

1<sup>st</sup> reading \_\_\_\_\_  
P&Z Action \_\_\_\_\_  
2<sup>nd</sup> reading \_\_\_\_\_  
3<sup>rd</sup> reading \_\_\_\_\_  
Voted On \_\_\_\_\_  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
PASSED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**ORDINANCE NO. 2017-28**

**AN ORDINANCE  
GRANTING A VARIANCE TO 3755 ORANGE PLACE, LLC,  
TO ALLOW FOR THE CONSTRUCTION OF A  
FREESTANDING SIGN IN THE VILLAGE RIGHT-OF-  
WAY AND AUTHORIZING THE MAYOR TO EXECUTE A  
LICENSE AGREEMENT WITH 3755 ORANGE PLACE, LLC  
FOR THE USE OF A PORTION OF THE RIGHT-OF-WAY  
OF ORANGE PLACE.**

WHEREAS, the Charter of Orange Village, Article III, Section 9(g), provides that Council may grant variances after public hearing where there is substantial and unreasonable hardship in carrying out the spirit and intent of the Zoning Code; and

WHEREAS, 3755 Orange Place, LLC is the owner (the “Owner”) of the property located 3755 Orange Place, Orange Village, Ohio (the “Property”); and

WHEREAS, Section 1161.09(a)(1) of the Codified Ordinances requires that freestanding signs shall be set back at least five feet (5’) from the right-of-way; and

WHEREAS, Owner is requesting a variance from the requirement in Section 1161.09(a)(1) of the Codified Ordinances so it may construct a freestanding sign in the Village-owned right-of-way at a distance no closer than five feet (5’) from the sidewalk which runs through the right-of-way near the curb cut located near the southwest corner of the Property, as depicted on the plans and specifications provided to the Village’s Chief Building Official; and

WHEREAS, the freestanding sign enhances the value of the Property and does not pose a threat to the health, safety, or welfare of the traffic on Orange Place; and

WHEREAS, the Planning and Zoning Commission and the administration of the Village have recommended to Council that the freestanding sign should be permitted to be located in the desired location within the right-of-way, subject to the terms and conditions of a License Agreement, a copy of which is attached hereto as “Exhibit A;” and

WHEREAS, this Council believes it is in the best interest of Orange Village to enter into a License Agreement with Owner to permit the construction of a freestanding sign in the Village’s right-of way; and

WHEREAS, this Ordinance was referred to the Planning and Zoning Commission for recommendation and report; and

WHEREAS, a public hearing has been held regarding this matter; and

WHEREAS, Council has adopted conclusions of fact regarding the requested variance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:**

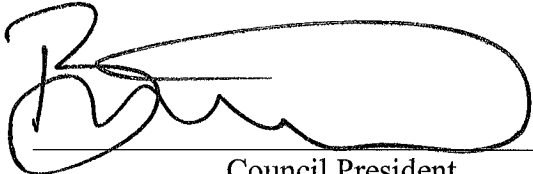
SECTION 1. That this Council hereby grants and approves Owner’s request for a variance from the requirement of Section 1161.09(a)(1) of the Codified Ordinances so it may construct a freestanding sign in the Village-owned right-of-way at a distance no closer than five feet (5’) from the sidewalk which runs through the right-of-way near the curb cut located near the southwest corner of the Property, as depicted on the plans and specifications provided to the Village’s Chief Building Official.

SECTION 2. That the Mayor is hereby authorized to enter into a License Agreement, in substantially the same form as attached hereto as “Exhibit A,” with such modifications as may be approved by the Director of Law.

SECTION 3. That actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance shall be in full force and effect at the earliest time permitted by law.

PASSED: Sept. 13, 2017

  
\_\_\_\_\_  
Council President

Submitted to the Mayor for approval  
on this 13 day of Sept., 2017

Approved by the Mayor this  
13 day of September, 2017

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor