

ORDINANCE NO. 2022-031

AN ORDINANCE AMENDING CHAPTER 1191 "PARK IMPACT FEES" OF THE CODIFIED ORDINANCES OF THE CITY OF KENT TO UPDATE OUTDATED LAND VALUATION CALCULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Chapter 1191 "Park Impact Fees" of the Codified Ordinances to update outdated land valuation calculations and complicated formulas for identifying the amount of "park fee" to be paid by owners and developers of residential dwelling units.

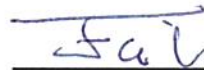
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Kent City Council does hereby amend Chapter 1191 "Park Impact Fees" of the Codified Ordinances of the City of Kent to update outdated land valuation calculations and complicated formulas for identifying the amount of "park fee" to be paid by owners and developers of residential dwelling units, as shown on "Exhibit A," attached hereto and made part thereof.

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. 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: April 20, 2022
Date




Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: April 20, 2022
Date

ATTEST: 

Amy Wilkens
Clerk of Council

I, AMY WILKENS, 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. 2022-031*, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON April 20, 2022.



AMY WILKENS
CLERK OF COUNCIL
(SEAL)

Repeal of existing CHAPTER 1191 and Replace with New CHAPTER 1191

CHAPTER 1191

PARK IMPACT FEES

- 1191.01 Findings.
- 1191.02 Definitions.
- 1191.03 Park impact fees schedule.
- 1191.04 Assessment of park impact fees.
- 1191.05 Capital Improvement Fund matching amount.
- 1191.06 Exemptions.
- 1191.07 Credits and adjustments.
- 1191.08 Appeals.

- 1191.01 FINDINGS.

Kent City Council determines and finds as follows:

- A. In order to address new population growth and development activity, maintain park standards, and continue to promote and protect the public's health and safety, the City of Kent supports the expansion, preservation, and maintenance of its public parks, trails, open spaces, and recreational facilities, collectively known as "public park facilities."
- B. The City of Kent has not secured other financial commitments or sources sufficient to serve new population growth and development activity with public park facilities at the level of service established by the City.
- C. The imposition of park impact fees is a preferred method of ensuring that:
 - a. Adequate public park facilities are available to serve population growth and development.
 - b. New development that generates population growth pays a proportionate share of the cost of new public park facilities to align with such growth.
- D. Such payments may be used to address deficiencies in public park facilities that are reasonably related to the population growth and development.
- E. Accurate and equitable procedures for measuring the impact of new population growth and development activity on public park facilities, establishing the existing level of service provided by such public park facilities, and determining the cost to maintain the existing level of service have been developed by the City in its most currently adopted Parks & Recreation Department comprehensive planning effort. The fee schedule and other procedures established by this chapter are based upon those planning studies.
- F. In developing the schedule of park impact fees contained in this chapter, consideration has been given to taxes which have or will be paid by the new development activity into the

City's general fund and earmarked for the general maintenance and operations of all City services.

- G. The adoption of the park impact fee ordinance codified in this chapter is necessary for the support of City government and its institutions.
- H. The provisions of this chapter and its adoption fulfill an urgent need to assess new development activities with their proportionate share of public park facility impacts; to minimize any potential disruption to the development activity; and to ensure equitable treatment of all development activities subject to the assignment of a park impact fee.

Future adjustment of the park impact fee schedule, if any, should be based on the findings in subsections (A) through (H) of this section.

1191.02 DEFINITIONS

The following words and terms will have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to the definitions contained within the City of Kent Planning and Zoning Code, then the Ohio Revised Code, or, if none of the aforementioned apply, given their usual and customary meaning.

- A. "City" means the City of Kent, Ohio.
- B. "Council" means the City Council of the City of Kent.
- C. "Development activity" means any construction or expansion of a residential building or structure that results in additional residential dwelling units within the City's jurisdictional boundaries.
- D. "Feepayer" means any person, corporation, partnership, incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation, including the state or federal government, which commences a land development activity that is categorized as having a residential land purpose, in whole or in part, and requires the issuance of a building permit.
- E. "Park impact fee" means a payment of money imposed by the City on development activity pursuant to this chapter, as a condition of granting development site plan approval, in order to pay for the public park facilities needed to serve the new population growth and development activity. "Park impact fee" does not include reasonable development related permit fee(s), application fee(s), plan review fee(s), or administrative costs of carrying out the provisions of this chapter.
- F. "Public park facilities" means publicly owned parks, trails, open spaces, and recreational facilities.

1191.03 PARK IMPACT FEES SCHEDULE

The following fee schedule and assessment methods shall be used to determine the amount to be charged for park impact fees applicable to residential projects which result in population growth and development within the City limits:

Residential Dwelling Unit Type	Park Impact Fee
1) Each newly added single-family residential dwelling structure	\$500
2) Each newly added single-family residential dwelling unit in a two-family, multifamily, or apartment complex	\$500
3) Each newly added residential dwelling unit in a mixed use structure	\$500
4) Each newly added bedroom in each rooming house or boarding house	\$500
5) Each newly added manufactured or mobile home residential unit installed on a fixed foundation	\$500

1191.04 ASSESSMENT OF PARK IMPACT FEES

The City shall collect park impact fees based upon the schedule or methods outlined in this chapter, for all residential development activity within the jurisdictional boundaries of the City of Kent if such activity requires the issuance of a subdivision, conditional use, building, or other development-enabling permit, which will result in the construction of new residential dwelling unit(s) or any additional new residential principal use occupancy.

Collection of the park impact fee shall occur when application is made for a building or zoning permit. The appropriate park impact fee, as determined by this chapter, shall be added to the cost of the building or zoning permit for those development projects covered by the chapter.

1191.05 CAPITAL IMPROVEMENT FUND; MATCHING AMOUNT

There is hereby created a Parks and Recreation Development Fund. There shall be paid into the Parks and Recreation Development Fund such funds set forth and collected as indicated in Section 1191.03. The City of Kent shall provide a matching amount equal to the amount of fees collected as stated in Section 1191.03 or the amount of what would have been paid if the developer had not contributed real property to the City of Kent in lieu of fees. This matching amount shall be appropriated from the General Fund, or other municipal funds other than those collected under the terms of Section 1191.03. Expenditures made by the City of Kent from funds other than those collected under the terms of Section 1191.03 shall be considered to be a matching amount if expended for any of the purpose listed in Section 1191.01. The Director of Budget and Finance shall keep an accurate record of all matching amounts and expenditures considered to be a matching amount to ensure that the proper match occurs.

1191.06 EXEMPTIONS

The following are exempt from the payment of park impact fees:

- A. Building or other development permits for projects or developments assessed some form of mitigation payment or land dedication which said assessment preceded the effective date of this chapter.
- B. Alterations, expansions, enlargements, remodeling, rehabilitation, or conversion of an existing residential structure, if no additional residential dwelling unit(s) are added or created and the use is not changed.
- C. Demolition or moving of an existing structure.
- D. Replacement of a structure with a new structure of the same or similar size, same use, and the same number, or less, of residential dwelling units, when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
- E. Dormitories or student-oriented housing owned by a State of Ohio public college or university.

1191.07 CREDITS AND ADJUSTMENTS

A feepayer may request and the City may determine, that a credit should be awarded for the value of dedicated land, improvements, or construction which has been provided by the feepayer and which has been accepted by the City as the result of the voluntary offer of the feepayer. In order to qualify for a credit, the City shall determine that such dedication, improvement, or construction is included in the City's adopted Capital Improvement Plan and will directly serve the goals and objectives of the most currently approved Parks & Recreation Department comprehensive plan.

For each request for a credit, the City shall, as appropriate, prepare an estimate and have an appraisal conducted to determine the value of the land or cost of the improvement or construction for which the credit is requested. The City shall choose the services of an independent appraiser and the cost of the appraisal shall be paid for by the feepayer. In the case of proposed improvements or construction, the City shall prepare estimates of the value utilizing appropriate City or other professional staff qualified to estimate value in the appropriate subject area. If fee-based professional consulting services are needed to prepare the estimate, the cost for such services shall be paid by the feepayer.

Any claim for credit must be made before the issuance of subdivision, conditional use, building, or other development-enabling permit is requested or not later than thirty (30) calendar days after the dedication of land or the completion of construction.

Credit shall only be given for the value of land dedication or project improvements directly related to those facilities covered by this chapter or otherwise determined to qualify by the City under the provisions of this chapter.

A feepayer may request an adjustment to the park impact fee assessed to a particular development activity based upon unusual circumstances or alternative methods of computing the park impact fee amount which can be justified by unusual or special circumstances, including but not limited to, publicly supported transitional housing residential units for at-need populations, emergency homeless shelter services, and/or supportive housing units. A request for an adjustment in the park impact fee amount or application shall not be made before the full amount of the park impact fee for the development activity has been calculated by the City. The feepayer must include a description of the unusual or special circumstances which serve as the basis for the request for adjustment and provide documentation supporting the adjustment request. The City shall consider any documentation, studies, or other data submitted by the feepayer which support alternative methods of computing the park impact fee to be assessed. The City shall base a determination on the information provided by the feepayer and notify the feepayer in writing of the determination.

Determinations made by the City pursuant to this section shall be subject to the appeals procedures set forth in this chapter.

1191.08 APPEALS

Any feepayer may pay the park impact fees imposed by this chapter under protest in order to obtain a subdivision, conditional use, building, or other development-enabling permit. Appeals regarding the park impact fee imposed on any development activity or the credit established by the City under this chapter may only be taken by the feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the park impact fee(s) at issue have been paid, the dedication of land or posting of a cash bond made, or other form of security acceptable to the City has been given. The amount of the bond or other security shall be equal to the value of land or construction of improvement claimed by the fee payer.

Appeals shall be made in conformance with and governed by the procedures set forth in KCO 1111.03(D)(1), except that said appeal shall be heard by the Planning Commission as dictated by KCO 1111.02(F) and the time period for filing the appeal shall be within ten (10) working days of the payment of the park impact fees, dedication of land, or posting of a cash bond or other acceptable form of security.