

ORDINANCE NO. 2022 - 132

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CITY OF KENT'S ZONING CODE IN ORDER TO ESTABLISH A NEW LAND USE CATEGORY IN THE CODE, AND DECLARING AN EMERGENCY.

WHEREAS, on October 18, 2022, staff met with the Planning Commission to discuss the proposed text amendments to establish a new land use category of "microbreweries, limited food service," and voted unanimously to approve the proposed changes; and

WHEREAS, the new land use category of "microbreweries, limited food service" will be listed the same as the current land use category of "microbrewery," which is a conditionally permitted use in the "C-Commercial District" and in the "R-T-O: Research, Technology and Office Zoning District" (formerly known as "I-R: Industrial Research and Office District") and as a permitted use in the "I: Industrial District"; and

WHEREAS, the following chapters will be amended:

- 1) Chapter 1103: Zoning Districts, Land Use, and Zoning Map; and
- 2) Chapter 1105: Conditions Applicable to Specific Land Uses.

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

SECTION 1. That Kent City Council does hereby authorize the amendments of the City of Kent's Zoning Code, and is more fully set forth in Exhibit "A", attached hereto and incorporated herein.

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: December 21, 2022 Date Jack Amrhein Jack Amrhein
President Pro Tem

EFFECTIVE: December 21, 2022 Date

ATTEST: Amy Wilkens 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 RESOLUTION NO.

2022-132 ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON December 21, 2022.

(SEAL)

Amy Wilkens
AMY WILKENS
CLERK OF COUNCIL

The proposed text amendments listed below will allow for the establishment of the new land use category of “microbreweries, limited food service.”

SECTION 1103.07: TABLE OF LAND USES BY DISTRICT

	C	R-T-O	I
Microbreweries; Microbreweries, Limited Food Service (Drive-Thru Prohibited).	C	C	P

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SECTION 1103.17: C: COMMERCIAL DISTRICT

(C) Conditionally Permitted Uses

19. Microbreweries; Microbreweries, Limited Food Service

SECTION 1103.21: R-T-O: RESEARCH, TECHNOLOGY, AND OFFICE DISTRICT (formerly known as I-R: INDUSTRIAL RESEARCH AND OFFICE DISTRICT)

(C) Conditionally Permitted Uses

5. Microbreweries; Microbreweries, Limited Food Service

SECTION 1103.22: I: INDUSTRIAL DISTRICT

(P) Permitted Principal Uses

6. Microbreweries; Microbreweries, Limited Food Service

SECTION 1105.37: MICROBREWERIES; MICROBREWERIES, LIMITED FOOD SERVICE

(1) On site production of alcoholic beverages is required.

~~(2) Only microbreweries approved for a restaurant use may produce, prepare, serve, or sell food.~~

(2) Microbreweries that include an interior tap room, may provide limited food service, but such food service must be ancillary to the primary use of alcoholic beverage production. Ancillary is defined as no more than 30% of the available interior square footage be utilized for food preparation and service.

(3) Outdoor service areas must be located on the buildable area of the lot.

(4) Sale of alcoholic beverages is limited to only ~~to~~ what is produced on site.