

(Council President Smolic)

**CITY OF KIRTLAND**

**ORDINANCE NUMBER 23-O-53**

**AN ORDINANCE APPROVING OF THE PROPERTY OWNER'S REQUEST TO REZONE PARCEL NUMBER 20-A-002-0-00-002-0 FROM INSTITUTIONAL AND OFFICE DISTRICT TO R-3D SINGLE FAMILY RESIDENTIAL DISTRICT, SUBMITTING THE ISSUE TO THE ELECTORATE PURSUANT TO ARTICLE V, SECTION 5 OF THE CITY'S CHARTER, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on May 3, 2023, property owner Valerie Keck Boughman submitted to the Planning and Zoning Commission an Application for Zoning Map Amendment to amend the City's Zoning Map, specifically a property she owns more appropriately described as Permanent Parcel Number 20-A-002-0-00-002-0, and to change the zoning classification from Institutional and Office to R-3D Single Family Residential; and

**WHEREAS**, said application proceeded pursuant to §1299.03, and the Planning and Zoning Commission, after holding a public hearing on June 12, 2023, has recommended via Resolution 23-PZ-3 to this Council that the property described as Permanent Parcel Number 20-A-002-0-00-002-0, which is located in the City of Kirtland, be rezoned from its current zoning of Institutional and Office District to R-3D Single Family Residential District; and

**WHEREAS**, this Council, after conducting a public hearing, has determined that only the property described Permanent Parcel Number 20-A-002-0-00-002-0, located in the City of Kirtland, be rezoned from its current zoning of Institutional and Office District to R-3D Single Family Residential District; and

**WHEREAS**, Article V, Section 5 of the Charter of the City of Kirtland requires that any Ordinance or Resolution enacted by the Council of the City of Kirtland which establishes, amends, revises, changes, or repeals a zoning classification, district, or land use be submitted to the electors for approval or disapproval.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

**SECTION I:** This Council adopts the recommendation of its Planning and Zoning Commission, said recommendation as outlined in Resolution 23-PZ-3, and hereby approves of the Application for Zoning Map Amendment submitted by Valerie Keck Boughman to change the zoning classification of Permanent Parcel Number 20-A-002-0-00-002-0 from Institutional and Office District to R-3D Single Family Residential District.

**SECTION II:** The Amended Zoning Map, attached hereto and incorporated herein by reference and marked Exhibit "A", on which Permanent Parcel Number 20-A-002-0-00-002-0 in the City of Kirtland is rezoned from its current zoning of Institutional and Office District to R-3D Single Family Residential

District, is hereby adopted. Any portions of the existing Zoning Map of the City of Kirtland which are inconsistent with Exhibit "A" attached hereto are hereby repealed.

**SECTION III:** Pursuant to Section 5, Article V, of the Charter of the City of Kirtland, this Ordinance and resulting Issue shall be submitted to a vote for approval or disapproval of the qualified electors of the City of Kirtland in an election to be held on Tuesday, the 7<sup>th</sup> day of November, 2023, during the regular hours of voting on such date as prescribed by general law. If this Ordinance with Amended Zoning Map is approved by fifty-five percent (55%) of those voting in the election, then this Ordinance with Amended Zoning Map shall take effect and become law on the first Monday after the results of the election are certified to the City by the Board of Elections of Lake County, Ohio.

**SECTION IV:** The ballot submitting the question of the adoption will be titled and read substantially as follows: at the top thereof, be titled "Zoning Map Amendment for the City of Kirtland". There shall also be a listing that "An affirmative vote of 55% or more is required for passage." The question to be submitted on said ballot shall be in the following words: "Shall Ordinance Number 23-O-53 with Amended Zoning Map, as adopted by the Council of the City of Kirtland, which approving the change in zoning classification of Permanent Parcel Number 20-A-002-0-00-002-0 from Institutional and Office District to R-3D Single Family Residential Districts be approved?" Following the question, there shall then be the words "Yes" and "No".

**SECTION V:** The Mayor be and is hereby directed to make the necessary arrangements with the Board of Elections of Lake County, Ohio for giving notice and placing said question on the ballot.

**SECTION VI:** The Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Lake County prior to the ninetieth day before the general election which is to be held on November 7, 2023, and to notify the Board of Elections to cause notice of election on the question of approval or disapproval of the City of Kirtland Ordinance Number 23-O-53 to be given as required by law.

**SECTION VII:** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 including Section 121.22 of the Ohio Revised Code.

**SECTION VIII:** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Lake County not later than 90 days prior to the November 7, 2023 election as provided herein; wherefor, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor on this \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council  
Rezone Keck Property to R-3D and Place on Ballot

\_\_\_\_\_  
Mayor Kevin F. Potter

# CITY OF KIRTLAND ZONE MAP

## EXHIBIT "A"

Proposed Zoning Amendment for  
Permanent Parcel Number  
20-A-002-0-00-002-0

**PPN 20-A-002-0-00-002-0**  
**From IO Institutional and Office**  
**To R-3D Single Family Residential, 5-Acre**

