

AMENDED ORDINANCE NO. 13-2022

ADOPTED: JANUARY 5, 2023

AN ORDINANCE TO AMEND THE ZONING DISTRICT MAP OF THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, OHIO BY REZONING PARCEL NUMBERS 099-018192-00.00, 0269024-00.001, AND 010-017748-00.00 TO PUD (PLANNED UNIT DEVELOPMENT)

WHEREAS, Rosemary Emswiler and Howard Emswiler, Trustees own ±82.71 acres of land located in the Village of Kirkersville identified as Parcel No. 099-018192-00.00; and

WHEREAS, Rosemary Emswiler and Howard Emswiler, Trustees also own ±37.28 acres of land located in the Village of Kirkersville identified as Parcel No. 026-069024-00.001;

WHEREAS, Red Chip Farms, Inc, (“Red Chip”) owns ± 6.18 acres of land currently located in Etna Township; and

WHEREAS, Red Chip, on behalf of itself and Rosemary and Howard Emswiler, submitted a rezoning application and preliminary development plan under Chapter 12 of the Village of Kirkersville Zoning Ordinance. The Zoning Inspector determined the rezoning application is complete and the preliminary development plan complies with Section 1208(b)(1); and

WHEREAS, with its rezoning application and preliminary development plan, Red Chip wants to rezone Parcel Nos. 099-018192-00.00 and 026-069024-00.001 from R-1 (Single Family Residential) to PUD (Planned Unit Development); and

WHEREAS, because Red Chip is in the process of annexing Parcel No. 010-017748-00.00 into the Village of Kirkersville, it included this parcel in the rezoning application and preliminary development plan. Once annexed, Parcel No. 010-017748-00.00 will be incorporated into the development. In particular, the site’s dual access points and retention pond servicing the storm/surface water of this development will be located on Parcel No. 010-017748-00.00; and

WHEREAS, Chapter 12 of the Village of Kirkersville Zoning Ordinance governs the Planned Unit Development District and the process/procedure for rezoning property to the PUD; and

WHEREAS, having had more than 30 days to consider the preliminary development plan, the Village of Kirkersville Planning Commission held a special meeting and public hearing on October 12, 2022 at 7 p.m. to consider, discuss, deliberate and make a recommendation concerning the Application. The special meeting was properly noticed, as required by Section 1210(b). Notice of the Application also was sent to the Village of Kirkersville Police Department, the West Licking Fire District, and the Southwest Licking Community Water and Sewer District for review and comment; and

WHEREAS, the Village of Kirkersville Planning Commission recommended approval of the rezoning application and preliminary development plan with the following conditions:

1. Red Chip apply for, and receive, all necessary federal, state, and local permits and approvals and provide the Zoning Inspector copies of all permits and approval when each is granted;
2. Red Chip comply with all recommendation and requirements of the West Licking Fire District, as they relate to site access;
3. Red Chip pay, in full, the required Village of Kirkersville Rezoning Application Fee; and
4. Red Chip annex into the Village of Kirkersville Parcel No. 010-017748-00.00, which has been identified in the preliminary development plan as the “parcel to be annexed”; and

WHEREAS, proper notice of the public hearings before the Planning Commission and Village Council were properly noticed; and

WHEREAS, the thirty-day public examination period, as contemplated by Section 1210(b) has expired; and

WHEREAS, since being before the Planning Commission, Red Chip talked to the West Licking Fire District and learned the District required two separate and distinguishable access points to the site. Red Chip changed its Site Plan to comply this recommendation and submitted an amended rezoning application and preliminary development plan on October 31, 2022; and

WHEREAS, Council of the Village of Kirkersville now wants to adopt the Planning Commission’s recommendation and approve the Zoning Map Amendment to rezone these parcels to PUD (Planned Unit Development).

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Kirkersville, County of Licking, State of Ohio, a majority of the members elected thereto concurring:

SECTION 1: Council for the Village of Kirkersville hereby adopts the Planning Commission’s recommendation, and all of its conditions. In doing so, Council for the Village of Kirkersville hereby approves and adopts the Amended Preliminary Development Plan submitted by Red Chip Farms Kirkersville and all of the Planning Commission’s conditions.

SECTION 2: Parcel Nos. 099-018192-00.00 and 026-069024-00.00 are hereby rezoned from R-1 (Single Family Residential) to PUD (Planned Unit Development), subject to Red Chip’s compliance with (1) Section 1210(c) thru (f) of the Village of Kirkersville Zoning Ordinance and all of the Planning Commission’s conditions, prior to the development or construction of improvements in the Preliminary Development Plan and (2) Section 1211 of the Village of Kirkersville Zoning Ordinance

SECTION 3: Once Parcel No. 010-017748-00.00 is annexed, it shall be rezoned to PUD (Planned Unit Development), subject to Red Chip's compliance with (1) Section 1210(c) thru (f) of the Village of Kirkersville Zoning Ordinance and all of the Planning Commission's conditions, prior to the development or construction of improvements in the Preliminary Development Plan and (2) Section 1211 of the Village of Kirkersville Zoning Ordinance.

SECTION 4: The Village of Kirkersville Zoning District Map shall be changed to reflect the rezoning accomplished by this Ordinance.

SECTION 5: The zoning designation for all other parcels in the Village of Kirkersville shall remain unchanged, in effect, and valid.

SECTION 6: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the Village of Kirkersville which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 7: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

SECTION 8: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 4 day of January 2023

Terry Ashcraft, Mayor

ATTEST: _____
Shirley Roskoski, Clerk of Council

APPROVED:

Approved as to form this 2nd day of November 2022:



Brian M. Zets
Village Solicitor