

DRAFT ORDINANCE NO. 2020-01

AN ORDINANCE TO DESIGNATE, ON AN INTERIM BASIS ONLY, THAT ANY PROPOSED ALTERNATE LAND USE FOR THE 3.191 ACRE PARCEL ON WEST WILLIAMS RECENTLY RE-ZONED TO “COMMERCIAL-DOWNTOWN (C-D),” AS SUBJECT TO A CERTIFICATE OF APPROPRIATENESS BY THE ARCHITECTURAL REVIEW BOARD AUTHORITY; AND DECLARING AN EMERGENCY.

WHEREAS, on April 17, 2019, Kent City Council authorized the re-zoning of a 3.191 acre parcel on West Williams Street from “Industrial (I) to a “Commercial-Downtown (C-D)” zoning designation (Ordinance No. 2019-45). Subsequent to the re-zoning, the property owner submitted a proposed hotel project to the Planning Commission for site plan review and approval; and

WHEREAS, the Architectural Review Board did not have “Certificate of Appropriateness” authority because the 3.191 acres is located outside the boundaries of the “Downtown/West River Overlay District” so recommendations from the Architectural Review Board on the proposed new hotel property were presented to the Planning Commission on a non-binding basis as part of the project site plan review and approval process; and

WHEREAS, on October 1, 2019, the Architectural Review Board approved Resolution 2019-01 requesting interim “Certificate of Appropriateness” authority for the 3.191 acre parcel only if the proposed hotel project is not developed as approved by the Planning Commission and a substantial change to the approved site plan or an alternate land use is proposed; and

WHEREAS, the City is currently conducting a comprehensive update to the Zoning Code that may alter the boundaries of the “Downtown/West River Overlay District” to include the 3.191 acre parcel and make it subject to Architectural Review Board authority in the coming months so a temporary measure is necessary in the interim;

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. That Kent City Council does hereby authorize to designate, on an interim basis, “Certificate of Appropriateness” authority to the Architectural Review Board for the 3.191 acre parcel only if the proposed hotel project is not developed as approved by the Planning Commission and which interim authority will terminate when the comprehensive Zoning Code update is adopted by Kent City Council or the hotel is constructed and the site plan is not altered.

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: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
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.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

AMY WILKENS
CLERK OF COUNCIL
(SEAL)