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Requested by Department of Planning and Urban Development

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AKRON CITY COUNCIL

City Planning Commission

PC-2022-71-T

Offered By: FUSCO KAMMER

ORDINANCE NO. 00-2023 amending/supplementing Title 15, Chapter 153, "Zoning Code", Article 12 "Appeals and Applications," Article 13 "Amendments," and Article 14 "Conditional Uses" regarding fees for the Board of Zoning Appeals and Planning Commission; and declaring an emergency.

WHEREAS, under the provisions of Section 153.434-.458 of the Code of Ordinances, the Akron City Planning Commission at its meeting on December 16, 2022, under file PC-2022-71-T, approved the changes described in Section 1 hereof; and

WHEREAS, City Council after public notice and hearing is of the opinion that the text changes described in Sections one through six hereof are in the public interest and serve the public good.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 15, "Land Usage", Chapter 153 "Zoning Code" Article 12 "Appeals and Applications," Section 153.420 "Form of appeal or application" of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.420 - Form of appeal or application.

An appeal or application shall be perfected by the appellant's or applicant's filing with the secretary of the Board of Zoning Appeals a written appeal or application containing:

- A. The name, address, and phone number of the appellant or applicant of ~~his~~**their** representative involved;
- B. A description of the property involved;
- C. A description of the nature of the appeal or variance requested;
- D. A narrative statement demonstrating the compatibility of the variance with neighboring properties;
- E. Plans of the site indicating the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, or such information necessary to properly evaluate the request;
- F.
 1. A nonrefundable fee, payable in cash or certified check, to reimburse the city for such expenses as clerical, drafting, engineering, investigation, public notice and hearing, and advertising incident to the processing of the appeal or application, as follows:

- a. For an appeal, ~~seventy-five~~**two hundred and fifty (250)** dollars;
 - b. For an application, ~~twenty-five~~**two hundred and fifty (250)** dollars.
2. No fee shall be required if the appellant or applicant is a governmental agency.

Section 2. That Title 15, "Land Usage", Chapter 153 "Zoning Code" Article 12 "Appeals and Applications," Section 153.422 "Transmission to planning staff and Superintendent" of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.422 - Transmission to planning staff and Superintendent.

Immediately after the filing of an appeal or application, the secretary of the Board of Zoning Appeals shall transmit a copy to the planning staff for investigation and study. Any appeal or application shall be transmitted to the Superintendent of Building Inspection and ~~he~~**they** shall endorse thereon ~~his~~ **their** reason for refusing to grant the permit requested.

Section 3. That Title 15, "Land Usage", Chapter 153 "Zoning Code" Article 12 "Appeals and Applications," Section 153.430 "Reopening" of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.430 - Reopening

- A. After a decision is made by the Board of Zoning Appeals, any party may request the reopening of the appeal **or application** for further consideration. Such reopening shall be initiated in the same manner as the original appeal **or application**, except that the nonrefundable fee shall be ~~twenty-five dollars.~~ **the same fee as the original bza appeal or application fee.** The Board is not required to grant the reopening of an appeal **or application** even if the fee is paid. A reopening shall consider only amendments in the nature of the original Board decision. Procedures for consideration of a reopening shall follow those for the original appeal, except that public notice shall not be required.
- ~~B. Reopening of an application shall follow the same procedure as the reopening of an appeal, except that no fee shall be required.~~

Section 4. That Title 15, "Land Usage", Chapter 153 "Zoning Code" Article 13 "Amendments," Section 153.440 "Contents of petition" of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.440 - Contents of petition.

- A. The name, address, and phone number of the petitioner or his representative;
- B. If it is an amendment to the text of this Zoning Code, the text of the proposed amendment (or description of the proposed deletion);
- C. If it is a zoning map or building line map amendment, a legal description or plat of the property involved;
- D. If it is a zoning map or building line map amendment, a description of the present and proposed zoning classification or building line;

E. A statement on the necessity and appropriateness of the proposed amendment, including an Environmental Protection Agency (E.P.A.) statement, when required by that Agency;

F.

1. If it is a Class UPD amendment, plans describing the uses proposed, with sufficient detail to permit evaluation of the amendment in accordance with the following general objectives:

- a. Proper subdivision of land uses;
- b. Rational traffic movement and control;
- c. Adequate and properly constructed off-street parking facilities;
- d. Adequate and suitable landscaping;
- e. Aesthetic amenities such as underground or screened utility service, control of lighting, and control of exterior signs; and
- f. Such other features of modern urban development as may be required in the interests of the public safety, convenience, morals, health and welfare.

2. Two sets of plans shall be submitted to the Department of Planning and Urban Development.

G. Accompanying each amendment shall be a nonrefundable fee, payable in cash or certified check, to reimburse the city for such expenses as clerical, drafting, engineering, investigation, public notice and hearing, and advertising incident to the processing of the amendment. The fee shall be based upon the following fee schedule:

Estimated Project Cost (\$)	Fee (\$)
\$0-5000	\$ 100
\$5,001-20,000	\$ 150
\$20,001-50,000	\$ 300
\$ 50,001-100,000	\$ 400
\$100,001-200,000	\$ 500
\$200,001-UP	\$ 1000
\$0-20,000	\$ 250
\$20,001-100,000	\$ 750
\$100,001-UP	\$ 1500

“Conditional Uses,” Section 153.468 “Petition for conditional use” of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.468 - Petition for conditional use.

A petition for a conditional use shall be prepared in cooperation with the planning staff (preferably on forms available from its office) to assure proper terminology, and shall contain at least the following information:

- A. The name, address, and phone number of the petitioner or his representative;
- B. A legal description or plat of the property involved;
- C. A description of the existing use;
- D. The present zoning district;
- E. A description of the proposed conditional use;
- F. Plans of the proposed site for the conditional use indicating the location of all buildings, parking and loading areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the City Planning Commission or Council may require to determine the effect of the proposed conditional use on the surrounding neighborhood;
- G. A narrative statement evaluating the economic effects on the surrounding neighborhood; the effect of such elements as noise, glare, odor, fumes, and vibration on the surrounding neighborhood; and a discussion of the general compatibility with adjacent and nearby properties;
- H. Accompanying each petition shall be a nonrefundable fee payable in cash or certified check, to reimburse the City for such expenses as clerical, drafting, engineering, investigation, public notice and hearing, and advertising incident to the processing of the conditional use petition. The fee shall be based upon the following fee schedule:

Estimated Project Cost (\$)	Fee (\$)
\$0-5000	\$ 100
\$5,001-20,000	\$ 150
\$20,001-50,000	\$ 300
\$ 50,001-100,000	\$ 400
\$100,001-200,000	\$ 500
\$200,001-UP	\$ 1000
\$0-20,000	\$ 250
\$20,001-100,000	\$ 750
\$100,001-UP	\$ 1500

Section 6. That Title 15, "Land Usage", Chapter 153 "Zoning Code" Article 14 "Conditional Uses," Section 153.490 "Time limitations" of the Code of Ordinances of the City of Akron be and is hereby amended and/or supplemented to read as follows:

153.490 Time limitation.

Any conditional use granted by Council shall remain valid for a period of two years from the date of its adoption. If the permitted use is not initiated within the two-year period, the conditional use shall automatically expire and terminate without further action of Council or notification of grantee, provided, however, that the grantee may apply to Council for an extension not to exceed one year upon the payment of a nonrefundable fee **of the same fee as the original fee** ~~of six hundred dollars~~ which shall be utilized by the city in processing the extension request. For purposes of this section a "conditional use" shall be deemed initiated, in the case of a new development, upon the date either excavation for footers is started or grading begun under building permits issued by the Building Department; a change from an existing use to a conditionally approved use shall be deemed initiated when substantial steps toward the accomplishment of such change of use have begun.

Section 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety for the reason that the proposed changes to the Zoning Code will increase fees for the Board of Zoning Appeals and Planning Commission to reflect current costs and, provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed February 6, 2023

Wanda R. Biviano
Clerk of Council

Mayor Samuel
President of Council

Approved 2/7, 2023

Mayor
M A Y O R