

**THE CITY OF KENT, OHIO  
LAND USE COMMITTEE  
WEDNESDAY, APRIL 2, 2008**

This meeting of the Land Use Committee of Kent City Council was called to order on Wednesday, April 2, 2008 by Garret Ferrara, Chair, at 8:20 p.m. Chair Ferrara said the only item on their agenda was the zoning text amendment.

**PRESENT: MR. AMRHEIN, MR. DELEONE, MR. FERRARA, MR. HAWKSLEY, MR. KUHAR, MS. SHAFFER, MR. TURNER, MS. WALLACH, AND MR. WILSON**

**ALSO PRESENT: J. FENDER, MAYOR; D. RULLER, CITY MANAGER; J. SILVER, LAW DIRECTOR; G. LOCKE, DIR. OF COMMUNITY DEVELOPMENT; AND L. COPLEY, CLERK OF COUNCIL**

**Dave Ruller, City Manager**, explained that **Gary Locke, Community Development Director**, would review the zoning text amendment. He said this amendment was already approved by the Planning Commission by a unanimous vote.

Mr. Locke said there have been a few questions about residential usage of a property in the Industrial zone. He said they put together a text amendment that would call this a residential accessory use. He said they tried to set it up in a way where it would be the equivalent of an efficiency or a one-bedroom apartment. He said the maximum size is 800 square feet. He said it would have to be the owner or their immediate family. He said they could not just set up a rental. Mr. Locke said it would have to meet the zoning requirements, and a zoning permit would be necessary.

Mr. Locke said they did not want to compromise their few industrial sites in the area. He said they felt there was some merit in allowing this on a limited basis. He said if it could help bring a business, it may be worthwhile. He said this issue has come up twice over the last year. He said that two instances is not a large number, but it appears to be indicative. Mr. Locke said it would be very limited.

Mr. Hawksley said in a live/work unit, it is typically a business that is not compatible in a residential neighborhood, like a sculpture who needs a lot of space to build big, steel fabrications. He said the way he is reading the language, nothing is said about the size of the building and/or the site. HE said if they have a 20,000 square building, are they limited to one living area or could the area be subdivided with additional living area. Mr. Locke said it specifically says a residential efficiency apartment or residential one bedroom apartment not exceeding 800 feet total area. Mr. Hawksley asked if that was in all existing buildings, regardless of the size, and Mr. Locke said that was correct.

Mr. Locke stressed they are not trying to take away from their limited industrial areas. He said if they had multiple units, he is unsure how well those people could co-habitate with each other. He said that would result in complaints about smell or noise.

Mr. Hawksley asked if they can restrict someone from renting a residential unit, and asked if it was legal, and Mr. Locke noted it was a good question. Mr. Silver said it was defined specifically enough, it can be done.

Ms. Wallach said they heard it was an efficiency or one-bedroom apartment. She asked what happens if the owner of the business has a family, and whether they could put in two or three bedrooms. Mr. Locke said they would need a variance, and would have to appear at the Board of Zoning Appeals.

Mr. Kuhar said he heard Mr. Locke say this conditional use would be for owner-occupied, and asked if that was the real estate owner or the business owner. Mr. Locke said it could be either.

Mr. Wilson asked what would happen if he rented the building to four different people, after subdividing the

building. He said they would each own their own business. Mr. Locke said it talks about one owner, not multiple owners. Mr. Wilson said Mr. Locke defined it as owner of the property or owner of the business. He said if he owned the building, and divided it into four different portions, why could each of them not put in an apartment, and Mr. Ruller said it was the same thing Mr. Hawksley asked. Mr. Hawksley agreed, adding it is written to say one apartment per building.

The Clerk pointed out that a public hearing must be held before the Committee makes an adjustment. She said the public hearing is on April 16, and following the public hearing, they can adopt, reject or adopt a modification.

Hearing no further business before this Committee, Chair Ferrara adjourned this meeting at 8:31 p.m.

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Linda M. Copley, Clerk of Council