ORDINANCE NO. 2017-35

AN ORDINANCE AMENDING THE CITY OF KENT'S ZONING CODE CHAPTER 1134 R-3A: EXTENDED HIGH DENSITY RESIDENTIAL ZONING DISTRICT TO CHANGE “MULTIFAMILY HOUSING” FROM A “PERMITTED USE” TO A “CONDITIONALLY PERMITTED USE” AND REVOKING THE TEMPORARY MORATORIUM, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 1134 to change "Multifamily Housing" from a "Permitted Use" to a "Conditionally Permitted Use" of the Kent Zoning Code; and

WHEREAS, the City of Kent wishes to revoke the temporary moratorium put in place on March 1, 2017; and

WHEREAS, the City of Kent wishes to better control the growth of the City and the construction of higher density housing to better maintain necessary services; and to better maintain the essential character of its neighborhoods and to keep a harmonious balance in the surrounding areas; and

WHEREAS, amending the Kent Codified Ordinances including several sections of Chapters 1134 to change "Multifamily Housing" from a "Permitted Use" to a "Conditionally Permitted Use" will add nearby properties not within the municipal boundary to be included when considering if a proposed project is harmonious and does not change the essential character of the area; and

WHEREAS, revocation of the temporary moratorium will be resolved by adoption of this ordinance; and

WHEREAS, the required public hearing on the changes were held in a timely manner; and

WHEREAS, upon adoption of this Ordinance, the temporary moratorium on new multi-family housing plan review, acceptance and building permit applications issued by this Council on March 1, 2017 in Ordinance #2107-14 is hereby terminated.

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

SECTION 1. The Council does hereby accept the amendment to Chapter 1134 of the Codified Ordinances of the City of Kent as shown on the Exhibit "A", attached hereto and made a part hereof and revoke the temporary moratorium.

SECTION 2. That it is found upon adoption of this Ordinance, the temporary moratorium on new multi-family housing plan review, acceptance and building permit applications issued by this Council on March 1, 2017 in Ordinance #2107-14 is hereby terminated.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.
SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: May 17, 2017
Date

EFFECTIVE: May 17, 2017
Date

ATTEST: Tara Grimm, CMC
Clerk of Council

Jerry T. Fiala
Mayor and President of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. __________, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON ________________, 20____.

TARA GRIMM, CMC
CLERK OF COUNCIL
(SEAL)
CHAPTER 1134
R-3A: Extended High Density Residential District

1134.01 Purpose.
1134.02 Uses.
1134.03 Lot requirements.
1134.04 Yard requirements.
1134.05 Maximum building height.
1134.06 Site plan review and conformance.
1134.07 Off street parking and loading.

1134.01 PURPOSE.

The R-3A: Extended High Density Residential District is established to provide higher residential density potential to larger tracts of vacant land within the City where central water and sewer are available. This district shall provide for all uses normally permitted in the R-3: High Density District. The maximum density to be permitted in this district is approximately fifteen dwelling units per acre. (Ord. 1990-45. Passed 8-8-90.)

1134.02 USES.

Within an R-3A: Extended High Density Residential District, no building, structure or premises shall be used, arranged to be used or designed to be used except for one of the following uses:

(a) Permitted Uses.
(1) Single family dwellings.
(2) Two family dwellings.
(3) Multifamily dwellings.
(4)(3) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
(5)(4) Signs as regulated by Chapter 1165.

(b) Conditionally Permitted Uses. The Planning Commission may issue conditional zoning certificates for uses listed herein subject to the general requirements of Chapter 1113 and the specific requirements of Chapter 1171 referred to below:

(1) Home occupations subject to Section 1171.01(19).
(2) Churches and other buildings for the purpose of religious worship subject to Section 1171.01(1), (3), (7), (11), (14) and (17).
(3) Cemeteries subject to Section 1171.01(3),(7) and (28).
(4) Public and parochial schools subject to Section 1171.01(1), (2), (3), (5), (6) and (11).
(5) Institutions for higher education subject to Section 1171.01(1), (2), (3), (4),
(5), (7) and (11).

(6) Institutions for human care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Section 1171.01(1), (2), (3), (5), (7), (9), (11) and (17). (Ord. 1996-45. Passed 7/10/96.)

(7) Governmentally owned and/or operated buildings or facilities subject to Section 1171.01(3), (7), (8) and (11).

(8) Governmentally owned and/or operated parks and playgrounds subject to Section 1171.01(1), (2), (3), (4), (5), (11) and (17).

(9) Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities such as those developed and used by the YMCA-YWCA, Boy Scouts or various fraternal or community service groups. subject to Section 1171.01(9), (11), (17), and (36).

(10) Public utility rights of way and pertinent structures subject to Section 1171.01(1).

(11) Family care home subject to Section 1171.01(2), (3), (5), (11), (17) and (48).

(12) Group homes subject to Chapter 1175. (Ord. 1993-85. Passed 11-17-93.)

(12)(13) Multifamily Dwellings subject to Section 1171.01(5), (9), (11), (37)(a) through (37)(g), (38), (39), (40) and (58).

1134.03. LOT REQUIREMENTS.

(a) Minimum Lot Area:
(1) Single family dwelling - 8,000 square feet.
(2) Two family dwelling - 12,000 square feet.
(3) Multifamily dwelling - 13,000 square feet for the first three dwelling units, plus 2,500 square feet for each dwelling unit over three.

(b) Minimum Lot Width at Building Line:
(1) Single family dwelling - Fifty feet.
(2) Two family dwelling - Seventy-five feet.
(3) Multifamily dwelling - 100 feet.

(c) Minimum Lot Frontage: Fifty feet.

(d) Maximum Lot Depth: Five times the lot width at the building line.

(e) Minimum Usable Open Space: At least thirty percent (30%) of the actual lot area shall be devoted to usable open space.

(f) Maximum Lot Coverage: Twenty-five percent (25%).
(Ord. 1990-45. Passed 8-8-90.)

1134.04. YARD REQUIREMENTS.
(a) **Minimum Front Yard Depth:** Thirty-five feet.

(b) **Minimum Rear Yard Depth:** Thirty feet.

(c) **Minimum Side Yard Width:**
   (1) Single family dwelling - Ten feet.
   (2) Two family dwelling - Ten feet.
   (3) Multifamily dwelling - Ten feet, except that where the property abuts a residential district of lower density or a street right of way which abuts a residential district of lower density, the minimum side yard requirement shall be fifteen feet plus one foot for each two feet in building height in excess of twenty feet above grade. (Ord. 1990-45. Passed 8-8-90.)

1134.05. MAXIMUM BUILDING HEIGHT.

Thirty-five feet. (Ord. 1990-45. Passed 8-8-90.)

1134.06. SITE PLAN REVIEW AND CONFORMANCE.

All new multifamily uses permitted in accordance with this chapter of the Zoning Ordinance shall comply with all regulations set forth in Chapter 1119 herein, concerning site plan review and conformance. (Ord. 1990-45. Passed 8-8-90.)

1134.07. OFF STREET PARKING AND LOADING.

As regulated by Chapter 1167. (Ord. 1990-45. Passed 8-8-90.)