



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

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DATE: May 4, 2016

TO: City of Hudson Planning Commission for May 9, 2016 Meeting

FROM: Greg Hannan, City Planner  
Mark Richardson, Community Development Director

SUBJECT: Public Hearing  
Land Development Code Text Amendment – Ordinance 16-64  
Sign Code Amendments

PC Case No: 2016-06

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### **Project Introduction**

Reveille IV LLC has applied for a proposed Land Development Code (LDC) text amendment of Section 1207.17 Sign Code and 1207.13 Definitions. Based on review of the draft amendment and preliminary review conducted at the March 14, 2016 Planning Commission meeting staff understands the primary goals of the request are as follows:

1. Sign Illumination: the proposed amendment is intended to remove current restrictions on illumination and allow all signage within the city to be illuminated externally or internally.
2. Application of Sign Regulations: the proposed amendment is intended to revise the sign code to only regulate signs which are exterior to the building and are facing or oriented to a public right of way. Signage which is oriented to the interior of a property or inside buildings would not be subject to the sign code. The LDC regulations currently apply to signs on all facades of a building and to those that are inside a building for the purpose of being visible and read from outside the building.

The following information is attached to this report.

1. Draft Ordinance 16-64.
2. Staff report (with attachments) from the March 14, 2016 Planning Commission meeting.
3. Email dated March 24, 2016 from Mr. Richardson to Mr. Hoover.

### **Applicable Approval Procedure**

As a private-party initiated zoning text amendment application, this case is subject to the procedure set forth in Section 1203.03(c)(2). The applicant completed the step one preliminary review at the March 14, 2016 Planning Commission meeting. The applicant did not propose any revision to the draft amendment based on discussion at the meeting. City Council completed a first reading and referral for public hearing on April 19, 2016. The application is before the Planning Commission at this time for a public hearing and formal recommendation to City Council.

Step	Dates	Notes
Step #1 Planning Commission	March 14, 2016	Preliminary review of the application conducted at a public meeting.
Step #2 City Council	April 19, 2016	City Council conducted a first reading of the application and referred the case back to PC for a public hearing.
Step #3 Planning Commission	May 9, 2016	Planning Commission conducts a public hearing. Recommendation is forwarded to Council.
Step #4 City Council	June, 2016	City Council conducts another public hearing and takes final action.

### **Summary of Proposed Amendments**

A summary of the proposed amendments is provided within the staff report for the March 14, 2016 meeting (attached).

### **Staff Comment:**

Based on the goals stated and the proposed amendments submitted, staff provides the following comments:

1. The proposed *application of sign regulations* (Section 1207.17(b)) will limit sign code regulations to signs which are directed toward a public street. Staff notes this proposed amendment will create difficulty applying “facing a public street” to parcels with multiple buildings and for signs which are visible from a public street but not directly facing the street.
2. Building frontage – Building Unit (Section 1207.17(c)(3): The LDC currently regulates allowances for primary building signs based on the number of facades that front a public street or that contain a public entrance. To be consistent with the proposed amendments, this section would need to be amended to state that the standards are only applicable to signs facing a public right of way. Signage on other facades would not be subject to the LDC regulations. Revision to exempt all signage that does not face a public street would be a significant departure from current standards and conflict with the Section 1207.17 (a) purpose statements of the sign ordinance.
3. Window Signs (Section 1207.17(d)&(e): The proposed *application of sign regulations* amendment would exempt from regulation signs placed on the inside of buildings; however, the proposed amendment to the definition of window signs references window signs which are legible from the public right of way. The inconsistency between the two sections makes it difficult to determine the intent of the requested amendment.
4. Definitions (Section 1213): The applicant has proposed to amend the definition of sign, awning or canopy sign, banner sign, billboard sign, and building sign to clarify those oriented to a public right of way; however, additional sign type definitions including wall sign and projecting sign have not been proposed for amendment.
5. Prohibited Signs (Section 1207.17(f)(10)): Interior illumination of signs is prohibited. This text would need to be proposed for deletion to be consistent with the proposed

amendments and the stated goals.

6. Architectural Design Standards (LDC Appendix): The Architectural Design Standards have been reviewed to determine if any amendment would be needed to resolve any conflicts with the proposed amendments and stated goals. Staff notes the proposed amendments do not create specific conflicts with individual criteria of Part V Design Standards for Signs; however, the Part I Preamble and Part II Procedures reference the design review of all facades of a building with particular emphasis on the public faces of a building including the front and side yard faces of a building.
7. Section 1207.17(g) *Sign Illumination*. The proposed text would allow all signs to be internally illuminated. The Planning Commission review at the March 14, 2016 meeting included brief discussion regarding the appropriateness to further study limited allowances for internal illumination such as backlighting, halo lighting, and soft colored neon. The submitted proposal to allow internal illumination without restriction; however, is inconsistent with the Section 1207.17(a) purpose statements, is a significant departure from current regulations, and is of particular concern with the National Register Historic District.

**Required PC Action, Chapter 1203.03(c)(2)(A)**

PC must make specific recommendations to the City Council, and transmit the application to City Council, together with the text amendment pertaining thereto within 120 days from receipt of the City Councils referral.

**Recommendation**

Pending testimony offered at the public hearing, staff recommends that Planning Commission recommend that Council deny the requested text amendment. If Planning Commission agrees with this recommendation it may use the following as the basis for its recommendation to Council:

Based on evidence and representations to the Commission by Reveille IV LLC, as applicant, City Staff, and other interested parties, at a public hearing of the Planning Commission held at its regular meeting of May 9, 2016 the Planning Commission in case 2016-06 recommends that City Council deny the draft Ordinance No. 16-44, AN ORDINANCE AMENDING SECTION 1207.17, "SIGNS," AND CHAPTER 1213, "DEFINITIONS," OF THE LAND DEVELOPMENT CODE CONCERNING THE APPLICABILITY OF SIGN REGULATIONS AND INTERNAL ILLUMINATION OF SIGNS. Planning Commission notes the following in making this recommendation:

1. The proposed *application of sign regulations* (Section 1207.17(b)) will lead to difficulty applying "facing a public street" to parcels with multiple buildings and for signs which are visible from a public street but not directly facing the street.
2. Building frontage – Building Unit (1207.17(c)(3): The LDC currently regulates allowances for primary building signs based on facades that front a public street or that contain a public entrance. This existing section is inconsistent with the proposed amendments.
3. Window Signs (1207.17(d)&(e): The proposed *application of sign regulations* amendment would exempt from regulation signs placed on the inside of buildings;

however, the proposed amendment to the definition of window signs creates an inconsistency as it references windows signs which are legible from the public right of way.

4. The proposal incorporates amendments to the definition of sign, awning or canopy sign, banner sign, billboard sign, and building sign to clarify those oriented to a public right of way; however, additional sign type definitions including wall sign and projecting sign have not been proposed for amendment creating conflicting standards.
5. Section 1207.17(f)(10) Prohibited Signs restricts interior illumination of signs; however, this text is inconsistent with the proposed amendments and the stated goals.
6. Architectural Design Standards (LDC Appendix): The proposed amendments do not create specific conflicts with individual criteria of Part V Design Standards for Signs; however, the Part I Preamble and Part II Procedures reference the design review of all facades of a building with particular emphasis on the public faces of a building including the front and side yard faces of a building.
7. Section 1207.17(g) Sign Illumination The submitted proposal to allow internal illumination without restriction for all signs is inconsistent with the Section 1207.17(a) purpose statements, is a significant departure from current standards, and is of particular concern with the National Register Historic District.

AN ORDINANCE AMENDING SECTION 1207.17, “SIGNS,” AND CHAPTER 1213, “DEFINITIONS,” OF THE LAND DEVELOPMENT CODE CONCERNING THE APPLICABILITY OF SIGN REGULATIONS AND INTERNAL ILLUMINATION OF SIGNS.

WHEREAS, the City received a private party initiated text amendment application seeking to amend Section 1207.17 “Signs,” and Chapter 1213, “Definitions,” of the City of Hudson Land Development Code to: (1) remove the current restrictions on internal illumination and to allow signage within the City to be illuminated externally and internally; and, (2) to only regulate signs which are exterior to a building and face a public right-of-way, thus, not regulating signage oriented to the interior of a property or inside of a building; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance.

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

Section 1. Section 1207.17, “Signs,” of the City’s Land Development Code is amended to read as follows:

**“1207.17 SIGNS.**

**(a) Purpose**

The purpose of this Section is to promote the public health, safety and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Section is intended to:

- (1) Enhance and protect the physical appearance of the community.
- (2) Promote and maintain visually attractive, residential, retail, commercial and industrial districts.
- (3) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- (4) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
- (5) Prohibit all signs not expressly permitted by this Section.
- (6) Facilitate and encourage business.
- (7) Encourage creativity consistent with good taste.

**(b) Application of Sign Regulations**

- (1) The regulations contained in this Section shall apply to signs outside of the public right-of-way, except when specifically stated otherwise or when the signs do not face a public right-of-way or when the signs are inside a building but visible from a public right-of-way outside a building.
- (2) A sign may only be erected, established, painted, created or maintained in Hudson in conformance with the standards, procedures, exemptions and other requirements of this Section.
- (3) In addition to the regulations contained in this Section, all permanent signs shall comply with the sign design guidelines set forth in the Architectural and Design Standards.
- (4) Architectural Features. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include:
  - (A) Any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
  - (B) Graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when the stripes or other painting technique do not include lettering, logos or pictures.

\* \* \*

(g) *Sign Illumination, Construction and Maintenance Standards*

In addition to ensuring compliance with the numerical standards of these regulations, the AHBR shall consider the proposed sign in accordance with the following standards:

- (1) Illumination. Permitted signs may shall be permitted to be illuminated in compliance with the following: either internally or externally and directly or indirectly provided glare from the light source is avoided.
  - ~~(A) External Illumination: All signs that are permitted to be illuminated as enumerated in subsections (d) and (e) above shall be externally illuminated, except as otherwise permitted in subsection (B) below and the external illumination shall comply with the following:~~
    - ~~1. Only direct lighting from an external source shall be used to illuminate the sign.~~
    - ~~2. The source of light shall not be visible from the street or adjacent property.~~
    - ~~3. No variances to this Subsection 1207.17(g)(1)(A) shall be sought or granted.~~
  - ~~(B) Internal Illumination:~~
    - ~~1. Internal illumination of signs shall only be permitted for an existing ground sign used by two or more occupants on a lot in Districts 7 and 8 that fronts on Darrow Road provided the lot is occupied by a legally permitted use(s) and the existing sign(s) for the use(s) is internally illuminated on the effective date of this provision, which effective date is September 4, 2002.~~

- ~~(i) All existing internally illuminated ground signs described in Subsection (B)(1) above shall be removed or comply with Subsection 1207.17(g)(1)(A) when five years have elapsed from the effective date of this provision as set forth in Subsection 1207.17(g)(1)(B)(1).~~
- ~~(ii) Within said five year period an occupant of the lot may be permitted by the AHBR to replace an individual sign panel in an existing internally illuminated ground sign described in Subsection (B)(1) above, when the individual sign panel is consistent in design with the existing type of sign(s). This Subsection (ii) is, however, subject to the provisions of Subsection (h) "Regulations for Nonconforming Signs" below.~~
- ~~2. Internal illumination of signs shall be permitted for wall signs in Districts 6 and 8 on buildings larger than 100,000 square feet of gross floor area where the sign and the building wall it is attached to are set back more distant than 500 feet from the nearest edge of the public street or highway right of way to which the sign is oriented. Generally, that orientation is the street or highway frontage that is parallel to the wall with the sign. Where internal illumination is permitted under this subpart 2, the illumination shall be contained within individual letters, numbers and figures and a box type of illumination is not permitted.~~
- ~~(EA) Signs shall not include animated, flashing, moving or intermittent illumination in which any part of the message changes at a rate of more than once per day.~~
- ~~(D) Light shall not be from a colored light source.~~
- ~~(EB) All illumination shall be extinguished by 10 p.m. or at close of business, whichever is later.~~
- ~~(FC) No temporary sign shall be illuminated or have the potential to be illuminated.~~
- ~~(GD) See also Section 1207.14 "Exterior Lighting" for additional requirements as described in Items (c) "Lighting Levels" and (d) "Design Standards."~~
- (2) Construction Standards.
  - (A) The construction, erection, safety and maintenance of signs shall comply with the Ohio Building Code ("OBC").
  - (B) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
  - (C) Permanent signs shall be constructed and erected to withstand wind pressures of at least 30 pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

- (D) Permanent signs shall be fabricated on and of materials that are of good quality and durability.
  - (E) No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress or egress of any building required by the OBC.
  - (F) No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
  - (G) Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
  - (H) No sign regulated by any of the provisions of this Section shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign signal or device as defined in the Manual of Uniform Traffic Control Devices; or which makes use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
  - (I) No temporary sign shall have moveable lettering or lettering capable of being moved or replaced.
- (3) Maintenance. All signs shall be maintained in accordance with the following:
- (A) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he or she shall have a continuing obligation to comply with all building code requirements.
  - (B) If the City Manager finds that any sign is unsafe, insecure, a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the City Manager to the owner. The owner of the business shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The City Manager may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
  - (C) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:



1. There shall be no alteration or remodeling to the sign face, lettering (except as otherwise permitted for changeable copy), sign base, sign support(s) or the mounting of the sign itself.
  2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
  3. The sign shall be accessory to a legally permitted, conditional or nonconforming use.
- (D) The City Manager may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the City Manager.
- (E) Any permanent sign which advertises a business no longer conducted on the premises or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which such sign is located, within ten (10) days after written notice by the City Manager. Upon failure to comply with such notice within the time specified in such order, the City Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which the sign is located. Any temporary sign, found in violation of any part of this Section 1207.17, shall be removed immediately by the City Manager.

(h) *Regulations for Nonconforming Signs*

- (1) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1207.17 and may continue until such sign is required to be removed as set forth in this Section.
- (2) Alteration, Relocation or Replacement of Nonconforming Signs. A nonconforming sign shall not be structurally altered, relocated or replaced unless it is brought into compliance with the provisions of this Section, except as otherwise permitted in this Section.
- (3) Reconstruction of Damaged Sign. If a sign face and/or its support is damaged to the extent where the repair cost exceeds 50% of the replacement cost of the sign, the sign shall be removed or brought into compliance with this Section. If the repair costs do not exceed 50% of the replacement cost of the sign, the sign may be repaired, subject to approval of consistency in design by the AHBR and provided all repair work is completed within 60 days of the date the damage was incurred.
- (4) Termination. A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Section or removed, when any of the following occur:
  - (A) The size or shape of the sign is changed; or

- (B) The sign face (except otherwise permitted for changeable copy or the ground signs described in Section 1207.17(g)(1)(B)) or sign structure is altered; or
- (C) In addition to (A) and (B) above, all nonconforming internally illuminated wall signs shall be removed and redesigned to comply with Section 1207.17(g)(1)(A) whenever one or more of the following occur:
  - 1. The building is renovated or remodeled to the extent that more than 50% of the gross floor area is removed or replaced, or otherwise affected by the renovation or remodeling; or
  - 2. The building is expanded and the total sign area permitted for the expanded building is more than 50% greater than the existing sign area; or
  - 3. There is a change in occupancy.
- ~~(D) In addition to (A) and (B) above, all internally illuminated ground signs shall be removed when five years have elapsed from the effective date of this provision, which effective date is September 4, 2002.~~
- (5) Historic Signs. The AHBR may grant exceptions to these standards whenever a sign has been designated as a historic landmark pursuant to this Code.

\* \* \*

Section 2. Section 1207.17, "Signs," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 3. Chapter 1213, "Definitions," of the City's Land Development Code is amended to read as follows:

## **"CHAPTER 1213 DEFINITIONS**

\* \* \*

### **Section 1213.02      Definitions**

- (a) The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

\* \* \*

- (275) *Sign* shall mean any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure and directed toward a public right-of-way, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an

announcement, direction or advertisement. For the purpose of this Ordinance, the word “sign” does not include flag, pennant, badge, or insignia of any government or governmental agency.

- (276) *Signable Area* shall mean that portion of a building façade that can accommodate a sign within an open area framed by the architectural elements of the building.
- (277) *Sign, Animated* shall mean any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special affect or scene.
- (278) *Sign, Awning or Canopy* shall mean any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window and directed to a public right-of-way.
- (279) *Sign, Banner* shall mean a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges and directed to a public right-of-way.
- (280) *Sign, Billboard* (synonymous with Off-site Advertising) shall mean a sign that directs attention of persons on a public right-of-way to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.
- (281) *Sign, Building* shall mean any sign attached parallel to any part of a building directed toward a public right-of-way and including wall signs, awning or canopy signs and window signs.
- (282) *Sign, Changeable Copy* shall mean a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as a bulletin board or announcement board.
- (283) *Sign Face* shall mean the area or display surface used for the message.
- (284) *Sign, Ideological* shall mean any temporary sign announcing an idea, opinion or position on a social or political issue and containing no commercial message.
- (285) *Sign, Illuminated* shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (286) *Sign, Entrance or Exit* shall mean a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.
- (287) *Sign, Flag* shall mean a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.
- (288) *Sign, Ground* shall mean a sign supported from the ground and not attached to any building.
- (289) *Sign, Instructional* shall mean a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority,

utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

- (290) *Sign, Marquee* shall mean a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a public street, public sidewalk, or part thereof.
- (291) *Sign, Mobile* shall mean a sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.
- (292) *Signplate* shall mean a wall sign not exceeding two (2) square feet.
- (293) *Sign, Permanent* shall mean a sign that is not temporary.
- (294) *Sign, Projecting* shall mean a sign that is attached to a building wall and extending twelve (12) inches or more beyond the face of the wall.
- (295) *Sign, Roof* shall mean a sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.
- (296) *Sign, Temporary* shall mean a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, attached to a structure or installed in the ground, and which contains information or message other than the name of the business occupant and of duration less than the occupancy of the use.
- (297) *Sign, Wall* shall mean a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than 12 inches there from and which does not project above the roofline or beyond the corner of the building.
- (298) *Sign, Window* shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building by persons on a public right-of-way except for signs that are not legible from ~~a distance of more than three feet beyond the building in which such sign is located~~ any public right-of-way toward which the sign is directed.

\* \* \*"

Section 4. Chapter 1213, "Definitions," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 5. 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 meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
David A. Basil, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Elizabeth Slagle, Clerk of Council



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

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DATE: March 9, 2016

TO: City of Hudson Planning Commission for March 14, 2016 Meeting

FROM: Greg Hannan, City Planner  
Mark Richardson, Community Development Director

SUBJECT: Preliminary Review  
Land Development Code Text Amendment  
Sign Code Amendments

PC Case No: 2016-06

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### **Project Introduction**

Reveille IV LLC has applied for a proposed Land Development Code (LDC) text amendment of Section 1207.17 Sign Code and 1207.13 Definitions. Based on review of the proposed draft amendment and a meeting with the applicant on March 1, 2016 staff understands the primary goals of the request to be as follows:

1. Sign Illumination: the proposed amendment is intended to remove current restrictions on illumination and allow all signage within the city to be illuminated externally or internally.
2. Application of Sign Regulations: the proposed amendment is intended to revise the sign code to only regulate signs which are exterior to the building and are facing or oriented to a public right of way. Signage which is oriented to the interior of a property or inside buildings would not be subject to the sign code. The LDC regulations currently apply to signs on all facades of a building and to those that are inside a building for the purpose of being visible and read from outside the building.

The following information is attached to this report.

1. Draft Sign Code Text Amendment to Section 1207.17 Sign Code and Section 1207.13 Definitions, received February 15, 2016.
2. Preliminary Review letter, prepared by City Planner Greg Hannan, dated March 2, 2016.

### **Applicable Approval Procedure**

As a private-party initiated zoning text amendment application, this case is subject to the procedure set forth in Section 1203.03(c)(2). The application is before the Planning Commission for step one of the below process. The first step of a private-party lead text amendment request is to complete a preliminary review by the Planning Commission. The applicant can then incorporate any modifications or changes based on the Planning Commission discussion, prior to

first reading at City Council.

Step	Dates	Notes
Step #1 Planning Commission	March 14, 2016	Preliminary review of the application at a public meeting.
Step #2 City Council	March/April, 2016	City Council conducted a first reading of the application and referred the case back to PC for a public hearing.
Step #3 Planning Commission	April/May, 2016	Planning Commission conducts a public hearing and reviews the site specific plan. Recommendation is forwarded to Council.
Step #4 City Council	June, 2016	City Council conducts another public hearing and takes final action.

### **Summary of Proposed Amendments**

Listed below is a summary of the proposed Land Development Code text amendments:

1. Section 1207.17 (a) Purpose

The text amendment incorporates the following additional purpose statements:

**(6) Facilitate and encourage business**

**(7) Encourage creativity consistent with good taste.**

2. Section 1207.17(b) Application of Sign Regulations

The regulations contains in this section shall apply to signs outside the public right of way, except when specifically stated otherwise **or when the signs do not face a public right of way or when the signs are inside a building but visible from a public right-of-way outside a building.**

2. Section 1207.17(g) Sign Illumination

1207.17(g)(1) Illumination. **Permitted** Signs ~~may~~ shall be ~~permitted to be~~ illuminated in compliance with the following: **either internally or externally and directly or indirectly provided glare from the light source is avoided.**

1207.17 (g)(1)(A),(B), and (D) which include standards regulating illumination of ground signs in District 7 and 8, illumination of walls signs within District 6 and 8, and restrictions on colored light sources and are proposed for deletion.

3. Section 1213: Definitions:

a) Sign: Revise the definition if *Sign, Awning Sign, Banner Sign, Billboard Sign, and Building Sign* to add **and directed toward a public right-of-way** to indicate that only signs which are directed toward a public right of way are subject to regulation by the Land Development Code.

b) Sign, Window - revise as follows:

*Sign, Window* shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building **by persons on a public right-of-way**

except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located **any public right-of-way toward which the sign is directed.**

4. Section 1207.17(g)(2)) Construction Standards: minor revision has been proposed to clarify no sign shall block ingress or **egress** of any building required by the **Ohio Building Code.**

**Staff Comment:**

Based on the goals stated and the draft amendments submitted, staff provides the following preliminary comments:

1. The proposed *application of sign regulations* (Section 1207.17(b)) will limit sign code regulations to signs which are directed toward a public street. Staff notes this proposed amendment may lead to some difficulty applying “facing a public street” to parcels with multiple buildings and for signs which are visible from a public street but not directly facing the street. Expanded language clarifying how to interpret facing a public street or graphic examples may be appropriate.
2. Building frontage – Building Unit (1207.17(c)(3): The LDC currently regulates allowances for primary building signs based on facades that front a public street or that contain a public entrance. To be consistent with the proposed amendments, this section would need to be amended to state that the standards are only applicable to signs facing a public right of way. Signage on other facades would not be subject to the LDC regulations.
3. Window Signs (1207.17(d)&(e): The proposed *application of sign regulations* amendment would exempt from regulation signs placed on the inside of buildings; however, the proposed amendment to the definition of window signs references windows signs which are legible from the public right of way. Consistency is needed between the two sections to clarify the intent of the requested amendment.
4. Definitions: Further study is needed regarding the definition of each sign type defined within the LDC to determine any revision needed to be compatible with the proposed text amendments and stated goals. The applicant has proposed to amend the definition of sign, awning or canopy sign, banner sign, billboard sign, and building sign to clarify those oriented to a public right of way; however, additional sign type definitions including wall sign and projecting sign have not been proposed for amendment.
5. Section 1207.17(f)(10) Prohibited Signs restricts interior illumination of signs. This text would need to be proposed for deletion to be consistent with the proposed amendments and stated goals.
6. Architectural Design Standards (LDC Appendix): The Architectural Design Standards have been reviewed to determine if any amendment would be needed to resolve any



conflicts with the proposed amendments and stated goals. Staff does not anticipate any appreciable conflicts with the design standards.

**Findings: Section 1204.01 Zoning Text Amendments**

Staff finds that the proposal is worthy of consideration and recommends PC forward the application to Council for first reading and formal referral back to PC for public hearing and formal recommendation.

**Required PC Action, Chapter 1203.03(c)(2)(A)**

PC action shall first consist of a preliminary review of the application at a public meeting. Within thirty (30) days for the date of the PC's public meeting, the applicant shall prepare a final site-specific development plan that incorporates any changes or modifications required or suggested by the PC at the preliminary review. Council will then conduct a first reading and refer the matter back to PC for a public hearing and recommendation for final action.

**Recommendation**

Staff recommends the Planning Commission forward to City Council the Land Development Code text amendment request along with the following suggestions:

1. Application of Sign Regulations - Section 1207.17(b): Expanded language or graphic examples are needed to clarify how to interpret "facing a public street".
2. Building frontage – Building Unit standards (1207.17(c)(3) should be reviewed and proposed for amendment as need to be compatible with the stated goals.
3. Window Signs (1207.17(d)&(e): Some revision is needed between the definition and Section 1207.17(b) to clarify if window signs interior to the building are proposed for regulation.
4. Definitions: Further review of the definition for each sign type is needed to determine any revision needed to be compatible with the proposed text amendments and stated goals.
5. Section 1207.17(f)(10) Prohibited Signs should be revised to be consistent with the proposed amendments.

**SECTION 1207.17 SIGNS****(a) Purpose**

The purpose of this Section is to promote the public health, safety and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this Section is intended to:

- (1) Enhance and protect the physical appearance of the community.
- (2) Promote and maintain visually attractive, residential, retail, commercial and industrial districts.
- (3) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
- (4) Provide review procedures that enable the City to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.
- (5) Prohibit all signs not expressly permitted by this Section.
- (6) **Facilitate and encourage business.**
- (7) **Encourage creativity consistent with good taste.**

**(b) Application of Sign Regulations**

- (1) The regulations contained in this Section shall apply to signs outside of the public right-of-way, except when specifically stated otherwise **or when the signs do not face a public right-of-way or when the signs are inside a building but visible from a public right-of-way outside a building.**
- (2) A sign may only be erected, established, painted, created or maintained in Hudson in conformance with the standards, procedures, exemptions and other requirements of this Section.
- (3) In addition to the regulations contained in this Section, all permanent signs shall comply with the sign design guidelines set forth in the Architectural and Design Standards.
- (4) Architectural Features. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include:
  - (A) Any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
  - (B) Graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose or to a building when the stripes or other painting technique do not include lettering, logos or pictures.

**(c) Computations and Rules of Measurement**

The following regulations shall control the computation and measurement of sign area, sign height, window area and building frontage:

- (1) **Determining Sign Area or Dimension.**

- (A) Sign area shall include the face of all the display area of the sign. Sign area shall not include the frame and structural support unless such structural support is determined to constitute an integral part of the sign design.
- (B) For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of one (1) rectangular shape that encompasses the entire background or frame.
- (C) For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped ground sign, the area of the sign shall be the area of one (1) rectangular shape that encompasses the perimeter of all the elements in the display.
  - 1. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be the area of one (1) rectangular shape that comprises all the display areas, including the space between the elements.
  - 2. One minor protrusion may be permitted to extend above or below the sign area when the area of the protrusion is less than 25% of the open space included in the sign area. For the purposes of this section, only the open space within the sign area that is located above and below the majority of the letters shall be included in the calculation. See Figure 1.

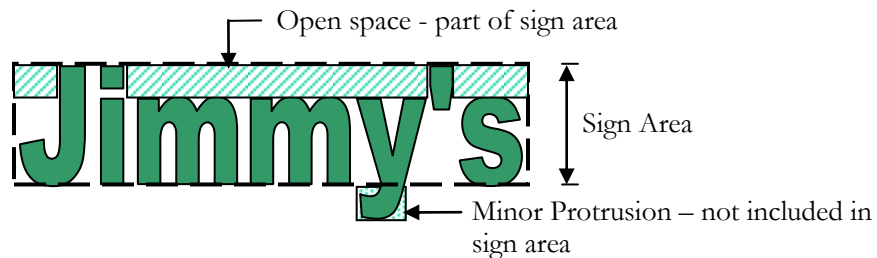


Figure 1. Calculation of open space area and area of minor protrusion.

- (D) For ground signs and projecting signs:
  - 1. The sign area shall be computed by the measurement of one (1) of the faces when two (2) identical display faces are joined, are parallel or within 30 degrees of being parallel to each other and are at no point separated by a distance that exceeds two feet apart.
  - 2. No more than two display faces shall be permitted.
  - 3. The portion of a solid sign base that is mostly screened by landscaping, up to a maximum height of two (2) feet, shall not be calculated as sign area.

- (E) Air under a ground sign between supporting posts, air between a projecting sign and the wall to which it is attached, and lighting fixtures and associated brackets shall not be included in the calculation of sign area. See Figure 2.

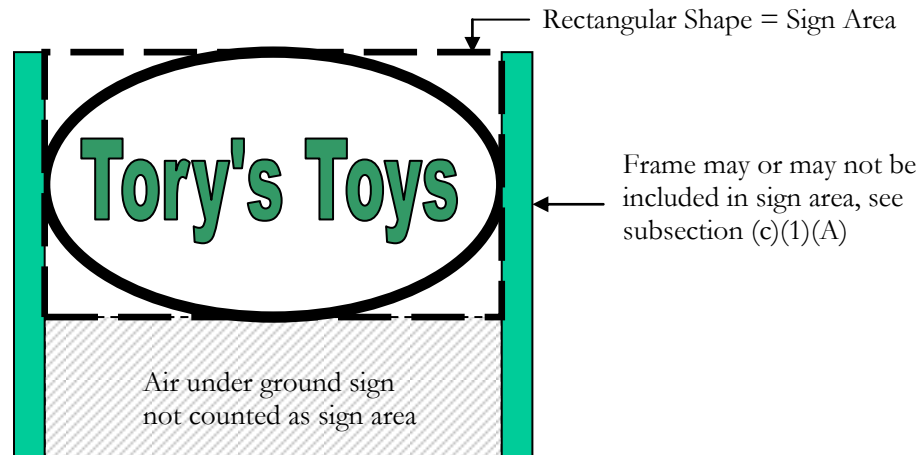


Figure 2. Calculation of sign area

- (2) Determining Sign Height. The height of a sign shall be measured from the average natural grade at the base of the sign or support structure to the tallest element of the calculated sign area. A ground sign on a man-made base, including a graded earth mound, shall be measured from the average site grade prior to the addition of the sign.
- (3) Determining Building Frontage and Building Unit. For the purposes of these sign regulations, the length of the building wall that faces a public street or that contains a public entrance to the uses therein shall be considered the building frontage.
- (A) The building frontage shall be measured along such building wall between the exterior faces of the exterior side walls.
- (B) In the case of an irregular wall surface, a single straight line extended along such wall surface shall be used to measure the length.
- (C) A building shall have only one building frontage except as otherwise set forth below.
- (D) A building shall have two frontages whenever the lot fronts on two or more streets, or the building has a public entrance on a wall other than the wall that faces the street. The property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional wall considered its secondary frontage.
- (E) For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The

building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

- (4) Determining Window Area. The window area of a building shall be the total glass area of windows on the building frontage. For the purposes of determining window area for ground floor occupants, the ground floor shall be considered to be no more than fifteen (15) feet in height above grade.

(d) *Signs in Nonresidential Districts*

Signs in nonresidential districts (Districts 5, 6, 7, 8, 9, and 10) shall conform to the standards set forth in this subsection, except for residential uses which shall comply with the standards set forth in subsection 1207.17(e).

- (1) Maximum Number and Area of Permanent Signs Attached to Buildings. Permanent signs attached to buildings shall conform to the maximum number and area limitations set forth in Table 1207.17(d)(1). In addition to the sign area permitted in Table 1207.17(d)(1), each building shall be permitted to display numerals indicating the building's street address, provided the numerals and letters do not exceed 4 inches in height.

Table 1207.17(d)(1) Permanent Signs Attached to Buildings		
Type	Maximum Number Permitted	Maximum Area
(A) Signplate	2/address and 1/entry	2 sq ft
(B) Building Sign	1/ground floor occupant frontage	1.5 square ft per linear ft of building frontage, not to exceed 100 sq ft <sup>(a)</sup>
(C) Projecting Sign	1/ground floor occupant frontage <sup>(b)</sup>	6 sq ft
(D) Instructional Sign	Shall be exempt from regulations when in compliance with Section 1207.17(d)(5)	
(a) See Section 1207.17(d)(2).		
(b) See Section 1207.17(d)(3)		

- (2) Building Signs. The building sign permitted in Table 1207.17(d)(1) shall be either a wall sign, awning sign or window signs erected in compliance with the following additional regulations.

(A) Window Sign

1. Ground Floor Occupants. Notwithstanding the permitted number and area set forth in Table 1207.17(d)(1), window signs shall not exceed 25 percent of the total glass area of the ground floor windows and shall comply with the design standards for signs set forth in Part V of the Architectural and Design Standards. An identical sign may be

approved and displayed in more than one ground floor window at the same position of height and placement.

2. Upper Story Occupants. For a multi-story building, each occupant above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space, not to exceed six (6) square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller. These signs shall be in addition to the maximum allowable area for building signs pursuant to Table 1207.17(d)(1).
  - (B) Awning Signs. Awning signs may be permitted to extend over a public right-of-way provided such awning signs comply with the regulations of this Section.
  - (C) Corner Lots and Public Entrances Not Fronting a Street. The maximum allowable area for building signs set forth in Table 1207.17(d)(1) shall be the area allowed for the occupant's primary frontage. In the event an occupant has a secondary frontage as defined in Section 1207.17(c)(3) additional sign area shall be permitted in compliance with the following:
    1. The sign area for the secondary building frontage shall be 60 percent of the sign area permitted for the primary frontage.
    2. The property owner may choose to locate the permitted building sign area on any exterior building wall provided the sign area on any one wall does not exceed the formula set forth in Table 1207.17(d)(1) and signs are attached to no more than two (2) exterior walls.
  - (D) Large Building Setbacks. The maximum allowable area for a building sign may be increased by 25% for each 100 feet or fraction thereof of building setback when the principal building is located more than 100 feet from the principal street on which the building is located and the building is visible from the street, not to exceed 200% of the maximum allowable area.
  - (E) Illumination. Building signs shall be illuminated only in compliance with Section 1207.17(g).
- (3) Projecting Signs
- (A) Projecting signs shall be limited to occupants that have a minimum of 12 feet of occupant frontage.
  - (B) All projecting signs shall have a maximum height of 14 feet and a minimum clearance of seven (7) feet from the ground to the bottom of the sign, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

- (C) A projecting sign may be permitted to extend into the street right-of-way provided such sign extends no closer than one (1) horizontal foot to the curb.
- (D) Illumination. Projecting signs shall be illuminated only in compliance with Section 1207.17(g).
- (4) Permanent Ground Signs. Permanent ground signs permitted in nonresidential districts shall comply with the following regulations:
- (A) Maximum Number, Area and Height, Minimum Setback of Permanent Ground Signs. Permanent ground signs shall comply with the maximum number, area and height limitations and minimum setback from the street right-of-way set forth in Table 1207.17(d)(4).

Table 1207.17(d)(4) Permanent Ground Signs				
	Maximum Number	Maximum Area	Maximum Height	Minimum Setback <sup>(b)</sup>
1. Primary Ground Sign <sup>(a)</sup>				
a. Building Setback ≥ 30 feet <sup>(b)</sup>	1 per lot <sup>(c)</sup>	40 sq ft	8 ft	15 ft
b. Building Setback ≥ 12 but < 30 feet <sup>(b)</sup>	1 per lot <sup>(c)</sup>	30 sq ft	6 ft	Equal to height of sign
2. Entrance/Exit Signs	2 per driveway (1 in, 1 out)	2 sq ft	3 ft	0
3. Instructional Signs	Shall be exempt from regulations when in compliance with Section 1207.17(d)(5)			
(a) Not permitted on the site when the building is setback less than 12 feet from the street right-of-way. (b) From the street right-of-way. (c) Except as otherwise permitted in Section 1207.17(d)(4)(B) for lots that exceed 500 feet in street frontage.				

- (B) Additional Ground Signs. One additional primary ground sign shall be permitted for every 500 feet of street frontage or fraction thereof per lot greater than 500 feet. For corner lots, each street frontage shall be calculated separately. Ground signs on the same lot shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
- (C) Minimum Sign Setback from Intersection. On corner lots, ground signs shall comply with the minimum sign setback from both streets right-of-way, as set forth in Table 1207.17(d)(4).

- (D) Minimum Sign Setback from Side Lot Lines. Ground signs shall be located a minimum of 15 feet from any side lot line, except that when a side lot line coincides with a District 1, 2, 3, or 4 boundary line or a lot used for residential purposes, the minimum setback shall be 30 feet.
  - (E) Support Requirements. Ground signs that exceed two (2) square feet in area shall be erected with a minimum of two supporting posts or on a solid base.
  - (F) Landscaping. Ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots. Neither the landscaping nor the ground sign shall obstruct the view of vehicles entering or exiting the property.
  - (G) Changeable Copy. Ground signs may have up to 30% of the sign area set forth in Table 1207.17(d)(4) devoted to changeable copy.
    - 1. The changeable copy shall not be changed more than once per day.
    - 2. Changeable copy may be either computer driven or manually changed.
    - 3. All changeable copy shall comply with the lettering style, lettering color, background color and all other elements approved by the AHBR. No alphabetic letter or number shall be used as a substitute for a different alphabetic letter or number or a different color of letter.
  - (H) Multi-Occupant Facilities. When a ground sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
  - (I) Illumination. Ground signs shall be illuminated only in compliance with Section 1207.17(g).
- (5) Instructional Signs. Instructional signs that are clearly intended for instructional purposes shall be permitted as needed provided such signs comply with the following:
- (A) The signs are not larger than necessary to serve the intended instructional purpose;
  - (B) The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
  - (C) Lettering on the sign does not exceed two (2) inches in height; and
  - (D) The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.



- (6) Temporary Signs In Nonresidential Districts. The following regulations for temporary signs in nonresidential districts are in addition to the maximum sign area set forth in Tables 1207.17(d)(1) and 1207.17(d)(4).
- (A) Temporary signs may be ground signs, window signs or banner signs.
  - (B) The total area of temporary window signs shall not exceed 25% of the total transparent glass area of the window in which the sign is placed.
  - (C) The total maximum number and area permitted for temporary ground signs and temporary banner signs shall be regulated based on the district in which the lot is located. Note: Pursuant to subsection (c)(1)(D)(1), only one side of a two-sided temporary sign is considered in calculating the maximum area of a two-sided sign.
    - 1. In Districts 5 a maximum of two (2) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed ten (10) square feet per parcel.
    - 2. In Districts 7, 9 and 10, a maximum of two (2) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed twenty (20) square feet per parcel.
    - 3. In Districts 6 and 8, a maximum of four (4) signs per parcel shall be permitted provided the total area of all temporary ground signs and temporary banner signs shall not exceed 32 square feet per parcel.
  - (D) Temporary ground signs shall have a maximum height of eight (8) feet and shall be located a minimum distance from the public right-of-way that is equal to the height of the sign.
  - (E) One temporary ground sign permitted in subsection 1207.17(d)(6)(C) may be erected for an unspecified time. All other temporary ground signs and temporary banner signs shall be permitted for a maximum of 15 consecutive days, and not more than a total of 75 days per calendar year.
  - (F) Temporary signs that are erected in order to announce or advertise a specific event shall be removed within seven (7) days after the close of such event.
- (e) *Signs for Residential Uses and in Residential Districts*  
Signs for all residential uses and for nonresidential uses in residential districts shall comply with the regulations set forth in this Subsection.

- (1) Sign Standards. Signs for all residential uses and for nonresidential uses in residential districts shall be limited in number, area, height and setback based on the type of use, as set forth in Table 1207.17(e)(1).

Table 1207.17(e)(1) Signs in Residential Districts					
Type	Maximum Number Permitted	Maximum Total Sign Area per Type	Maximum Area Per Sign	Regulations for Ground signs	
				Maximum Height	Min Setback from ROW
(A) Signs for Single-Family Dwellings, Duplexes and Townhomes:					
1. Permanent Signs					
a. Signplate or window sign	per DU <sup>(a)</sup>	2 sq ft	2 sq ft	--	--
b. Ground Sign	1/building	2 sq ft	2 sq ft	5 ft	0 <sup>(b)</sup>
2. Ground Sign for Residential Subdivision	2/subdivision entrance	(c)	15 sq ft	8 ft	--
3. Temporary window or ground sign <sup>(d)</sup>	per building <sup>(a)</sup>	20 sq ft	10 sq ft	5 ft	0 <sup>(b)</sup>
(B) Multi-Family Buildings:					
1. Permanent Signs					
a. Signplate or window sign	per DU <sup>(a)</sup>	2 sq ft	2 sq ft	--	--
	1/public entrance to building	2 sq ft	2 sq ft	--	--
b. Ground Sign	1/development entrance	15 sq ft	15 sq ft	8 ft	equal to height of sign
2. Temporary sign <sup>(d)</sup>					
a. Window Sign	per DU <sup>(a)</sup>	2 sq ft	2 sq ft	--	--
b. Ground Sign	per building <sup>(a)</sup>	20 sq ft	10 sq ft	5 ft	0 <sup>(b)</sup>
(C) Nonresidential Uses:					
1. Permanent Signs					
a. Signplate	1/address	2 sq ft	2 sq ft	--	--
b. Primary Wall Sign	1/building	40 sq ft	40 sq ft	--	--
c. Primary Ground Sign	1/ 500 feet of parcel frontage <sup>(e)</sup>	15 sq ft plus 5 sq ft for every 50 ft of frontage > 100 ft	40 sq ft	8 ft	15 ft
2. Temporary ground sign or banner sign <sup>(d)</sup>	per parcel <sup>(a)</sup>	10 sq ft/ 200 feet of parcel frontage <sup>(e)</sup>	20 sq ft	8 ft	equal to height of sign
(D) Instructional Sign:	Shall be exempt from regulations when in compliance with Section 1207.17(e)(5).				
<sup>(a)</sup> No limit on the number provided the total area of this type of sign does not exceed the maximum area permitted.					
<sup>(b)</sup> But no closer than 10 feet from the pavement of the travel lane of the public or private street.					
<sup>(c)</sup> See also subsection 1207.17(e)(2)(D).					
<sup>(d)</sup> See also subsection 1207.17(e)(3).					
<sup>(e)</sup> 10 square feet per side of sign pursuant to Section 1207.17(c)(1)(D)(1).					
<sup>(f)</sup> Or fraction thereof, except as otherwise permitted in Section 1207.17(e)(2)(E) for lots that exceed 500 feet in street frontage.					
DU = Dwelling Unit					

(2) Supplemental Regulations for All Ground Signs.

- (A) Ground signs that exceed two (2) square feet in area shall be erected with a minimum of two supporting posts or on a solid base.
- (B) Ground signs shall be erected in a landscaped setting and not on sidewalks, drives or in parking lots.
- (C) No part of a ground sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.
- (D) For residential subdivisions, the ground sign shall have a maximum of two sign faces per entrance and be either a double-faced ground sign or 2 single-sided sign faces attached to walls or entry features located one on each side of the street entrance.
- (E) For nonresidential uses, one additional primary ground sign shall be permitted for every 500 feet of street frontage or fraction thereof per lot greater than 500 feet. For corner lots, each street frontage shall be calculated separately. Ground signs on the same lot shall be separated by a minimum of 200 feet, as measured along the street right-of-way line. For corner lots, both sides of the intersection shall be used in measuring spacing.
- (F) For nonresidential uses, a maximum of 30% of the permitted ground sign area may be devoted to changeable copy.
  - 1. The changeable copy shall not be changed more than once per day.
  - 2. Changeable copy may be either computer driven or manually changed.
  - 3. All changeable copy shall comply with the lettering style, lettering color, background color and all other elements approved by the AHBR. No alphabetic letter or number shall be used as a substitute for a different alphabetic letter or number.

(3) Supplemental Regulations for Temporary Signs:

- (A) Temporary signs for residential uses and temporary window signs for nonresidential uses permitted in Table 1207.17(e)(1) may be erected for an unspecified time.
- (B) For nonresidential uses, one temporary ground sign that does not exceed ten (10) square feet per sign side may be erected for an unspecified time. All other temporary ground signs and temporary banner signs shall be permitted for a maximum of 15 consecutive days, not more than 75 days per calendar year.
- (C) Notwithstanding subsections (A) and (B) above, vacant parcels in residential districts shall be permitted one temporary sign that may be erected for an unspecified time. The permitted sign area shall be ten (10) square feet for every 200 feet of lot frontage or fraction thereof, provided the sign shall not exceed 32 square feet.

- (D) Temporary signs that are erected in order to announce or advertise a specific event shall be removed within seven (7) days after the close of such event.
- (4) Illuminated Signs in Residential Districts. Permanent signs shall be permitted to be illuminated, provided such illumination complies with Section 1207.17(g).
- (5) Instructional Signs. Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multi-family or nonresidential use provided such signs comply with the following:
  - (A) The signs are not larger than necessary to serve the intended instructional purpose;
  - (B) The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
  - (C) Lettering on the sign does not exceed two (2) inches in height; and  
The signs are not in a location and do not possess design characteristics that constitute or serve to attract attention beyond the perimeter of the site.
- (f) *Prohibited Signs*  
All signs not expressly permitted in this Section shall be prohibited in the City. Such signs include but are not limited to the following:
  - (1) Roof Signs;
  - (2) Billboards;
  - (3) Flags intended for advertising or commercial purposes;
  - (4) Marquee signs;
  - (5) Electronic reader boards;
  - (6) Kiosk signs;
  - (7) No mobile signs shall be erected, constructed, displayed or maintained except those on licensed commercial delivery and service vehicles. Such vehicles shall not be parked in any district closer to the street than the front line of the principal building, unless the principal building has a rear parking area; in which case, all such vehicles shall not be parked closer to the street than the rear line of said building.
  - (8) Temporary directional signs, other than Municipal or emergency signs or those temporary signs as may be approved by City Council.

- (9) Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, tethered inflatable signs, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
- (10) The interior illumination of signs, except as expressly permitted in Subsection 1207.17(g)(1)(B) and signs with characters, letters, figures, designs or outlines by electric lights or luminous tubes as part of the sign.
- (11) Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes.
- (12) Permanent signs erected or attached to accessory structures.

(g) *Sign Illumination, Construction and Maintenance Standards*

In addition to ensuring compliance with the numerical standards of these regulations, the AHBR shall consider the proposed sign according to the following standards:

(1) Illumination. Permitted sSigns may shall be permitted to be illuminated in compliance with the following: **either internally or externally and directly or indirectly provided glare from the light source is avoided.**

~~(A) External Illumination: All signs that are permitted to be illuminated as enumerated in subsections (d) and (e) above shall be externally illuminated, except as otherwise permitted in subsection (B) below and the external illumination shall comply with the following:~~

- ~~1. Only direct lighting from an external source shall be used to illuminate the sign.~~
- ~~2. The source of light shall not be visible from the street or adjacent property.~~
- ~~3. No variances to this Subsection 1207.17(g)(1)(A) shall be sought or granted.~~

~~(B) Internal Illumination:~~

- ~~1. Internal illumination of signs shall only be permitted for an existing ground sign used by two or more occupants on a lot in Districts 7 and 8 that fronts on Darrow Road provided the lot is occupied by a legally permitted use(s) and the existing sign(s) for the use(s) is internally illuminated on the effective date of this provision, which effective date is September 4, 2002.~~

- ~~(i) All existing internally illuminated ground signs described in Subsection B(1) above shall be removed or comply with Subsection 1207.17(g)(1)(A) when five years have elapsed from the effective date of this provision as set forth in Subsection 1207.17(g)(1)(B)(1).~~

~~(ii) Within said five year period an occupant of the lot may be permitted by the AHBR to replace an individual sign panel in an existing internally illuminated ground sign described in Subsection B(1) above, when the individual sign panel is consistent in design with the existing type of sign(s). This Subsection (ii) is, however, subject to the provisions of Subsection (h) "Regulations for Nonconforming Signs" below.~~

~~2. Internal illumination of signs shall be permitted for wall signs in Districts 6 and 8 on buildings larger than 100,000 square feet of gross floor area where the sign and the building wall it is attached to are set back more distant than 500 feet from the nearest edge of the public street or highway right of way to which the sign is oriented. Generally, that orientation is the street or highway frontage that is parallel to the wall with the sign. Where internal illumination is permitted under this subpart 2, the illumination shall be contained within individual letters, numbers and figures and a box type of illumination is not permitted.~~

(C) Signs shall not include animated, flashing, moving or intermittent illumination in which any part of the message changes at a rate of more than once per day.

~~(D) Light shall not be from a colored light source.~~

(E) All illumination shall be extinguished by 10 p.m. or at close of business, whichever is later.

(F) No temporary sign shall be illuminated or have the potential to be illuminated.

(G) See also Section 1207.14 "Exterior Lighting" for additional requirements as described in Items (c) "Lighting Levels" and (d) "Design Standards".

(2) Construction Standards.

(A) The construction, erection, safety and maintenance of signs shall comply with the Ohio Building Code **("OBC")**.

(B) Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(C) Permanent signs shall be constructed and erected to withstand wind pressures of at least 30 pounds per square foot of surface, and shall be fastened, suspended or supported so that they will not be a menace to persons or property.

(D) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

- (E) No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress **or egress** of any building **required by the OBC**.
  - (F) No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
  - (G) Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.
  - (H) No sign regulated by any of the provisions of this Section shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign signal or device as defined in the Manual of Uniform Traffic Control Devices; or which makes use of the words "STOP," "LOOK," "DANGER", or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
  - (I) No temporary sign shall have moveable lettering or lettering capable of being moved or replaced.
- (3) Maintenance. All signs shall be maintained in accordance with the following:
- (A) The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he or she shall have a continuing obligation to comply with all building code requirements.
  - (B) If the City Manager finds that any sign is unsafe, insecure, a menace to the public; or constructed, erected, or maintained in violation of the provisions of this Code, notice shall be given in writing by the City Manager to the owner. The owner of the business shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the sign may be removed or altered by the City to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The City Manager may cause any sign, which, in the City's opinion, creates a danger to persons or property to be removed immediately and without notice.
  - (C) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

1. There shall be no alteration or remodeling to the sign face, lettering (except as otherwise permitted for changeable copy), sign base, sign support(s) or the mounting of the sign itself.
  2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
  3. The sign shall be accessory to a legally permitted, conditional or nonconforming use.
- (D) The City Manager may order any sign to be painted or refurbished whenever needed to keep the sign in a neat and safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the City Manager.
- (E) Any permanent sign which advertises a business no longer conducted on the premises or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which such sign is located, within ten (10) days after written notice by the City Manager. Upon failure to comply with such notice within the time specified in such order, the City Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located. Any temporary sign, found in violation of any part of this Section 1207.17 shall be removed immediately by the City Manager.

(h) *Regulations for Nonconforming Signs*

- (1) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 1207.17 and may continue until such sign is required to be removed as set forth in this Section.
- (2) Alteration, Relocation or Replacement of Nonconforming Signs. A nonconforming sign shall not be structurally altered, relocated or replaced unless it is brought into compliance with the provisions of this Section, except as otherwise permitted in this Section.
- (3) Reconstruction of Damaged Sign. If a sign face and/or its support is damaged to the extent where the repair cost exceeds 50% of the replacement cost of the sign, the sign shall be removed or brought into compliance with this Section. If the repair costs do not exceed 50% of the replacement cost of the sign, the sign may be repaired, subject to approval of consistency in design by the AHBR and provided all repair work is completed within 60 days of the date the damage was incurred.
- (4) Termination. A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Section or removed, when any of the following occur:



- (A) The size or shape of the sign is changed; or
  - (B) The sign face (except otherwise permitted for changeable copy or the ground signs described in Section 1207.17(g)(1)(B)) or sign structure is altered; or
  - (C) In addition to (A) and (B) above, all nonconforming internally illuminated wall signs shall be removed and redesigned to comply with Subsection 1207.17 (g)(1)(A) whenever one or more of the following occur:
    - 1. The building is renovated or remodeled to the extent that more than 50% of the gross floor area is removed or replaced, or otherwise affected by renovation or remodeling; or
    - 2. The building is expanded and the total sign area permitted for the expanded building is more than 50% greater than the existing sign area; or
    - 3. There is a change in occupancy.
  - (D) ~~In addition to (A) and (B) above, all internally illuminated ground signs shall be removed when five years have elapsed from the effective date of this provision, which effective date is September 4, 2002.~~
- (5) Historic Signs. The AHBR may grant exceptions to these standards whenever a sign has been designated as a historic landmark pursuant to this Code.

(i) *Administrative Provisions*

- (1) Compliance with this Section. No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this Section have been met.
- (2) Signs Requiring a Zoning Certificate/Registration. To ensure compliance with these regulations, a zoning certificate shall be obtained for all signs, unless specifically exempted below. All temporary ground signs and banner signs except ideological signs shall be registered with the Department of Community Development.
- (3) Application Requirements. An application for a zoning certificate shall be made to the City Manager on the form provided and in the manner required.
- (4) When any person other than the owner of the property submits an application, the owner of the property or a designated agent for the owner shall also sign such application.
- (5) Sign Review.
  - (A) The AHBR shall review and act on applications for permanent signs that exceed two (2) square feet, according to the standards set forth in this

Section and the review procedures for development plan review set forth in Section 1203.

- (B) The City Manager shall review all temporary signs, except as otherwise specifically exempted below.
- (C) The erection of the following signs shall not require a zoning certificate provided that all applicable regulations of this Section are complied with:
  - (1) Signplates for residential uses;
  - (2) Temporary signs for dwelling units;
  - (3) Temporary window signs;
  - (4) Maintenance of existing signs in compliance with Section 1207.17(g)
- (6) Referral of Applications to the AHBR. The City Manager, upon receiving an application, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure.
  - (A) If it appears that the proposed sign is in compliance with this Section and all other ordinances of the Municipality, the application shall be referred to the AHBR, when its approval must be obtained before the zoning certificate is issued.
    - (1) The AHBR has the discretion to waive the submission of any items as deemed appropriate.
    - (2) When approved by the AHBR, the application shall be returned to the City Manager, who shall issue the zoning certificate.
    - (3) If the work authorized under a zoning certificate has not been completed within six (6) months after the date of issuance, the permit shall City Manager shall not issue a zoning certificate in connection with any application referred to the AHBR for review unless the Board approves the same. The Board shall conduct such review as a matter over which it has original jurisdiction.

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**CHAPTER 1213    DEFINITIONS**

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**SECTION 1213.01    GENERAL**

For words, terms, and phrases used in this Code that are not defined in Section 1213.02 below, or elsewhere in this Land Use Code, the City Manager shall have the authority and power to interpret or define such words, terms, and phrases. In making such interpretations or definitions, the City Manager may consult secondary sources related to the planning profession, such as A Survey of Zoning Definitions - Planning Advisory Service Report Number 421, edited by Tracy Burrows, (American Planning Association. Chicago, Ill. 1989) and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987), for technical words, terms and phrases, or Webster's Third New International Dictionary (Unabridged) (Merriam - Webster, Inc., Springfield. Mass. 1986), as supplemented, for other words, terms and phrases.

**SECTION 1213.02    DEFINITIONS**

- (a) The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:
  - (1) *Access drive* shall mean a way or means of approach, other than a street or road, to provide vehicular entrance to a property. *See* ADriveway.@
  - (2) *Accessory building* shall mean a building detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
  - (3) *Accessory structure* shall mean a structure detached from a principal building and customarily used with, and clearly incidental and subordinate to, the principal building or use, and ordinarily located on the same lot with such principal building.
  - (4) *Accessory use* shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.
  - (5) *ADT* shall mean the average daily traffic volumes on a street or road.
  - (6) *Adequate public facilities ("APF")* shall mean the public facilities and services necessary to maintain the adopted level of service standards.
  - (7) *Adult arcade* shall mean any place to which the public is permitted or invited where either or both: (i) motion picture machines, projectors, video or laser disc players, or other video image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer persons at one time; and (ii) where the images shown and/or live

entertainment presented are characterized by the depiction or description of  
>Specified Sexual Activities= or >Specified Anatomical Areas.=

- (8) *Adult Bookstore, Adult Novelty Store, or Adult Video Store* shall mean a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, videodisks, CD-ROM disks, or video reproductions, slides or other visual representations that are characterized by the depiction of or description of >Specified Sexual Activities= or
  - (B) >Specified Anatomical Areas=; or Instruments, devices or paraphernalia, other than prophylactics, that are designed for use in connection with >Specified Sexual Activities=.
- (9) *Adult business* shall mean an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, or Sexual Encounter Center.
- (10) *Adult cabaret* shall mean a nightclub, bar, restaurant or similar commercial establishment that regularly features:
- (A) Persons who appear in a >State of Nudity= or a >State of Seminudity=; or
  - (B) Live entertainment characterized by the depiction or description of >Specified Anatomical Areas= or by >Specified Sexual Activities=; or
  - (C) Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
  - (D) Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of >Specified Sexual Activities= or >Specified Anatomical Areas=.
- (11) *Adult motion picture theater* shall mean a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, videodisks, CD-ROM disks, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of >Specified Sexual Activities= or >Specified Anatomical Areas=.
- (12) *Adult theater* shall mean a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a >State of Nudity= or >Seminudity= or live performances which are characterized by the depiction or description of >Specified Anatomical Areas=, >Specified Sexual Activities=, or live entertainment of an erotic

nature, including exotic dancers, strippers, male or female impersonators, or similar entertainment.

- (13) *Affordable housing* shall mean housing that will be affordable to those families or persons earning not more than fifty (50) percent of the median family income of the City of Hudson as determined by the City Manager from available regional, state or federal data, assuming that such families or persons shall not be required to expend more than thirty (30) percent of their gross income on housing costs
- (14) *Agricultural operations, general* shall mean uses of property generally accepted under Ohio law to be agricultural in nature, and may include general farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, as well as accessory uses for packing, treating, or storing produce provided that the operation of the accessory uses shall be secondary to that of the general agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. This does not include boarding kennels for domestic pets.
- (15) *Alley* shall mean a minor way used primarily for vehicular service access to the back of properties abutting on a street.
- (16) *Allocation year.* The period from August 1 to July 30 of the succeeding year.
- (17) *Alteration* shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- (18) *Amendment* shall mean any addition, deletion, or revision of the text of this Code or any addition, deletion, or revision of the Official Zoning Map adopted by the City Council after public hearings.
- (19) *Antenna* shall mean a device, designed and intended for transmitting or receiving television, radio or microwave signals. An antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items. For purposes of this Code, "antenna" does not include "wireless telecommunication antenna" as defined and used elsewhere in this Code and does not include amateur radio antennas. Antennas are also "structures" within the meaning of this Code.
- (20) *Annual residential development allocation.* The maximum number of residential units that will be available for allotment in any allocation year as

established by City Council on advice of the City Manager and Planning Commission.

- (21) *Applicant* shall mean a developer, landowner, or other person with a legal property interest, including heirs, successors, and assigns, who has filed an application for subdivision or development.
- (22) *Application for subdivision or development* shall mean the application form and all accompanying submittal documents and exhibits required of an applicant by an approving authority for review of site plans, conditional uses, subdivisions, planned developments, and other similar development or land use purposes.
- (23) *Art gallery* shall mean an institution or business devoted to the exhibition and/or sale of works of art to the public.
- (24) *Artisan studio* shall mean the workshop of an artist, sculptor, or craftsperson.
- (25) *Assembly or Meeting Halls* shall mean an establishment primarily providing space for group meetings and engaged in the preparation and serving of meals and/or beverages to either the private membership of the establishment or to groups on a prearranged and contractual basis.
- (26) *A-Scale sound level (dBA)* shall mean the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.
- (27) *Assisted living* shall mean residences for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.
- (28) *Automated teller machine (ATM)* shall mean a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility.
- (29) *Automotive dealer* shall mean the use of any building, land area, or other premise for the display and sale of new or used automobiles generally, but may include light trucks or van, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.
- (30) *Automobile repair and services* shall mean any building, land area, or other premises, or portion thereof, used for the servicing and minor repair of automobiles and as permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories.

*Automobile repair and services* shall not include premises where automobile repair activities of automobile painting and body work are conducted.

- (31) *Automobile service station* shall mean any building, land area, or other premises, or portion thereof, used for the retail dispensing or sale of vehicular fuels; servicing and minor repair of automobiles; and as a permitted accessory uses the sale, application, or installation of lubricants, tires, batteries, and similar vehicle accessories. *Automobile service stations* shall not include premises where automobile repair activities of automobile painting, and body work are conducted.
- (32) *Bank or financial institution* shall mean establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.
- (33) *Bar or tavern* shall mean an establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary.
- (34) *Barn* shall mean a farm building used to store farm products or shelter livestock as an agricultural use.
- (35) *Basement* shall mean a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (as distinguished from a *cellar* which has less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or has a floor-to-ceiling height of less than six and one-half feet).
- (36) *Bed and breakfast inn* shall mean an establishment operated in a dwelling unit, or portion thereof, that provides short-term lodging, with or without the service of a morning meal only, for compensation and where the operator lives on the premises, or in adjacent premises.
- (37) *Bedroom* shall mean a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.
- (38) *Berm*, in the context of landscaping or bufferyard requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.
- (39) *Bikeway* shall mean either of the following:
  - (A) *Bicycle lane* a portion of the roadway designated for bicycles by striping, signage and/or pavement markings for preferential or exclusive use of

- bicycles. Bike lanes must be located on both sides of the road to accommodate bicyclists traveling in the same direction as the adjacent vehicular lane.
- (B) *Bicycle path* a facility physically separated from the roadway and intended for bicycle use. A bicycle path is designed for the use of two lane, two-way bicycle traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road.
- (40) *Boarding Kennel* shall mean a facility for the keeping, breeding, raising, grooming or training of four or more domestic animals, that are not owned by the owners or occupant of the premises, for commercial purposes. This does not include animals in pet shops or veterinary facilities.
- (41) *Building* shall mean any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
- (A) Is permanently affixed to the land; and
- (B) Has one (1) or more floors and a roof; and
- (C) Is bounded by either open space or the lot lines of a lot.
- (42) *Building footprint area* shall mean the area of a lot or site included within the surrounding exterior walls and supporting columns of a building. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. Building footprint area does not include patios and decks.
- (43) *Building, principal* shall mean the building or structure on a lot used to accommodate the primary permitted use, such use possibly occurring in more than one building or structure.
- (44) *Building mass* shall mean the three-dimensional bulk of a building: height, width, and depth.
- (45) *Bufferyard* shall mean open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
- (46) *Bus* shall mean a rubber tire vehicle designed for roadway operation for public transportation.
- (47) *Bus shelter* shall mean a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.
- (48) *Business park, office or industrial* shall mean a tract of land that is planned, developed, and operated as an integrated facility for a number of individual



industrial or office uses, with consideration given to overall on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

- (49) *Business services* shall mean establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; commercial printing services; and personal supply services.
- (50) *BZBA* shall mean the Board of Zoning and Building Appeals.
- (51) *Capacity* shall mean, where used in reference to any street, the maximum traffic volume for which such street can provide an adequate level of service.
- (52) *Car wash* shall mean any building, structure, or premises or portions thereof used for washing automobiles, and includes automatic car washes.
- (53) *Cartway* shall mean the portion of a street, drive, or alley that is designed and intended for vehicular traffic.
- (54) *Cellar* shall mean a space having less than one-half of its floor-to-ceiling height above the average level of the adjoining ground or a floor-to-ceiling height of less than six and one-half feet. *See* ABasement.@
- (55) *Cemetery* shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.
- (56) *Certificate of Appropriateness* shall mean the official document issued by the Architectural and Historic Board of Review approving and/or concurring in the approval of construction, erection, alteration, removal, moving, or demolition of any structure or building located in the Historic District or of any historic landmark.
- (57) *Certificate of Zoning Compliance*, see AZoning Certificate.@
- (58) *Character* shall mean those attributes, qualities, and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.
- (59) *Church* shall mean a building or structure, or groups of buildings or structures, and associated accessory uses that by design and construction are primarily intended for conducting organized religious services.
- (60) *Clear sight triangle*--see ASight distance@ below.

- (61) *Clearing* shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts include, but are not limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- (62) *Clinic* C see AMedical clinic.@
- (63) *Club* shall mean an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.
- (64) *Clustering* shall mean a site design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
- (65) *Co-location* shall mean the use of a wireless telecommunication facility by more than one wireless telecommunication provider.
- (66) *Commercial development*. Includes office, retail, service business, and other similar nonresidential development.
- (67) *Common open space* shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.
- (68) *Compatible or compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting *compatibility* include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect *compatibility* are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean "the same as." Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development with respect to lot size, building setbacks, location and use of driveways, location and use of open space, preservation of historic resources, and preservation of natural resources so as to be harmonious with and not at variance to nearby existing development.

- (69) *Composting* shall mean the biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, and non-human manures to produce material for fertilizing and conditioning soil.
- (70) *Comprehensive plan* shall mean the Comprehensive Plan of the City of Hudson adopted in August 1995, as amended from time to time, or the most recently adopted comprehensive plan of the City of Hudson.
- (71) *Conforming commercial earth station* shall mean a satellite earth station that is two (2) meters or less in diameter and is located in an area where commercial, office or industrial uses are permitted under this Code. Such an area would not extend to those portions of a site where most land uses are forbidden or severely restricted, such as, for example, street areas, utility easements, visibility triangles, required setback areas, and bufferyards.
- (72) *Connector road* shall mean a road designed for dedication to the City to provide local access to nonresidential development as described in the State Route 91 Traffic Corridor Study or similar document. These roads are designed to reduce traffic volume and the number of access points on nearby highways and arterial roads. Compliance with district regulations shall be based on access-road easement or right-of-way lines.
- (73) *Connecting walkway* shall mean (1) any street sidewalk, or (2) any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings, or follow parking lot outlines that are not aligned to a logical route.
- (74) *Continuing care retirement community* shall mean a residential and institutional complex containing dwelling units of any type permitted by this Code for independent living, and *assisted living* or *institutional residential uses* or both, with each dwelling or room occupied by not more than two residents at least one of whom is 55 years of age or older. Said complex shall have available on site: passive and active recreational facilities; common dining facilities; and provide primarily non-medical resident services to individuals in need of personal assistance essential for sustaining activities of daily living such as assistance or supervision in matters such as dressing, bathing, diet, financial management, transportation, evacuation of a residence in the case of an emergency, or administered medication.
- (75) *Convenience store* shall mean a retail establishment offering for sale food products and beverages for off-site consumption, household items, newspapers and magazines, and other general merchandise. The retail dispensing or sale of vehicular fuels as an accessory use to a convenience store may be permitted.

- (76) *Convention and conference center* shall mean a facility used for business or professional conferences and seminars, and may include accommodations for sleeping, eating, and recreation.
- (77) *Corner lot* shall mean a lot that abuts two (2) or more streets that intersect at one or more corners of the lot.
- (78) *Cultural facility* shall mean establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, botanical or zoological gardens and libraries, and similar establishments that document and present natural, historic, educational, or cultural interests.
- (79) *Culvert* shall mean a drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.
- (80) *Curb* shall mean a stone, concrete, or other improved boundary usually demarcating the edge of a roadway, parking lot, or other paved area.
- (81) *Curb cut* shall mean the opening along the curb line at which point vehicles may enter or leave the roadway.
- (82) *Cut* shall mean the excavating of earth from the ground surface during the process of land development.
- (83) *Cutoff* shall mean the point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.
- (84) *Cutoff angle* shall mean the angle formed by a line drawn from the light source to a line perpendicular to the ground beyond which no light is emitted from the light source.
- (85) *Day care center* shall mean shall mean a building or structure where care, protection, and supervision are provided for individuals on a regular basis away from their primary residence for less than 24 hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally retarded children, but specifically excludes any family day care home or group home as defined in this Chapter.
- (86) *Density*- see ADensity, net.@
- (87) *Density, net* shall mean the measure of dwelling units permitted per acre of land area contained in the development, excluding streets, easements, public

open space, land under water, and certified wetlands and floodplains. Wetland and other sensitive area setbacks and private open space shall not be excluded in calculating net density. Unless otherwise indicated in this Code, any specified residential density shall be net density.

(88) *Developer* shall mean the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable property interests in such land.

(89) *Development* shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, but shall not include the dividing of land into two or more parcels (see ASubdivision@ below).

(A) *Development* shall include:

- (i) Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- (ii) Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- (iii) Any change in use of land or a structure;
- (iv) Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
- (v) The clearing of land as an adjunct of construction;
- (vi) The commencement of drilling (except to obtain soil samples), mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- (vii) The demolition of a structure;
- (viii) The deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
- (ix) The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property.

(B) *Development* shall *not* include:

- (i) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- (ii) Work by any utility and other entity or person(s) engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing, on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
- (iii) A change in the ownership or form of ownership of any parcel or structure; and

- (iv) The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
- (C) When appropriate in context, *development* shall also mean the act of developing or the result of development.
- (90) *Development, major* shall mean development that meets the requirements for a major development set forth in Section 1203.09 of this Code.
- (91) *Development, minor* shall mean development that meets the requirements for a minor development set forth in Section 1203.09 of this Code.
- (92) *Developmentally disabled* shall mean a person five years of age or older with a severe, chronic disability that:
  - (A) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - (B) Is manifested before the person attains age twenty-two;
  - (C) Results in substantial functional limitations in three or more of the following areas of major life activity:
    - self-care;
    - receptive and expressive language;
    - learning;
    - mobility;
    - self-direction;
    - capacity for independent living; and
    - economic self-sufficiency; and
  - (D) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services and supports which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, shall mean individuals from birth to age five years, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services or supports are not provided.
- (93) *Diameter at breast height (DBH)* shall mean tree trunk diameter measured in inches at a height of 4.5 feet from the ground or, in the case of a tree that is divided into multiple trunks below 4.5 feet, as measured at the most narrow point beneath the point of division.
- (94) *District* shall mean a zone or zoning district.
- (95) *Dormitory* shall mean a building used as group living quarters for a student body as an accessory use for a college, university, or boarding school.

- (96) *Downtown* shall mean the central business district of the City of Hudson as defined by the boundaries of Zoning District 5, AVillage Core,@ as shown on the Official Zoning Map, on file in the office of the Clerk of Council.
- (97) *Drainage* shall mean surface water runoff or the removal of surface water or groundwater from land by drains, grading, or other means, which includes runoff controls to minimize erosion and sedimentation during and after construction or development.
- (98) *Drip line* shall mean a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- (99) *Drive aisles* shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
- (100) *Drive-through use* shall mean an establishment which by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- (101) *Driveway* shall mean a private roadway providing access to a street or highway from a building or structure.
- (102) *Driveway, shared* shall mean a single driveway serving two or more adjoining lots or uses
- (103) *Duplex*C see ADwelling, duplex.@
- (104) *Dwelling* shall mean a building used principally for residential occupancy, including single-family dwellings, duplexes, and multi-family dwellings, and that contains: (a) a minimum of eight hundred (800) square feet of floor area, or (b) in the case of a permitted accessory dwelling a minimum of 500 square feet of floor area and a maximum of 850 square feet of floor area. The term *dwelling* shall not include tents, cabins, trailers or trailer coaches, hotels, motels, tents, or other structures designed or used primarily for temporary or transient occupancy.
- (105) *Dwelling, accessory* shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping.
- (106) *Dwelling, duplex* shall mean a dwelling designed and built to contain two (2) dwelling units, side-by-side and totally separated from each other by an unpierced wall extending from ground to roof.

- (107) *Dwelling, mixed use* shall mean a dwelling that is located on the same lot or in the same building as a non-residential use.
- (108) *Dwelling, multi-family* shall mean a building containing five (5) or more dwelling units, typically including units located one over the other, but not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
- (109) *Dwelling, single-family* shall mean a dwelling containing no more than one (1) dwelling unit.
- (110) *Dwelling, single-family attached* shall mean a single-family building of three (3) but no more than four (4) single-family dwellings by common attached walls and typically arranged in a cluster configuration. The term includes triplexes and quadruplexes but does not include multi-family dwellings, such as apartment buildings, and does not include other dwelling types more specifically defined in this Section such as duplexes or townhome dwellings.
- (111) *Dwelling, single-family detached* shall mean a single-family dwelling which is not attached to any other dwelling or building by any means.
- (112) *Dwelling, townhome* shall mean a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- (113) *Dwelling unit* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, duplex, or multi-family dwelling or mixed-use building.
- (114) *Easement* shall mean a grant of one or more property rights (e.g., access) by the owner to, or for the use by, the public, a corporation, or another person or entity.
- (115) *Elderly* shall mean a person sixty-two (62) years of age or older.
- (116) *Employees* shall mean the total number of persons reasonably anticipated to be employed in a building or on land during normal periods of use.
- (117) *Entertainment facilities and amusement facilities* shall mean a building or part of a building devoted to providing entertainment for a fee, including movie theaters and theatrical space for dramatic, musical, or live performances, indoor pinball/video arcades, bowling alleys, and including such activities as billiards and pool, other table games, and similar-scale amusements.



- (118) *Entrance drive* See *Access drive* and *Driveway*.
- (119) *Essential public utility and public services* shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or for the public health or general welfare, but not including buildings, outdoor storage yards, water towers, transfer stations, power transmission tower lines, coal conveyor belt lines, and other similar uses not primarily serving the City.
- (120) *Excavation* shall mean the removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
- (121) *Exterior architectural feature* shall mean the architectural style and general arrangement of the exterior of a structure, including the type and texture of building materials, all windows, doors, lights, and signs and other fixtures appurtenant thereto.
- (122) *Family* shall mean an individual living alone, or a group of individuals not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single household, under a common housekeeping management plan based on an intentionally structured relationship that provides organization and stability. (see *Household*.)
- (123) *Family day care home* shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child under the age of sixteen (16) years who is not related to the provider and in which no more than three (3) children are under two years of age, including the children of the provider. A family day care home shall provide care, protection, and supervision to no more than twelve (12) children at one time, including the children of the provider.
- (124) *Farm animals* shall mean animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, mules and alpacas.

- (125) *Fence* shall mean an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- (126) *Fill* shall mean sand, gravel, earth, or other materials of any composition whatsoever excavated from elsewhere and deposited to build up the ground surface in the process of grading.
- (127) *Fire lane* shall mean an unobstructed paved or improved surface area clearly defined by pavement markings and signs, and designed to provide access for fire-fighting equipment.
- (128) *Floodplain* shall mean any portion of land within the City that may be subject to flooding in the 100 year floodplain area as delineated in the U.S. Department of Housing and Urban Development Flood Hazard Boundary Map, Summit County, Ohio, dated April 7, 1978, as revised.
- (129) *Floor area, gross* shall mean the gross floor area of a building as measured along the outside walls of the building and including each floor level, but *not* including open balconies; garages or other enclosed automobile parking areas; basements used only for heating, mechanical, and similar equipment; and one-half (2) of all storage and display areas for hard goods.
- (130) *Floor area ratio (FAR)* shall mean the amount of gross floor area of all buildings and structures on a building lot divided by the total lot area.
- (131) *Footcandle* shall mean a unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.
- (132) *Frontage* shall mean the distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.
- (133) *Funeral home* shall mean a building used for the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.
- (134) *Garage* shall mean an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building and intended for the storage of motor vehicles and equipment with facilities for mechanical service or repair of a commercial or public nature.
- (135) *Government facilities, administrative offices, and services* shall mean lands and buildings owned or operated by a local, state, federal, or international governmental entity to provide legislative, judicial, administrative, or

regulatory services for the public, but not including the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary or storm sewage drainage.

- (136) *Grade* shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.
- (137) *Grade, finished* shall mean the final elevation of the ground level after topsoil has been applied to graded slopes, as measured six (6) feet from the exterior walls of the structure.
- (138) *Grade, natural* shall mean the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (139) *Grading* shall mean rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.
- (140) *Grocery store, specialty* shall mean a retail store selling predominately food with emphasis on prepared food, specialty foods based on season, nationality, holidays and dietary needs, and providing in-store dining and having a ground floor area of 20,000 square feet or less.
- (141) *Group home* shall mean a residence operated as a single dwelling, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age, or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.
- (142) *Group home, transitional* shall mean a group home serving persons who are in the process of transitioning or returning from an institutional remedial setting to independent living.
- (143) *Handicapped person* shall mean a person with (1) a physical or mental impairment which substantially limits one or more of such person=s major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.
- (144) *Hazardous waste or materials* shall mean those chemicals or substances which are physical or health hazards as defined and classified in the Fire and Building Codes. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable (reactive) materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives,

carcinogens, irritants, sensitizers and other health hazards. Each category is defined separately in the Fire and Building Codes in accordance with the Code of Federal Regulations Title 29 and other nationally recognized standards.

- (145) *Height* shall mean the distance above a given level. *Height* shall be measured according to the methods described in Section 1201.07(e).
- (146) *Heliport* shall mean an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for landing, loading, and takeoff of helicopters, but *not* including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment. Allowed only as an accessory use to a permitted hospital.
- (147) *Historic and/or architectural significance* shall mean a building or structure that has a special historic or aesthetic interest or value as part of the development, heritage, or cultural character of the city, region, state, or nation.
- (148) *Historic District* shall mean the Hudson Historic District as listed in the National Register of Historic Places in December, 1990, plus those areas containing any land or buildings having notable character or qualities of historic and/or architectural significance as recommended by the Architectural and Historic Board of Review and approved by the City Council. A Historic District may include structures or other physical improvements on, above, or below the surface of the earth.
- (149) *Historic landmark* shall mean any individual building or structure determined by the Architectural and Historic Board of Review and approved by the City Council as historically and/or architecturally significant.
- (150) *Home occupation* shall mean an activity carried out for monetary gain by a resident conducted as a customary, incidental, and accessory use in the resident's dwelling unit.
- (151) *Homeowners association* shall mean an organization formed to manage the common open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization, is mandatory for all owners of property in the development.
- (152) *Hospital* shall mean an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

- (153) *Household* shall mean a family living together in a single dwelling unit, with common access to and common use of all living and eating areas and of all areas and facilities for the preparation and serving of food within the dwelling unit. *See AFamily.@*
- (154) *Impervious coverage* shall mean that portion of a lot that is covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.
- (155) *Industrial use* shall mean both of the following type uses:
- (A) *Industrial use, heavy* Ba use engaged in the basic processing and/or manufacturing of materials or products predominately from extracted or raw materials, and which has processes that involve hazardous materials or commonly recognized offensive conditions such as those uses identified as grouped by the 2007 Ohio Building Code as High-Hazard Group H.
  - (B) *Industrial use, light* Ba use engaged in the manufacture, predominantly from previously prepared materials or lightly treated raw materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Further, *light industrial* shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories and the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal and related industries.
- (156) *Infrastructure* shall mean those man-made structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas and other utilities; bridges; roadways; multi-purpose paths and trails; pedestrian sidewalks, paths and trails; and transit stops.
- (157) *Institutional/civic/public use* shall mean an educational, religious, health, or public use, such as a church, library, museum, public or private school, hospital, institutional residences such as intermediate or long-term care facilities for the elderly or developmentally disabled, or government-owned or operated building, structure, or land used for public purpose, and in which goods, merchandise, and services are not provided for sale on the premises.
- (158) *Institutional residential uses* shall mean residences for nine (9) or more unrelated persons who are elderly or developmentally disabled and who may or may not require facilities and services including restorative care and treatment, nursing services, aid with daily living skills, meal service, regular or as-needed medical supervision, social care, or other services that are supportive, restorative, or preventive in nature. *Institutional residential uses* include, but are not limited to, long-term care facilities, nursing homes, group homes for nine (9) or more clients, and intermediate care facilities.

*Institutional residential uses* do not include assisted living facilities, group homes for eight (8) or fewer clients, day care centers, or family day care homes.

- (159) *Land Development Code* shall mean Part Twelve of the Codified Ordinances of the City of Hudson.
- (160) *Land Development Ordinances* shall mean all ordinances of the City of Hudson, including Part Twelve of the Codified Ordinances (zoning and subdivision), that regulate or control the development of land within the community.
- (161) *Land use* shall mean the activity or activities for which a lot or property and the buildings or structures on it are devoted.
- (162) *Landfill* shall mean a disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.
- (163) *Landscaping* shall mean any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains and the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, and the preservation, protection, and replacement of existing trees.
- (164) *Lattice tower* shall mean a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.
- (165) *Level of service (LOS)* shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.
- (166) *Limits of disturbance* shall mean the area(s) of a site, as established pursuant to Section 1207.01 of this Code, that may be disturbed by earth movement (grading), or cleared of vegetation, including disturbance or clearance to provide space for construction of principal and accessory uses and structures, parking areas, roads, drainage and stormwater management facilities, and/or utilities.
- (167) *Liquor store* shall mean a retail establishment licensed by the State of Ohio Department of Liquor Control to sell alcoholic beverages in containers,

including wine, beer, and hard liquor, for consumption off-premises (carry-out).

- (168) *Loading area* shall mean an off-street area of a lot where goods are received and/or from which they are shipped, and where adequate space is available to permit maneuvering of vehicles entirely on the lot.
- (169) *Lodging* shall mean a facility containing five (5) or more guest rooms and offering transient overnight accommodations at a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- (170) *Lot* shall mean a piece or parcel of land established by plat, subdivision, or otherwise permitted by law to be used, occupied, or intended to be occupied by one or more buildings, structures, or uses, together with such open spaces and access to or frontage on a public street, as required by this Code.
- (171) *Lot area or size* shall mean the amount of horizontal (plan view) land area within lot lines expressed in acres or square feet, based on deed description or registered surveyor's survey, excluding any street rights-of-way. One acre equals 43,560 square feet.
- (172) *Lot depth* shall mean the horizontal distance between the mid-point of the front and of the rear lot lines.
- (173) *Lot line* shall mean any of the lines describing the perimeter of a lot.
- (174) *Lot line, front* shall mean the lot line describing the edge of the lot abutting the street to which the structure is oriented. Orientation shall be determined by factors such as the formal entrance and the placement of the main mass. For existing development on a corner lot, the front lot line shall be determined by the location of the front entrance of the structure.
- (175) *Lot line, rear* shall mean the line opposite the front lot line.
- (176) *Lot line, side* shall mean any lot lines other than front lot line or rear lot line.
- (177) *Lot width* shall mean the horizontal (plan view) distance between the side lot lines as measured along the building front setback line.
- (178) *Maximum extent feasible* shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining Amaximum extent feasible.@

- (179) *Medical clinic* shall mean an establishment where patients are admitted for examination and treatment on an outpatient basis by more than one physician, dentist, other medical personnel, psychologist, or social worker, and where patients are not usually lodged overnight.
- (180) *Mixed use* shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses including, but not limited to, residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- (181) *Mobile home* shall mean a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation.
- (182) *Mobile home park* shall mean a parcel of land which has been planned, improved, or is currently used for the placement of mobile homes and contains more than one mobile home lot.
- (183) *Model home* shall mean a dwelling representative of other dwellings offered for sale or lease or to be built in an area of residential development within the City. *Model home* also includes a temporary and permitted use of a residential facility as a real estate sales office.
- (184) *Monopole* shall mean a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (185) *Municipal civil infraction* shall mean a violation of a provision of this Land Development Code (Part Twelve) or Part Fourteen (Building and Housing Code) of the City of Hudson Codified Ordinances for which the remedy and/or penalty may be a civil fine, or other sanction other than a criminal penalty pursuant to Section 1212.03(b). A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a municipal civil infraction.
- (186) *Municipal civil infraction determination* shall mean a determination that a defendant is responsible for a municipal civil infraction by one of the following:  
(A) An admission of responsibility for the municipal civil infraction; or  
(B) An admission of responsibility for the municipal civil infraction, Awith explanation.@
- (187) *Municipal civil infraction violation notice* shall mean a written notice prepared by an authorized enforcement official, directing a person to appear at



the City of Hudson Police Department for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.

- (188) *Neighborhood park* shall mean a park that serves the recreational and open space needs of residents of surrounding neighborhoods.
- (189) *Nonconforming building* shall mean a building that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.
- (190) *Non-conforming lot* shall mean a lot whose area, dimensions, or location were lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (191) *Non-conforming sign* shall mean any sign lawfully existing under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (192) *Nonconforming structure* shall mean a structure that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present setback, height, or other site development requirements of this Code.
- (193) *Nonconforming use* shall mean a use that was lawful under prior law on the day before the effective date of this Land Development Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.
- (194) *Nonconformities* shall mean a nonconforming use, sign, structure, or building.
- (195) *Non-residential development* shall mean any public or private development, including civic, commercial, industrial, institutional, and other projects that does not provide housing or dwelling units for occupation other than on a transient basis (such as hotels). Any residential portion of a mixed-use development shall be defined as a residential development for purposes of the Residential Allocation System.
- (196) *Nude model studio* shall mean any place where a person who appears in a >State of Nudity= or >Semi-nudity= or who displays >Specified Anatomical Areas= is provided to be observed, sketched, drawn, painted, sculptured,

photographed or similarly depicted by other persons who pay money or any form of consideration.

- (197) *Nudity, State of Nudity, or Nude* shall mean the exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.
- (198) *Nursery, commercial* shall mean an establishment primarily engaged in the sale and/or cultivation for sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.
- (199) *OBC antenna regulations* means the antenna regulations in the Ohio Building Code as adopted and amended.
- (200) *Off-street parking area* shall mean all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of, motor vehicles, including driveways, entrance drives, or access drives in and to such areas, but not including public streets and rights-of-way.
- (201) *Off-street parking space* shall mean a demarcated area within a parking lot abutting an access lane and of such dimensions, as specified by this ordinance, to accommodate one (1) vehicle.
- (202) *Office, business or professional* shall mean an establishment providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Such uses include, but are not limited to, real estate, insurance, property management, investment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.
- (203) *Open space* shall mean any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers. Open space shall not include areas set aside for public facilities, driveways, parking lots, other surfaces intended or designed for vehicular travel, and any other areas as set forth in Section 1207.05 of this Code.
- (204) *Open Space Conservation Subdivision* shall mean a subdivision in which lot sizes are reduced for the purpose of preserving larger contiguous blocks of open space while maintaining the underlying base density allowed on the site.

- (205) *Ordinary high-water mark* shall mean the line on the bank to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.
- (206) *Orient* shall mean to bring in relation to, or adjust to, the surroundings, situation, or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: *to orient a building*.
- (207) *Outdoor activity* shall mean any enterprise, operation, or activity that occurs in an unroofed area as part of a permitted use on a lot and any outdoor display of materials, machinery, vehicles, or things that may or may not be for sale or rent.
- (208) *Outdoor storage* shall mean the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.
- (209) *Overall access management plan* shall mean a plan that depicts the post-development flow of vehicular access to a site and where such flow interfaces with existing or proposed pedestrian, bicycle, and adjacent public street traffic.
- (210) *Overlay zone* shall mean a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.
- (211) *Parking access* shall mean the area of a parking lot that allows motor vehicle ingress and egress from the street or way.
- (212) *Parking aisle* shall mean the traveled way by which cars enter and depart parking stalls or spaces.
- (213) *Parking area* shall mean any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.
- (214) *Parking lot* shall mean an off-street, ground-level open area for the temporary storage of motor vehicles.
- (215) *Parking, shared* shall mean joint use of a parking lot or area for more than one use.

- (216) *Parking stall or space* shall mean the space or area in which vehicles park in a private or public parking lot or structure.
- (217) *Parking structure* shall mean a building or structure consisting of more than one level and used to temporarily park or store motor vehicles.
- (218) *Party-in-interest* shall mean a person who has standing to appeal the final action, decision or order of the City Manager (or designee), a City board or a City commission to the Board of Zoning and Building Appeals, Planning Commission or City to the extent an appeal is provided for in this Code. For purposes of this definition, a person who has standing is either:
- A. an applicant or owner of property (or properties) which is the subject of the application and for which a final action, decision, or order is rendered by the City Manager (or designee), a City board or a City commission; or
  - B. a person who meets both of the following criteria:
    - i. a person who testified in person, or was represented in person through an authorized legal representative, before the Planning Commission at a hearing on the matter sought to be appealed; and
    - ii. who owns property, or is a resident or tenant at a property, located within 300 feet of the property (or properties) which is the subject of the final action, decision or order of the Planning Commission.
- (219) *Pedestrian path* shall mean a facility physically separated from the roadway and intended for pedestrian use. A walking path is designed for the use of two lane, two-way pedestrian traffic. Paths may be located within open space through a development, along an abandoned rail line or adjacent to an existing road. See *ATrail@* below.
- (220) Pedestrian way- See *APedestrian path.@* above
- (221) *Performance standard* shall mean a criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to a land use.
- (222) *Personal services* shall mean establishments primarily engaged in providing services generally involving the care of the person or such person's apparel, such as laundry and dry-cleaning retail outlets, portrait/photographic studios, beauty and barber shops, mailing and quick copy shops. *Personal services* shall also mean establishments engaged in the provision of informational, instructional, personal improvement, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, health and fitness studios, and handicraft or hobby instruction.

- (223) *Personal wireless services* shall mean commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. ' 332(c)(7).
- (224) *Pet, household or domestic* shall mean any variety of domesticated creature, such as birds, cats, dogs, and hamsters, normally kept within a dwelling or residential yard area, but not including farm animals, exotic or wild animals, reptiles, insects, or snakes.
- (225) *Photography shop* shall mean a retail establishment that sells photography equipment, materials, and related supplies such as photo albums and frames, and which may also provide instruction and classes in photography.
- (226) *Photography studio* shall mean the workshop of a photographer, which may include the retail sale of portraits and/or photographs produced by the photographer and a photography shop.
- (227) *Places of religious worship* shall mean a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Places of worship* shall include churches, synagogues and the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture or stage productions.
- (228) *Planned development* shall mean a development of a property as a single entity for residential, commercial, industrial, or mixed residential/commercial/retail purposes, when the zoning regulations that would normally apply are superseded by controls that allow a more sensitive and more economical arrangement of buildings and streets on the site, and when development is spaced over a period of years in a predetermined program.
- (229) *Practical difficulty* shall mean an impediment to a permitted use of property resulting from strict compliance with any of the standards of the Code that is determined by the Board of Zoning and Building Appeals by its weighing of the factors set forth in Section 1204.03(a) of this Code.
- (230) *Preliminary plan* shall mean the preliminary drawings indicating the proposed layout of a subdivision to be submitted to the Planning Commission for its approval.
- (231) *Preschool* See A Day care center. @
- (232) *Principal use* shall mean the primary or predominant use of any lot or parcel.

- (233) *Public facilities* shall mean transportation systems or facilities, water systems or facilities, waste water systems or facilities, storm drainage systems or facilities, fire, police and emergency medical services or facilities, electric utilities, gas utilities, cable facilities, and other public utilities.
- (234) *Public hearing* shall mean a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.
- (235) *Public use* shall mean any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.
- (236) *Public safety and emergency services* shall mean a public use that provides police or fire services or services for personal injury or life threatening events including but not limited to ambulance, paramedic, or fire and rescue services.
- (237) *Public utility* shall mean a common carrier supplying electricity, telephones, natural gas, water, sewage disposal, railroads or similar public services, but shall not include mass transit or railroad depots or terminals or any similar traffic generating activity, or any person or entity that provides wireless telecommunication services to the public. See Essential public utility and public services.
- (238) *Random selection* shall mean a selection from a group of applicants based upon chance.
- (239) *Rational method* shall mean a method used for estimating runoff from small drainage areas, usually pavement. The design discharge  $Q$  is obtained from the equation  $Q = CiA$  where:
- $C$  = Coefficient of runoff  
 $i$  = Average rainfall intensity, in inches per hour, for a given storm frequency and for a duration equal to the time of concentration  
 $A$  = Drainage area, in acres
- The time of concentration is the time required for runoff to flow from the most remote point of the drainage area to the point of concentration. The point of concentration could be a culvert inlet or the checkpoint in a roadway ditch used to determine the need for protection. Time of concentration is ordinarily designated by  $T$  and is the summation of the time of overland flow  $T_o$  and time of ditch flow  $T_d$ .
- (240) *Recording, radio, or television studio* shall mean a place for radio (oral), television (visual), or musical recording production. *Radio or television studio* shall mean only that part of a radio or television station from which the signal originates and shall not include the transmitter or antenna parts of the station.

- (241) *Recreational facility* shall mean a place designed and equipped for the conduct of sports and passive and active recreational activities.
- (242) *Recreational facility, commercial* shall mean a privately owned, for-profit recreational facility open to the public at large for a fee.
- (243) *Recreational facility, indoor* B a permanently enclosed recreational facility.
- (245) *Recreation facility, outdoor* shall mean a recreational facility devoted to active sports or recreation such as go-cart tracks, miniature golf, golf driving ranges, skating rinks, archery ranges, and the like, but shall not include concert halls, stadiums, race tracks of any kind, or other similar facilities intended to attract large crowds in excess of one-thousand (1,000) persons.
- (246) *Recreational facility, private-membership* shall mean a recreational facility for the exclusive use of more than three (3) families who are residents of a development or the members of the organization owning the lot, but not open to the general public, such as a pool or community room.
- (247) *Recreational vehicle and equipment* shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and may be designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes or designed to be used for recreational transportation, including but not limited to boats, boat trailers, small jet powered boats ridden by straddling a seat, and snowmobiles and their trailers.
- (248) *Repair services* shall mean an establishment primarily engaged in the provision of repair services to individuals, households, or other businesses, but excluding automotive or other vehicle repair and farm machinery and tractor repair. Typical uses include appliance repair shops, furniture repair and reupholstery shops, watch or jewelry repair shops, and musical instrument repair shops.
- (249) *Repeat offense* shall mean a determination of responsibility for a second, or any subsequent, municipal civil infraction with regard to the same Code provision, committed by the same person within any three (3) year period, unless some other period is specifically provided with regard to a specific Code provision.
- (250) *Research laboratory* shall mean an industrial establishment or other facility engaged in scientific research, investigation, product engineering development, product development and testing, market development, or

experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

- (251) *Reservation* shall mean a commitment for a residential development allotment in a future year.
- (252) *Residential improvement, minor*, shall mean residential development consisting of decks, accessory structures that do not exceed 120 square feet in gross floor area, arbors, pergolas, fences, and alterations which involve the replacement of architectural features with similar materials and design. Minor residential development shall not include Historic Landmarks and properties within the Historic District.
- (253) *Resource recovery operations* shall mean an industrial establishment engaged in the process of obtaining materials or energy, particularly from solid waste.
- (254) *Restaurant* shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where (1) fermented malt beverages, malt, special malt and vinous and spirituous liquors may be produced on the premises as an accessory use; (2) where there is no service to a customer in an automobile, and (3) where the design or principal method of operation consists of one or more of the following:
- (A) A *sit-down restaurant* where customers, normally provided with an individual menu, are generally served food and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; or
  - (B) A *cafeteria or cafeteria-type* operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.
  - (C) A *carry out and/or take out* where food is prepared on the premises for consumption off the premises.
- (255) *Restaurant, drive-through* shall mean an establishment in which the principal business is the sale of foods or beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- (256) *Required parking* shall mean the minimum number of parking spaces required to be provided in connection with the particular use of a lot as specified by this Code.
- (257) *Residential development allotment*, shall mean an award of a specific number of units from the annual residential development allocation by City Council. An allotment is an approval required as a condition precedent to obtaining a



Zoning Certificate or filing a preliminary subdivision plan unless otherwise provided by this Chapter.

- (258) *Residential unit* shall mean for purposes of a residential development allotment, a permanent residential dwelling which shall be counted in the following manner: One-half unit for an efficiency living unit; one-third unit for each occupant of a group home residence; one-sixth unit for each occupant of an assisted living facility or institutional residence; one unit for any other type of permanent dwelling unit; but no unit for an accessory dwelling unit, a bed and breakfast, hotel, or motel providing transient occupancy.
- (259) *Retail* shall mean establishments that sell or rent commonly used goods and merchandise for personal or household use, but excludes those uses classified more specifically in this Section (e.g., adult businesses or restaurants). Typical uses include grocery stores, department stores, furniture stores, clothing stores, and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor coverings, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques, or automotive parts and accessories.
- (260) *Revegetation* shall mean restoration and mitigation measures for disturbed areas in accordance with the requirements of Chapter 1207 of this Code.
- (261) *Right-of-way* shall mean a strip of land dedicated to and/or improved for vehicular and/or pedestrian travel by the public.
- (262) *Roadway or road* C see AStreet@ below.
- (263) *Satellite earth station* shall mean an antenna, usually parabolic in shape, designed and intended for transmitting or receiving television, radio or microwave signals to or from earth satellites. This definition does not include a Small Antenna or a Conforming Commercial Earth Station.
- (264) *Schedule of fees* shall mean the list of charges adopted by resolution of the City Council, and not a part of this Code, to cover the costs of administering the review, decision, and/or appeal processes required by a development proposal, such costs to be borne by the developer, paid in advance, and subject to periodic revision by the City Council.
- (265) *School, elementary, secondary, or post-secondary* shall mean any building or part thereof used for instructional purposes and licensed by the state to provide elementary, secondary, or post-secondary education.
- (266) *Screening*, as required or recommended by this Code, shall mean the use of landscaping or berms, fences, walls, or the like to mask structures or property

uses from the view of users of public streets or occupants of adjacent properties.

- (267) *Self storage facility* shall mean a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations or businesses solely for self-service storage of personal property, with no outdoor sales or storage.
- (268) *Seminudity, State of Seminudity, or Seminude* shall mean exposing to view with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.
- (269) *Setback* shall mean the minimum or maximum distance a building or structure shall be required to be situated from an adjacent lot line, except as modified according to this Code. Certain building projections and uses of the lot may extend into the setback area only as expressly allowed in this Code.
- (270) *Setback line* shall mean an imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the required front, side, and rear yard depths for each zone district.
- (271) *Sexual encounter center* shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is seminude.
- (272) *Showrooms and salesrooms for wholesale distribution* shall mean an establishment whose principal business is wholesale trade or distribution of manufactured products, supplies, and equipment, and which may include accessory offices.
- (273) *Sidewalk* shall mean a paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.
- (274) *Sight distance or Aclear sight triangle@* shall mean the minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms, or vegetation, to safely negotiate an intersection of streets, usually measured between three and a half (32) feet and eight (8) feet above the road surface.

- (275) *Sign* shall mean any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure **and directed toward a public right-of-way**, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Ordinance, the word “sign” does not include flag, pennant, badge, or insignia of any government or governmental agency.
- (276) *Signable Area* shall mean that portion of a building façade that can accommodate a sign within an open area framed by the architectural elements of the building.
- (277) *Sign, Animated* shall mean any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special affect or scene.
- (278) *Sign, Awning or Canopy* shall mean any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window **and directed to a public right-of-way**.
- (279) *Sign, Banner* shall mean a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges **and directed to a public right-of-way**.
- (280) *Sign, Billboard* (synonymous with Off-site Advertising) shall mean a sign that directs attention **of persons on a public right-of-way** to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same lot.
- (281) *Sign, Building* shall mean any sign attached parallel to any part of a building **directed toward a public right-of-way** and including wall signs, awning or canopy signs and window signs.
- (282) *Sign, Changeable Copy* shall mean a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as a bulletin board or announcement board.
- (283) *Sign Face* shall mean the area or display surface used for the message.

- (284) *Sign, Ideological* shall mean any temporary sign announcing an idea, opinion or position on a social or political issue and containing no commercial message.
- (285) *Sign, Illuminated* shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (286) *Sign, Entrance or Exit* shall mean a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.
- (287) *Sign, Flag* shall mean a piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.
- (288) *Sign, Ground* shall mean a sign supported from the ground and not attached to any building.
- (289) *Sign, Instructional* shall mean a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
- (290) *Sign, Marquee* shall mean a sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a **public** street, **public** sidewalk, or part thereof.
- (291) *Sign, Mobile* shall mean a sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.
- (292) *Signplate* shall mean a wall sign not exceeding two (2) square feet.
- (293) *Sign, Permanent* shall mean a sign that is not temporary.
- (294) *Sign, Projecting* shall mean a sign that is attached to a building wall and extending twelve (12) inches or more beyond the face of the wall.
- (295) *Sign, Roof* shall mean a sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.

- (296) *Sign, Temporary* shall mean a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, attached to a structure or installed in the ground, and which contains information or message other than the name of the business or occupant and of duration less than the occupancy of the use.
- (297) *Sign, Wall* shall mean a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than 12 inches there from and which does not project above the roofline or beyond the corner of the building.
- (298) *Sign, Window* shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building **by persons on a public right-of-way** except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located **any public right-of-way toward which the sign is directed**.
- (299) *Site* shall mean any lot, plot, or parcel of land or combination of contiguous lots or parcels of land.
- (300) *Site development* shall mean the improvement of a site in accordance with an approved site plan and zoning certificate (where applicable), including construction of buildings and structures and the rearrangement of the land surface.
- (301) *Site plan* shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing buildings, structures, trees, and vegetation to remain.
- (302) *Small antenna* includes the following: (i) an antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one (1) meter or less in diameter, (ii) an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one (1) meter or less in diameter or diagonal measurement, and (iii) an antenna that is designed to receive television broadcast or radio signals and is not parabolic in shape.
- (303) *Solar Energy Systems* shall mean devices that collect energy from the sun and convert light into electricity and/or use the sun's energy to heat water or another fluid such as oil or antifreeze.
- (A) *Solar Energy Systems-Freestanding Solar Array* shall mean a solar energy system not attached to a building which stands on its own, usually mounted on a pole or support framing.

- (B) *Solar Energy Systems-Panel* shall mean solar energy systems that consist of enclosed panels, usually rectangular in shape and secured onto the roof or wall of a building.
- (304) *Specified anatomical areas* shall mean:
  - (A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - (B) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- (305) *Specified sexual activities* shall mean any of the following:
  - (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
  - (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy;
  - (C) Excretory functions as part of or in connection with any of the activities set forth in (1) or (2) above.
- (306) *Stormwater management plan* shall mean a plan to govern the collection, retention, and release of stormwater in a manner to minimize damage to downstream property.
- (307) *Stormwater detention basin* shall mean a facility for the temporary storage of stormwater runoff, constructed to receive and temporarily hold stormwater for release at a controlled rate. Such devices may include graded depressions in the ground, parking lots with concave surfaces, roof tops, or buried tanks or pipes.
- (308) *Stormwater retention basin* shall mean a facility, such as a pond, pool or basin, used for the permanent storage of stormwater runoff, constructed to receive and hold stormwater for release at a controlled rate.
- (309) *Story* means that portion of a building, between the surface of a floor and the ceiling immediately above it.
- (310) *Stream* shall mean a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem. Streams have no defined size range, but generally are considered smaller than rivers.
- (311) *Stream corridor* shall mean the corridor defined by the stream's ordinary high water mark.
- (312) *Street* shall mean an improved vehicular passage within a right-of-way that primary means of access to abutting lots. The term "street" includes avenue, drive, circle, road, roadway, parkway, boulevard, or any other similar term.

- (313) *Street, arterial* shall mean a major arterial street and consisting of one of the following roadway or roadway segments:
- Barlow Road between Terex Road and Stow Road
  - Boston Mills Road (cont'd)
  - Darrow Road (State Route 91)
  - Hines Hill Road, West of Valley View Road
  - Main Street (State Route 91)
  - Norton Road, west of Darrow Road
  - Seasons Road
  - Stow Road
  - Streetsboro Road (State Route 303)
  - Terex Road
- (314) *Street, collector* shall mean a roadway other than an arterial street or a local street, that meets one or more of the following criteria: serves both land access and traffic circulation in residential and commercial/industrial areas, penetrates residential neighborhoods, distributes and channels traffic between local streets and arterial streets.
- (315) *Street, cul-de-sac* shall mean a street with a single common ingress and egress and with a turnaround at the end.
- (316) *Street line* shall mean the edge of a street right-of-way where it abuts private property.
- (317) *Street, local* shall mean a roadway that meets one or more of the following criteria: provides direct access to adjacent land, provides access to collector streets, carries no through traffic movement.
- (318) *Street, public* shall mean a right-of-way intended to be used for travel by the public, improved for such purpose, and accepted by the City of Hudson for perpetual maintenance.
- (319) *Streetscape* shall mean a design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.
- (320) *Structural framework* shall mean the supporting members of the exterior walls and roof of a building such as bearing walls, columns, beams, and girders.
- (321) *Structure* shall mean any man-made construction in, on, or over the ground or water. The term structure includes buildings and, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

- (322) *Subdivider or developer* shall mean any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a development.
- (323) *Subdivision* shall mean:
- (A) The platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites for the purpose, whether immediate or future, of transfer of ownership; or
  - (B) 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; the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders; or division or allocation of land as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.
- (324) *Subdivision, minor* shall mean the subdivision of a parcel of land, after the original tract has been completely subdivided, into three (3) or fewer lots and that does not involve the opening, widening, or extension of any street or road or easements for access.
- (325) *Swimming pool* shall mean a structure whether in-ground, or above ground, for the containment of water in excess of eighteen (18) inches in depth or greater than one hundred (100) square feet in surface area for private, public, semi-public, or commercial use.
- (326) *Technically suitable* shall mean the location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the City.
- (327) *Telecommunication(s)* shall mean the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or magnetic systems and includes the term “personal wireless services.”
- (328) *Temporary housing* shall mean a dwelling that may be permitted pursuant to this Code to be placed on a lot that already contains one dwelling, based on a family hardship encountered by the residents of the existing dwelling that can be cured during the extent of the hardship by the presence of the second dwelling.



- (329) *Thoroughfare Plan* shall mean the official plan of highways, primary, and secondary thoroughfares and parkways, designated as such on the Comprehensive Land Use Plan adopted by the Planning Commission, and including the proposed opening, widening, or extension of any streets or roads which have been declared necessary by the City in the public interest.
- (330) *Townhome*, see “Dwelling, Townhome.”
- (331) *Traffic impact study* shall mean a report analyzing anticipated roadway conditions with and without an applicant's development, and may also include a parking study and overall access management plan for the development site.
- (332) *Trail* shall mean a multipurpose path designed for use by pedestrians or bicyclists.
- (333) *Trailer* shall mean any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (334) *Transportation facility* shall mean mass transit stations including bus or rail terminals/stations, transfer points, and depots without vehicle repair or storage.
- (335) *Tree* shall mean any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of two inches or more.
- (336) *Tree, significant* shall mean any tree with a DBH of 9 inches or more.
- (337) *Truck* shall mean a motorized vehicle with a manufacturer-defined “curb weight” (fully-fueled vehicle weight with no passengers or cargo) of three (3) tons (6,000 pounds) or more and which is licensed by the Ohio Bureau of Motor Vehicles as a truck.
- (338) *Use* shall mean the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.
- (339) *Use, principal* — See “Principal use.”
- (340) *Variance* shall mean a grant by the Building and Zoning Board of Appeals permitting deviation from the provisions of this Code when the property is otherwise being used for a permitted use under this Code because the Board finds that exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with a particular zoning standard, provided that such relief will not

have the effect of nullifying or impairing the intent and purpose of the zoning standard. In determining “practical difficulty”, the Board shall be guided by the factors set forth in Section 1204.03(a) of this Code. The term “variance” does not include a grant to allow a use not specifically permitted in this Code or a use expressly or by implication prohibited under the terms of this Code for the zoned district containing the property for which the variance is sought.

- (341) *Vegetation* shall mean trees, shrubs, or vines.
- (342) *Vehicle repair/services* shall mean any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of automobile, light trucks or vans, trailers, or recreational vehicles is conducted or rendered.
- (343) *Vehicle and equipment rentals* shall mean the use of any building, land area, or other premises for the rental of cars, light trucks, and/or light equipment, and shall not include vehicle repair/services.
- (344) *Vehicle sales* shall mean the use of any building, land area, or other premises for the display and sale or lease of any new or used car or light truck, and including outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use.
- (345) *Veterinary facility/small animal clinic* shall mean any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases wherein the animals are limited to dogs, cats and other comparable household and domestic pets and wherein short-term, overnight, indoor boarding of said animals is allowed as an accessory use.
- (346) *Violation* shall mean any act which is prohibited or made or declared to be unlawful or an offense under the Land Development Code (Part Twelve) or Part Fourteen (Building and Housing Code) of the Codified Ordinances, including affirmative acts as well as omissions and/or failures to act where the act is required by Part Twelve or Part Fourteen (Building and Housing Code) of the Codified Ordinances.
- (347) *Walkway*- See “*Pedestrian path*.”
- (348) *Warehouse* shall mean an establishment, conducted within a completely enclosed building, that is engaged in the storage of materials, equipment, or products that will be distributed to wholesalers or retailers.
- (349) *Warehousing, distribution, and enclosed storage* shall mean a use engaged in enclosed storage, wholesale, and/or distribution of manufactured products, supplies, and equipment, including accessory offices and showrooms, and including incidental retail sales, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

- (350) *Wellhead Protection Area* shall mean those areas in an aquifer recharge area that are located within the one-mile and five-mile time of travel limits and that are shown on a map entitled “City of Hudson, Ohio, Wellhead Protection Areas Map,” the original of which may be found at the office of the Director of the Community Development Department.
- (351) *Wireless telecommunication antenna* shall mean the physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.
- (352) *Wireless telecommunication equipment shelter* shall mean the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
- (353) *Wireless telecommunication facility* shall mean a facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.
- (354) *Wireless telecommunication tower* shall mean any structure which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.
- (355) *Wetlands* shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (356) *Workshop and custom small industry* shall mean a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstery, custom care or motorcycle restoring, and other similar uses.
- (357) *Yard* shall mean the front, side, or rear area of a lot between the lot line and the setback line, extending open and unobstructed from the ground upward except as otherwise provided in this Code, and the depth of which is specified by the regulations for the zone district in which the lot is located.
- (358) *Yard depth* shall mean the shortest distance between a lot line and the adjacent parallel setback line on a lot.
- (359) *Yard, front* shall mean the yard between the front lot line and the front building line and extending to the side lot lines, and measured perpendicular to the building at its closest point to the front lot line.

- (360) *Yard, rear* shall mean the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line.
- (361) *Yard, side* shall mean the yard between the side lot line and the building, extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
- (362) *Zero lot line* shall mean the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
- (363) *Zoning certificate* shall mean a written statement issued by the Community Development Department authorizing buildings, structures, or other uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions. Also referred to in this Code as "Certificate of Zoning Compliance."
- (364) *Zone or zoning district* shall mean a contiguous area of land on all parts of which the same uniform opportunities for development apply.
- (365) *Zoning district boundary* shall mean the perimeter line completely enclosing a zone district.
- (366) *Zoning Map* shall mean the official zoning map, showing all zone district and their boundaries, adopted by the city by ordinance, and as amended.



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

March 2, 2016

Dana Hoover  
Reveille IV LLC  
5 Atterbury Blvd  
Hudson, Ohio 44236

RE: PC 2016-06- Land Development Code Text Amendment – Sign Code

Ms. Hoover:

Thank you for your submission of the proposed Land Development Code (LDC) Text Amendment regarding Section 1207.17 *Signs* and 1213 *Definitions*. The application has been scheduled for the Planning Commission (PC) agenda for the March 14, 2016 meeting. In preparation for such, I am forwarding preliminary comments related to compliance with the Land Development Code (LDC). A staff report will be prepared and issued to the Planning Commission on March 9, 2016.

**Applicable Approval Procedure**

As a private-party initiated zoning text amendment application, this case is subject to the procedure set forth in Section 1203.03(c)(2). The application is before the Planning Commission for step one of the below process.

Step	Dates	Notes
Step #1 Planning Commission	March 14, 2016	Preliminary review of the application at a public meeting.
Step #2 City Council	March/April, 2016	City Council conducted a first reading of the application and referred the case back to PC for a public hearing.
Step #3 Planning Commission	April/May, 2016	Planning Commission conducts a public hearing and reviews the site specific plan. Recommendation is forwarded to Council.
Step #4 City Council	June, 2016	City Council conducts another public hearing and takes final action.



### **Goals of the Requested Sign Code Amendments**

Based on review of the proposed draft amendment and a meeting with the applicant on March 1, 2016 staff understands the primary goals of the request to be as follows:

1. Sign Illumination – the proposed amendment is intended to remove current restrictions on illumination and allow all signage within the city to be illuminated externally or internally.
2. Signs facing public right of way – the proposed amendment is intended to revise the sign code to only regulate signs which are exterior to the building and are facing or oriented to a public right of way. Signage which is internal to a property or inside buildings would not be subject to the sign code.

### **Section 1204.01 General Review Standards - Zoning Text Amendments**

The first step of a private-party lead text amendment request is to complete a preliminary review by the Planning Commission. The applicant can then incorporate any modifications or changes based on the Planning Commission discussion, prior to first reading at City Council.

### **Summary of Proposed Amendments**

Listed below is a summary of the proposed Land Development Code Text Amendment:

1. **Section 1207.17(b) Application of Sign Regulations**

The regulations contains in this section shall apply to signs outside the public right of way, except when specifically stated otherwise **or when the signs do not face a public right of way or when the signs are inside a building but visible from a public right-of-way outside a building.**

2. **Section 1207.17(g) Sign Illumination**

1207.17(g)(1) Illumination. **Permitted** Signs ~~may~~ shall be permitted to be illuminated in compliance with the following: **either internally or externally and directly or indirectly provided glare from the light source is avoided.**

1207.17 (g)(1)(A),(B), and (D) which include standards regulating illumination of ground signs in District 7 and 8, illumination of walls signs within District 6 and 8, and restrictions on colored light source and are proposed for deletion.

3. **Section 1213: Definitions:**

a) Sign: Revise the definition if *Sign, Awning Sign, Banner Sign, Billboard Sign, and Building Sign* to add **and directed toward a public right-of-way** to indicate that only signs which are directed toward a public right of way are not subject to regulation by the Land Development Code.

b) Sign, Window - revise as follows:

*Sign, Window* shall mean a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building **by persons on a public right-of-way** except for signs that are not legible from a distance of more than three feet

~~beyond the building in which such sign is located~~ **any public right-of-way toward which the sign is directed.**

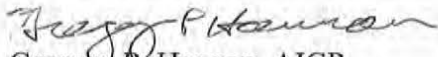
**Staff Comment:**

Based on the goals stated and the draft amendments submitted, staff provides the following preliminary notes which will be developed further within the staff report to be issued March 9, 2016:

1. Architectural Design Standards (LDC Appendix): The Architectural Design Standards have been reviewed to determine if any amendment would be needed to resolve any conflicts with the proposed amendments and stated goals. Staff does not anticipate any appreciable conflicts with the design standards.
2. Building frontage – Building Unit (1207.17(c)(d)(3): The LDC currently regulates allowances for signage based on facades that front a public street or that contain a public entrance. To be consistent with the proposed amendments, this section would need to be amended to state that the standards are only applicable to signs facing a public right of way. Signage on other facades would not be subject to the LDC regulations.
3. Window Signs (1207.17(d)&(e): The proposed *application of sign regulations* amendment would exempt from regulation signs placed on the inside of buildings; however, the proposed amendment to the definition of window signs references windows signs which are legible from the public right of way. Some revision is needed between the two sections to clarify the intent regarding regulation of window signs.
4. Definitions: Further study is needed regarding the definition of each of the sign types defined within the LDC to determine any revision needed to be compatible with the proposed text amendments and stated goals.

Please contact me for any assistance I can provide.

Sincerely,

  
Gregory P. Hannan, AICP  
City Planner

CC: Mark Richardson, Community Development Director

**From:** Richardson, Mark  
**Sent:** Thursday, March 24, 2016 10:51 AM  
**To:** 'dsh@hglegal.us'  
**Cc:** Hannan, Greg  
**Subject:** Sign Code

Dean –

I have finally had an opportunity to review the recording of the March 14 PC meeting and summarize the members' comments on your proposal. I provide that summary here:

1. None of the PC members supported the proposal to regulate only signs that faced the right-of-way. One member specifically supported the regulation of window signage inside of buildings.
2. None of the PC members supported allowing all types of internally illuminated signage including neon. Some members said they would consider compatible halo or backlit signage.
3. Other comments expressed by one or more members:
  - Sign clutter is an issue
  - The sign code maintains the City's high standards
  - Need consistent code enforcement
  - Signage on secondary frontages is allowed. Variances are available for the sign code except for internal illumination. Some would consider allowing variances for internal illumination.

The purpose of the meeting was to solicit PC comments on your proposal after which you could amend the proposal before it is presented to Council for first reading and referral back to PC for a public hearing and recommendation. The first reading and referral has been scheduled for April 19. The PC public hearing and recommendation will be scheduled for the May 9 meeting. I owe the Clerk of Council a little report and draft of the legislation by April 12. I would appreciate your revisions by April 8 so I have adequate time to prepare my report. Thanks.

Mark