

VILLAGE COUNCIL OF WAKEMAN, OHIO
ORDINANCE NO.: 2022-O-11

AN ORDINANCE AMENDING SECTION 1131.04(e) OF THE
WAKEMAN MUNICIPAL CODIFIED ZONING ORDINANCE
REGARDING C-1 CENTRAL BUSINESS OR MERCANTILE DISTRICT
SIGN REGULATIONS

WHEREAS, the Village has enacted Part Eleven – Planning and Zoning Code codified in Sections 1101 – 1137 of the Wakeman Municipal Codified Code; and

WHEREAS, within Part Eleven, the village enacted Title Three – Zoning Ordinance contained in Sections 1121-1137; and

WHEREAS, Chapter 1131 provides Use, Height and Area Regulations; and

WHEREAS, Section 1131.04 establishes regulations for the C-1 Central Business and Mercantile District; and

WHEREAS, Section 1131.04(e) specifies C-1 Sign Regulations; and

WHEREAS, the Village Administrator has asked the village to consider amending Section 1131.04(e) to provide changes to C-1 Sign Regulations; and

WHEREAS, Chapter, 1129, Section 1129.01 provides that Village Council may, from time to time, amend by ordinance regulations set forth in the Zoning Ordinance and establishes an amendment process; and

1129.01 AMENDMENTS.

(a) The Village Council may, from time to time, amend by ordinance the number, shape or area of districts established on the zoning map or regulations set forth in this Zoning Ordinance; but no such amendment shall become effective unless the ordinance proposing the amendment shall first be submitted in writing by the Fiscal Officer to the Village Planning Commission for approval, disapproval or recommended modifications and the commission shall have been allowed a reasonable time, not less than 30 days, and not more than 45 days, for consideration and report. The Council shall hold a public hearing before the adoption of the proposed amendment. Any person or persons desiring an amendment of the zoning map shall accompany the petition for such amendment of the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners of all properties within 500 feet of any part of the property, the zoning of which would be changed by the proposed amendment if enacted. At least 30 days notice of such amendment, and of the time and place of the hearing thereon shall be given to such owners. The notice shall include a statement that opportunity will be afforded to any person interested to be heard. All applications for a zoning change shall include:

- (1) Evidence that the existing zoning ordinance is unreasonable with respect to the particular property, and it deprives the property owner of his lawful and reasonable use of the land; and/or*
- (2) Evidence that the proposed amendment would materialize in an equal or better zoning ordinance than that existing.*
- (3) For purposes of this Zoning Ordinance, a limitation upon financial gain from the land in question shall not constitute unreasonable zoning.*

(b) Any person or persons desiring an amendment of the zoning map shall pay all costs incurred by the Planning Commission and the village in connection with the application for amendment including, but not limited to legal fees, costs of notices, advertising, and secretarial charges. As described in Section 1133.07, any application for amendment shall be accompanied by a non-refundable deposit in an amount specified by the village in a Council Resolution to cover such costs.

(c) Any person or persons desiring an amendment of the zoning map or text of the zoning ordinance whose application is denied by Village Council and fails to exhaust any other legal remedies that may be available to that person or persons, shall be barred from making application for the same amendment for the period of one year, unless the application contains substantial changes in the use of real property at issue and/or the scope of the proposed amendment. (Ord. 2000-0-03. Passed 3-13-00.)

WHEREAS, the zoning ordinance amendment process requires that no such amendment shall become effective unless the ordinance proposing the amendment shall first be submitted in writing by the Fiscal Officer to the Village PLANNING COMMISSION for approval, disapproval or recommended modifications [1129.01(a)]; and

WHEREAS, the zoning ordinance amendment process further requires that Council shall hold a PUBLIC HEARING before the adoption of any proposed zoning amendment [1129.01(a)]; and

WHEREAS, this Ordinance was submitted in writing by the FISCAL OFFICER to the Village PLANNING COMMISSION on July 14, 2022; and

WHEREAS, the Village PLANNING COMMISSION received this Ordinance from the Fiscal Officer and meet in a public meeting on August 22, 2022 and has reported back to Council; and

WHEREAS Council held a PUBLIC HEARING regarding this zoning amendment contained herein on September 12, 2022; and

THEREFORE, BE IT ORDAINED, BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Section 1131.04(e) of the Wakeman Codified Municipal Zoning Ordinance is hereby amended as follows:

(e) Sign Regulations.

*(1) Maximum sign area. Within the C-1 Zoning District, the maximum total sign area permitted for any one business shall be 45 square feet **for all signage.** Not any one sign shall be more than 15 square feet of total sign area. Section 1127.03 describes provisions for additional sign area.*

(2) Maximum number and location of signs.

*A. Number and location. Businesses are permitted to have up to three signs, **the total of which shall not exceed the maximum sign area,** which may include wall signs, roof signs, and free-standing signs. Under no circumstances shall signs project into the public right-of-way, nor shall any sign be located above the roof.*

*B. Window signs. ~~A business may have window signs in addition to those signs permitted above, provided however, that the maximum area does not exceed 12 square feet to total area.~~ **Window signs, and or window displays, shall not apply to the maximum total sign area.***

*(3) Sign illumination and materials. All light sources shall be designed **and installed** so as to illuminate only the sign itself and shall not shine on any adjacent property.*

NOTE 1131.05(e) proposed changes below

(e) Sign Regulations.

(1) *Maximum sign area. Within the C-2 Zoning District, the maximum total sign area permitted for any one business shall be 45-160 square feet for all signage.*

(2) *Maximum number and locations of signs.*

A. Businesses are permitted to have up to three signs, the total of which shall not exceed the maximum sign area, which may include wall signs, roof signs and free-standing signs.

i. Each individual free-standing sign shall be no larger than 45 square feet.

ii. Window signs, and or window displays, shall not apply to the maximum total sign area.

B. Window signs. A business may have temporary window signs in addition to those signs permitted above, provided however, windows are not totally obscured

(3) *Sign illumination and materials. All light sources shall be designed and installed so as to illuminate only the sign itself and shall not shine on any adjacent property.*

SECTION 2. CODIFICATION. That upon adoption, the Council Clerk is hereby instructed and directed to submit this legislation for codification.

SECTION 3. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

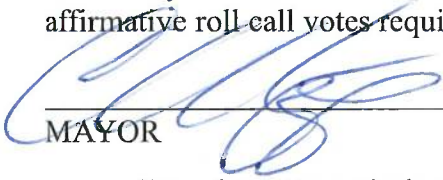
WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 14 day of November, 2022.

ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

First Reading: September 12, 2022
Second Reading: October 10, 2022 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))
Third Reading: November 14, 2022 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:


SP (JLA)
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING

(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER/COUNCIL CLERK