

RESOLUTION NO. 2017-14

**A RESOLUTION IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF ANY NEW LAND USE APPLICATION SEEKING A DEVELOPMENT ORDER AND ON THE ACCEPTANCE OF CERTAIN BUILDING PERMIT APPLICATIONS FOR PROPERTY LOCATED WITHIN R-4 ZONING DISTRICTS OF THE CITY OF KENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent, Ohio (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of the Constitution of the State of Ohio and the home rule charter of the City (the “Charter”); and

**WHEREAS**, Sections 5.12(8) and 5.13 of the Charter authorize the City Council to enact emergency ordinances for the preservation of public, health, peace, or safety upon the vote of seven (7) members of City Council; and

**WHEREAS**, the City of Kent currently regulates land uses within the City limits in accordance with Chapter 11 of the Kent Municipal Code pursuant to its Home Rule Constitutional authority and the Ohio Constitution; and

**WHEREAS**, the character of development activity in the City of Kent can have a negative impact upon the health, peace, safety and general well-being of the residents and visitors of Kent; and

**WHEREAS**, recent land use applications seeking Development authorization and permits in various City R-4: Multi-Family Residential Zoning Districts do not appear to be consistent with the goals and vision as expressed by the Bicentennial Plan and the Comprehensive Community Housing Study and Needs Analysis of 2016 including:

- The desire to pursue more aggressive measures to ensure the needs of the community are met, and to preserve our unique community character; and
- Achieving sustainable growth practices to ensure long-term vitality and stability of our community and diverse visitor-based economy; and
- Encouraging a multi-family residential mix that is balanced, diverse and vital and meets the needs of year-round residents and visitors; and
- Limiting the burden on public infrastructure and ongoing public operating costs; and
- Reducing short and long term job generation impacts, such as traffic congestion and demand for affordable housing; and

**WHEREAS**, recent land use applications seeking Development authorization and permits in various City R-4: Multi-Family Residential Zoning Districts are having the following potential negative effects upon the community:

- Eliminating buffers between R-4: Multi-Family Residential and other surrounding residential districts;
- Increasing traffic use and congestion;
- Failure to reflect long term housing needs for the City of Kent, Ohio; and
- Failure to seek sustainable growth in the community.

**WHEREAS**, the Kent City Council and the Community Development Department require six (6) months of time in which to review all existing land use codes and regulations as they affect land use development in certain R-4: Multi-Family Residential Zoning Districts within the City of Kent to ensure that all land use development proceeds in a manner that is consistent with the Kent Bicentennial Plan and the 2016 Comprehensive Community Housing Study and Needs Analysis of 2016 and long term and short term sustainability goals of the City; and

**WHEREAS**, the Kent City Council desires that the staff of the Community Development Department conduct a thorough analysis and assessment of the Zoning Code and regulations affecting the development of land within certain R-4: Multi-Family Residential Zoning Districts of the City of Kent with particular attention to multi-family developments in order to request needed changes to the zoning code within said six (6) month window; and

**WHEREAS**, a moratorium through an emergency resolution on all development applications will enable a reasoned discussion and consideration of desired amendments to the Land Use Code without creating a rush of development applications and the related impacts upon the community; and

**WHEREAS**, the Community Development Department may need assistance from third party consultants to complete the task of analyzing the current Land Use Code and regulations as contemplated herein, the City Council hereby directs the City Manager to authorize the expenditure of City funds to engage one or more consultants to assist the Community Development Department; and

**WHEREAS**, the City Council has determined that it is necessary to declare an emergency for the preservation of public property, health, peace, and safety with the imposition of a temporary moratorium on the acceptance, processing, and approval of land use applications for development authorization and permits by the City of Kent Community Development Department and City Council and on the acceptance of certain building permit application.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kent, Portage County, Ohio, at least two-thirds (2/3) of all members elected thereto concurring:

**SECTION 1: Moratorium on new land use applications within certain zone districts.**

There is hereby imposed a six (6) month moratorium on the acceptance by the Community Development Department of new land use applications for a Development authorization and permits affecting property within the R-4: Multi-Family Residential Zoning Districts of the City of Kent. This moratorium shall apply to all new land use applications for a Development authorization and permits in the above referenced zones.

**SECTION 2: Moratorium on certain building permit applications.**

There is hereby imposed a temporary moratorium on the acceptance by the Community Development Department of any building permit application for development within the R-4 Zoning Districts of the City of Kent that would have the effect of increasing the number of multi-family housing units in said district.

**SECTION 3: Exemptions from Moratorium.**

A. The following land use applications shall be exempt from this temporary moratorium:

1. Any land use application for a Development Order submitted to the Community Development Department prior to final passage of this resolution and deemed to be complete by the Director of the Community Development Department.
2. Any land use application limited to the development of a single family or duplex building where that use was legally established as of the effective date of this resolution.

B. The following applications for building permits shall be exempt from this temporary moratorium:

1. Building permit applications for project that do not require a land use application and will not have the effect of increasing the number of multi-family housing units in said districts.
2. Building permit applications for Single-Family and Duplex development.
3. Building permit applications for any project that has received Development authorization and permits prior to the effective date of this Resolution or has a land use development application pending and may become eligible to receive a Development authorization and permits at a later date.
4. Building permit applications for demolition of accessory, non-habitable structures.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 5.** That this Resolution 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 Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: March 1, 2017  
Date

Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: March 1, 2017  
Date

ATTEST: Tara Grimm  
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 RESOLUTION No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 2017.

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TARA GRIMM, CMC  
CLERK OF COUNCIL  
(SEAL)