of Appropriateness shall be assessed fees and other penalties as specified for Civil Infractions under Section 501.13 of the Kent Codified Ordinances. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to restore and reconstruct such features in full

detail. Restoration or reconstruction shall be in addition to any civil infraction fees and penalties as well as any costs imposed by a court.

(c) Failure to Perform – Anyone who receives a Certificate Of Appropriateness and constructs , reconstructs, or alters any exterior architectural feature other than in accordance with the requirements of the Certificate Of Appropriateness shall be assessed fees and other penalties as specified for Civil Infractions under Section 501.13 of the Kent Codified Ordinances. Each day of violation shall be considered a separate offense. Whoever violates this section shall be required to make all changes and additions needed to comply with the Certificate Of Appropriateness . Changes or additions shall be in addition to any civil infraction fees and penalties as well as any costs imposed by a court.

CHAPTER 1121
ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICTS

1121.01	Purpose	1121.02	Design Guidelines
1121.03	Applicability	1121.04	Districts
1121.05	Severability	1121.06	Amendments / Additional Districts

1121.01 PURPOSE

The purpose of this Chapter is to designate and define one or more Architectural Design Overlay Districts within the City of Kent and to define the process for amending existing Overlay Districts and designating new Overlay Districts.

1121.02 DESIGN GUIDELINES

This Chapter works in conjunction with Chapter 1120 of the Kent Codified Ordinances and utilizes the Design Guidelines adopted by reference herein for each individual overlay district. A copy of the guidelines for each designated district is provided in Zoning Code Appendix A.

1121.03 APPLICABILITY

The provisions of this Chapter and related sections of the Kent Codified Ordinances shall be applicable to properties located within an Architectural Design Review Overlay District. All projects subject to review, as defined in Chapter 1120 of the Kent Codified Ordinances, shall be reviewed for compliance with the requirements set forth herein. All such projects shall obtain a Certificate of Appropriateness from the Architectural Review Board prior to submitting applications for other additional reviews which may be required, including Site Plan Review, Conditional Zoning Certificates, Sign Permits, Zoning Permits or Building Permits.

1121.04 ARCHITECTURAL DESIGN REVIEW OVERLAY DISTRICTS

The City may designate one or more areas within the corporation limits of the City of Kent as an Architectural Design Review Overlay District.

(a) Downtown / West River Overlay District - This Overlay District shall be subject to "The Design Guidelines for the Kent Design Overlay District" as adopted by Kent City Council on November 18, 2009 and any amendments thereto. The area of the City to be incorporated into this district is described below and is shown on a map in Zoning Code Appendix A.

Beginning at a point located at the intersection of North Mantua Street and Crain Avenue (Fairchild Avenue), south along the centerline of North Mantua Street and continuing south past West Main Street, along the centerline of South Mantua Street, and continuing south past Haymaker Parkway to a point where the imaginary centerline of South Mantua Street would intersect the centerline of Stow Street.

Thence, east along the centerline of Stow Street and continuing along that centerline to a point where Stow Street becomes West Summit Street and continuing along the centerline of West Summit Street and continuing past South Water Street, along the centerline of East Summit Street to a point where it intersects the centerline of South Lincoln Street. Thence, north along the centerline of South Lincoln Street to a point where it intersects the centerline of East Main Street. Thence, west along the centerline of East Main Street to a point where it intersects the centerline of North Willow Street. Thence, north along the centerline of North Willow Street to a point where it intersects the centerline of Columbus Street.

Thence, west along the centerline of Columbus Street and continuing west past North Depeyster Street along the centerline of Columbus Street to a point where it intersects the centerline of North Water Street. Thence north along the centerline of North Water Street to a point where it intersects the centerline of Crain Avenue (Fairchild Avenue). Thence, west along the center line of Crain Avenue (Fairchild Avenue) bridge to a point where it intersects North Mantua Street, this being the point of true beginning.

1121.05 SEVERABILITY

If a court of competent jurisdiction shall adjudge any provision of this Chapter invalid or unenforceable, then the remaining provisions of this chapter shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

1121.06 AMENDMENTS / ADDITIONAL DISTRICTS

Any Overlay District may be amended at any point in time in the future upon the approval of Kent City Council and additional overlay districts may be created upon approval of Kent City Council. The Architectural Review Board, Planning Commission or City staff may initiate such changes, amendments, and new districts as well as property owners within the geographic area to be designated as an Overlay District providing they have obtained the signatures of property owners on a petition of no less than 51% of the properties in the affected area.

Additional (new) overlay districts may be created upon approval of Kent City Council. Such changes shall be treated as amendments to the Kent Zoning Code and shall be subject to the requirements of Chapter 11

**CHAPTER 1122
ROOMING AND BOARDING HOUSES**

1122.01	Purpose	1122.02	Rooming & Boarding House
1122.03	Household	1122.04	Determination of Status
1122.05	Legality of Established Use	1122.06	Zoning Districts
1122.07	Lot Dimensional Requirements	1122.08	Parking Requirements
1122.09	Expansion of Existing Uses	1122.10	Compliance

1122.01 PURPOSE

The purpose of this Chapter is to define and regulate rooming and boarding house operations within the City of Kent in relation to zoning requirements. There may be additional requirements for such uses not listed here that are applicable in their own right, such as the requirements spelled out in the City's Environmental Housing Code.

1122.02 DEFINITION OF ROOMING AND BOARDING HOUSE

A Rooming and Boarding House is one or more physical dwelling units within a single building and/or multiple buildings where three (3) or more persons are living but such persons are unrelated or are not living together as a household. The maximum number of persons permitted to live in a rooming and boarding house shall not exceed fifteen (15) people.

1122.03 DEFINITION OF HOUSEHOLD

A Household is where one or more persons occupy a dwelling as a functional unit. A functional unit is either a family where one or more persons is related to each other by blood, adoption or marriage; or where two or more persons one or more persons whose relationship is functionally equivalent to a family but who are not related by blood, adoption or marriage. Persons occupying a rooming and boarding house, hotel, group dwelling, fraternity or sorority house do not constitute a household. The standards for determining whether a group of unrelated persons living together constitutes a household are set forth in Section 1122.04 of this Chapter.

1122.04 DETERMINATION OF HOUSEHOLD STATUS

For the purposes of enforcement of the zoning code, as well as any other references within the Kent Codified Ordinances, the following standards shall be used in order to make a determination of whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family.

The determination by the City that a group of specified persons living together as the functional equivalent of a family may be transferrable with the same exact group of individuals to another dwelling unit. Any such designation, does not however run with the property when the property is occupied by a different household or group of individuals.

a) Responsibilities – It shall be the responsibility of the property owner to provide information / evidence as may be required by the City as defined herein to document that a household meets the functional equivalency test as a family. The City through its enforcement of the zoning code, shall have the final determination in deciding whether the functional equivalency test is met.

b) Appeals – Whenever the City makes a determination or decision regarding the functional equivalency of a family as part of the enforcement of the Zoning Code or any other portion of the Codified Ordinances of the City, the decision may be appealed to the Board of Zoning Appeals. The Board of Zoning Appeals shall treat such an appeal in accordance with the process specified for appeals as defined in Chapter 1109. The Board may overrule, modify or uphold the decision regarding functional equivalency only where there is evidence in the record that there was an error or omission in the original decision. The following parties have the right to appeal a decision regarding functional equivalency:

- 1) Any member of the group proposed as a household;
- 2) The Owner of the premises occupied by such group; or
- 3) Any other person that can demonstrate that they have been aggrieved by the initial decision.

c) Factors – The determination of whether a group of unrelated persons living together are the functional equivalent of a family shall be based on such of the following factors as may be presented during the enforcement investigation by the City. The presence or absence of any single factor is not necessarily determinative of whether the unit constitutes a family.

- 1) The following factors shall be prima facie evidence that the group of persons living together constitutes a household:
 - A. The same group of persons, or a majority of them, has resided together at a different location for a period of no less than six (6) months, or resided together at the present location for at least twelve (12) months: AND
 - B. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold harmless or other arrangements to pro-rate the rent or recover the rent from other members of the group.
- 2) The following factors shall be prima facie evidence that the group of persons does not constitute a household:
 - A. Individual members of the group have entered into separate leases for the same premises or parts thereof, with the obligation under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises; AND

B. The premises are furnished with key-operated locks on individual rooms or with other means through which one member of the group may prevent other members of the group from entering his/her room or portion of the premises when he/she is not physically present (deadbolts, chains or other locking devices operated only from the inside of the room shall not be considered as evidence of the status of the group.

3) The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a household:

A. Voter registration by a majority of the eligible members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Voter registration listing other addresses by a majority of the adult members of the group, or by a majority of those actually registered to vote shall be considered evidence negating the proposition that the group is a household.

B. Drivers licenses held by a majority of the adult members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Driver's licenses listing other addresses by a majority of the adult members of the group, or by a majority of those actually holding such licenses shall be considered evidence negating the proposition that the group is a household.

C. The registration of motor vehicles regularly found at the dwelling listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household.

The regular presence at the dwelling of one or more motor vehicles belonging to members of the group and registered at one or more other addresses shall be considered evidence negating the proposition that the group is a household.

D. The filing of tax returns by a majority of the members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. The filing of tax returns listing other addresses by members of the group shall be considered evidence negating the proposition that the group is a household. Evidence that one or more individuals are claimed as dependents on the income tax return of individuals not resident in the household shall be considered evidence that the group is not a household.

- E. The presence of minor dependent children regularly residing in the dwelling unit and enrolled in local schools with one or more members of the group acting in the role of parents (and primary care-givers) shall be considered a factor tending to support the proposition that the group is a household.
- F. Evidence that different residents of the dwelling unit are away during the summer and that they have several as opposed to a single summer address shall be considered evidence negating the proposition that the group is a household.
- G. Evidence of common acquisition and ownership of furniture and appliances shall be considered evidence in support of the proposition that the group is a household.
- H. Full-time employment of some members of the group in the general community shall be considered evidence in support of the proposition that the group is a household.
- I. Evidence that groceries are purchased and meals regularly prepared for the group as a whole shall be considered evidence in support of the proposition that the group is a household. For purposes of this factor, weekly joint purchases of groceries and the preparation and sharing of at least seven meals per week shall be considered "regularly prepared."

d) Evidence – In making the determination of whether the group constitutes a household, the decision shall be made based on the preponderance of the evidence available. Where there is prima facie evidence supporting only one side of the proposition, the City shall make a determination that is supported by the prima facie evidence, unless compelling evidence is presented supporting the other side of the proposition. In the case of the latter, the compelling evidence should be supported by at least four of the factors listed in 1122.04(c)(3) above.

e) Handicap / Disability – Living arrangements for persons with an “Handicap” or “Disability” as those terms are defined by local, State or Federal law, will be presumed to be a household.

1122.05 LEGALITY OF ESTABLISHED USE

The legality of the use of a property being used as a Rooming and Boarding House should be established in one of the two following ways:

- a) The issuance of a zoning permit by the City of Kent indicating that the property is approved as a rooming and boarding house; or
- b) The issuance of a Certificate of Nonconforming Use by the City of Kent in accordance with Chapter 1169 (Nonconforming Uses) of the Kent Zoning Code and any other applicable section of the Kent Zoning Code. The mere existence of a use, without proper documentation as described herein, does not establish the legality of the use by itself.

1122.06 ZONING DISTRICTS

Other than in those cases where the legal, nonconformity is established through Chapter 1169 of the Kent Zoning Code, all new Rooming and Boarding house uses must be

located in zoning districts which permit them and which have obtained all necessary approvals through the Planning Commission, Board of Zoning Appeals or other local requirements as applicable. Please refer to the listing or permitted or conditionally permitted uses in a given zoning district to determine whether the use is allowed.

1122.07 LOT, BUILDING AND DIMENSIONAL REQUIREMENTS

Lot and dimensional requirements for rooming and boarding houses are stipulated for providing adequate lot size, open area and room for parking. Even though the dimensional requirements stipulated in this section are the minimum necessary for a rooming house, the Planning Commission when reviewing requests for new rooming houses, shall determine that the size of the property is adequate to provide reasonable open area and room for parking as required by Section 1122.08.

In reviewing such new requests, the Planning Commission may approve the proposed rooming and boarding house as presented, or may modify or reduce the number of persons permitted to reside in the house if they make a determination that the size of the lot and area allowed for parking is not adequate. Any expansion of existing, legal rooming houses shall be reviewed using the same criteria.

a) Minimum Lot Size – The minimum lot size for a rooming and boarding house shall be no less than 10,000 square feet. The Planning Commission may require a larger lot area based on the need to accommodate tenants and parking. The amount of lot area required shall not be unreasonable or overly restrictive.

b) Setbacks, Lot Width, Frontage – The setbacks, lot width and frontage for a new or expanded rooming and boarding house shall be those specified in the Kent Zoning Code for single family units in the zoning district in which the property is located. Substandard lot requirements pertaining to setback, lot width and frontage shall not be used to determine compliance with this subsection.

c) Open Space – While there shall be no specific requirement in regard to the amount or size of open space on a lot housing a new or expanded rooming and boarding house, the applicant for such use shall demonstrate to the reasonable satisfaction of the Planning Commission that some open area or recreational space is provided for the residents of the facility that is separate from parking areas. Front yard areas shall not be used for the purpose of providing such open space. The Planning Commission may take into account the availability of nearby public parks or public recreation areas as a partial or full substitute for on-site recreational space.

d) Maximum Building Height – The maximum building height of a structure housing a rooming and boarding house shall be the same as the maximum building height stipulated for the zoning district in which the property housing the use is located.

1122.08 PARKING REQUIREMENTS

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.

b) Number of Spaces – Not less than one parking space per permitted resident shall be required for any new or expanded rooming and boarding house. In addition to the required tenant spaces, at least one (1) visitor space for every four (4) tenants shall be provided. Unless otherwise permitted, all of the parking spaces shall be located on the subject property.

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.

1122.09 EXPANSION OF EXISTING USES

Whenever an existing Rooming and Boarding house is to be expanded, either in size, occupancy and/or on-site parking, it shall be subject to review for compliance with the current standards set forth in this Chapter and shall be subject to the following:

a) Legal, Nonconforming Uses - When such expansion involves rooming and boarding houses which exist as legal, nonconforming uses, the proposed expansion shall be subject to the requirements of Chapter 1169 of the zoning code as well as the standards set forth in this Chapter.

b) Permitted and Conditionally Permitted Uses – When such expansion involves rooming and boarding houses that are currently operate as permitted or conditionally permitted uses, the provisions of this Chapter shall apply to any expansion.

1122.10 COMPLIANCE WITH OTHER REQUIREMENTS

All rooming and boarding houses shall comply with any current or future licensing requirements required by the City, County or State of Ohio. All rooming houses shall comply with all applicable building code requirements and in cases where such uses involve four (4) or more unrelated individuals, the City of Kent Environmental Housing Code requirements.

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

**CHAPTER 1165
SIGNAGE**

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1165.01 PURPOSE

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

- (a) Encourage creative and well-designed signs that contribute in a positive way to the Municipality's visual environment, express local character, and help develop a distinctive image for the Municipality;
- (b) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property;
- (c) Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction, or confusion to the public due to the undue proliferation of signs;
- (d) Encourage a healthful economic and business environment in the community;
- (e) Limit the height and size of signs to those that are appropriate in scale to the community; and,
- (f) Provide adequate way-finding signage for motorists and pedestrians.

- (g) Reduce visual clutter.
- (h) Minimize the risk of damage and injuries from signs that are structurally unsafe.
- (i) Prevent blight characterized by oversized, overcrowded, abandoned, obsolete, and/or dilapidated signs.
- (j) Protect the public's right to receive information protected by the First Amendment of the United States Constitution.

1165.02 APPLICABILITY

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

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

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

(d) Nonconforming Signs -

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

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

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

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

- A. The nonconforming sign is structurally altered, enlarged, relocated, or replaced.
- B. The nonconforming sign is determined by the Zoning Inspector or the Chief Building Official to be in a dangerous or defective

condition; to fail to conform to health and fire codes; a public nuisance; or abandoned, deteriorated; or in need of repair or replacement.

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

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

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

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

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

1165.03 DEFINITIONS

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

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

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

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

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

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

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

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

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

(9) Building Sign - A sign which is affixed or secured to or on any building.

(10) Changeable Copy Sign - means a sign which displays words, lines, logos, or symbols that can change to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature signs.

(11) Channel Letters - means three-dimensional individually cut letters or figures whether or not illuminated, affixed to a structure.

(12) Copy - means words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.

(13) Double-faced Sign - means a sign constructed to display its message on the outer surfaces of two (2) identical and opposite parallel planes.

(14) Edge of Roof - means on a pitched roof, the lowest portion of the fascia board covering the roof rafters, or if no fascia board exists, the lowest point of the roof rafters. On a flat roof, the top of the parapet wall or three (3) feet above the roof deck, whichever is less.

(15) Electronic Reader Board Sign Or Electronic Graphics Sign - means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

(16) External Illumination - means the lighting of an object from a light source located a distance from the object.

(17) Foot-Candle (FC) - means a quantitative unit measuring the amount of light (illumination) falling onto a given point. One foot-candle equals one lumen per square foot.

(18) Flashing Sign - means a sign that contains an intermittent or sequential flashing light source.

(19) Freestanding Sign - means any sign not affixed to a building. Freestanding signs may be permanent or temporary.

(20) Gasoline Pump Sign - means a temporary sign affixed to a gasoline pump. The sign may be affixed to the top or side of the pump itself or to the structure surrounding the pump. The signage may also be attached to the gasoline hose.

(21) Height of Sign: For the purpose of this Chapter, the height of a sign shall be measured from the ground elevation directly under the entire width and length of a sign to the top of the sign's face or supporting structure (whichever is higher). No portion of the sign shall exceed the maximum height permitted.

- (22) Inflatable Device - means an object that is blown up with air or gas.
- (23) Internally Illuminated Sign - means a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.
- (24) Joint Identification Sign - means a sign which serves as a common or collective identification for two or more uses located within the same building, or which share a common wall, or for two or more buildings located within a jointly used area, provided the buildings are in close proximity to one another.
- (25) Monument Sign - means a permanent, freestanding sign where the entire bottom of the sign is either affixed to the ground or raised not more than one (1) foot above the ground. A monument sign may not be attached to a building.
- (26) Multiple Tenant Building - means a development consisting of two or more separate uses or tenancies that share either the same parcel or structure and use common access and parking facilities.
- (27) Neon Sign - means a glass tube lighting in which a gas and phosphors are used in combination to create a colored light.
- (28) Nonconforming Sign - means any sign lawfully erected and maintained prior to the effective date of this Chapter, constructed in conformance with the ordinances and other applicable laws in effect on the date of its construction, but by reason of its size, height, location, design, or construction is no longer in conformance with the regulations of this Chapter.
- (29) Nonresidential District - means any of the following zoning districts: Neighborhood Commercial District (N-C), Commercial – High Density Multifamily Urban Residential (C-R), Commercial – Downtown (C-D), Commercial (C), Intensive Commercial – Residential (IC-R), Industrial (I), Light Industrial (LI), Industrial Research and Office (I-R), University (U), and Open Space – Recreation (O-R).
- (30) Off-Premise Sign - means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the lot or premises on which the sign is located.
- (31) On-Premise Sign - means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the lot or premises on which the sign is located.
- (32) Permanent Sign - means a sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.
- (33) Pole Sign - means a sign mounted on a free-standing pole or other support so that the bottom edge of the sign face is ten feet or more above finished grade.
- (34) Projecting Sign - means a sign that protrudes in a V-shape from the top of the ground floor over the sidewalk, like a traditional theater marquee.
- (35) Residential District - means any of the following zoning districts: Low Density Residential (R-1), Medium Density Residential (R-2), High Density Residential

(R-3), Extended High Density Residential (R-3A), Multifamily Residential (R-4), and High Density Multifamily Urban Residential – Commercial (R-C).

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

(37) Sandwich Board Sign - means a sign that is not affixed to a structure or the ground. A sandwich board sign shall be considered a temporary, freestanding sign for purposes of this Chapter.

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

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

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

(41) Temporary Sign - means any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property. Examples of temporary signage include banners, sandwich board signs, gasoline pump signs, and political signs. Changeable copy may be used on temporary signs, subject.

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

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

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

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

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

1165.04 GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS

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

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

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

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

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

(c) Measurement of Sign Area -

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

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

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

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

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

(d) Measurement of Sign Height - The height of a sign shall be computed as the distance from the base of the sign at a computed grade to the top of the highest attached component of the sign (including the sign face, sign structure, or any other appurtenance). The computed grade shall be the elevation of the nearest point to the proposed sign location

of the crown of the nearest public street providing access; or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.

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

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

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

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

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

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

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

1165.05 PERMANENT SIGNS

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

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

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

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

- A. Maximum number: Two (2). Only one (1) of the signs may be a monument sign.
- B. Permitted Placement: Building or monument sign.
- C. Maximum Area: The total area permitted for just one sign shall not exceed twenty-five (25) square feet. If two signs are permitted, the total area for the sum of both signs shall not exceed fifty (50) square feet. In the case of the latter, the Commission may permit one sign to be larger than twenty-five (25) square feet as long as both signs combined do not exceed fifty (50) square feet.
- D. Minimum Setback from Street Right-of-Way Line: Ten (10) feet.
- E. Maximum Monument Sign Height: Eight (8) feet from ground to top of sign.
- F. Temporary or Special Event Signs shall be permitted subject to the provisions of Section 1165.06 of this Chapter.

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

- A. Maximum number: One (1).
- B. Permitted placement: Building, monument or pole.
- C. Maximum area: Twenty (20) square feet.

- D. Minimum setback from street right-of-way: Ten (10) feet.
- E. Maximum pole or monument sign height: The maximum height of a monument sign shall be eight (8) feet from ground to top of sign. The maximum height of a pole sign shall be fifteen (15) feet.

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

- A. Maximum number: One per entry at a public street intersection.
- B. Permitted Placement: Monument Sign.
- C. Maximum Area: The maximum size of each sign permitted shall not exceed forty (40) square feet.
- D. Minimum setback from street right-of-way: Ten (10) feet, except when placed at the intersection of two public streets or one public street and a private driveway, where such setback shall comply with other restrictions governing obstructions at corners. The City may direct the actual placement of such signs in a manner where they do not negatively affect sight distance and public safety.
- E. Maximum Monument sign height: Eight (8) feet from ground to top of sign.

(b) SIGNS IN R-C AND U DISTRICTS

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

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

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

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

- A. Maximum number: Two (2). Only one (1) of the signs may be a monument sign.
- B. Permitted Placement: Building or monument sign.

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

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

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

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

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

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

B. Permitted Placement: Monument Sign.

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

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

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

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

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

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

B. Permitted Placement: Building or Monument Sign.

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

D. Minimum setback from street right-of-way: Ten (10) feet

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

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

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

B. Permitted placement: Building, pole or monument mounting.

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

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

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

F. Maximum Height: Twenty (20) feet for pole signs and eight (8) feet for monument signs.

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

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

B. Permitted Placement: Monument Sign.

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

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

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

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

(1) General Requirements:

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

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

(i) No more than one (1) wall sign.

(ii) No more than one (1) projecting sign. Projecting signs shall be exempt from the requirement of 1165.09 (a)(1).

(iii). No more than one (1) permanent window sign.

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

(i) If a business has a secondary customer entrance facing a public street or alley, an additional wall or projecting sign not exceeding thirty-two (32) square feet in area shall be permitted.

(ii) If a business has a secondary customer entrance from a parking lot, an additional wall or projecting sign not exceeding thirty-two (32) square feet in area shall be permitted.

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

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

E. All new signage and any existing signage which is to be modified in size, shape, form, display material or face replacement shall comply with any design requirements and their governing ordinances if and when adopted by the City of Kent. No sign shall be installed or modified as just described and no zoning permit shall be issued unless a Certificate of Appropriateness has been issued by the Architectural Review Board - See Chapter 1120 of the Kent Codified Ordinances. In cases where there is a conflict between the requirements of this Chapter and the requirements of the design requirements and their governing ordinances, the provisions of the design requirements and their governing ordinances shall apply.

(2) Requirements for Specific Types of Signs:

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

B. Permanent window signs, which shall be any window sign displayed for more than thirty (30) days, shall have a maximum area not greater than twenty percent (20%) of the total window area of the space occupied by the activity.

Temporary window signs must be attached to the inside of the window and may be displayed for thirty (30) days or less. The total area of permanent and temporary signage shall not exceed the maximum sign area or twenty-five percent (25%) of the total window area of the space occupied by the activity, whichever is less.

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

(e) SIGNS IN I-R AND I DISTRICTS

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

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

B. Permitted Placement: Building or Monument Sign.

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

D. Minimum setback from street right-of-way: Ten (10) feet

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

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

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

B. Permitted placement: Building, pole or monument mounting.

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

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

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

F. Maximum Height: Twenty (20) feet for pole signs and eight (8) feet for monument signs.

1165.06 TEMPORARY SIGNS

(a) Residential Districts - Temporary signs, other than those utilized by uses covered under Section 1165.05(a)(1) or (2) in this Chapter are prohibited in residential zoning districts. For those uses covered under Section 1165.05 (a)(1) or (2), the provisions set forth in Section 1165.06 (b)(1-9) shall apply. In addition, the following types of signs and displays are permitted in residential zoning districts and do not require zoning or sign permits:

(1) Political advertising signs as regulated in this Chapter.

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

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

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

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

(4) Signs advertising the lease or sale of a property. Such signs are limited to a maximum size of six (6) square feet per sign and may not be located in the public right-of-way. One of these signs is permitted per front yard (i.e. corner lots may have two such signs – one per street frontage). Such signs cannot be affixed to the exterior of buildings.

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

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

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

(1) Type - Temporary freestanding and wall signs are the only type of temporary signs permitted.

(2) Maximum area and height - Signs shall not exceed forty (40) square feet in area or be more than six (6) feet in height.

(3) Number -

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

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

(4) Display period - Each temporary sign may not be displayed for more than forty-five (45) days in a six month period.

(5) Setbacks - Temporary signs shall be located no closer than fifteen (15) feet from the public right-of-way line.

(6) Mounting brackets and posts - All materials used to anchor the sign including mounting brackets and posts shall be removed when the temporary sign is removed.

(7) Illumination - Signs shall only be illuminated using internal lighting.

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

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

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

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

(12) Signs advertising the lease or sale of a property. Such signs are limited to a maximum size of six (6) square feet per sign and may not be located in the public right-of-way. One of these signs is permitted per front yard (i.e. corner lots may have two such signs – one per street frontage). Such signs cannot be affixed to the exterior of buildings.

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

1165.07 STANDARDS FOR SPECIFIC SIGN TYPES

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

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

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

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

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

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

(6) Illumination - Internal illumination is prohibited.

(b) Blade Signs -

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

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

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

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

(5) Illumination - Internal illumination is prohibited.

(c) Banner Signs - Banner signs are temporary signs and subject to the following conditions:

(1) Number - No more than one (1) banner may be displayed on the property at any one time.

(2) Maximum area and height - The maximum area and height of the banner sign shall not exceed that allowed for a permanent wall sign in the applicable zoning district.

(3) Permits per year - No site will be issued more than two (2) temporary banner Sign Permits per year, with each permit being limited to a 45 day period.

(4) The banner sign shall not be displayed above the roof line of any structure.

(5) The banner sign shall be safely secured to a building, structure, or stake. If a stake or structure is used, the stake or structure must be removed at the time the banner is removed.

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

(d) Freestanding Signs -

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

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

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

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

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

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

(e) Joint Identification Signs -

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

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

(f) Sandwich Board Signs -

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

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

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

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

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

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

(g) Wall Signs -

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

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

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

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

(2) Surface coverage - Window signs may not be larger than twenty-five percent (25%) of the aggregate window area.

(3) Illumination - Window may be illuminated internally.

1165.08 ADDITIONAL SIGNAGE PROVISIONS FOR MULTIPLE TENANT BUILDINGS AND LARGE SITES

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

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

1165.09 PROHIBITED SIGNS

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

- (1) Signs within any public right-of-way unless specifically authorized under Section 1165.04(a).
- (2) Air actuated attraction devices.
- (3) Roof signs.
- (4) Signs advertising goods or services not sold on the premises.

1165.10 SIGN PERMITS

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

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

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

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

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

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

1165.11 SIGNS NOT REQUIRING PERMITS

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

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

- (1) Signs conforming to the Ohio Manual of Uniform Traffic Control Devices;
- (2) Signs required by a state or federal statute or agency;
- (3) Signs required by an order of a court of competent jurisdiction;
- (4) One (1) wall sign on or over a window or door not exceeding one (1) square foot in area.

(c) Temporary Signs Allowed without a Permit -

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

1165.12 COMPREHENSIVE SIGN PLANS

(a) Purpose - A Comprehensive Sign Plan is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common

sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Chapter.

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

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

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

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

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

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

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

(1) The Planning Commission may allow signage which otherwise exceeds the number, type, size and placement as otherwise permitted in this Chapter when it determines that such additional signage is warranted due to the size, nature, number of tenants or other features of the site as they may exist.

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

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

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

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

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

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

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

Such written designation shall also include a signed statement from the new property owner indicating that they have received a copy of the approved Plan and agree to comply with it, unless they submit and receive approval for a revised Comprehensive Sign Plan.

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

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

(1) The City will issue not more than one (1) written warning per calendar year advising that the property is in violation of the approved Comprehensive Sign

Plan and that they have seven (7) calendar days from the date of the letter to resolve the violation.

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

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

In the event that the approval of the Plan is subsequently revoked due to non-compliance, the property owner shall have thirty (30) calendar days to remove the signage from the property or submit a new application for a Comprehensive Signage Plan.

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

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

1165.13 ABANDONED SIGNS

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

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

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

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

1165.14 SUBSTITUTION OF MESSAGES

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

1165.15 SEVERABILITY

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

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

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

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

Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter 1165 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of Chapter 1165. It is intended that if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is severed, the remaining parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this Chapter shall be considered independent, valid, and enforceable.

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

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

1165.99 VIOLATIONS, PENALTIES, AND REMEDIES

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

ZONING CODE APPENDIX A

City of Kent

Design guidelines For the KENT Design overlay Districts

OCTOBER 2, 2009

PURPOSE OF THE DESIGN GUIDELINES

The City of Kent has a distinct character defined by the architecture of its environment. Preserving the character of the city is important to promote civic pride and economic vitality. Promoting awareness for future generations is a key to retaining the city's appeal and success. Recognizing the importance of the city's architectural history and aesthetic help complete the steps needed to keep the city's integrity intact. This recognition can be achieved through education, effort and imagination. These enduring attributes create an inviting place for visitors and residents as well as a pleasant working environment.

Kent's physical attributes are defined by its wonderful location on the Cuyahoga River, the Ohio and Erie Canal and the Atlantic and Great Western Railroad. These particularly charming assets of the city determined the social and economic history of Kent. The physical attributes of the defined area are collectively referred to as a cultural landscape. Cultural landscapes are developed over time and can be read and studied by the form and type of the buildings and landscapes that remain.

The City of Kent is known for taking advantage of the natural resources of the area and keeping up with the changing modes of transportation. The city was established because settlers saw the potential and the power of the Cuyahoga River, thus sparking the initial growth of the community. The canal and railroad followed soon thereafter, creating an economic growth and boom for the emerging city. These times of growth were influential to the city's planning and architecture and are still apparent in the physical form of the city.

These Design Guidelines provide assistance in maintaining or improving the present quality of life through preservation and rehabilitation of the city's architecture while accommodating new construction and modifications. This document provides tools, resources, and design guidance for application to numerous circumstances and settings. Illustrative examples and photographs are included to assist property owners with understanding specific situations. These Guidelines will be used in conjunction with one or more Overlay Districts designated by Kent City Council as outlined in Chapters 1120 and 1121 of the Kent Zoning Code.

New construction near historic structures, or in an historic district, should complement and support the surrounding context in order to uphold the historic integrity of the city, be it traditional or contemporary stylistically.

The Guidelines are based upon the ideas and values set forth by the United States Secretary of the Interior's Standards for Rehabilitation. The Standards pertain to the repair or alteration of historic properties and have been this country's model for preservation practice for more than forty years.

DEVELOPMENT OF THE DESIGN GUIDELINES

The City of Kent currently has three National Register Historic Districts and numerous properties listed in the National Register of Historic Places. Kent has a great collection of rich and diverse architecture that reflects the history of the city through the years. Kent's Design Overlay District gives the community an opportunity to protect the unique character of the area without having to rezone other districts.

The Kent Design Guidelines are intended to assist the community in preserving and enhancing places of special character. These guidelines are written to be utilized by property owners, tenants, building managers, property caretakers, architects, and builders that would be conducting work affecting an historic property. The Guidelines provide a framework for making good decisions about rehabilitation and new design. Recommendations, photographs and drawings offer information and advice on how to achieve appropriate design solutions for various types of properties within the Overlay District(s) and also throughout the City of Kent.

The Guidelines present recommendations with the idea that it is better (also less expensive) to repair rather than to replace an original feature. However, these Guidelines are made to be flexible and serve as guidance for creative design solutions. The format of the guidelines begins with an historical overview of the City of Kent and then continues to discuss the different architectural styles that can be found in Kent. Design Principles for a building addition or constructing a new building adjacent to historic properties are also discussed within the design guidelines. Finally, the issues of site considerations, accessibility, graphics / signage, building color, and demolition can be found.

Historic preservation grows to be most successful when a community like Kent comes together with the same purpose in mind: to protect and reuse their historic resources.

The Certified Local Government, which is also a future option for Kent is sponsored by the Ohio Office of Historic Preservation program to encourage and acknowledge those communities with needed support, for processes like those described herein. Certified Local Governments, also known as CLG's, work as a federal-state-local partnership. The communities that become part of the CLG program benefit by receiving encouragement, education and funding through federal grants. The process of the Design Guidelines is meant to protect and enhance the overall value of the property while accommodating a contemporary use.

DESIGN GUIDELINE GOALS

- Achieve good design to help economic vitality and sustain property values.
- Ensure that visual identity remains cohesive.
- Facilitate connectivity with Kent State University.
- Assist with the transition from an Architectural Advisory Board to an Architectural Review Board, which functions as one part of the City's overall development review process.
- Assist developers with design guidance; educate public about good design and incentives.
- Make Kent a destination place for visitors.
- Attempt to preserve, when possible and practical significant structures.

PROCESS

In order to bring about a document that can be supported by the public, it was essential that there be public involvement in the process. Sponsored by the City of Kent, the Burbick Foundation, and Main Street Kent, this project began with stakeholder participation, has been sustained by public input, and will culminate with a presentation to the City Council.

The committee responsible for following this project through to completion was comprised of building owners, design and planning professionals, real estate professionals, developers, Kent homeowners, a University representative, and other active members of the Kent community who met on a regular basis to review, critique, and react to recommendations. Because this committee was tireless in their efforts to review and improve the document, the Design Guidelines for the City of Kent is well-vetted.

In the initial stages, as history and documentation were gathered, stakeholders from many different corners of the Kent community gathered to share and learn about the process of developing and implementing design guidelines. At two separate stakeholders meetings, business owners, homeowners, landowners, designers, representatives from the City and Kent State University joined developers, attorneys, members of Main Street Kent and the Kent Historical Society to discuss their ideal visions for the city. Even more exhilarating was the pride and passion with which each person described the current attributes of the Tree City.

From these conversations, several goals were established. (Goals are listed on page 3 in the "Development" section of these guidelines.) In order to invite input from another group of community members, these same goals were presented at a large and open public meeting held at the Kent Stage. At the end of the meeting, the participants were invited to prioritize the goals passed on to them by the stakeholders groups.

Overwhelmingly, the top goal selected was:

"Perpetuate good design to help economic vitality and to sustain property values."

The second goal selected was:

“The City can remain cohesive in visual identity.”

The two goals ranking third are:

“Better connection with the University” and

“Transition from Architectural Advisory Board to Architectural Review Board.”

Ranking these few goals ahead of the others does not diminish their significance entirely. The remaining goals may be lofty but also may be achieved by working toward the above priorities.

“Assist developer with guide to design.”

“Education. General Public should become aware of value of good design and the incentives to reach it.”

“Can we make Kent a fun place to be? A destination point for visitors.”

“Save significant structures, demolitions should be reviewed, as should what takes its place.”

“Define the boundaries of a district, but guidelines should help all of Kent.”

With the information gained from the stakeholder and public meetings, the consultants assembled this set of Design Guidelines. The first and second draft copies were reviewed by the original committee. The presentation of the final draft was given at the April 22, 2009 City Council meeting. On November 18, 2009, Kent City Council adopted the Guidelines for the purpose of using the Guidelines in relation to projects which are receiving some form of City funding or financial assistance. The present effort would adopt the Guidelines as an Overlay District in one or more areas of the City along with specific criteria and procedures for their implementation.

This process meets the criteria for the Certified Local Government application requirements.

BENEFITS TO A PROPERTY OWNER

Good design and well-executed design guidelines have proven to be beneficial to both the property owner and the community because they sustain social and economic growth. Individual property values are enhanced through good design, and collectively, these properties can greatly increase the appearance of an entire district. The area becomes a destination that people want to visit and gives the city an identity. A place is created where the community interacts, thereby strengthening the ties between its members and the surrounding area. Activity supports local businesses including restaurants, retail, and entertainment establishments. The return on the investment in time and expense is to achieve good design in preservation, restoration, renovation, and new construction, a prolonged value that far exceeds the initial investment.

Economic benefits (besides the obvious increase in pedestrian traffic) can include use of preservation grants and loans, rehabilitation tax credits, energy efficiency tax breaks, and participation in Certified Local Government grants and loans. Design guidelines not only provide an opportunity to increase property value and appearance but become a tool in protecting the value of public and private investments. Areas that may be threatened by poorly- managed growth now have the opportunity to be managed by the community. There is also the benefit of attracting good developers to a thriving well-maintained community. The Guidelines are a means to assist clients and their designers in preliminary design or maintenance work; they will help keep the character of the town intact and the community thriving.

FOR MORE INFORMATION ON THESE AND OTHER PROGRAMS TRY THE FOLLOWING WEBSITES:

National Park Service, www.nps.gov

Ohio Preservation Office, www.ohiohistory.org/resource/histpres

Main Street Kent, www.mainstreetkent.org

City of Kent Community Development, www.kentohio.org/dep/comdev.asp

THE HISTORY OF KENT

The native Iroquois tribe used the Cuyahoga River's resources and Standing Rock as a landmark. Early settlers of Kent were unquestionably attracted to the area because of the Cuyahoga River. The settlers were attracted to the land because of the water power of the Cuyahoga River. The river had enough force to operate numerous mills, distilleries, tanneries and forges.

Aaron Olmstead, a business man from Connecticut saw the potential of the land and bought the 25 square mile township which he named after his son, Franklin. In 1805, the Haymaker family became one of the first to establish themselves on what is now known as Kent. Jacob Haymaker, a German millwright and carpenter, bought 8 township lots along the river and Haymaker sent his son John with his wife and three children to begin construction of a mill and dam. The Haymakers were followed by many other businessmen that saw the potential of the river.

Later, in 1810, a growth in population established the community that came to be known as Franklin Mills. The residents considered the area divided and referred to it as the "Upper Village" and "Lower Village."

In 1825, the "Upper Village" was recorded as the village of Carthage but the name did not stick; the residents preferred to use the name Franklin Mills.¹ During the era of the stage coach many rivalries grew between the two villages; businesses began advertising wars to persuade visitors passing through to come to their business rather than the one in the rival

¹ Grismer, Karl H., History of Kent (Record Publishing Co., 2001) 17.

village. During these years of growth a sawmill was built in 1814, which allowed residents to build frame houses rather than log cabins.

In 1816, the Franklin Mills community constructed a small cabin for their first school, and in 1820, the first post office was established: George DePeyster became the first Postmaster. By 1835, Franklin Mills' population grew to 1,400 people and included gristmills, woolen mills, cabinet shops, glass shops and tanneries.

The development of the Pennsylvania and Ohio canal began in the Franklin Mills area during the 1830s and was completed by 1840. The construction of the canal brought a lot of business to Franklin Mills and was a fundamental part of the growth of the community. This area is now known as the business district. The canal was a great resource that connected Franklin Mills to Pennsylvania, Ohio, Lake Erie and Akron. The canal era ended due to the development of the railroad.

Train tracks were laid in Franklin Mills by 1863. In 1864 the trunk line was complete connecting the town to St. Louis and New York. Marvin Kent had a big part in getting the Atlantic and Great Western railroad routed through Franklin Mills. The railroads helped keep the mills in business and thriving. Due to the location of Franklin Mills, it became the chosen spot to build the railroad shops which offered several hundred men jobs in the area and turned Franklin Mills into a prosperous railroad center. The residents were so grateful to Marvin Kent for his part in bringing railroads to Franklin Mills that they changed the name of the village to Kent in his honor. The state of Ohio made the Village of Kent official in 1867 by acknowledging the new name and incorporated it. In 1875, a new railroad depot was opened in a large brick building currently housing the Pufferbelly Restaurant on what is now Franklin Avenue

In the early 1900s, there was a shortage of nearly 5,000 teachers in the state of Ohio. A law was passed looking for two new locations for a Teachers College: one in the western half of Ohio and one in the eastern half of the state. Kent pushed to become home to one of the schools and formed the Kent Board of Trade, and began the slogan "Home of the Hump and Hustle". William S. Kent donated a large area of land to the community for the school.

In 1910 Kent's hard work paid off and the state of Ohio gave Kent the opportunity to house one of the new public teachers' colleges, Kent State Normal School, now known as Kent State University. The arrival of the college generated another boom in Kent. Real estate values around the college drastically increased and more streets were constructed in the area. Construction workers building the college brought business to the town which were later followed by faculty and students.

In the 20th century, Kent saw an industrial boom as businesses considered Kent an excellent site to manufacture goods. The Davey Tree Expert Company is one of the most well-known businesses that was established in Kent; founded in 1909 by John Davey. The Davey Tree Expert Company is a leader in their industry and by 1920 the company was given 14 patents. The company headquarters still remain in Kent, but have additional offices throughout the country and in Canada. The company developed techniques such as line clearance and vegetation management for utility companies and the removal of large trees. The company made significant advances in the technology of bucket trucks, insect control, brush chippers and speed saws.

John Davey's son, Martin L. Davey, is known at a state level for being elected governor of Ohio. Martin graduated from Kent's high school and later attended Oberlin College. Martin was elected mayor of Kent in 1915 and 1917. In 1918 he held a position in the House of Representatives as a Democrat. He was re-elected to the House three more times before running for governor in 1928. After losing his first race he won in 1934 and was re-elected two years later. Martin returned to the family business full-time after serving as the governor.

ENVIRONMENTAL FEATURES

In addition to architectural style, the natural environments in which the buildings are set contribute to the character of the Kent Design Overlay District. The Cuyahoga River flows through the center of the City of Kent. The water source for the gristmills of the original village and later the Pennsylvania and Ohio Canal resulted in the establishment of a thriving industrial town, and the Cuyahoga River remains an important resource of natural beauty and recreation for the community today.

The monumental Kent Dam, hand cut from sandstone in the form of a sweeping arch and the only known dam of its kind attached to a canal lock, still stands as an historic tribute to Kent's industrial past. The dam, built in 1836, has been listed in the National Register of Historic Places.

For environmental reasons, the river has been rerouted through the historic canal lock and the area behind the dam is now home to the green lawn, gardens, and observation platforms of Heritage Park. The majestic waterfall cascading over the dam remains as a symbolic backdrop for the City of Kent.

There are also several wooded parks located along the river's edge. In addition to being sites of scenic beauty and rich ecosystems, these parks also offer a multitude of opportunities for outdoor activities: hiking trails, recreational facilities, observation decks and beach-like landing spots to encourage community participation in the natural environment. Adding to the

greenery of the natural landscape, the ambitious effort of planting hundreds of trees around the city, undertaken by John Davey in 1880, resulted in the city of Kent being designated as the first “Tree City” in America. The tree, as a representation of the city of Kent, has earned a place of honor on the official city logo

ARCHITECTURAL STYLES

Styles refer to trends in design that were influenced by the popular culture of their time period. They reflect fashion, and political and social influences of the day. *Typology* refers to building form and traditional methods of building, typically handed down through generations, and vernacular styles of local craftsmen. Typology can also refer to the original use of the building, such as a church, school, barn, depot, mill or residence. Residences often exhibit a mixture of styles indicating a transition from one style to the next or later additions and renovations made to the structure in the fashion of that time.

The architectural style of a building is expressed through the structure’s character, which is defined by the floor plan and three-dimensional shape of the structure, and expressed through its details including windows, doors, chimneys, porches, and ornament. Kent architecture is characterized by the styles listed on this page. Dates refer to the era of popularity in Kent and in Ohio.

Mid 19th Century

Greek Revival (1835-1860)

Gothic Revival (1840-1880)

Italianate (1850-1880)

Late 19th Century

Second Empire (1855-1885)

Eastlake (1880-1890)

Romanesque Revival (1880-1900)

Queen Anne (1880-1905)

Italian Renaissance (1890-1935)

Neoclassical (1895-1950)

Early 20th Century

Craftsman (1900-1925)

Tudor Revival (1910-1940)

Art Deco (1925-1940)

GREEK REVIVAL STYLE (1835-1860)

The Greek Revival style was the dominant style in the United States from about 1835 to 1860. During this time period Americans were looking for a style that represented the ideals of democracy. They wished to distinguish the relatively new country of the United States from England. Classical architecture from Rome and Greece became the popular models. Americans were also very sympathetic to the Greek War of Independence which began in the 1830s. The Greek Revival style proliferated through carpenter pattern books, such as those by Asher Benjamin, and became so popular that it was known as the National Style. The style is found in many forms, based on its geographical location and use (urban or rural/residence or commercial).

Greek Revival's roof and porch are emphasized with a classical entablature, which is made up of a cornice, frieze and architrave. The architrave is typically bold and composed of a post and lintel arrangement. The porches are supported by square or rounded columns, usually of the Doric type. The front paneled door is single or paired and surrounded by elaborate details typically with narrow sidelights with a decorative frame.

The example below was most likely a 1-1/2 story Greek Revival structure with a lower slope roof. At some point the roof pitch was changed to increase the house to 2 stories.

IDENTIFYING FEATURES

- Classical entablature
- Transoms and/or sidelights
- Double-hung windows
- Classical details
- Greek key ornament
- Acanthus leaf ornament
- Full-width or entry porches
- Square or round columns
- Gabled or Hipped Roof

GOTHIC REVIVAL STYLE (1840-1880)

Gothic Revival style first appeared in the United States in the mid 19th century during the Romantic period, when Picturesque Architecture was gaining popularity. Many contemporary publications written at the time sparked popularity, such as A.J. Davis' *Rural Residences*, A.J. Downing's *Cottage Residences* and Richard Upjohn's *Rural Architecture*. These books included drawings, details and landscape plans as a "How To" book.

Gothic Revival structures are medieval in form and have a vertical emphasis found in stone, brick and wood-framed details. This style has steeply pitched roofs and steep cross gables with decorated vergeboards. Tall clustered chimney stacks occur frequently. The windows extend into the gables having pointed arches with a drip-mold above the windows. The doors are decorated very similarly to the windows with pointed arches or other Gothic motifs and a decorative crown. The majority of the porches are one story with a flattened Gothic arch.

IDENTIFYING FEATURES

- Steeply Pitched Roofs
- Pointed Arches
- Vergeboards
- Symmetrical
- Medieval Form
- Vertical Emphasis

ITALIANATE STYLE (1850-1880)

The Italianate style was introduced in America by English pattern books based on the latest fashion overseas. England was influenced by the informal design of Italian style as part of the Picturesque movement. This movement deviated from the formal classical design in search of a style more free in its expression. In America, the style was adapted and embellished, making it unique to the country. American pattern books by Andrew Jackson Downing defined and promoted the Italianate style in America.

Italianate buildings usually are two or three stories and are rarely found in one story. The roof is low-pitched with wide overhanging eaves supported by decorative brackets. Windows are generally one or two pane sashes that are tall and narrow, with arched or curved upper sash. The windows are often decorated with ornate hoods, typically an inverted U- shape. Porches are very common in the Italianate style with smaller entry porches being most common. Full width or wrap around porches are usually found on larger buildings or on those buildings that are “high style.” Front doors can be found in the same shape as the windows with large pane glazing.

IDENTIFYING FEATURES

- Wide, overhanging eaves
- Two or three stories
- Single or paired brackets
- Embellished Cornice band
- One or two pane windows
- Paired doors
- Elaborate ornament

- Tall, narrow windows
- Arched ornate windows
- One story porches

SECOND EMPIRE STYLE (1855-1885)

The Second Empire style is named after Napoleon III's reign over France (1852-1870). During his reign, advancements in design and fashion made Paris the world's center for art and architecture. The Second Empire style was considered to be a modern design and reached America by way of England. The most notable defining feature of this style, the mansard roof, was named after the architect Francois Mansart because of his widespread use of this roof type in his designs. This style also was popular for remodeling buildings because the mansard roof provided a full-story attic space (which was not historically taxed as usable space).

The Second Empire mansard roof generally comes in five shapes: straight, straight with flare, concave, convex and s-curve. It is common to find decorative patterns of color or texture on the roof with an iron crested cornice widows walk. Underneath the roof-line the Second Empire is closely related to Italianate style but the eave overhang is not as large and there is normally an arch above the windows.

IDENTIFYING FEATURES

- Mansard roof
- Dormer windows
- Molded cornices
- Decorative brackets
- Cast iron cresting at rooftop
- Brackets below eaves
- Cupola covered by roof
- Patterned roof slate
- 2 or 3 clusters of windows
- Projecting central bay
- Quoin (corner details)
- Many textures and colors

EASTLAKE STYLE (1880-1890)

The Eastlake style is named after Charles Eastlake, an English architect who influenced building design through the publication of his book Hints on Household Taste (published in 1868). This look deviates from the curvilinear earlier styles in favor of angular, notched, and carved elements influenced by Medieval designs. Incised patterns were commonly found on hood moulds and brackets. Three dimensional ornamentation became popular to this style because of the new advances in technology for woodworking machinery, such as scroll saws, chisels, power lathes, and spindle shapers. The power lathes and spindle shapers are the

two tools that made the fancy details and posts. Eastlake style ornamentation was commonly applied to other Victorian buildings, primarily designed in the Queen Anne and Stick styles.

IDENTIFYING FEATURES

- Large, scrolled brackets
- Floral ornamentation
- Geometric ornamentation
- Incised decoration
- Oversized elements
- Angular, notched elements
- Asymmetrical design
- Many textures and colors

ROMANESQUE REVIVAL STYLE (1880-1900)

Architect Henry Hobson Richardson designed in the fashionable styles of the second half of the 19th century, including Second Empire, Queen Anne, and Stick. He later adapted these styles creating a new style that became known as Richardsonian Romanesque. This style creates the appearance of a massive and solid structure, causing it to become popular for large public buildings of that time.

The common Romanesque Revival form is a hipped roof with a cross gable, but was also built in town house form. The buildings are often constructed out of rough-faced stonework with two or more colors creating decorative wall patterns. Wide-rounded arches are a distinct feature above windows, entryway or porches. The arches are supported by massive piers or are built into the wall. The Romanesque Revival was less common in residential design in Ohio because its solid masonry construction was expensive.

IDENTIFYING FEATURES

- Round-topped openings
- Arches rest on columns
- Deeply recessed windows
- Grouped windows
- Round tower
- Asymmetrical façade
- Rough-faced masonry walls
- Two or more colors
- Many textures of stone

QUEEN ANNE STYLE (1880-1905)

The Queen Anne style originated in England with a group of architects under the leadership of Richard Norman Shaw, who also introduced the style in America during the Philadelphia Centennial Exhibition of 1876. Pattern books detailing the design encouraged the advancement of this style across America. Popularity of the Queen Anne style grew because the defining decorative elements could be pre-cut and transported by railroad. A boom in the

economy during the time this style was popular resulted in many structures being built in the Queen Anne style.

The Queen Anne roof is irregular in shape and is steeply pitched with a dominant front-facing gable. Methods are used to avoid a smooth-walled appearance such as patterned shingles and cutaway bay windows. The building is normally asymmetrical with a one story high partial or full-width porch.

Four decorative detailing types are common on a Queen Anne style building: spindlework, free classic, half-timbered and patterned masonry. Spindlework is present on the porch balustrades and suspended from the porch ceiling creating a frieze. Free classical columns are on the porches usually full height or on a raised pedestal. The supports are often grouped together in three but lack the decorative detailing.

The porch is supported with solid spandrels and often has half-timbering or decorative timbering details on the front gables or upper stories.

ITALIAN RENAISSANCE STYLE (1890-1935)

By the late 19th century many American Architects and their clients had visited Italy to see and experience the style first hand. Technology was improving and so was the quality of printing. The use of photographs to document the buildings became popular. The earlier Italianate style was based on pattern book drawings by professionals with no firsthand knowledge of Italian buildings. After World War I, masonry veneering was perfected which allowed buildings to closely imitate the stucco or masonry walls of the original Italian models.

Italian Renaissance structures are symmetrical in form and typically found with low pitched roofs that are covered in ceramic tile including broadly overhanging boxed eaves with decorative brackets below the eaves. All openings have arches above them and the upper windows are less elaborate than the first floor full-height windows. The entrances are recessed and supported with small classical columns or pilasters.

IDENTIFYING FEATURES

- Low-Pitch Roof
- Arches Above Openings
- Symmetrical
- Ceramic Tile Roof
- Full-

NEOCLASSICAL STYLE (1895-1950)

Neoclassical style sparked interest after the World's Colombian Exposition in 1893 and the 1901 Pan-American Exhibition in San Francisco.

Famous architects of that time showcased their dramatic designs of white colonnaded buildings. The buildings of the Exposition were monumental and inspired many commercial

and public buildings thereafter. In the first half of the 20th century Neoclassical became a popular style for domestic buildings throughout the country. The first wave of these buildings occurred from 1900-1920 and displayed hipped roofs, elaborate classic columns, and pedimental entries. The second phase occurred from 1925-1950, which included side-gabled roofs and simple columns.

Neoclassical houses normally have a boxed eave with a moderate overhang and employ full-height porches that are supported with classical columns, with Ionic or Corinthian capitals. The facade is symmetrical with a central door and balanced windows. The door is elaborately decorated and the windows are double-hung and rectangular.

IDENTIFYING FEATURES

- Dominate front porch
- Roof supported by columns
- Ionic or Corinthian capitals
- Symmetrical windows
- Center door
- Elaborate doors
- Boxed eave
- Moderate overhang
- Rectangular windows
- Pediments

CRAFTSMAN STYLE(1900-1925)

The Craftsman style was part of an international movement of style, art, and philosophy with William Morris, a 19th century English designer, being a large part of the movement. The Craftsman style in the United States was inspired by two California brothers: Charles Sumner Greene and Henry Mather Greene. Their designs were influenced by the English Arts and Crafts movement, and Oriental wood architecture. The designs focused on the natural beauty of the materials, and detailed craftsmanship with simple clean lines. Ornamentation was kept to a minimum. Publications of Green & Green's designs in magazines such as the Ladies Home Journal and Good Housekeeping helped to popularize the style. Furniture manufacturer Gustav Stickley published a popular magazine called The Craftsman, featuring both architectural and furniture designs.

The style became so prevalent that a flood of pattern books were produced. Some companies, such as Sears, offered entire packages of pre-cut lumber, doors, windows, plaster, trim, and fixtures.

The Craftsman style porch is supported by columns that are short and square and sit upon simple pedestals; these pedestals, columns, and piers frequently extend to the ground. The most familiar characteristic is the roof overhang. The roof rafters are usually exposed and sometimes have decorative details. The doors and windows are similar to Prairie style homes. The dormers have gables with exposed rafters at the end. The most common wall-

cladding is wood clapboard and wood-shingles. However, stone, brick, concrete block, and stucco variations can be found in northern or mid-western states.

IDENTIFYING FEATURES

- Low pitched wide gable
- Unenclosed eave
- Rafters exposed
- Full or partial-width porches
- Tapered square columns
- Columns extend to ground
- Beamed ceilings
- Casement windows

TUDOR REVIVAL STYLE (1910-1940)

The Tudor Revival style is modeled after a variety of late Medieval English styles; the prototypes range from thatch-roofed folk cottages to grand manor houses. The traditions are openly mixed in their American Eclectic representation but are unified by distinctive characteristics such as steeply pitched roofs, front-facing gables and a prominent entry facade. Nationally, the style saw its height of popularity beginning at the end of World War I and continuing through the 1930s.

The buildings frequently have steeply-pitched roofs with the facade dominated by one or more prominent cross gables. The windows are tall and narrow with multi-pane leaded glazing (diamond patterns are very common). The chimneys are massive and are usually crowned by decorative chimney pots.

IDENTIFYING FEATURES

- Steeply pitched roof
- Stone, brick or stucco
One or more cross gables
Decorative half-timbering
Tall, narrow windows
Massive chimneys
Decorative chimney pots
Gables overhang
Asymmetrical plan
Round or Tudor arch entry
Leaded glass windows

ART DECO STYLE (1925-1940)

Art Deco style grew during the time period between the two World Wars. The Exposition des Arts Decoratifs, an exhibition held in Paris in 1925, was part of an International Style

movement. It was inspired by Cubism, Futurism and Constructivism; America's obsession with the future, speed, and transportation (such as the car and train) was also a driving force behind this movement. The style was honest and simple, but most of all it was functional. The structures combined rectilinear massing, futuristic images, stylized ornament and polychromatic effects. This glamorous style changed the shape of virtually everything in America, from the American home to jewelry and other decorative arts Deco with some Gothic details.

IDENTIFYING FEATURES

- Smooth and flat wall
- Geometric designs
- Vertical emphasis
- Inspired by machines
- Inspired by movement
- Horizontal band of windows
- Curved window glass
- 1/1 windows
- Metal doors
- Metal window sash

APPLICATION REVIEW AND PROCEDURES

The process to review proposed work within the Design Overlay District (presented herein) is defined in Chapter's 1120 and 1121 of the Kent Zoning Code.

ARCHITECTURAL REVIEW BOARD - Work that will affect the exterior of a building in the applicable Overlay Districts will be required to obtain a Certificate of Appropriateness issued by the Architectural Review Board of the City of Kent. The Certificate of Appropriateness when mandatory shall be issued for a project prior to the issuance of a Building Permit.

USE OF THE GUIDELINES

These Design Guidelines shall be used in conjunction with new construction and existing building alterations, signage and as otherwise applicable with the applicable Design Overlay District(s) and for the use of the Architectural Review Board when reviewing projects subject to these Guidelines. These Guidelines are based upon the Secretary of the Interior Standards for Rehabilitation (see Appendix B on page 69), explain how to look at an historic structure or structures within the district, and how to evaluate its characteristic for preservation, rehabilitation or suitable new additions within the Overlay District(s). These standards are used for new construction to ensure that it is compatible with the existing nearby structures and amenities. Those individuals using the Guidelines either voluntarily, in conjunction with a City assisted project, or who are using them in conjunction with a mandatory review within one or more of the Design Overlay District(s) in the City are encouraged to read these guidelines in their entirety. Those sections noted in bold print are especially important and are prescriptive in nature. These prescriptive elements identify the key points to be

considered by the Architectural Review Board in their review of an application for a Certificate of Appropriateness.

FINANCIAL INCENTIVES

The City of Kent has chosen to mandate the use of the Guidelines and the review process for projects that are funded, in whole or in part, by the City of Kent. If a property owner chooses to take advantage of the federal or state historic preservation tax credits, that owner must follow the Standards for Rehabilitation (Appendix B); which are the principles upon which the Kent Guidelines are based.

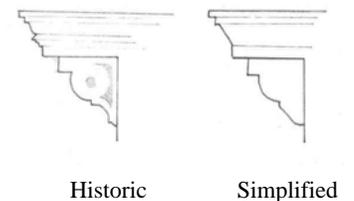
WHAT DOES ADOPTION OF THE KENT DESIGN GUIDELINES MEAN?

Adoption of these Design Guidelines means that the citizens of Kent wish to be proactive in the success of their community, acknowledging Kent's special heritage and its unique and eclectic architectural personality. The Guidelines are a tool for the community, especially within the recommended Design Overlay District and any future designated area, to protect and support the character that brings such pride.

The Guidelines are a tool to assist the public and to assist the Architectural Review Board so as to support consistent recommendations. In the end, the goal declared by the community throughout this process is: Perpetuate good design to help economic vitality and sustain property values.

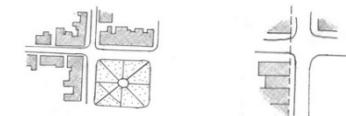
PRESERVATION PHILOSOPHY

The preservation philosophy that these Design Guidelines aim to uphold is based on the Secretary of the Interior's Standards for Rehabilitation. The philosophy's intent is to retain original or historic building materials to the greatest extent possible and to avoid creating a false historic appearance when elements must be replaced. Replacement materials should match the originals in size, color, and texture. Substitute materials such as vinyl for wood should be avoided. New additions and new construction may be distinguishable from the historic while being compatible with the existing structure or surrounding structures. Additions and new construction should be



reversible, so if removed, it will not impair the historic structure's form or integrity.

PRESERVATION PRINCIPLES



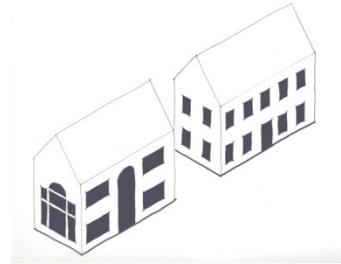
Community Streetscape "Built to Line" or Building Setback

Refer to the Secretary of the Interior's Standards for Rehabilitation located in Appendix B.

DESIGN PRINCIPLES

BUILDING TYPOLOGY

In addition to understanding building styles, it is important to understand general building types. Building type or typology is the form a building takes related to its materials, function, and visual organization. It also can describe a regional or vernacular method of building, related to form rather than style and ornament. It is important to be able to describe, critique, and prioritize these components of architecture. Successful design within an existing historic context includes both an understanding of the typology of the existing structures, as well as the meaning of their style in a place in time.



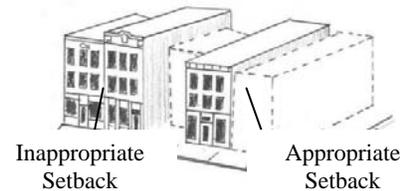
If the building on the right represents the predominant solid-void pattern, the one on the left is not appropriate for the district.

FABRIC AND OBJECT BUILDINGS

Within the context of the Kent Design Overlay District, there are two principal building categories: Fabric Buildings and Object Buildings. Fabric Buildings make up the sense of place and they define general character and set scale. Fabric Buildings typically have a commercial or residential use. They are the majority of the buildings and are usually built during the same time period. They are principally a commercial block type with a basic three-part form: a glass storefront base, upper floors with “punched” window openings, and some form of cornice. The majority have a flat roof.

Object Buildings are buildings of cultural or civic importance and have a symbolic presence to Kent. Object Buildings can include churches, post offices, theaters, libraries, town halls, courthouses, and other civic or cultural institutions. These buildings have a variety of forms and visual organization and are not necessarily part of the town’s standard fabric.

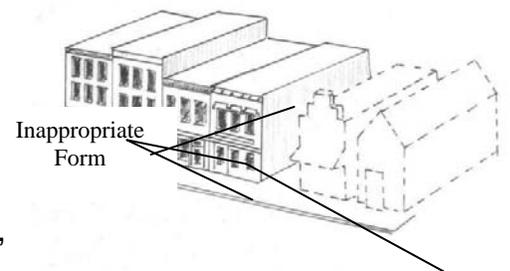
When considering the application of design principles to new work in an existing context, the priority of the design principles ranges from the general to the specific. A well designed building placed poorly on the site undermines the overall design. A poorly proportioned building with elaborate details will fail to fit within an existing context because the observer sees the form first and the details second. Conversely, a building placed



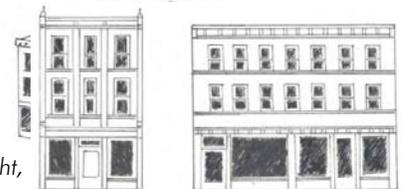
Inappropriate Setback

Appropriate Setback

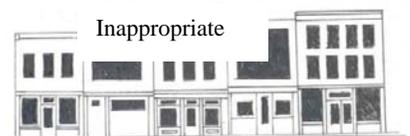
It is important to respect the common setback and placement of buildings in order to maintain the continuity of the streetscape.



Inappropriate Form



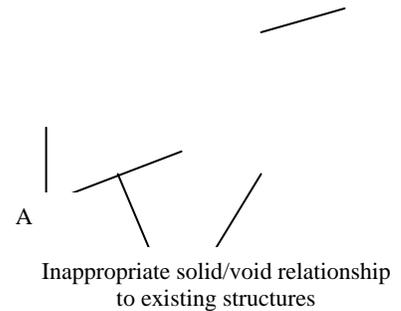
be



Inappropriate

and proportioned appropriately with simplified or contemporary details will work well within an existing context. Therefore, the priority of the design elements should be as follows.

Building Placement
Form
Solid/Void Pattern
Facade Organization
Materials/Color/Texture
Details



BUILDING PLACEMENT

Within an existing context of historic buildings, there is a customary or prescribed building placement. It is important to respect the common setback and placement of buildings in order to maintain the continuity of the streetscape.

This should be regarded as a “build to” line, as well as a building setback.

Consideration should also be given to the vistas both along the streetscape or roadway for structures set near the road, and from the road for structures set back away from the road. Carefully consider any new construction adjacent to the existing structures: will the new construction interfere with the views?

FORM

Whenever possible, the existing historic context of the building form should be respected, including the volume of the form in relation to its site. Building height, proportion, and lot coverage should be compatible with the dominant form on the street. Orientation of the form to the street also should be the same as the context. For example, if all of the buildings on a given street are gable-fronted facing the street, new infill buildings should have a similar form and orientation.

SOLID/VOID PATTERN

The ratio and pattern of wall-to-window openings is common within a given building type and age. Respecting this pattern helps to unify the streetscape.

FACADE ORGANIZATION

Horizontal versus vertical facade organization of architectural elements is usually similar within a given context. Some buildings have prominent horizontal elements such as belt courses, continuous sills or lintels, or projecting cornices or entablatures. Other buildings exhibit an emphasis of vertical elements such as continuous pilasters that separate the facade into spandrel panels.

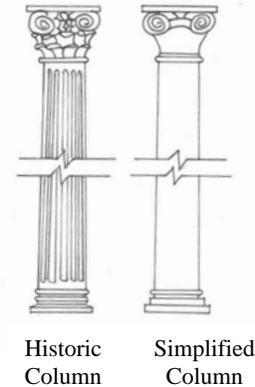
When a dominant pattern of either horizontal or vertical organization exists in the historic context, this pattern should be imitated by any new construction.

MATERIALS/COLOR/TEXTURE

Selecting materials that are compatible in color and texture with adjacent structures helps to create a unified design within the district.

DETAILS

Imitating details of historic structures exactly when creating new structures is generally not necessary or desirable. Respecting the general placement, form, visual organization, colors, and materials within a given context is sufficient to create a new building that is compatible. It is not necessary to create a replica of an historic building by copying exact details. Simplified details of similar proportions to those found within the district are sufficient.



GENERAL RECOMENDATIONS

IN CARING FOR KENT HISTORIC STRUCTURES

Inspect and maintain building elements on a regular basis.
Repair before replacing elements or materials. Replacement is an option only after all other possibilities have been considered.
Avoid adding elements to a building that were not originally present.

MISSING ELEMENTS

Replace or reconstruct the missing element using materials that match the original as closely as possible.

If no evidence can be found to document the element's original appearance, replacement should be consistent with the building's size, scale, and materials. The replacement should be simplified to avoid creating a detail that may not have been part of the original design. Examining other buildings of the same architectural style can help determine what may be appropriate.

DETERIORATED ELEMENTS

Avoid giving a false impression of historic character by use of ornament not appropriate to the time period and stylistic influences. Repair deteriorated elements as soon as possible to prevent further damage or loss of material. If an historic element is deteriorated beyond repair and removal has been approved, document with photographs and measurements before removal. Then reproduce the element, matching the original design and materials.

NON-ORIGINAL ELEMENT

If an element has been previously replaced, consider retaining the existing element if it is unique, aesthetically complements the building, or is a good example of what was in style in its own time (i.e., a well-designed and constructed 1880's porch on an 1840's house). If the element is considered inappropriate for the building, replace the element with one that is appropriate.

SALVAGE MATERIAL

Avoid adding elements to a building from other structures. This generally creates a false history and would be inappropriate. Respect each building for its own design and style. If salvage material is used for repairs, such as old brick that matches the correct size and color, it is appropriate to mark the salvage items on the back so that they can be identified later.

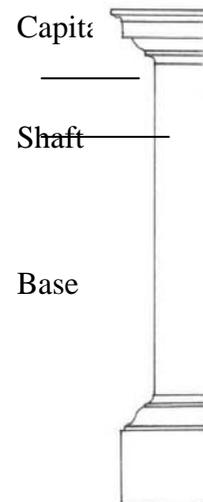
STOREFRONT

The main purpose of storefronts and their windows is to display items for sale in a store. They are, however, a very important part of the pedestrian experience, influencing the public perspective of the district.

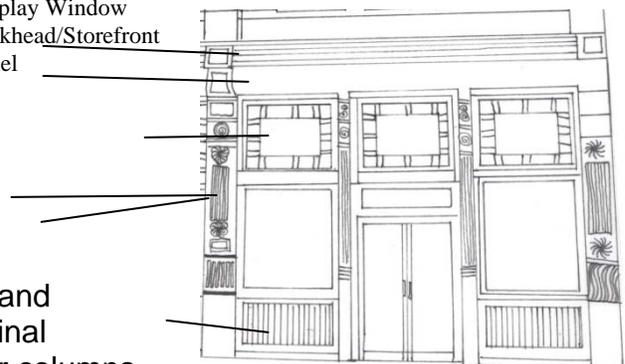
Traditional storefronts were regularly designed in a three-part composition: a fairly low bulkhead at the base, large glass display windows, and transom windows at the top providing additional natural light to the interior. Transom windows often had small panes of prism glass that gathered light and projected it toward the rear of the stores.

Surviving historic storefront elements as bulkheads, wood or metal trim or window hardware, and transom windows) be retained if at all possible.

Such elements are part of the fabric of historic Kent and contribute to its character and high visual quality. Designs for new storefronts or renovations to existing ones should be respectful of the size and proportions of elements typical of the area's older storefronts. They should, for example, have bulkheads, display windows, and transoms. The storefront must fit within the original storefront opening that is defined by end piers or columns and horizontal members. Piers and columns should remain exposed.



Cornice (such
Frieze should
Transom Window
Pier
Display Window
Bulkhead/Storefront
Panel



Refrain from making the storefront look like a residence or office through the use of small or multi-paned windows. If necessary, screen large display windows with interior blinds if privacy is desired for an office use.

Traditional materials should be used when storefronts are rehabilitated or reconstructed in older buildings. Bulkheads should be paneled wood for 19th and early 20th century buildings, though ceramic tile was sometimes used, especially in the 1920s. Brick and stucco were not typically seen in the bulkhead area. Display windows usually were supported by fairly light wood or metal framing systems, leaving a maximum glass area. Heavy wood framing or masonry materials were not typically used in the display. Transom windows were commonly framed in wood or metal. The glass was usually clear, to transmit maximum natural light into the store.

DOORS

Entrances of historic buildings have always been one of the main elements that help define the overall style and design of a structure. Typically the door is the main focus of the entrance.

It is because of this that many historic doors have been decorated and embellished with moldings and other decorative panels and motifs found throughout the structure. In maintaining the general style and importance of an historic structure, it is essential to preserve the value and significance of an historic entrance door.

Historic entrance doors should be preserved and maintained whenever possible. They should be kept in operable condition, allowing for smooth opening and closing. Doors performing poorly should be re-hung before shaving or undercutting. Their hardware and thresholds should be tightened and maintained. Historic doors that do not match the time period of the structure should still be preserved as existing historic doors are more valuable and accurate than any new door designed to match the building.

Only deteriorated or missing portions of an historic entrance door should be replaced. These replaced elements should be reproduced to match the original material and style. If replacement of the entire door is necessary, the original frame should be preserved, maintaining the dimensions and location of the door. Historic hardware and glazing should be salvaged and preserved. It is preferred that the replacement door be a replica of the historic door. If this is not possible the new door should match the style of the historic structure.

A new entrance door to an historic building should be contemporary in design but compatible in size, scale, material and color with the style of the building. Restoration of a missing historic door is appropriate only with historical, pictorial or physical documentation.

Because doors are such a prominent feature in a building, it is essential that the door, restored or reconstructed, hold the style of the structure without altering its character. For example, a residential type door should not be placed on a commercial building.

AWNINGS, CANOPIES, CORNICES & PARAPETS

AWNINGS AND CANOPIES

These features are used to shade window openings to keep down the interior heat in the summer, awnings typically made of canvas or similar heavy fabric are mounted on solid metal or pipe frames. Awnings provided protection both from the sun and from inclement weather, and they can often be rolled or retracted to allow the sun into the building during cool weather.

With the current interest in “green” practices, awnings are a highly efficient passive device considered to be a worthwhile investment not just for appearances. Fabric awnings are an appropriate treatment for most residences in the historic districts and for many commercial structures. Avoid fixed, permanent canopies unless it can be shown through research that a building had them in the past and that the canopy design is compatible with the original character of the building and the specific district.

Each window or door should have its own awning, rather than a single full-width awning covering multiple openings or an entire facade. Use a traditional flat, sloping awning. Awnings should have a matte rather than a glossy surface. Avoid rounded or “bullnose” awnings, except at roundheaded window openings where the rounded awning shape is appropriate.

Awning color is important. Manufacturers can provide durable, long-lasting fabric for awnings in a wide range of colors. Awning colors should be compatible with historically appropriate colors used on the building, avoiding ornate patterns or too many colors.

CORNICES AND PARAPETS

The cornice is a projecting horizontal band at the top of the facade. Commercial structures often have an additional cornice located at the top of the storefront.

The parapet is a low wall that extends along the roof edge. This wall often has decorative detailing and is frequently combined with the cornice to produce a cohesive crown on the building’s facade.

The combined elements are typically a more elaborate design of the cornice and frieze located at the top of the storefront. Ornamentation, including the style of trim and use of brackets to support the cornice, is distinct to a specific architectural style.

Address cornice and parapet repair immediately. If repairs must be delayed, take measures to keep the public safe from debris that may fall from above. The cornice and parapet should not be covered with non-original or incompatible materials, unless it can be demonstrated there are no other reasonable alternatives. Waterproofing treatments can prevent the

parapets from properly drying after a rain or snow fall, thereby causing more damage; this type of treatment should be avoided.

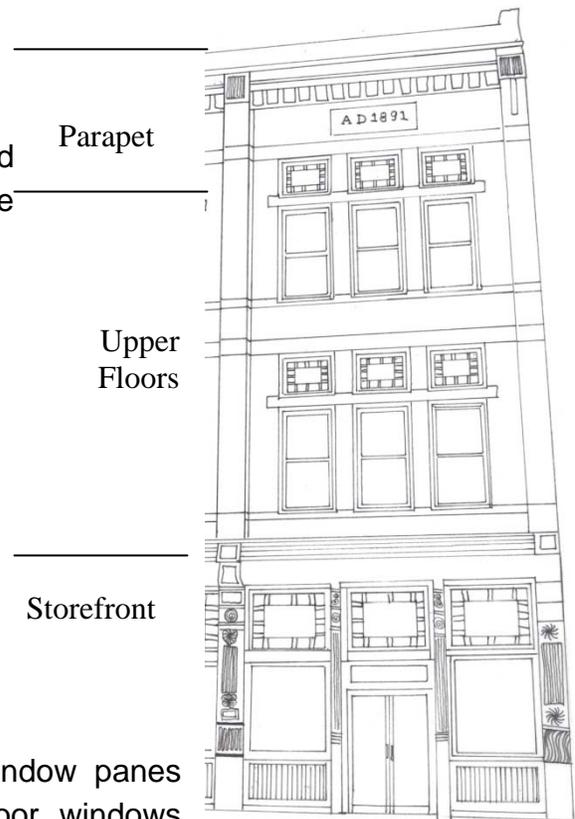
UPPER FLOORS

The upper floors of the 19th and early 20th century commercial buildings in Kent are designed with a rhythmic pattern of windows and may utilize projections such as towers, oriels, or balconies to create a more three-dimensional appearance.

Windows on the facade of the upper floors are often embellished with ornament that is characteristic of the building's architectural style.

The size, spacing, and proportions of the windows are determined by the overall composition of the building and its storefront.

These windows were typically double-hung and contain clear glass panes. The number of window panes relates to the style of the building. Upper-floor windows usually have one-over-one double-hung sash by the end of the 19th century. A few buildings have windows with metal sash, revealing a narrow profile.



The most economical and historically appropriate method for revitalizing windows is to repair the original ones. New windows are generally heavier, with bulkier sash and muntins, and do not retain the appearance of the original windows. The older glass also has characteristic imperfections that new glass will not have.

When windows need to be altered or replaced (in-filled, downsized, or replaced with contemporary windows), original window openings should be maintained at their original size. It may be appropriate to use new replacement windows with the same profile as the originals. Occasionally it is necessary to replace severely deteriorated windows. If approved, new windows need to match the profile, design, material, size, and construction of the original. To discourage vandalism and avoid an abandoned appearance, interior window treatments may be added to unoccupied floors.

Exterior storm windows are recommended to increase energy efficiency and help preserve the historic windows. **Storm sash should complement the dimensions of the historic windows. Interior storms may be preferred in limited circumstances involving highly ornate windows. They must be ventilated to avoid condensation build-up on the historic sash and trim. Other windows accessories, such as added shutters or added ornament, are inappropriate without evidence that they were originally present.**

Other architectural features that may appear on Kent's historic buildings are balconies, oriels, and projections. Often these types of features were used to give dimension to the upper parts of taller buildings.

Intact architectural projections should remain and be maintained. Reproduction of missing features should be considered when historic documentation presents evidence of the elements' prior existence. Consider uncovering these elements if a contemporary facade hides them from view.

PORCHES

Porches are key elements that help define the character of both the building and the streetscape. Porches are the architectural transition between the public street and the building interior.

It is important to maintain the original porch structure and porch elements, including railings, posts, steps, and ornament. If one of those elements needs to be replaced, duplicate it using the same material and design.

Enclosing a porch is an extreme change to a significant feature and should be avoided. If constructing a new porch to replace a missing porch, model the design on archival or physical evidence to the greatest extent possible. If neither exists, refer to examples of historic porches on comparable structures and keep the design simple.

FOUNDATIONS

Building foundations in the Kent Design Overlay District range from rubble stone (pieces of stone simply picked up and carried to the building site) to cut stone, which was worked by hand, to brick or more modern materials such as rock-faced concrete block and poured concrete.

The purpose of each foundation is the same: the foundation carries the weight of the building down into the soil, spreading the weight so as not to exceed the bearing capacity of the soil.

On some buildings, the foundations rise only slightly above ground level and often are nearly invisible. On others, higher foundations became part of the building's visual character. Many of the Kent's foundations have extra detailing such as chiseled margins, peaned surfaces, or other markings from the quarrying process.

Improper maintenance or alterations to foundations can adversely affect their capacity to function properly. The building can 'settle' resulting in cracked plaster, damaged masonry, and uneven floors. It should be noted that buildings can settle immediately after their construction, causing the same effects along with windows and doors out of plumb. If the initial settlement has ceased, the problems may be minor; continuing settlement is a problem for which to seek professional help.

To prolong the life and reduce necessary maintenance on the foundation, there are a few things that can be accomplished. Soil, paving materials, and plantings beds must slope away from the foundation to provide positive drainage. Check gutters and downspouts or internal drainage systems to be sure that they are operating properly. If gutters are sloped improperly, water will spill down the side of the building. Be sure that downspouts are connected into underground drains or empty onto splash blocks or extensions of pipe that carry the water away from the building's base. Be sure, also, that the downspouts do not empty onto pedestrian paths.

Foundations like to breathe. The easiest way to do that is to allow 18 to 24 inches clear space from the foundation to any planting. Vines and other plants should not be allowed to grow on the foundation. If vines are a desired feature, they should be cut all the way back to the base periodically. They will grow faster and softer if they are "clear cut." Dirt, mulch, and firewood should be piled away from the foundation as they hold the dampness and often hold termites (yes, termites will go through the masonry foundation!)

Most foundations are ventilated. If there are vents in the walls, it is important to keep the air flowing through them; consider adding ventilation if there is none. If security is an issue, consider adding a simple iron grate in front of the opening.

Avoid cutting new openings in foundation walls. If you do such alterations, do it with the advice of an architect or structural engineer to avoid the possibility of weakening the foundation.

EXTERIOR WALLS

Exterior wall materials vary throughout Kent, ranging from brick and stone to several types of wood siding; Kent's buildings are a menagerie of architectural styles.

The general approach to the exterior walls of historic structures is to maintain the original materials: their lifespan increases with proper care. Brick walls need to be kept clean of salt from sidewalks in the winter and vines from the summer gardens. Occasionally, the owner may find the need to repoint the mortar joints. It is essential, to clean using the gentlest means possible. High-pressure water methods can drive water into the walls, causing problems on the inside of the building, and erosion and damage to the exterior.

Whether the walls are brick or wood, the original material should not be covered. The act of covering can be detrimental to the original materials and detracts from the original design, altering the original details and the original colors and textures of the building. If the building has already been covered with a subsequent siding, consider removing it. Substitute materials such as vinyl or aluminum are not appropriate for use in the Kent Design Overlay District. **Even on new construction within an historic district, vinyl and aluminum siding may not be appropriate.** Refer to the National Park Service Preservation Briefs on Subsistent Materials for further information.

Repair of existing siding is the best option. For repair of severely deteriorated wood siding in the Kent Design Overlay District, new siding should be designed, purchased or milled to duplicate the appearance of the original siding, matching its width, profile, and material. Siding will remain in good condition if the owner ensures the integrity of the finishes on the siding. If the original material was painted, it is necessary to maintain a good painted finish.

ROOFS, GUTTERS, CHIMNEYS, SKYLIGHTS AND DORMERS

Together the roof, gutter, and downspout provide a path for collected water to be removed before it can enter the building. Moisture is a primary cause of damage to building materials and historic elements.

Removing water before it infiltrates the building or the finishes can prevent a multitude of problems and is much easier to do than trying to remove water once it is inside.

The roof of a multi-story commercial structure in Kent is typically flat and sloped only slightly towards the back of the building to assist with water drainage. The roofs on residential or

adaptive use residential (now commercial) are most likely sloped and in a variety of configurations. The guidelines are the same, however. **If the roof is flat, it is appropriate to use modern materials when the roof is reapplied. Some items to watch for would include proper repair of the parapets and proper detailing for the materials that are applied to the flat roof. Maintain proper drainage from any roof.**

On roofs where the materials are seen from the ground or from adjacent buildings, the original material is the ideal roof covering. If the original roof can be repaired, that would be the recommended course of action. Slate, wood, or tile shingles add character to the original design. The original materials, however, have often been replaced. In this case, it is ideal to restore with characteristic historical materials, but using a more economical shingle may be a reasonable approach (an acceptable replacement material).

Changing the configuration of the roof, no matter how slightly, can alter the appearance of a building drastically. Historic ridge caps, weather vanes, dormers and chimneys should be repaired and maintained. Chimneys can sometimes be used for mechanical chases, or capped, but their appearance on the roof is extremely important to the character of the historic building. Ensure also that gutters and downspouts are operational to increase the longevity of the roof and building system.

New skylights (passive solar energy) should be flat to the roof and may be considered on an historic building if they cannot be seen from the public view.

Skylights were used historically as well. **Properly restoring an existing skylight is appropriate and encouraged.** Often historic skylights were covered to prevent leaking. With new technology, there are some appropriate methods to upgrade historic skylights to prevent leaking and energy loss.

Roof top equipment of any type is detrimental to the appearance of buildings and may be used only if the elements are not visible from the streetscape.

OUTBUILDINGS

The description of “outbuildings” includes the garages, sheds, barns, and carriage houses often associated with older residential buildings. Sometimes, these buildings reflect the architectural design of the house with which they are associated. Often these structures are simple, utilitarian design.

Because outbuildings contribute to the area's overall character, property owners should give due consideration to their care and construction. Original outbuildings such as garages, carriage houses, sheds, and barns should be left in place and repaired as necessary. These structures add variety and character and their removal should be avoided. **When outbuildings need repair or when deteriorated elements must be replaced, use new materials that match the old as closely as possible. Avoid modern materials that are incompatible with original designs of these structures. Newly-constructed outbuildings should take design cues from the older nearby structures. The design should use forms, massing, roof shape, materials, window and door types, and detailing similar to those found on the main structure or other nearby outbuildings. The goal should be to create a new building compatible in appearance with those already in the neighborhood.**

SIGNAGE

Signs are often controversial; perhaps it is because the contents are so personal. The sign is the face the business displays to the public with importance similar to that of the building's façade. Occasionally, a sign is deemed by popular opinion to be offensive. Ideally, popular opinion is not the most positive approach, nor the most direct approach, to good design.

In an effort to quell the controversy over signage, many cities and towns have zoning ordinances to standardize sign size, placement, content, construction, and illumination.

Kent's sign requirements are currently included in the Planning and Zoning Sections of the Codified Ordinances and can be enforced in a manner similar to any other zoning violation. Future coordination with the current sign regulations and these Design Guidelines should be a goal for the city.

The Zoning requirements for signage shall supercede these Design Guidelines, however, upon recommendation by the Architectural Review Board, the City's Board of Zoning Appeals may consider the granting of a zoning variance for a sign within the Design Overlay District.

Sometimes overlooked, the sign is a powerful tool for advertising and business purposes; however, equally powerful is the image that the sign conveys about a particular business and the commercial district as a whole. The style and design of signage has evolved over time, but its purpose has always been the same: to demonstrate to potential customers and clients the purpose of a business and how to find it.

Early 19th century signs were often painted directly on the building or were painted on wooden signboards that could be attached to the building. Care and maintenance of these traditionally painted building signs should be encouraged. Signs could be mounted flush on the building wall, but could also be suspended out over the sidewalk perpendicular to the building. Historically, these suspended signs were often supported by ornamental wooden brackets. By the late 19th century, there was a greater variety of signage types and designs. Signs were incorporated as part of the storefront design, some used leaded or stained glass, and some were painted on the inside of display windows. Historic commercial buildings often provide clues to the form and location of an appropriate sign.

During the late 19th century and the early 20th century signs were frequently integrated into the design of the storefronts and buildings. Space above the storefront was often reserved for a sign board or for a projecting sign hanging perpendicular to the storefront. Display windows sometimes held painted window signs.

Fabric awnings also provided location for signage. Signs such as these might contain letters (painted or applied individual letters) or symbols which gave a quick graphic reference to the business inside. These signs reflected appropriate treatments for a commercial district sign by use of quality materials and design, pedestrian scale, proportional size, and appropriate location.

New signage should be designed and constructed using materials and methods that are consistent with the building's architectural style. The size should be limited to the smallest size necessary to reach the public. The Kent Zoning Code defines requirements for the the maximum size, number and placement of signs.

Size should relate to the location for which it will be placed on the building. Color and lettering of the sign should complement the architectural character of the building. When attaching the signs, one should be conscious not to damage historic materials. Small signs can be placed at secondary entrances that are accessible to the public in order to identify the business and should also comply with the above recommendations, if permitted by the Kent Zoning Code. Signs that address the second floor may also be allowed if permitted by the Kent Zoning Code.

In an effort to attract attention, signage is sometimes inappropriately designed, sized, and placed on buildings, resulting in a negative effect upon both the business and the entire area. Business owners should remember that treating the signs as an integral part of commercial architecture can have a positive impact on the appearance of the buildings and the historic districts.

The impact signs may have on the district and especially the adjacent structures is important but is often difficult to measure. If the signs are poorly maintained, clearly that can have a negative effect. The current zoning code has maintenance provisions. These guidelines suggest a reasonable approach to the design of the sign, just as one would approach the design of the building.

The use of neon shall be regulated by the sign regulations in the Kent Zoning Code. If permitted, such neon signage shall not be allowed to flash or appear to move. The guidelines suggest that the signs be stylistically appropriate to the building and to the district. If the building is a 1950s stainless steel diner, neon may be appropriate. If the building is a 1940s theater, a large marquee with flashing lights may be appropriate.

Neither neon or flashing signage types are appropriate for a converted Italianate home that now serves as offices.

It should be noted that other considerations in the design of the signage would include light pollution and unnecessary use of energy. In a pedestrian friendly downtown district, one may suggest that signs of a more modest scale be recommended rather than those required to be read from the highway. It is necessary to refer to the Zoning Code for the City of Kent along with the Guidelines to be sure that the signage and lighting are appropriately designed.

EXTERIOR LIGHTING

Exterior lighting is a necessary feature of an architectural environment. It is generally used for safety and aesthetic purposes. Lighting allows pedestrians to see where they are going, illuminating a pathway or obstacle in front of them. It instills a sense of security in people while in public spaces. Proper lighting can also provide charm and visual identity to a historic building. Brightening an inviting entry or casting light on an important architectural feature could enhance the character of a historical structure.

Existing historic light fixtures should be preserved and maintained whenever possible. Removing existing lighting could alter the character of a historic structure and is strongly discouraged. Exterior lighting should be used to illuminate entrances, walkways and significant architectural features. It should be appropriate and compatible with the style of the historic building. **Lighting should be kept at low levels of intensity so that neighboring properties will not be affected by excess light. New lighting should be minimal; it is recommended that fixtures are simple, durable and discreet. Any new lighting installed on a structure should cause no damage to the building and should be fully reversible.**

HISTORIC INTERIORS

Building interiors are generally not “regulated” by City Ordinance. Guidelines are helpful to those building owners who may wish some assistance. For building owners who are taking advantage of The State or Federal Historic Preservation Tax Credit, the interiors are important because The Ohio Historic Preservation Office will request a description of the building’s interior.

If a building has an interior with original features, it may be prudent to respect the existing material. It is recommended that owners of historic properties consider maintaining and retaining the interior features of their buildings. Interior features are equally important to understanding a building’s historic, architectural, and cultural value.

It is important to research and identify key original elements of the building interior. If possible retain original floor plans, particularly key circulation elements, such as interior hallways and stairways. Avoid subdividing large spaces unnecessarily joining smaller spaces. Always try to retain the original features such as interior trim, doors, interior hardware, mantels and cabinetry. Avoid “furring out” walls to install insulation or wiring which usually requires removal of the original trim. Installing dropped ceilings or covering original plaster walls with paneling should not be done. Removing plaster to expose brickwork or other masonry that would not have originally been left unfinished is not recommended. It is advisable to not paint millwork or woodwork that has not already been painted. Likewise, the recommendation for traditionally painted surfaces is for a similar finish.

COMMERICAL USE OF RESIDENTAIL STRUCTURES

When re-using a house to serve a different function than its original intent, the re-use should remain true to the building’s original design and architectural style. Residences should not be significantly altered to accommodate a commercial purpose. If the basic layout and square footage of the structure is not sufficient, adaptive reuse for the particular function may not be appropriate. The size of the structure contributes to the scale of an historic district, therefore, caution should be used if it is necessary to enlarge a structure when adapted to a new use.

Do not alter the size, number, or style of window openings. Alterations to the entrance doors and door openings may be considered necessary to provide accessibility. Retain floor plans and elements of the historic interior that help define the character of the building; including size and configuration of rooms. Service areas and new stairs should be

located in secondary spaces. Avoid altering spaces that are significant to the building's character, including subdividing spaces or cutting new holes in floors and ceilings. Avoid covering historic features, including the installation of drop ceilings that will cover ornamental ceilings or interfere with the tops of windows and window trim. Retain character-defining features and finishes such as columns, baseboards, fireplaces and mantels, and plaster. Avoid the removal, relocation, or alteration of historic stairs from their original configuration and location. New mechanical systems should be designed and installed in a way that will not harm character-defining spaces, features, or finishes.

Parking should be in proportion to the property and the building in both placement and scale. However, it should be carefully planned to direct patrons to the front door of the building, rather than a secondary entrance.

ADDITIONS AND NEW CONSTRUCTION

ADDITIONS

Construction of an addition can often solve the need for more space. Because an addition can have a significant impact upon the character and appearance of an existing building, the design must be developed carefully. Owners should take into consideration issues of form, scale, proportion, materials, placement, and detail. The addition must meet the Kent Zoning Code, which is generally concerned with lot size, setbacks, placement, and parking.

For additions, material should be chosen for its compatibility with those of the original building. It is not necessary to use exactly the same materials (a frame addition is appropriate for a brick building, for example), but avoid materials that are not appropriate to the style and time period of the original structure. Scale, form, massing and quality are important even when discussing only materials.

Brick, stucco, or beveled siding all may be appropriate, depending upon the original building material. For example, a masonry building could have either a masonry addition, such as brick or stucco, or a frame addition. For an original wood building, on the other hand, a frame addition would be appropriate, while a brick or stucco addition most likely would not.

NEW CONSTRUCTION

Limited opportunities exist for new construction because development is restricted by the amount of land available. A new structure is classified as either an "infill" building or a "freestanding" building. An infill building is any new building constructed on a site with one or

more of its walls adjoining adjacent buildings. The infill site is one that is vacant because it was either never developed or a building was removed from the site. A freestanding building is on an open site some distance away from any neighboring buildings.

The demolition of existing historically or architecturally significant structures to accommodate new construction should be discouraged, unless it can be demonstrated that the physical condition of the building has deteriorated significantly, that a practical use of the building is not feasible, or that the renovation of the building is economically impractical.

An addition or new structure should fit within the context of the existing building and its surroundings (for both an addition and a new structure). Compatibility can be achieved by relating to scale, form, massing, and the building elements discussed in these Guidelines (see “Impact on Design” on page 26.) Quality design, materials, and craftsmanship should be incorporated in additions and new construction. **Setbacks from the street should remain consistent with what was established.** Commercial as well as residential structures typically maintain a common setback that defines the space created by a streetscape. Existing additions may be retained if they contribute to the character and historic integrity of the structure.

ACCESS FOR PEOPLE WITH DISABILITIES

When carrying out work on an existing building or constructing a new building, accommodations must be made for people with disabilities in accordance with established regulations. The Americans with Disabilities Act (ADA) is a Civil Rights Act intended to offer people with disabilities the same opportunities and enjoyment as the general public in employment, access to public buildings, and transportation.

In turn, businesses will benefit from the additional patronage. This Act applies to existing and new structures, including spaces that are leased for public use. Title V (ADA) specifically addresses building additions, alterations, and historic preservation. (Reference *Preservation Brief* 32, Appendix C on page 72.)

Regulations for Building Accessibility:

ADA Accessibility Guidelines (ADAAG)

State and local building codes

Note: Code requirements allow for some exceptions for historic properties. (See chapter 34 of the Ohio Building Code-based upon the International Building Code.)

Additional information and assistance is available from the local ADA & IT Technical Assistance Center, funded by the U.S. Department of Education.

-National Institute on Disability and Rehabilitation Research

Title V, Section 4.1.7 of the Act “Accessible Buildings: Historic Preservation” provides some flexibility in meeting accessibility requirements where such requirements would threaten or destroy the historic significance of the building. Some provisions of ADA apply regardless of whether an existing building is undergoing a complete rehabilitation. The need to comply with ADA already exists; the need to meet the building code is triggered by a decision to rehabilitate.

Concerns about the applicability of ADA to your building, or about whether the historic preservation provisions may provide flexibility with compliance, may be addressed with an architect with preservation and compliance experience. **Ramps and lifts sometimes needed to provide the disabled with access to buildings can have a significant visual impact: their location, design, and materials are important. These elements should be designed to minimize their impact on the entry facade.** The design of ramps and handrails should be simple and contemporary and not necessarily try to mimic any existing handrails. **Materials should be the same as or similar to those used in the building itself.**

Avoid non-traditional materials such as unpainted wood. Also avoid solid masonry walls, which can make a ramp much more visually prominent than it needs to be. If providing access to a building’s front entrance is only a matter of overcoming a few inches difference between sidewalk and entrance, consider re-doing a portion of the sidewalk so that it is sloped upward to accommodate the height difference. In such a case, a handrail may not even be necessary. Likewise, if the building is set back from the street, often the grade can be sloped to avoid the appearance of a “ramp”.

Consider use of a lift rather than a ramp in some cases. Experience has shown that when the height to be overcome exceeds about three feet, ramps and lifts tend to cost about the same. A lift can be especially useful when space for a ramp is limited, or when the visual impact of a ramp would be too great.

BUILDING COLOR

New methods for making paint and pigments expanded the range of colors available during transitions in historic styles. Color is directly associated with the historic architectural style and the concurrent advancements in technology. Largely impacting the character of the structure, color is a distinctive element of the building design.

The expression of color in a commercial structure may be slightly different than that of a residential structure. **The predominant color should be complemented by the paint colors selected for the trim, ornamental details, doors, windows, and storefronts. Considerations for color selections should include the architectural style and how the selected colors work together (including color inherent in the masonry).**

While paint analysis to reveal original colors is often possible, such analysis is not always necessary. Conducting a bit of research into an historic building and its style will give the owner a basis upon which to select colors. Finding a typical regional example of the style is an excellent guide (see Appendix D for reference on page 76.) Generally, a guideline for color is to consider the building in three parts: the main body, the trim, and the window sash and doors. The architectural style is a basis for which elements are different colors and which elements are the same. Much documentation is available for this type of information. When it is appropriate to use multiple colors for the main body, changes in color generally occur where different materials are used. Some architectural styles are distinct because of the use of accent colors. Consider the building as a whole; and be selective when choosing what to accent. The key to the selection and application of colors is consistent across the facade. For example, all window sashes should be the same color. Painting of brick is not recommended.

Be sure, to follow proper preparation procedures so that the time and effort on color selection is not wasted on prematurely failing paint!

When approaching the Design Review Board for a Certificate of Appropriateness for a painting project, there are two appropriate options:

Repaint using the same colors that are already on the building and the same color scheme.

Propose a well-researched color palette, as described herein.

SITE CONSIDERATIONS

Though these guidelines tend to focus on buildings, their sites are also of importance, as the land on which the buildings sit is part of the streetscape. In planning for the building site, whether planning a new building, alterations or additions to an old one, or just site improvements around an existing structure, there are several things to keep in mind. The site is a significant factor in the interpretation of a place because it is experienced at a variety of levels depending on the observer.

When walking past a building, the scale of the facade dramatically changes, in comparison with observation made from a vehicle. Conserving the views of and from a site (view sheds) are considered part of the preservation of a property.

LANDSCAPING

Consider landscaping as an important element of the building site. Well-designed or well-planned landscaping can have a positive impact. Less, rather than more, landscaping is the better choice. Too much vegetation near the structure may cause moisture problems for the building and can be hard to maintain. Keep vegetation 24 inches from the base of the building. Avoid obscuring picturesque views with too much landscaping. The ideal approach to landscaping an historic property is to find historic photographs and see the approach originally taken with the property. Often owners are surprised to see the historic approach is within the budget and healthy for the building. Historically, 19th century structures did not have abundant foundation plantings.

FENCES AND WALLS

Fences and walls are traditionally used as boundary markers and security features. While these elements are appropriate for Kent's residential areas, and some commercial buildings, consider using traditional types.

Examples may include low masonry walls, picket fences, board fences, wrought iron fences, or fence rows of trees and shrubs on larger properties. **Avoid non-traditional materials such as concrete or "cyclone" fencing and avoid nontraditional wood or vinyl fencing designs like basket-weave, shadowbox, or stockade fences.** Paint or an opaque stain is appropriate for wood fencing. Fences that are added to the front of the building should be limited in height but still be in scale with the building.

PARKING

Historically, buildings were approached from the front or main entry. It is difficult to provide enough parking to suit everyone's desire to be close to the front door. Common parking areas or lots that do not interrupt the streetscape are a good approach to a difficult problem. The Zoning Code will require a certain number of parking spots for most building types. Work with the Zoning/Engineering Department on the placement of parking. Try to avoid off-the-street parking in the front of buildings. Try creative uses of space. Some building uses may allow an owner to share parking with others. (For instance: The synagogue needs parking on Saturday and the church needs parking on Sunday-they could use the same lot instead of building two.)

DECKS

Sidewalk tables and patio areas may be more appropriate to historic commercial structures depending upon the actual building site than the contemporary vision of a wood deck. A deck may be considered appropriate if it is shielded from public view by the structure and if it is constructed so that it can be removed in the future without damage to the structure. Large decks and patios should be limited to the rear of buildings. Wood decks should be kept low to the ground and finished with either paint or opaque stain to complement the colors of the historic building. Patios may be constructed of concrete, brick, slate, stone, pavers or other material that is compatible with the existing historic building in color and texture.

WINDMILLS AND SOLAR PANELS

These items must not be visible from a public street.

DEMOLITION

The demolition of existing historically or architecturally significant structures to accommodate new construction should be discouraged, unless it can be demonstrated that the physical condition of the building has deteriorated significantly, that a practical use of the building is not feasible, or that the renovation of the building is economically impractical.

MOVING

Although moving a building is preferred over demolition, moving is considered the last resort to save a structure. Because a building's connection with its original site is a primary defining feature of the structure's character, separation from the site creates an interruption in the history and significance of the structure. If the Architectural Review Board permits the relocation of a structure, the building should be placed on a site that resembles the original site.

GENERAL

Guidelines in this section are for reference purposes and are intended to assist owners of historic properties in the maintenance of historic materials. Regular maintenance of a structure often prevents the need for costly repairs in the future.

When property owners apply for federal tax credits, proper treatment of historic materials is required for these properties listed in the National Register of Historic Places. Buildings that

are located in the Kent Design Overlay District require appropriate treatment to maintain the integrity of the historic districts.

The maintenance of an historic building should be fully evaluated before rushing to the local store for materials. This approach will provide a more long-term remedy, instead of just a quick patch. Proper planning can often save time, effort, and expense. When repairs are necessary, note the following general guidelines from this manual, as based upon the *Secretary of the Interior's Standards for Rehabilitation*.

The intention of repairs is not to make historic buildings look new but to preserve and protect the original materials. Some signs of aging contribute to the building's character, and retaining the character of the building is the purpose of these design guidelines. Likewise, artificial aging should be avoided. Work performed on an historic structure should be carried out using the least intrusive and least destructive methods that will obtain the desired result. Damaged elements should be repaired rather than replaced. Where elements must be replaced, utilize materials and methods that match the appearance and quality of the original as closely as possible.

(The services of an architect experienced in historic building materials are often beneficial to the property owner.)

Note: *Preservation Briefs* provided by the U.S. Department of the Interior provide valuable information and guidance on maintenance and repair of historic properties and materials (see Appendix C on page 72.)

PROCESS FOR REPAIRS

1. IDENTIFY THE PROBLEM-Identify the location and extent of the perceived problem.
2. DETERMINE THE CAUSE OF THE PROBLEM- Carefully consider what may be the underlying cause of the problem.
3. TREATMENT FOR THE PROBLEM-Determine a treatment method to remedy the problem and repair the damage.

IDENTIFY THE PROBLEM

Identification of the problem is primarily done by observation. Problem areas most often appear different in color and/or texture. A visual survey of the entire building will provide a comprehensive list of conditions.

It is important to determine the extent of the problem, including the depth of the deterioration and how large an area it encompasses.

DETERMINE THE CAUSE OF THE PROBLEM

An unsightly or deteriorated area may only be an indicator of a more serious issue occurring in the structure that may not be clearly visible. Therefore, determining the cause is usually more difficult than identifying the problem and requires more active investigation. The cause of the problem must be resolved before the damage can be repaired; otherwise, it may soon reoccur. Remember that problems inside the building are often indicative of a problem with the exterior walls, roof, or foundation.

FREQUENT PROBLEM CAUSES

1. An underlying problem (for example, insect infestation in moist wood) may have a related cause. The roof leaked, allowing the wood framing to become soaked, inviting insects that reside in wet wood.
2. Inappropriate or inferior materials, especially those from prior repairs, are often more susceptible to failure than the building's original fabric. For instance, repointing a 19th century building with a high cement content mortar will likely cause the masonry to crack which is an irreversible problem. Another example may be replacing a six inch copper gutter with a four inch aluminum one that has the potential to fail because it is too small to carry the water runoff; it also has the potential to fail because the dissimilar metals can result in galvanic action when they are connected, increasing the opportunity for corrosion and leaking.
3. Poor workmanship or installation can also be a source of problems. For instance, if the flashing is not properly installed on a roof valley, water can seep into the building, soaking interior walls or ceilings and may not be discovered until the plaster is so wet that it falls off the lath. If the gutters are installed without a positive slope toward the downspout, the building is at risk for ice dams in the winter and overflowing gutters in times of heavy rainfall.

TREATMENTS FOR THE PROBLEM

Some conditions initially determined to be problems may not require repair. If the condition has stabilized and it is not adversely affecting the structure in any way, it is likely that no further work is necessary (for instance, if there was initial settlement at the time the building was erected, but no further movement in the last 80 years, there is probably nothing to warrant concern.) If the condition is worsening or the structure has been compromised,

repairs must be made to prevent further damage to the building (for instance, if the initial settlement was so drastic that the masonry cracked through three wythes of brick and the plaster, allowing water to enter the building then perhaps there is reason for concern.)

In light of the concept of lowest level of intervention possible, the treatments should be considered in the order of least invasive first. Can we repair the crack inside? Can we repair the crack on the outside and repair the plaster on the inside? Must we replace the outside wythe of brick and repair the rest? Must we replace two wythes of brick and cut out the damaged plaster to replace that portion of the wall? It should be understood that the least invasive methods are generally the best for the historic structure and the best as an economic approach to the work as well.

MASONRY

Brick and stone are two of the most durable historic building materials, but they are still susceptible to damage caused by inappropriate repairs and cleaning methods. Reference *Preservation Briefs* 1, 2, 6, 7, 38, and 42, Appendix C on page 72.

IDENTIFY THE PROBLEM

Indicators of problems in masonry include, but are not limited to:

- Bulge in the wall.
- Cracks in the masonry.
- Open joints.
- Deteriorated or broken masonry.
- Dirt or stains (discoloration).

DETERMINE THE CAUSE OF THE PROBLEM

The majority of problems in masonry are caused by movement or moisture. Movement may be due to settlement of the building over time, a weak foundation, or compromised structural elements such as window and door headers. Movement can also be caused by the vibration of trucks passing by buildings located close to a road. Movement in a masonry building is most evident by a bulging wall or cracked masonry (for example, a step crack that extends from opening, to opening, to the top of the wall.)

Moisture can travel up walls through capillary action (wicking), run down walls from gravity, or enter walls from the interior through condensation caused by a difference in temperature

between the interior and exterior of the building. Excessive moisture is often present where masonry is deteriorated or broken. It is often marked by a darker shade in color caused by dampness or a white haze caused by efflorescence (salts that leach from the masonry.)

Dirt and staining are primarily an aesthetic concern and rarely cause damage to masonry. Exceptions to that statement include years of accumulated carbon deposits from industrial pollution and some forms of biological growth. Stains may include rust and copper from adjacent metals, graffiti, paint, oil, tar, and organic matter such as moss and algae.

MORTAR

Re-pointing is most often necessary where masonry repairs are required. Mortar joints provide level bedding for masonry units to sit and will absorb stresses occurring in the masonry due to expansion, contraction, moisture migration, and settlement. The appearance of mortar joints also contributes to the aesthetic quality and character of the building. Reference *Preservation Brief 2*, Appendix C on page 72.

IDENTIFY THE PROBLEM

Indicators of problems in mortar joints include, but are not limited to:

- Disintegrating mortar.
- Cracks in mortar or open mortar joints.
- Loose masonry units.
- Damp walls.
- Damaged finishes on interior.

DETERMINE THE CAUSE OF THE PROBLEM

Similar to masonry, problems in mortar joints are often caused by structural movement, moisture, or improper mortar composition and placement. The causes must be addressed prior to re-pointing.

TREATMENT FOR THE PROBLEM

After addressing the cause of the problems, the first step of beginning a re-pointing project is to analyze the historic mortar to determine its physical and visual characteristics. A sample of un-weathered, original mortar establishes the parameters for the new re-pointing mortar as

defined herein. If the building is an income-producing property for which the owner seeks tax credits or grants, the mortar must be analyzed by a qualified lab to determine its composition.

REPOINTING MORTAR

- Should match original in color, texture, and tooling. (Sand defines the color and texture).
- Joints should be raked out and cleaned so that the depth of the repointing mortar can be at least 1-1/2 times the joint width.
- Must have greater vapor permeability than the masonry.
- Must be at least as vapor permeable and soft as the original mortar.
- Must be softer (in compressive strength) than the masonry.

Visual examination along with a mortar analysis by a qualified laboratory will assist with satisfying each of these parameters. Matching the appearance of the original mortar joint is essential to maintaining the aesthetic quality of the structure. A mortar analysis is particularly helpful in identifying the sand by gradation and color. Greater vapor permeability is required to prevent excessive moisture absorption in the brick which can show up as unattractive efflorescence on the surface or sub-florescence below the surface, which can damage the masonry causing pieces of brick to fall away known as spalling or delamination. A mortar that is softer in compressive strength than the masonry allows for flexibility in the masonry system so that stresses within the building do not crack or break the masonry units. Repointing mortars typically should be custom mixed in order to match the characteristics of the original mortar.

Traditional mortar was composed of lime putty, sand, and water. Portland cement was patented in Great Britain in 1824 and became commonly used in the United States in the early 20th century. Initially, Portland cement was used as an additive to speed the set time of the traditional mortar. By the 1930s, it became a main ingredient, producing a harder mortar. The significance of the difference in compressive strength between traditional and modern mortars is critical when working on an historic structure because of the damage that modern mortar can cause to the historic masonry. In addition, caulking is generally an inappropriate treatment for masonry-to-masonry joints. The integrity of the masonry wall and the historic structure is dependent upon proper successful re-pointing.

WOOD

In response to rising concerns about fire safety by the end of the 19th century, wood typically was limited to window frames and sashes, storefronts, ornament such as cornice details, and

framing within “fireproof” masonry and steel structures. Exposed wood was painted for protection. Sometimes, wood supports and cornices were covered with sheet metal for aesthetic reasons. Wood has remained a popular building material because it is flexible, performs well structurally in tension and compression, and is easy to use. Wood, however, is most susceptible to moisture- related deterioration, insect and biological attacks, weathering, and fire. Reference *Preservation Briefs* 9 and 10, Appendix C on page 72.

IDENTIFY THE PROBLEM

Indicators of problems in wood include, but are not limited to:

- Paint failure (visually apparent).
- Decay/Rot (soft, crumbly, or cracked wood).
- Insects (small holes and/or bore dust).
- Ultraviolet degradation (dry, gray, split wood).

DETERMINE THE CAUSE OF THE PROBLEM

Excessive moisture is the primary cause of deterioration in wood. Moisture can cause paint failure and facilitate fungi that cause decay and rot. This makes wood susceptible to insects which feed on wet or rotting wood. Paint failure can occur when water that has infiltrated the wood cannot escape from the wood because the paint coating has created an impenetrable vapor barrier.

The water continues to try to escape until the coating fails, allowing the moisture to be released. Decay, also known as rot, is caused by fungi that feast on wood. Signs of decay include areas of soft, spongy, crumbling, and cracked wood. Fungus often grows through the center of a wood element and is therefore not readily visible. Decay may be identified by poking questionable areas with an ice pick or an awl; if the wood is decayed, it will come up in short, irregular pieces. Long, fibrous splinters typically indicate the wood is sound.

CONDITIONS

Fungi require three conditions. If any one of the three is not present, decay can not survive, though it can lay dormant until the three conditions are again present.

Signs of fungi:

- Suitable temperatures (typically between 50-90 F).
- A small quantity of air.

- Sufficient moisture.

Signs of insect infestation:

- Subsurface galleries or tunnels.
- Wood boredust, excreta, and other debris found in or around tunnels or galleries.
- Exit holes 1/16 to 1/4 inch in diameter and circular or elliptical in shape, fragments of deceased insects.

Insects are attracted to moist wood because it is soft and easy to ingest or bore through. Wood used in the northeastern United States can be attacked by beetles, termites, carpenter ants, wood-boring bees and insects that attack just one species like the Emerald Ash Borer. Much of the damage is done while the insects remain hidden from view, but they can be identified by the evidence they leave behind.

Ultraviolet Degradation:

- Dry, gray wood.
- Deep fissures, split wood.
- Lack of integrity, wood will break (with the grain) easily in your hands.

If there is any reason to believe that insects are present, consult a professional exterminator for advice prior to making repairs. Suitable treatments for damaged wood include consolidation and filler, patches, and full replacement.

Consolidants and epoxy fillers strengthen and stabilize the damaged areas of wood. This type of repair can be even stronger than wood and can be shaped and painted like the original wood. Damaged areas also may be replaced by patches of wood that match the original material and are installed by traditional methods such as a “dutchman.” Full replacement of wood members or elements is the extreme and should be done only when absolutely necessary.

Steps for Wood Repair:

- Allow wood to be completely dry.
- Remove only damaged areas back to sound wood. Keep in mind that the extent of the damage may have spread farther than what is visible, especially in cases of rot and termite damage.
- Make appropriate repairs.
- Treat wood with a preservative to prevent future attacks.
- Paint wood when it is required or appropriate.

Some species of wood are naturally resistant to decay, to insects, and to ultraviolet degradation. Teak and mahogany are highly resistant to decay. Cypress, redwood, walnut, white oak, and locust are relatively resistant. Spruce, red oak, birch, and poplar are more susceptible to decay and should not remain exposed. When replacing wood in whole or in part, it is essential to consider the original species so that the old and new elements will act in the same manner.

It is encouraged to research the origin of wood that you may be considering. If the considered wood comes from an endangered rain forest it is encouraged to select a different origin of wood.

EXTERIOR PAINT

The exteriors of historic buildings are painted for two primary reasons: to protect and preserve exterior building materials and to create color schemes appropriate for their architectural style and articulation. Paint is a protective coating which aids in deterring the harmful effects of weathering such as moisture, ultraviolet (UV) rays from the sun, and wind. Paint requires maintenance and renewal to ensure a building's long-term preservation, and reapplication is necessary about every 5-8 years. Paint also enables the owner of an historic building to enhance the architectural style with original or appropriate period colors that can be applied for a relatively modest cost. Reference *Preservation Briefs* 10 and 37, Appendix C.

IDENTIFY THE PROBLEM

Indicators of problems and types of paint failure include, but are not limited to:

- Mildew, soiling, staining, and chalking (powdering of the paint surface).
- Crazeing and blistering.
- Peeling, cracking, and alligatoring (advanced crazing resulting in deep open cracks).

DETERMINE THE CAUSE OF THE PROBLEM

Neglecting to correct the causes of paint failures and problems, or neglecting to repair deteriorated exterior materials prior to repainting, will cause new paint work to fail prematurely. Improper application of paint, general weathering (UV rays from the sun, rain, and wind), the presence of excess moisture, and moisture infiltration are the primary causes of paint failure. Leaking roofs, deteriorated flashings, leaking or missing gutters and

downspouts, and overgrown vegetation are the most common sources of excess moisture that affect exterior paint.

TREATMENT FOR THE PROBLEM

It is important that a building be repainted before its paint fails and allows moisture to penetrate to the substrate causing the paint to deteriorate at an accelerated rate. Good surface preparation is the key to a long-lasting finish; however, it is not always necessary to remove paint to bare substrate before repainting. Removing all of the paint negates the ability to conduct analysis of historic colors as well as other information about the history of the property. Soiling, staining, mildew, and chalking generally do not require paint removal and can be treated by thorough surface cleaning and preparation prior to repainting. In most cases, these conditions can be treated with the application of a mild non-ionic detergent and scrubbing with clean water and natural-bristle brushes. Areas with mildew also should be treated with a bleach and water solution.

After cleaning, rinse with low-pressure water (garden hose pressure-do not use high pressure) and allow the surface to thoroughly dry. If rust stains are present, remove rust from suspect metal surfaces and coat with rust inhibiting primer. Countersink exposed nail heads and fill with high quality wood filler. Crazeing and blistering, in most cases, can be treated with limited paint removal. Scraping and light sanding (hand or mechanical) to a sound surface and properly repainting is the best method for repairing crazeing and blistering.

Although some hairline cracks and imperfections may translate through the new paint, feathering down the high points and the application of an additional coat of primer in these areas may lessen the effects. Peeling, cracking, and alligatoring usually require paint removal down to sound substrate. If these conditions are present only in the top layers, they can be treated the same as crazeing and blistering. However, if the conditions have progressed to bare wood and the paint has begun to fail, it will need to be removed by scraping, sanding, heat guns, or chemical strippers, depending on the type of substrate and the particular area involved. Bare wood should be primed within 48 hours and then repainted. Open flame "blow torches," sandblasting, or water-blasting must not be used to prepare a surface for repainting. Chemical methods may be used after testing trials prove to be successful and do not cause damage to substrates or adjacent materials. Care should be taken to rinse chemical residue from the surface prior to repainting or the paint will not properly adhere. It is important to note that the least amount of water should be used for the paint removal process because it will be absorbed by the wood and may raise the wood grain, or leach into the building. Always use the gentlest means possible.

Based on the assumption that the exterior of the building has been painted with oil paint in the past, it is recommended that a high quality oil based primer be applied first. After the primer has thoroughly dried, apply finish coats of either oil-based or 100% acrylic latex paint. Read the labels or ask the advice of a paint expert in order to determine the best quality paint with the least environmental impact.

Regardless of what type of paint is ultimately used, some basic rules should be followed when painting:

- Substrates should be sound and properly prepared.
- Substrates should be thoroughly dry.
- Latex finish coats should not be covered with alkyd resin oil paints; they will not properly adhere.
- Both primer and finish paints should be from the same manufacturer and meet the manufacture's compatibility requirements.
- Follow the manufacturer's recommendations.

ARCHITECTURAL METALS

Metal is found in the decorative columns, cornices, and brackets of the late 19th and early 20th century storefronts. Of these metals, iron and steel are by far the most common, followed by copper and copper alloys, zinc, lead, nickel, and aluminum. Metal architectural features should be identified, retained, and preserved along with their finishes. (Reference *Preservation Briefs* 13 and 27, Appendix C on page 72.)

IDENTIFY THE PROBLEM

Prior to starting any work, it is necessary to identify each metal element by its type and its condition so a proper treatment can be prescribed. Determining metallic composition can be a difficult process, especially if components are encrusted with layers of paint.

Indicators of problems and types of metal damage include, but are not limited to:

- Corrosion/Rust (oxidation or galvanic).
- Impact damage (dents, holes, gauges).
- Failed joints or seams; damage to connections; fatigue and creep.
- Loss of anchorage to backup materials and structural failure.
- Missing elements.

DETERMINE THE CAUSE OF THE PROBLEM

After identifying metal types and conditions, the causes of the problems must be determined before repairs are implemented. In general, the primary causes of metal deterioration and failure include high concentrations of moisture and air pollution; wind; general neglect and abuse; poor original design detailing and installation; and failure of protective finish coats.

Corrosion occurs rapidly when metals are exposed to moisture and air and it is exacerbated with the presence of high concentrations of airborne salts, sulfur, and other acid compounds. Galvanic corrosion is an electrochemical action that results when two dissimilar metals react together in the presence of an electrolyte such as water containing salts. Corrosion is accelerated in situations where architectural details provide pockets or crevices to trap and hold liquid corrosive agents and where protective finishes have deteriorated.

Physical deterioration such as failed seams and connections and fatigue are usually caused by a combination of environmental conditions, physical stresses, and insufficient design details.

TREATMENT FOR THE PROBLEM

Protect architectural metals from deterioration by maintaining protective finishes, providing proper drainage, and preventing water from standing on horizontal surfaces or accumulating in curved, decorative features. Suitable treatments for metals include cleaning and maintenance, repair, and selective replacement.

CLEANING AND MAINTENANCE

Clean ferrous metals or aluminum to remove corrosion prior to repainting or applying other appropriate protective coatings. Do not remove historic patinas found on some metals such as copper or bronze as this will diminish the metal's historic character and may accelerate deterioration.

- Test to ensure that the gentlest method possible for cleaning is selected or to determine if the cleaning method is appropriate for that particular metal.
- Clean soft metals such as tin, lead, copper, terneplate, or zinc with appropriate chemical methods to ensure their longevity and performance.
- Use mild chemical treatments for cast iron, wrought iron, and steel (hard metals) in order to remove paint buildup and corrosion. If hand tools are ineffective, low-

pressure blasting with dry grit may be used on hard metals (but not soft) by experienced personnel. If the corrosion is minor or if its complete removal is not feasible, the application of a rust “convertor” or “inhibitor” may be advantageous.

- Newly cleaned or bare metal should be immediately coated with a corrosion inhibiting primer before new rust begins to form.
- Apply an appropriate and compatible finish system after applying primer (except on metals meant to be exposed, like stainless steel, copper, or bronze).
- Repaint architectural metals with historically appropriate colors.
- To prevent water penetration at seams, joints, and connections, replace deteriorated or missing caulk with a high-quality architectural grade sealant.

REPAIR

- Repair architectural metal features by patching, splicing, or otherwise reinforcing the metal following recognized conservation methods and techniques.
- Minor damage or losses may be repaired utilizing epoxy resins or polyester-based patching compounds.
- Some damage may require patching or mending with another piece of metal. To prevent galvanic corrosion, the patch materials should be a very close match to the original material. Fasteners and hardware, including solder and welding material, should also be compatible with the materials that they contact.
- Repairs may include limited replacement in kind or with small amounts of approved material. Use surviving prototypes of the original features as models, for example: cornices, balusters, or column capitals.

REPLACEMENT

When architectural metal components are beyond repair or when the repairs are only marginally sufficient in extending the functional life of the member, replacement of the deteriorated element is often the only practical solution. If the metal has been deteriorated to a point where it has actually failed, duplication and replacement may be the only course of action.

- All attempts should be made to make replacements with like materials. Replacements should duplicate the appearance of the existing original element by matching the original’s composition, size, and configuration of details. If replacing a structural element, the structural characteristics of the original also should be matched.

Reproductions or replacements should be based on historical, pictorial, or physical documentation.

APPENDIX A

GLOSSARY

Architectural Features: The visual arrangement of the exterior of a structure, including but not limited to type, color, texture of materials, components, and finishes. The features include but are not limited to windows, doors, lights, and signs.

Architrave: In classical architecture, a horizontal element resting on columns or piers; in current usage, the trim elements around window and door openings.

Baluster: Vertical member, usually of wood, which supports the railing of a porch or the handrail of a stairway.

Balustrade: Railing or parapet consisting of a handrail on balusters; sometimes also includes a bottom rail.

Bay: A spatial structural unit of a building, sometimes marked by fenestration or vertical elements such as columns or piers. A structure protruding out from a wall.

Bay Window: A projecting bay that forms an extension of the interior floor space. If curved, it is also called a bowfront. If the projection extends from an upper story, the proper term is oriel window.

Belt Course: A horizontal band around the exterior of a building, often of a contrasting material or finish.

Beveled Siding: Tapered wood siding that overlaps for weather protection. It is applied horizontally to buildings of frame construction.

Bond: The method of masonry construction which is used to hold multi-wythe brick walls together (Ex: Common bond, Flemish bond, English bond).

Bracket: A projecting member, often decorative, which supports an overhanging element such as a cornice.

Bulkhead: The unit that occupies the lowest level of a storefront and can be described as the base which supports the display window.

Capital: The uppermost part of a column or other support.

Casement Window: A type of window with side hinges and a sash that swings outward.

Column: A supporting post consisting of base, shaft, capital; may be fluted or smooth.

Coping: The capping member of a wall or parapet, often consisting of masonry units.

Corbel: A bracket form produced by courses of wood or masonry that extend in successive stages from the wall surface.

Cornice: The projecting uppermost portion of a wall; often treated in a decorative manner with brackets.

Detail/Craft: The method of assembly of the building components and the quality of work and material used in the assembly of the building image.

Dormer: A structural extension of a building's roof intended to provide light and headroom in an attic space; usually contains a window or windows on its vertical face.

Double-Hung Window: A window with two balanced sashes, with one sliding over the other vertically.

Double Pitch: A roof having two slopes on each side of a central ridge.

Efflorescence: An unsightly crystalline deposit caused by evaporation of alkaline salts either in the building materials or transported by capillarity from the ground.

Entablature: The construction above the classical column, consisting of architrave, frieze, and cornice.

Fabric: A connotation relating to the physical aspects of a building, structure, or city, referring to an interweaving of its component parts.

Facade: The architectural “face” of a building, though it can be applied to all sides.

Fascia: A flat horizontal member used as a facing at the ends of roof rafters.

Fenestration: Pattern of window and door openings in a wall.

Finial: The decorative, pointed terminus of a roof or roof form.

Flashing: Flat metal or other material that is used to keep water from penetrating the joint between different surfaces and materials, such as around the chimney on a roof.

Form: The geometric shape of the building components and their interaction to create a whole image.

Frieze: A band member in the vertical plane, sometimes decorated with sculpture relief, occurring just under a cornice.

Gable: The triangular section of the end wall of a pitched roof. A gambrel or double-pitch roof forms a non-triangle gable.

Gambrel: A form of roof in which the angle of pitch is abruptly changed between ridge and eaves, with larger than a 180 degree change.

Glazing: Glass fitted into windows or doors.

Hoodmold: Decorative, projecting element placed over a window; may extend down the sides of a window as well as surround the top.

Infill Buildings: Any new building to be constructed on a site with one or more of its walls adjoining buildings on adjacent sites.

In-Kind: Replacement of one element of a building with another of the same material, design, size, and appearance.

Jamb: The side of a doorway or window opening.

Lights: Openings between the mullions of a window, usually glazed; an individual pane of glass.

Lintel: Horizontal structural element at the top of a window or door; it carries the load of the wall above and may be of wood, stone, or metal.

Maintenance: The repair or replacement of an existing product, finish, or material without making any alteration.

Massing: The interaction of height, width, depth, and proportion, thus forming a visual image of size.

Mullion: A vertical member that divides window sash, doors, or panels set close together in a series.

Muntin: The pieces that make up the small subdivisions in a multi-pane glass window.

Oriel Window: See Bay Window.

Orientation: An applied and incorporated decoration used to embellish the building. Examples are cornices, window hoods, columns, and quoins.

Pane: A sheet of glass for a comparatively small opening in a window sash or door as opposed to a large sheet of plate glass, as in a display window.

Parapet: The portion of an exterior wall that rises entirely above the roof, usually in the form of a low retaining wall; the parapet may be shaped or stepped.

Pattern Book: An illustrated guide to architecture including measured drawings of a building's elevations, plans, sections, and details. Most popular in the United States during the 18th and 19th centuries, these books were utilized by carpenters, architects, and their clients, primarily in domestic design.

Pediment: The triangular face of a roof gable; or a gable which is used in porches, or as a decoration over windows, doors, and dormers.

Pier: A vertical structural member, more massive than a column, often square or rectangular in plan, which supports a load.

Pilaster: A member appearing to be an engaged pier with its base, shaft, and capital, but providing no support.

Plate Glass: A high-quality float glass sheet, formed by rolling molten glass into a plate that is subsequently ground and polished on both sides after cooling.

Portico: An entrance porch, usually supported by columns and sheltering only the entry.

Prism Glass: Small panes of prismatic glass, usually set in wood or metal framework in the transom over a storefront or entrance, used to diffuse or direct natural light into a deep, poorly lit space.

Proportion: The relationship in size, dimension, scale, etc. of the various elements of the building to themselves and the image as a whole.

Quoin: In masonry, a hard stone or brick used to reinforce an external corner or edge of a wall: often distinguished by size, formal cutting, more conspicuous jointing, or difference in texture from adjacent masonry.

Re-pointing: The process of removing deteriorated mortar from the joints of a masonry wall and replacing it with new mortar.

Return: The continuation of a projection or cornice in a different direction, usually around a corner at a right angle.

Sash: The framework of the window that supports the glass. Sash may be fixed, sliding, hinged, or pivoted.

Sill: The framing member that forms the lower part of a window or door opening.

Setback: The distance between the front of a land parcel and the facade of a building.

Sheathing: A subsurface material, usually wood, which covers exterior walls or roofs before application of siding or roofing materials.

Sidelight: A glass panel, usually of multiple panes, at either side of a door; often unused in conjunction with a transom.

Soffit: A flat wood member used as a finished undersurface for any overhead exposed part of a building, such as a cornice. Commonly found on the underside of eaves.

Spauling: A condition of brick or stone in which layers break off parallel to the plane of the building and fall away. This is usually caused by internal pressures due to water or salt crystallization.

Spandrel: In frame construction, the spandrel is the blank space between windows in successive stories.

Style: The characteristic form, features, and elements, as of a specific period in history. Examples are Federal, Greek Revival, Italianate, Tudor, International, Modern, etc.

Texture: The feel or shape of a surface visually created by shadows and tangibly created by physical characteristics.

Transom: A glass panel, which is placed over a door or window to provide additional natural light and ventilation to the interior of the building. Used on both residential and commercial buildings.

Turret: A corbelled projection, usually located at a corner.

Vapor Barrier: A waterproof material that is used to prevent moisture from migrating from damp to dry areas, where it may condense and cause problems.

Vernacular: Architecture that draws more on folk traditions and forms, stressing basic functionalism, economy, and utility rather than the rules, principles, and ornamentation of high-style architecture. May contain secondary high-style design elements.

Wythe: A continuous vertical section of masonry one unit in thickness. A wythe may be independent of, or interlocked with, the adjoining wythe(s).

APPENDIX B

SECRETARY OF

INTERIOR'S STANDARDS

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy, and encompass the exterior and the interior, related landscape features, and the building's site and environment, as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. Refer to www.cr.nps.gov/hps/TPS/tax/rhb/stand.htm for greater explanation of each standard.

APPENDIX C

RESOURCES

Ohio Historic Preservation Office
1982 Velma Ave.
Columbus, Ohio 43211-2497
www.ohiohistory.org
(614) 298-2000

Local History Resources:

Kent Historical Society
<http://www.kentohiohistory.org/>
(330) 678-2712
Main Street Kent
<http://www.mainstreetkent.org/>
(330) 677-8000

Websites:

[The Ohio Historical Society, Ohio Historic Preservation Office](#)

www.ohiohistory.org/resource/histpres This website includes information about the Ohio Historic Preservation Office, The National Register program, and a list of National Register properties in Ohio. By clicking on “Preservation Toolbox” and then Old Building Owner’s Links, the user can download copies of the National Park Service’s Preservation Briefs. A list of the briefs is included in this appendix.

PreserveNet

www.preservnet.cornell.edu This website contains information about conferences, educational programs, and an extensive list of links to other preservation websites.

National Park Service, U.S. Department of the Interior

www.cr.nps.gov This site is about the Heritage Preservation Services offered by the National Park Service including information about programs such as the Investment Tax Credit for the Rehabilitation of Historic Buildings, training and conferences, preservation legislation, and a preservation bookstore.

It also has an interactive class on the use of the *Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings* designed for use by historic owners, architects, contractors, developers, and members of design review boards.

www.cr.nps.gov/hps/freepubs.htm This National Park Service site provides a list of free Heritage Preservation Services publications that can be ordered online.

Several other profit and nonprofit resources are available for additional information.

INDEX OF PRESERVATION BRIEFS

Preservation Briefs

Technical Preservation Services, a division of the National Park Service, has assisted homeowners, preservation professionals, organizations, and government agencies by publishing easy-to-read guidance on preserving, rehabilitating, and restoring historic buildings. Preservation Briefs can be ordered in print and are available on the web at <http://www.cr.npw.gov/hps/TPS/briefs/presbhom.htm>.

Index of Preservation Briefs

1. Assessing, Cleaning and Water-Repellent Treatments for Historic Masonry Buildings.

2. Re-pointing Mortar Joints in Historic Masonry Buildings.
3. Conserving Energy in Historic Buildings.
4. Roofing for Historic Buildings.
5. Preservation of Historic Adobe Buildings.
6. Dangers of Abrasive Cleaning to Historic Buildings.
7. The Preservation of Historic Glazed Architectural Terra-cotta.
8. Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings.
9. The Repair of Historic Storefronts.
10. Exterior Paint Problems on Historic Woodwork.
11. Rehabilitating Historic Storefronts.
12. The Preservation of Historic Pigmented Structural Glass (Vitrolite and Carrara Glass)
13. The Repair and Thermal Upgrading of Historic Steel Windows.
14. New Exterior Additions to Historic Buildings: Preservation Concerns.
15. Preservation of Historic Concrete: Problems and General Approaches.
16. The Use of Substitute Materials on Historic Building Exteriors.
17. Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character.
18. Rehabilitating Interiors in Historic Buildings Identifying and Preserving Character-Defining Elements.
19. The Repair and Replacement of Historic Wooden Shingle Roofs.
20. The Preservation of Historic Barns.
21. Repairing Historic Flat Plaster Walls and Ceilings.
22. The Preservation and Repair of Historic Stucco.
23. Preserving Historic Ornamental Plaster.
24. Heating, Ventilating, and Cooling Historic Buildings.
25. The Preservation of Historic Signs.
26. The Preservation and Repair of Historic Log Buildings.
27. The Maintenance and Repair of Architectural Cast Iron.
28. Painting Historic Interiors.
29. The Repair, Replacement & Maintenance of Historic Slate Roofs.
30. The Preservation and Repair of Historic Clay Tile Roofs.
31. Mothballing Historic Buildings.
32. Making Historic Properties Accessible.
33. The Preservation and Repair of Historic Stained and Leaded Glass.
34. Applied Decoration for Historic Interiors: Preserving Composition Ornament.
35. Understanding Old Buildings The Process of Architectural Investigation.
36. Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes.

37. Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing.
38. Removing Graffiti from Historic Masonry.
39. Holding the Line: Controlling Unwanted Moisture in Historic Buildings.
40. Preserving Historic Ceramic Tile Floors.
41. The Seismic Retrofit of Historic Buildings: Keeping Preservation in the Forefront.
42. The Maintenance, Repair and Replacement of Historic Cast Stone.
43. The Preparation and Use of Historic Structure Reports.
44. The Use of Awnings on Historic Buildings: Repair, Replacement & New Design.

OVERVIEW OF TAX CREDITS

Overview of the Historic Rehabilitation Tax Credit

The Historic Rehabilitation Tax Credit is available for historic buildings listed in the National Register of Historic Places, either individually or as part of a registered historic district. To use the credit, a building must be "income producing" - used for industrial, commercial, office, or residential rental purposes; the rehabilitation must be "substantial" - must cost at least as much as the adjusted basis in the property or \$5,000, whichever is greater; and the rehabilitation work must be "certified" as complying with the Secretary of the Interior's Standards for Rehabilitation.

The Historic Rehabilitation Tax Credit is a credit of 20% of the cost of the building's rehabilitation and is taken as a credit against federal income taxes owed by the building's owner. Therefore the tax credit is the same as a 20% discount on the cost of rehabilitation. The acquisition cost of the building cannot be counted as part of the amount on which the credit is taken, nor may the cost of additions or enlargements to the building. When rehabilitation is complete, the depreciable basis of the property must be reduced by the amount of the credit.

Because building owners' tax situations can vary, anyone considering use of the Historic Rehabilitation Tax Credit should consult a tax advisor before proceeding. Staff members at the Ohio Historic Preservation Office are available to answer questions regarding the certification process.

Overview of the National Register of Historic Places

The National Register of Historic Places is the nation's list of properties recognized by the National Park Service (U.S. Department of the Interior) as being worthy of preservation for

their local, state, or national significance. They must be significant in areas of American history, architecture, archeology, engineering, or culture. The program in Ohio is administered by the Ohio Historic Preservation Office of the Ohio Historical Society.

In general, properties eligible for the National Register, should be at least 50 years old, retain their historic integrity, and meet at least one of the four National Register criteria. Benefits of listing in the National Register include recognition of its significance which can lead to greater awareness of appreciation for the property; eligibility for use of the 20% Historic Rehabilitation Tax Credit; and a certain level of protection through reviews of federally funded or assisted projects that might have an adverse impact on the property. Additionally, some funding programs use the National Register listing as a prerequisite for funding.

The National Register does not prevent the owner of the listed property from maintaining, repairing, altering, selling, or even demolishing the property with other than federal funds. It does not obligate the owner to make repairs or improvement to the property, nor does it automatically make it subject to local design review.

For more information about the National Register program, contact the Ohio Historic Preservation Office.

AN INSPECTION CHECKLIST: WHAT TO LOOK FOR

EVERY 3 MONTHS

GUTTERS AND DOWNSPOUTS

- Clogs (watch during a heavy rain)
- Loose or sagging gutters, or gutters sloped the wrong way (should slope toward the downspout)
- Broken seams in gutters or downspouts
- Downspout broken off at the foundation

EVERY 6 MONTHS

ROOF

- Missing slates, shingles or tiles
- Tears, holes or blisters in the roof materials
- Split seams or rust on metal roofs
- Sagging ridge lines
- Flashing pulled away or missing at ridges and valleys

MASONRY

- Loose or missing mortar
- Cracks in the masonry or mortar joints
- Growth of moss or green stain on masonry (moisture problem)
- Blistering or peeling paint (moisture problem)
- Bulging walls (structural problem)

EXTERIOR WOOD SIDING AND TRIM

- Blistering and peeling paint
- Growth of moss or green stain on wood (moisture problem)
- Cracks or warps in wood boards
- Rotted wood (Probe the wood with a sharp instrument like a pocket knife or pick- the wood should resist penetration; it crumbles then damage has occurred.)

WINDOWS AND DOORS

- Cracks in caulking around window and door frames
- Loose panes of glass or gaps in glazing putty
- Broken sash cords or other hardware
- Cracks, warps or decayed wood in windows sash or frame
- Cracks, decayed wood or warps in exterior doors

ORNAMENTATION

- Blistering, cracking or peeling paint
- Excessive layers of paint which obscure features
- Cracks, dents, hollows or missing pieces
- Rust, corrosion or holes in metal
- Chipped plaster, terra cotta or stone
- Deteriorated wood

PORCHES

- Wood floor boards that buckle or are rotted (tongue and groove porch flooring is particularly susceptible to water penetration)
- Decay at base of wood columns
- Damp or musty smell caused by lack of ventilation beneath the porch
- Stained or deteriorated ceiling (roof leaks or porch is pulling away)

STOREFRONTS

- Deteriorated wood, metal, brick or stone materials
- Blistering, cracking or peeling paint
- Broken glass in windows, doors and transoms
- Missing features

EVERY 12 MONTHS

FOUNDATION

- Cracks in foundation wall (watch over several months to see if it is active)
- Tilting or leaning foundation walls
- Loose or crumbling mortar
- Growth of moss or green stain (moisture problem)
- Wet or damp basements (poor foundation drainage)

APPENDIX D

BIBLIOGRAPHY

Blumenson, John J.-G. *Identifying American Architecture: A Pictorial Guide to Styles and Terms, 1600-1945*. New York: W.W. Norton & Company, Inc., 1977.

Burden, Ernest. *Illustrated Dictionary of Architectural Preservation*. New York: McGraw-Hill, 2004.

Feilden, Bernard M. *Conservation of Historic Buildings*. London: Butterworth & Co., 1982.

Foulks, William G. *Historic Building Facades: The Manual for Maintenance and Rehabilitation*. New York: John Wiley & Sons, Inc., 1997.

Garvin, Alexander. *The American City: What Works, What Doesn't*. New York: McGraw-Hill Companies, Inc., 1996.

Gordon, Stephen C. *How to Complete the Ohio Historic Inventory*. Ohio Historical Society, 1992.

Grimmer, Anne E. and Kay D. Weeks. *The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*. US Department of the Interior, National Park Service, Washington D.C., 1995.

Grismer, Karl H. *The History of Kent Historical and Biographical*. First Edition Record Publishing Co., 1932.

Howe, Henry LLD. *Historical Collections of Ohio, Vol. II*. Cincinnati: C.J. Krehbiel & Co., Printers and Binders, 1888.

Kitchen, Judith L. *Caring for Your Old House: A Guide for Owners and Residents*. John Wiley & Sons, Inc., 1991.

London, Mark. *Masonry: How to Care for Old and Historic Brick and Stone*. Washington, D.C.: The Preservation Press, 1988. National Trust for Historic Preservation. *Old & New Architecture: Design Relationship*. The Preservation Press, 1980.

Mallszewski-Pickart, Margaret. *Architecture and Ornament*. Jefferson: McFarland & Comapny, Inc., 1998.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alred A. Knopf. 1984.

Moss, Roger. *Century of Color: Exterior Decoration for American Buildings - 1820/1920*. New York: American Life Foundation, 1981.

Preservation Briefs. U.S. Department of the Interior, National Park Service, Cultural Resources.

Rifkind, Carole. *A Field Guide to American Architecture*. New York: Bonanza Books, 1980.

Rypkema, Donovan D. *The Economics of Historic Preservation: A Community Leader's Guide*. Washington, D.C.: National Trust for Historic Preservation, 1994.

Saylor, Henry H. *Dictionary of Architecture*. New York: John Wiley & Sons, 1952.

Scott, John S. *A Dictionary of Building*. Great Britain: Hazell Wateson & Viney Ltd. 1974.

Summerson, John. *The Classical Language of Architecture*. MIT Press, 1995.

Walker, Lester. *American Shelter: An Illustrated Encyclopedia of the American Home*. Woodstock: The Overlook Press, 1981.

Weaver, Martin E. *Conserving Buildings: A Guide to Techniques and Materials*. New York: John Wiley & Sons, Inc., 1993.

Whiffen, Marcus. *American Architecture Since 1780*. Cambridge: The M.I.T. Press, 1969.

ZONING CODE APPENDIX B SIGN DESIGN GUIDELINES

Purpose and Applicability

The purpose of the Sign Design Guidelines is to provide design criteria to be utilized in the design and construction of signage in the City of Kent. As such the goal is to encourage creative design while at the same time seeking to encourage compatibility with other signage and building facades.

These guidelines shall be utilized for signage in all areas of the City to the extent feasible. However, in areas where specific guidelines with regard to building and sign design may be applicable, as designated in Chapter 1121 of the Zoning Code, those specific guidelines may be mandatory and shall supersede the guidelines recommended in this Appendix.

Design Elements

These guidelines attempt to address design elements relative to signage in regard to general design compatibility, colors, materials, legibility and scale as well as lighting and illumination. While it may not be possible to address each and every design element with a given sign, the design of the sign should utilize the criteria set forth within these guidelines to the extent possible.

Sign Compatibility

- Creative Design: Signs should make a positive contribution to the general appearance of the street and commercial area in which they are to be located. The City encourages imaginative and innovative design of signage as long as it is compatible with its immediate surroundings and adjacent properties.
- Size and Scale: Within the parameters otherwise permitted in this Zoning Code, the scale of signage should be appropriate for the building on which it is located, as well as the surrounding site and properties adjacent to it.
- Integration: Signs attached directly to the buildings should not obscure or cover significant architectural features. The signs should also blend well with the design of the building, both in style, materials and color schemes. In buildings where there are multiple tenants, signs should complement and enhance each other.
- Impact: Signage should be designed and located in a manner so that they have little or no impact on adjacent residential neighborhoods. Such signs should generally be smaller scale and less intrusive with regard to lighting, color and design.

Placement: Walls signs should be placed in a manner where they establish an integrated rhythm, form and scale with adjacent signage. This can be accomplished by maintaining compatible size and placement so that signs generally align at similar heights on the façade.

Pedestrian Scale: Signage should contain some pedestrian-oriented information as part of the permitted signage at a facility. Such signage should be oriented so that it is easily seen and read by pedestrians standing adjacent to the business.

Individual Letters: Lettering attached directly to a building may be used in place of an integrated sign structure as long as the lettering compliments the design and form of the building.

Colors

Selection: Color combinations should be selected and used in a manner that makes the sign attractive and blend well with its surroundings. The use of colors can be effective in catching the eye of the reader and communicating feelings and ideas. The use of too many colors can create confusion and detract from the message of the sign. Color palettes should compliment the structure and the project as a whole.

Contrast: Contrast in coloring is important in considering the legibility of signs. There should be substantial contrast between the lettering and the background to make the sign easier to read both in well-lit and poorly lit situations. Light letters on dark backgrounds or dark letters on light backgrounds are the most legible.

Multiple Colors: Signs of multiple colors should be designed with consideration given to legibility and whether they detract from the visibility and identification of adjacent signage. Multi-coloring should be limited in scale and not overpower the sign on which it is placed or adjacent signage.

Materials

Types: The following materials are recommended for building mounted signs:

Wood: Carved, sandblasted, etched and properly sealed, primed and painted or stained.

Metal: Formed, etched, cast, engraved, and properly primed and painted, or factory coated to protect against corrosion.

Plastic: Plastic materials are only recommended when the use of such materials is colored or otherwise finished in a way where it compliments the architectural style of the building.

Neon: Neon tubing in the form of graphics or lettering may be used if it compliments the architectural style of the building.

Cloth/Paper: The use of cloth or paper materials are generally not acceptable for exterior signage other than for awnings

There are no limitations on the types of materials used for ground mounted signs or pole mounted signs as long as the materials compliment the building and site on which the signage is located, as well as those on adjacent properties.

Compatibility: Sign materials should be compatible with the design of the building face on which they are located. Materials should not detract from the legibility of the sign. For example, glossy finishes may be difficult to read in high glare situations.

Sign Legibility

Signs should effectively communicate the message for which they are intended. Legibility of the content of a sign is of extreme importance.

Letter Sizing: Letter sizing should be determined by the nature of the sign and its intended audience. Pedestrian oriented signage, which is typically viewed at shorter distances, should have smaller lettering, generally ranging in size from 3" to 6". Signage which is to be viewed from the highway should be sized based on the distance from the highway and the legally traveled speed on the highway. Permit applicants should justify the size of their signage and its lettering based on these concepts.

The Architectural Review Board and/or the Community Development Department may request documentation from the sign permit applicant regarding the size of a sign and its lettering and may refuse to grant an approval for such signage where the letter size cannot be justified.

Messaging: The message being conveyed on a sign should be as brief and clearly stated as possible. Fewer words are generally more effective in communication and in legibility. Sign designers should consider the content carefully to determine what is minimally necessary to convey the advertising message.

Spacing: Letters and words should not be spaced too closely since the crowding of letters will make a sign more difficult to read. Conversely, letters should not be over-spaced to the point where the reader has to read each letter individually. Unless otherwise limited in Chapter 1165 of this zoning code, lettering should not occupy more than 75% of the sign panel area.

