



City of Hudson, Ohio

Staff Report

File Number: 19-41

Meeting Date: 4/2/2019

Version: 1

Status: Third Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ENFORCEMENT OF THE LAND DEVELOPMENT CODE REGULATIONS RELATED TO WINDOW SIGNS ERECTED FOR NONRESIDENTIAL USES; AND DECLARING AN EMERGENCY.

Brief Description: Request to temporarily suspend the enforcement of the Land Development Code regulations related to temporary and permanent window signs for nonresidential uses to allow City Staff to study, engage the community, and consider drafting new regulations.

Legislative History

None.

Purpose & Explanation

A temporary moratorium is requested on enforcement of the Land Development Code Regulations related to window signs erected for nonresidential uses. Portions of the Land Development Code regulations need to be updated to improve clarity with respect to enforcement and to better reflect the current needs of the City of Hudson. Staff recognizes that the review, community outreach, and legislative analysis of temporary and permanent window sign regulations will require at least a ten (10) month moratorium on enforcement of temporary and permanent window sign regulations in the Land Development Code through December 31, 2019;

Legal Authority for Proposed Legislation

Pursuant to Charter Section 6.04, Contracts & Purchasing:

Competitively bid and advertised for two consecutive weeks; bid tab attached: [Yes/No/NA])

Joint or Cooperative Purchase Program

Professional Services

Other - not applicable

Fiscal Impact

Currently Budgeted (Account #, \$)

Supplemental Appropriation Required (Account #, \$)

Appropriation Not Required

Does this legislation require use of an emergency clause?

Yes, emergency language is requested, so the City can quickly and responsibly begin to study, analyze, and review the current temporary and permanent window sign regulations contained in the Land Development Code.

No

Suggested Action

Staff recommends approval of the requested moratorium

Submitted by,

Jane Howington, City Manager

Thomas J. Sheridan, Asst City Manager - Professional Services

Greg Hannan, Community Development Director

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON ENFORCEMENT OF THE LAND DEVELOPMENT CODE REGULATIONS RELATED TO WINDOW SIGNS ERECTED FOR NONRESIDENTIAL USES; AND DECLARING AN EMERGENCY.

WHEREAS, Section 1207.17(d)(1) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, there shall be a maximum of one (1) permanent building sign permitted per ground floor occupant frontage with a maximum size of one and a half (1.5) square feet per lineal foot of building frontage not to exceed one hundred (100) square feet total; and

WHEREAS, Section 1207.17(d)(2) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, a structure is permitted one (1) permanent building sign which can be either a wall sign, awning sign, or window sign; and

WHEREAS, Section 1207.17(d)(2)(A)(1) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, a permanent window sign (if utilized as the nonresidential use's one building sign) shall not exceed twenty-five percent (25%) of the total glass area of the building's ground floor windows and further provides that identical permanent window signs may be displayed in more than one (1) ground floor window at the same position of height and placement; and

WHEREAS, Section 1207.17(d)(2)(A)(2) of the Land Development Code provides that, for nonresidential uses in nonresidential districts, in multi-story buildings, each occupant above the ground floor shall be permitted one (1) permanent window sign to be placed in the occupant's space that is not to exceed six (6) square feet or twenty-five percent of the area of the window the sign is placed in, whichever is smaller; and

WHEREAS, Section 1207.17(d)(6)(B) of the Land Development Code provides that, in nonresidential districts for nonresidential uses, temporary window signs shall not exceed twenty-five percent (25%) of the total transparent glass area of the window in which the sign is placed and, if erected to advertise a specific event, shall be removed seven (7) days after the close of such event; and

WHEREAS, Section 1207.17(a)(5) of the Land Development Code prohibits all signs not expressly permitted by the Land Development Code; and

WHEREAS, for nonresidential uses in residential districts, permanent and temporary window signs are prohibited as they are not expressly permitted in the Land Development Code; and

WHEREAS, effective, thoughtful, and smart regulation of nonresidential window signage within the City of Hudson is an important public purpose necessary to the public health, safety, and general welfare of the City's residents, businesses, and visitors; and

WHEREAS, portions of the Land Development Code relative to temporary and permanent window signs needs to be updated to improve clarity with respect to enforcement and to better reflect the current needs of the City of Hudson; and

WHEREAS, the passage of this moratorium is not intended to and shall not create any claims relative to legal nonconforming status for any sign by any property owner (or person in possession of property) that has installed, installs, or seeks to install a temporary or permanent window sign in violation of the Land Development Code's window sign regulations; and

WHEREAS, this moratorium is not intended to and shall not grant or confer any special and/or preferential legal status to any sign existing as of the effective date of this Ordinance; and

WHEREAS, this moratorium is strictly limited to a moratorium on enforcement of only those temporary and permanent window signs that were erected prior to the effective date of this Ordinance; and

WHEREAS, all signs, including temporary and permanent window signs, erected after the effective date of this Ordinance shall be erected in compliance with the Land Development Code and shall also be subject to enforcement pursuant to the terms of the Land Development Code as if this moratorium was not in effect; and

WHEREAS, this Council desires to accommodate the needs of its residents and businesses by temporarily suspending the enforcement of the Land Development Code regulations related to temporary and permanent window signs for nonresidential uses for those temporary and permanent window signs existing as of the effective date of this Ordinance, the purpose of which is to direct City Staff to study and consider drafting new regulations with respect to temporary and permanent window signs for nonresidential uses; and

WHEREAS, this Council recognizes that the review, community outreach, and legislative analysis of temporary and permanent window sign regulations will require at least a ten (10) month moratorium on enforcement of temporary and permanent window sign regulations in the Land Development Code through December 31, 2019;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1: This Council declares the above findings to be true and correct.

Section 2: There is established a moratorium which shall suspend the enforcement of the regulations associated with the nonresidential use of temporary and permanent window signage as set forth in Land Development Code Section 1207.17 for properties that had erected temporary and/or permanent window signage prior to the effective date of this Ordinance through December 31, 2019, so that any temporary or permanent window signs that existed

prior to the effective date of this Ordinance shall be permitted to remain until the repeal of this moratorium or December 31, 2019, whichever occurs first.

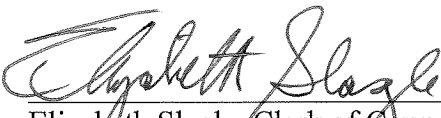
Section 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary for the preservation of the general welfare of the City by reason of the immediate necessity of implementing this temporary moratorium at the earliest possible date so as to enable the City to quickly and responsibly begin to study, analyze, and review the current temporary and permanent window signage regulations contained in the City's Land Development Code; wherefore, this Ordinance shall be in effect immediately upon its passage provided it receives the affirmative vote of five (5) members of Council except that six (6) affirmative votes shall be required if all members are present; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

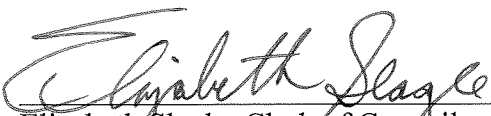
PASSED: April 2, 2019


David A. Basil, Mayor

ATTEST:


Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance No. 19-41 was duly passed by the Council of said Municipality on April 2, 2019.


Elizabeth Slagle, Clerk of Council

First Reading: March 5, 2019
Second Reading: March 19, 2019
Third Reading: April 2, 2019