ORDINANCE NO. 2017-36

AN ORDINANCE AMENDING THE CITY OF KENT’S ZONING CODE CHAPTER 1135 R-4: MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO CHANGE “MULTIFAMILY HOUSING” FROM A “PERMITTED USE” TO A “CONDITIONALLY PERMITTED USE”, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 1135 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 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 1135 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, 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 1135 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: \underline{May 17, 2017} \\
Date

EFFECTIVE: \underline{May 17, 2017} \\
Date

ATTEST: \underline{Tara Grimm, CMC} \\
Clerk of Council

Jerry T. Fiala
Mayor and President of Council


TARA GRIMM, CMC \\
CLERK OF COUNCIL \\
(SEAL)
CHAPTER 1135
R-4: Multifamily Residential District

1135.01 Purpose
1135.02 Uses
1135.03 Lot Requirements
1135.04 Yard Requirements
1135.05 Maximum Building Height
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1135.01 PURPOSE

The R-4: Multifamily Residential District is established to encourage high density residential development in areas served with central sewer and water, readily accessible to major thoroughfares and community facilities necessary to support such a density. This District permits single family, two family and multifamily dwellings at a maximum density of approximately thirty-six (36) dwelling units per acre.

1135.02. USES

Within an R-4: Multifamily 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) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
   (5) Signs as regulated by Chapter 1165 herein.

(b) Conditionally Permitted Uses: The Planning Commission may issue Conditional Zoning Certificates for uses listed herein subject to the general 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

(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) Rooming and Boarding, and lodging house accommodations subject to Section 1171.01(11), (17) and (21).

(11) Public utility right-of-ways and pertinent structures subject to Section 1171.01(1) and (10).

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

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

(14) Temporary Shelter subject to Section 1171.01(11), (17), (36), and (39).

(15) Commercial parking lot subject to Section 1171.01(51). (Ord. 1992-44. Passed 6-17-92.)

(16) Bed & Breakfast facilities subject to Section 1171.01(52).

(17) Multifamily Dwellings subject to Section 1171.01(5), (11), (37(a) thought (36)(g), (38), (39), (40) and (58).

1135.03. LOT REQUIREMENTS

(a) Minimum Lot Area:

(1) Single family dwelling - six thousand (6,000) square feet.

(2) Two family dwelling - ten thousand (10,000) square feet.

(3) Multifamily dwelling - ten thousand (10,000) square feet for the first three (3) dwelling units, plus fifteen hundred (1,500) square feet for each unit thereafter through ten (10), plus one thousand (1,000) square feet for units eleven (11) through twenty (20), plus eight hundred (800) square feet for units twenty-one (21) through but not to exceed thirty-six (36).

(b) Minimum Lot Width at Building Line:

1. Single family dwelling - Fifty (50) feet.

2. Two family dwelling - Seventy-five (75) feet.

3. Multifamily dwelling - one hundred (100) feet.

(c) Minimum Lot Frontage: Forty (40) feet.

(d) Maximum Lot Depth: Five (5) 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. (Ord. 1992-02. Passed 1-15-92.)

(f) **Maximum Lot Coverage:** Twenty-five (25) percent.

### 1135.04. YARD REQUIREMENTS

(a) **Minimum Front Yard Depth:** Thirty (30) feet plus one for each two (2) feet of building height in excess of two (2) stories above grade.

(b) **Minimum Rear Yard Depth:** Thirty (30) feet plus one for each two (2) feet of building height in excess of two (2) stories above grade.

(c) **Minimum Side Yard Width:**

1. Single family dwelling - Ten (10) feet.
2. Two family dwelling - Ten (10) feet.
3. Multifamily dwelling - Ten (10) 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 ten (10) feet plus one foot for each two (2) feet in building height in excess of twenty (20) feet above grade. (Ord. 1985-79, effective 11-16-85)

### 1135.05. MAXIMUM BUILDING HEIGHT

Sixty-five (65) feet.

### 1135.06. SITE PLAN REVIEW AND CONFORMANCE

All new multifamily uses permitted in accordance with this Chapter of the Kent City Zoning Ordinance shall comply with all regulations set forth in Chapter 1119 herein, concerning site plan review and conformance.

### 1135.07. OFF STREET PARKING AND LOADING

As regulated by Chapter 1167.