

1st reading 6-5-24
P&Z Rec. 6-18-24
2nd reading 7-3-24
3rd reading 8-1-24
Voted on 8-1-24
Ayes: 9 Nays: 1 Abstain: 1
PASSED DEFEATED

05/20/2024

ORDINANCE NO. 2024-10

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND FROM THE U-1 ZONING DISTRICT TO THE S-1 ZONING DISTRICT, AMENDING THE VILLAGE ZONING MAP, SUBMITTING THE PROPOSED ZONING CHANGES TO THE VOTERS OF ORANGE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, an application has been presented by KJI Group, LLC. (“Applicant”) to the Orange Village Council to rezone certain property, currently known as the “New Song Church” property, located at 4799 Lander, which property includes permanent parcel numbers 901-35-006, 901-35-011, and 901-39-036 (also known as West Fairview Dr. Unit: Rear) (together the “Property”); and

WHEREAS, the request to rezone the Property proposes that it would be rezoned from its current U-1 Single-Family Dwelling District into the S-1 Special Residential District, which would permit up to sixteen (16) lots for single-family homes to be constructed on the Property on a dedicated right of way; and

WHEREAS, the rezoning requires a variance from Section 1170.04 of the Orange Village Codified Ordinances, which provides that an S-1 development may only be constructed on a property that is composed of twenty-five (25) acres or more, but the Property is only thirteen and fifty-three one hundredths (13.53) of an acre in size; and

WHEREAS, the necessary variance has been granted to the Applicant via the Judgment Entry in KJI Group, LLC. v. Orange Village Council, Cuyahoga County Common Pleas Case No. CV-24-997846.

WHEREAS, the Planning and Zoning Commission of the Village has considered the request to rezone the property to the zoning map and has filed its recommendation thereon with this Council; and

WHEREAS, this Council has held a public hearing regarding this ordinance; and

WHEREAS, this Council desires to submit the question of the rezoning of the property into the S-1 Special Residential District at an election to be held at the time of the 2024 general election, to wit: November 5, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the following property (the “Property”),

(See "Exhibit A" attached hereto and incorporated herein by reference, which is the legal description of the Property, and "Exhibit B" hereto, which graphically depicts the location of the Property)

which is composed of approximately thirteen and fifty-three one-hundredths (13.53) acres, is hereby designated as being in the S-1 Special Residential Zoning District, and shall be so marked on the Orange Village Zoning map by the Clerk of Council and the Village Engineer, who are hereby instructed to amend the official zoning map of the Village in accordance with the provisions of this Ordinance upon the effective date of this Ordinance as hereinafter provided.

SECTION 2. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be certified to the Board of Elections for Cuyahoga County, which is requested to conduct an election on this issue to be held at the general election on Tuesday, November 5, 2024. The certification of the Ordinance shall occur no fewer than ninety (90) days prior to November 5, 2024, so that the same may be placed on the ballot and submitted to the electors of Orange Village in the manner required by law.

SECTION 3. That should a majority of the electors of Orange Village voting on said issue approve the rezoning as provided for herein, the Clerk of Council and the Village Engineer are hereby instructed to amend the official zoning map of the Village which is hereby amended in applicable part, and all previous zoning of the subject property be and is hereby repealed. The effective date of this Section shall be as provided in Section 6 hereof.

SECTION 4. That the actions of this Council concerning and relating to the passage 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 held in compliance with all legal requirements including Chapter 105 of the Code of Ordinances of Orange Village.

SECTION 5. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, for the reason that in order for this matter to be timely placed upon the November 5, 2024, general election ballot, the authorization of the Clerk to certify this Ordinance to the Board of Elections must be effective immediately upon its passage and approval by the Mayor; provided, however, the balance of this Ordinance shall be effective only upon its approval by a majority of the electors of Orange Village voting on said issue and certification of the results of said election by the Cuyahoga County Board of Elections.

PASSED this 1st day of August, 2024

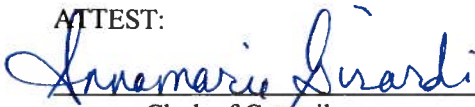


Council President

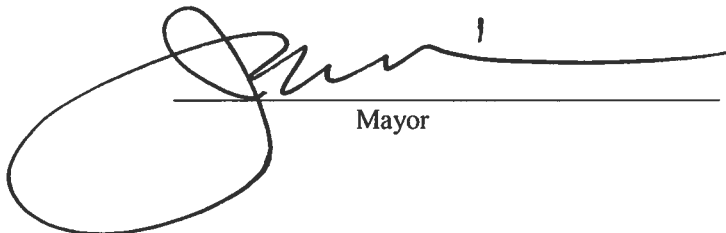
Submitted to the Mayor for approval
on this 1st day of August, 2024

Approved by the Mayor this
1st day of August, 2024

ATTEST:



Clerk of Council



Mayor

EXHIBIT "A"

PARCEL NO. 1: (PPN: 901-35-006)

SITUATED IN THE VILLAGE OF ORANGE, COUNTY CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING SUBLOTS NOS. 29 AND 30 AND A 30 FOOT RESERVE STRIP IN LANDER MEADOWS SUBDIVISION OF PART OF ORIGINAL ORANGE TOWNSHIP LOT NO. 6, TRACT NO. 3, THIRD DIVISION, AS SHOWN BY THE RECORDED PLAT IN VOLUME 134 OF MAPS, PAGE 16 OF CUYAHOGA COUNTY RECORDS, AND ALSO A PART OF ORIGINAL ORANGE TOWNSHIP LOT NO. 6, TRACT NO. 3, THIRD DIVISION, AND TOGETHER FORMING A PARCEL OF LAND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING IN THE EASTERLY LINE OF LANDER ROAD, 60 FEET WIDE, AT THE SOUTHWESTERLY CORNER OF SUBLLOT NO. 30 IN LANDER MEADOWS SUBDIVISION, AS AFORESAID;

THENCE NORTHERLY IN THE EASTERLY LINE OF LANDER ROAD, 250 FEET TO THE SOUTHERLY LINE OF LAND CONVEYED TO JESSIE A. STERN, BY DEED DATED OCTOBER 5, 1937 AND RECORDED IN VOLUME 4768, PAGE 190 OF CUYAHOGA COUNTY RECORDS;

THENCE EASTERLY IN THE NORTHERLY LINE OF SAID RESERVE STRIP AND IN THE SOUTHERLY LINE OF LAND SO CONVEYED TO JESSIE A. STERN, 782.93 FEET TO THE EASTERLY LINE OF ORIGINAL LOT NO. 6;

THENCE SOUTHERLY IN THE EASTERLY LINE OF ORIGINAL LOT NO. 6 TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID SUBLLOT NO. 30;

THENCE WESTERLY IN SAID EXTENSION AND IN THE SOUTHERLY LINE OF SUBLLOT NO. 30, BEING ALSO THE NORTHERLY LINE OF LAND CONVEYED TO SHIRLEY J. MILLER BY DEED DATED JULY 14, 1960 AND RECORDED IN VOLUME 9954, PAGE 543 OF CUYAHOGA COUNTY RECORDS, ABOUT 770 FEET TO THE PRINCIPAL PLACE OF BEGINNING, AS APPEARS BY SAID PLAT.

PARCEL NO. 2: (PART OF PPN: 901-35-011)

SITUATED IN THE VILLAGE OF ORANGE, COUNTY OF CUYAHOGA AND STATE OF OHIO: AND KNOWN AS BEING A PART OF LANDER MEADOWS SUBDIVISION AS RECORDED IN VOLUME 134, PAGE 16 OF CUYAHOGA COUNTY PLAT RECORDS:

BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE EASTERLY LINE OF LANDER ROAD (60 FEET WIDE) AND THE NORTHWESTERLY CORNER OF SUBLLOT NO. 31 OF LANDER MEADOWS SUBDIVISION;

THENCE NORTH 89°54'20" EAST ALONG THE NORTHERLY LINE OF SUBLLOT NO. 31, A DISTANCE OF 360.99 FEET TO AN IRON PIN AT THE PRINCIPAL PLACE OF BEGINNING;

COURSE I: THENCE NORTH 89°54'20" EAST ALONG THE NORTHERLY LINE AND TO THE NORTHEASTERLY CORNER OF SUBLLOT NO. 31, A DISTANCE OF 34.67 FEET TO AN IRON PIN;

COURSE II: THENCE SOUTH 0°08' EAST ALONG THE EASTERLY LINE OF SUBLLOT NO. 31, A DISTANCE OF 82.21 FEET TO AN IRON PIN;

COURSE III: THENCE SOUTH 89°54'20" WEST A DISTANCE OF 34.67 FEET TO AN IRON PIN;

COURSE IV: THENCE NORTH 0°08' WEST A DISTANCE OF 82.21 FEET TO THE PRINCIPAL PLACE OF BEGINNING AND CONTAINING 0.0634 OF AN ACRE OF LAND AS SURVEYED AND DESCRIBED BY HARRY S. JONES, REGISTERED SURVEYOR NO. 6363 IN SEPTEMBER 1994, BE THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

CCEA-01/14/95-0



PARCEL NO. 3: (BALANCE OF PPN: 901-35-011)

SITUATED IN THE VILLAGE OF ORANGE, COUNTY OF CUYAHOGA AND STATE OF OHIO, AN KNOWN AS BEING PART OF ORIGINAL ORANGE TOWNSHIP LOT NO. 6, TRACT 3, THIRD DIVISION, AND BOUNDED AND DESCRIBED AS FOLLOWS;

BEGINNING ON THE EASTERLY SIDELINE OF LANDER ROAD, 60 FEET WIDE, AT THE NORTHWESTERLY CORNER OF SUBLot NO. 31 IN THE LANDER MEADOWS SUBDIVISION OF PART OF ORIGINAL RECORDED PLAT IN VOLUME 134 OF MAPS, PAGE 16 OF CUYAHOGA COUNTY RECORDS;

THENCE SOUTHERLY ALONG THE EASTERLY SIDELINE OF LANDER ROAD TWO HUNDRED FEET (200 FT.) TO A POINT;

THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SUBLot NO. 32 IN SAID SUBDIVISION, ABOUT 397.88 FEET TO THE EASTERLY SIDELINE OF SAID SUBLot NO. 32;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE, 20 FEET TO THE SOUTHEASTERLY CORNER OF SAID SUBLot NO. 32 AND THE PRINCIPAL PLACE OF BEGINNING OF THE PROPERTY BEING DESCRIBED HEREIN:

COURSE I: THENCE NORTH $89^{\circ}54'10''$ EAST 370.06 FEET TO THE EASTERLY LINE OF SAID ORIGINAL LOT NO. 6;

COURSE II: THENCE NORTHERLY ALONG THE EASTERLY LINE OF LOT NO. 6 TO ITS INTERSECTION WITH THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID SUBLot NO. 31;

COURSE III: THENCE WESTERLY ALONG SAID PROLONGATION OF THE NORTHERLY LINE OF SUBLot NO. 31, ABOUT 375 FEET TO THE NORTHEASTERLY CORNER OF SAID SUBLot NO. 31;

COURSE IV: THENCE SOUTHERLY ALONG THE REAR AND EASTERLY LINES OF SUBLots NOS. 31 AND 32 ABOUT 220 FEET TO THE PRINCIPAL PLACE OF BEGINNING, BE THE SAME MORE OR LESS BUT SUBJECT TO ALL LEGAL HIGHWAYS.

PARCEL NO. 4: (PPN: 901-39-036)

SITUATED IN THE VILLAGE OF ORANGE, COUNTY OF CUYAHOGA AND STATE OF OHIO, AND KNOWN AS BEING SUBLot NO. 31 IN WOODCREST SUBDIVISION OF PART OF ORIGINAL ORANGE TOWNSHIP LOT NO. 17, TRACT NO. 3, AS SHOWN BY THE RECORDED PLAT IN VOLUME 141 OF MAPS, PAGE 22 OF CUYAHOGA COUNTY RECORDS, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHWESTERLY CORNER OF ORIGINAL LOT NO. 17;

THENCE NORTH $88^{\circ}10'35''$ EAST ALONG THE NORTHERLY LINE OF ORIGINAL LOT NO. 17, A DISTANCE OF 475 FEET TO A POINT;

THENCE DUE SOUTH AND PARALLEL TO THE WESTERLY LINE OF ORIGINAL LOT NO. 17, A DISTANCE OF 678.23 FEET TO A POINT;

THENCE SOUTH $88^{\circ}10'35''$ WEST A DISTANCE OF 475 FEET TO A POINT IN THE WESTERLY LINE OF ORIGINAL LOT NO. 17;

THENCE DUE NORTH IN THE WESTERLY LINE OF ORIGINAL LOT NO. 17, A DISTANCE OF 678.23 FEET TO THE PLACE OF BEGINNING, BE THE SAME MORE OR LESS.

13:THCOX-1/21/94-RFS

