ORDINANCE NO. 2017 - 09

AN ORDINANCE AMENDING CHAPTER 1147, UNIVERSITY DISTRICT, OF THE ZONING CODE OF THE CITY OF KENT TO SHIFT NON-EDUCATIONAL AND NON-UNIVERSITY OWNED OR OPERATED FACILITIES TO CONDITIONALLY PERMITTED USES; LOWERING THE MAXIMUM HEIGHT; AND INCLUDING ADDITIONAL ALLOWED USES IN SAID CHAPTER, AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 1147, University District, of the City of Kent Zoning Code is to provide for a variety of public and private uses, which may be carried on as part of, or benefit from its close proximity to a college or university; and

WHEREAS, the Kent City Council authorizes amendments to shift non-educational and non-university owned or operated facilities to conditionally permitted uses; lowering of the maximum height; and including additional allowed uses; and

WHEREAS, Council wishes to incorporate these amendments as soon as possible.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize an amendment to Chapter 1147 of the Zoning Code to allow non-educational and non-university owned or operated facilities to be conditionally permitted uses; lowering of the maximum height; and including additional allowed uses; said amendment is attached hereto as "Exhibit A".

SECTION 2. 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 3. 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: __July 15, 2017__
[Signature]
Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: __July 15, 2017__
[Signature]

ATTEST: 
Tara Grimm, CMC
Clerk 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)
EXHIBIT “A”

CHAPTER 1147

1147.01 PURPOSE
The purpose of the University District is to provide for a variety of public and private uses which may be carried on as part of, or benefit from being located in close proximity to a college or university.

1147.02. USES
Within a University District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

(a) Permitted Uses,
(1) Uses of a public educational character, including such university owned, operated, leased, or licensed facilities as classroom, laboratory or library.
(2) Common student dining hall, food courts, confectionaries, and lounges are permitted if they are part of a university owned or university operated residential, educational, or recreation facility. (Ord. 2009-110. Passed 10-21-09)
(3) Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
(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 to the specific requirements of Chapter 1171 as referred to below:
(1) All permitted and conditionally permitted uses as specified in the I-R District.
(2) Churches and other buildings for the purpose of religious worship subject to Section 1171.01(4), (5), (8), (10), (11) and (47).
(3) Public, Private and Parochial schools subject to Section 1171.01 (1), (2), (3), (5), (6), and (11).
(4) Institutions for human care - hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for the aged and philanthropic institutions, subject to Section 1171 .01 (1), (2), (3), (7), (9), (11), and (17).
(5) Governmentally owned and/or operated buildings or facilities subject to Section 1171.01(3), (7), (8), and (11).
(6) Governmentally owned and/or operated parks and playgrounds subject to Section 1171.01(1), (2), (3), (4), (5), (11) and (17).
(7) 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, Girl Scouts or various fraternal or community service groups, subject to Section 1171.01(9), (11), (17), and (37).
(8) Public utility rights of way and pertinent structures subject to Section 1171.01(1) and (10).
(9) Temporary buildings and uses incidental to construction work subject to Section 1171.01(17) and (24).
(10) Bed & Breakfast facilities subject to Section 1171.01(52). (Ord. 1993-86. Passed 11-17-93.)
(11) Fraternity or Sorority House.
(12) Scientific, educational, religious, charitable, indoor and outdoor recreation, and residential uses which do not qualify as a permitted use under (a)(1).
(13) Uses related to public education, including, but not limited to, dormitory, dining hall, retail facility, gymnasium, swimming pool, studio, laundry, office, heating or power plant, off-street parking of motor vehicles, museum, recreation building, R.O.T.C. facility, or place of assembly for entertainment or training.
(14) Multifamily dwellings.
(15) Establishments engaged primarily in the fields of finance, insurance and real estate, such as:
   (a) Bank, but not including drive-in facilities.
   (b) Credit agency other than a bank.
   (c) Investment firm.
(d) Insurance carrier.
(e) Real estate and insurance company.
(f) Investment company.

(16) Establishments engaged in providing a variety of services to individuals and business establishments, such as:
(a) Printing.
(b) Copying.
(c) Mail & Shipping Services.

(17) Clubs, lodges, fraternal, charitable or social organizations subject to Section 1171.01(3), (4) and (5).

(18) Any production of computers, microprocessors, electronics, light emitting diode (LED) or similar devices.

(19) Theaters, dance studios and schools, art galleries, and museums.

(20) Computer sales and servicing.

1147.03. LOT REQUIREMENTS
(a) Minimum Lot Area: One-half (0.5) acre.
(b) Minimum Lot Width at Building Line: One hundred twenty (120) feet.
(c) Minimum Frontage: Eighty (80) feet.

1147.04. YARD REQUIREMENTS
(a) Minimum Front Yard Depth: Sixty (60) feet.
(b) Minimum Rear Yard Depth: Fifty (50) feet.
(c) Minimum Side Yard Width: Twenty-five (25) feet.
(d) Side Yard and Rear Yard Depth Adjacent to Residential Districts: The minimum side yard width and rear yard depth abutting a residential district or a street right-of-way which abuts a residential district shall not be less than the yard required in the residential district. The first twenty-five (25) feet abutting the side or rear property line shall be landscaped and maintained. The remaining space shall be open and not used for any storage other than the parking of vehicles. (Ord. 1985-79, effective 11-16-85)

1147.05. MAXIMUM BUILDING HEIGHT
Sixty-five (65) feet.

1147.06. SITE PLAN REVIEW AND CONFORMANCE
All permitted and conditionally permitted uses specified under Section 1147.02 shall be permitted only after the review and approval of the Site Plans as required in Chapter 1107 of this Ordinance.

1147.07. PARKING AND LOADING REQUIREMENTS
As regulated in Chapter 1167.