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September 15, 2023

AKRON CITY COUNCIL

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Freeman +  
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absent

Requested by Department of Planning and Urban Development

City Planning Commission  
PC-2023-33-T

SUBSTITUTE OFFERED AS AN AMENDMENT

Offered By: FUSCO

ORDINANCE NO. 398 -2023 amending/supplementing Title 15, Chapter 153, "Zoning Code", Section 153.140 "Definitions" and Section 153.310 "Business and Industry requirements" by establishing a form-based Urban Overlay district for the East Market Street Corridor; 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 August 14, 2020, under file PC-2020-49-T and August 23, 2023, under file PC-2023-33-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 Section 1 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", Section 153.140 "Definitions" and Section 153.310 "Business and Industry requirements" of the Code of Ordinances of the City of Akron, 2004 be and is hereby amended and/or supplemented to read as follows:

ARTICLE 1. GENERAL PROVISIONS

153.140 Definitions

"Urban Overlay Area." An area or areas **DELINEATED ON THE ZONING MAP** subject to special development conditions required by Section 153.310(O) and ~~delineated~~ **IDENTIFIED** as follows: Kenmore Urban Overlay Area-; **EAST MARKET STREET URBAN OVERLAY AREA;**

"Kenmore Urban Overlay Area." An area bounded by the parcels with street frontage along the north and south sideS of Kenmore Boulevard, between 12<sup>th</sup> Street SW and 17<sup>th</sup> Street SW.

**"EAST MARKET STREET URBAN OVERLAY AREA." AN AREA GENERALLY BOUNDED BY THE PARCELS WITH STREET FRONTAGE ALONG THE NORTH AND SOUTH SIDES OF EAST MARKET STREET BETWEEN FOUNTAIN STREET AND CASE AVENUE; PARCELS ON THE NORTH AND SOUTH SIDES OF EAST EXCHANGE STREET BETWEEN FOREST STREET AND EAST MARKET STREET; PARCELS WITH STREET FRONTAGE ON THE EAST AND WEST SIDES OF SOUTH ARLINGTON STREET BETWEEN EAST MARKET STREET AND JOHNSTON STREET; AND PARCELS ON FOUNTAIN STREET, ADOLPH STREET, FRANKLIN STREET, SPRUCE STREET, AND IVAN PLACE.**



“Liner building.” A building for residential, office or retail use placed between a street and off-street parking in order to activate the streetscape and screen the parking from the street.

## Article 6. Development and Area District Requirements

153.310 Business and Industry requirements.

O. Special Development Conditions For Urban Overlay (UO) Areas. The following development requirements shall be in addition and supplemental to those specified in Article 6. Where provisions under this section conflict with those of Article 6, the provisions under this section shall prevail.

1. Purpose: The Urban Overlay Area is established to promote, preserve, and enhance the “urban character” of existing and new buildings and their relation to the street ensuring a high level of walkability by regulating the placement, form and mass of buildings to be constructed within the overlay area.
2. **EXTERIOR DESIGN ELEMENTS AND MATERIAL REQUIREMENTS SPECIFIED HEREIN SHALL BE SUBJECT TO REVIEW BY THE URBAN DESIGN AND HISTORIC PRESERVATION COMMISSION (UDHPC) AT THE DISCRETION OF THE DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT.**

### 3. KENMORE URBAN OVERLAY AREA

- ~~2.~~ A. Permitted Uses: All uses permitted in the underlying zoning district shall be permitted in a **THE KENMORE** UO Area, except that the following uses shall be regulated as follows:

- ~~A.~~ (1) New gas stations shall be prohibited.
- ~~B.~~ (2) Open sales of vehicles and merchandise shall be prohibited.
- ~~C.~~ (3) Drive-thru service windows shall be restricted to behind buildings.
- ~~D.~~ (4) Parking lots as a primary use shall be prohibited.

B. Buildings: Buildings shall contain decorative masonry features on facades. Provide at least one main pedestrian entrance door from a principal or secondary street frontage. Doors shall be recessed to prevent them from swinging over the right-of-way. Buildings shall incorporate vertical elements, spaced at intervals of 22 to 24 feet along frontages with the objective of maintaining proportional continuity with adjacent and nearby buildings. For each primary retail or office building frontage, at least sixty percent of the area between the height of two feet and ten feet above the nearest sidewalk grade shall be clear (non-tinted) window glass and/or door permitting a view of the building’s interior to a depth of four feet.

4. C. Building Mass: No building shall exceed three stories in height. Floor to ceiling heights shall match those of adjacent buildings. Stairwells, elevator penthouse, and decorative elements such as towers may exceed the three-story height, provided such elements encompass less than 50 percent of the building’s front elevation width.
5. D. Building Setbacks: The minimum building setback shall be zero feet and the maximum building setback shall be fifteen feet. The area between the building and public right-of-way shall not be utilized for vehicular parking, stacking or circulation aisles, but may be utilized for seating, outdoor dining, landscaping, hardscaping or artwork.



~~b~~Buildings shall have a minimum width of 100 percent of the lot width.

- ~~6.~~ E. Required Parking: Minimum: 0, maximum: 100 percent of the required parking in Sections 153.305 and 153.310.
- ~~7.~~ F. Surface Parking Location: Parking lots shall be located at the rear of the principal structure.
- ~~8.~~ G. Parking Decks (Structured Parking/Enclosed Parking): Parking decks shall be behind buildings or constructed with a liner building along principal and secondary street frontages.
- ~~9.~~ H. Signage: Signage shall be permitted in accordance with requirements for the Downtown under Article 8, on premises exterior signs. New pole signs are prohibited.
- ~~10.~~ ~~———— All development within the Urban Overlay District shall be subject to review by the Urban Design and Historic Preservation Commission (UDHPC) at the discretion of the Department of Planning and Urban Development.~~

#### **4. EAST MARKET STREET URBAN OVERLAY AREA**

**A. PERMITTED USES: ALL USES PERMITTED IN THE UNDERLYING ZONING DISTRICT SHALL BE PERMITTED IN A THE EAST MARKET STREET UO AREA, EXCEPT THAT THE FOLLOWING USES SHALL BE REGULATED AS FOLLOWS:**

- (1) OPEN SALES OF VEHICLES AND MERCHANDISE SHALL BE PROHIBITED.**
- (2) PARKING LOTS AS A PRIMARY USE SHALL BE PROHIBITED.**
- (3) NEW BILLBOARDS SHALL BE PROHIBITED.**
- (4) DRIVE-THRU SERVICE WINDOWS SHALL BE RESTRICTED TO BEHIND BUILDINGS.**
- (5) PUMP ISLANDS FOR A NEW GAS STATION SHALL BE RESTRICTED TO BEHIND THE PRINCIPAL BUILDING.**

**B. BUILDINGS: BUILDINGS SHALL CONTAIN DECORATIVE MASONRY FEATURES ON FACADES. PROVIDE AT LEAST ONE MAIN PEDESTRIAN ENTRANCE DOOR FROM A PRINCIPAL OR SECONDARY STREET FRONTAGE. IF THE BUILDING IS PLACED AT THE STREET LINE, DOORS SHALL BE RECESSED TO PREVENT THEM FROM SWINGING OVER THE RIGHT-OF-WAY. BUILDINGS SHALL INCORPORATE VERTICAL ELEMENTS ALONG FRONTAGES WITH THE OBJECTIVE OF MAINTAINING PROPORTIONAL CONTINUITY WITH ADJACENT AND NEARBY BUILDINGS. FOR EACH PRIMARY RETAIL OR OFFICE BUILDING FRONTAGE, AT LEAST SIXTY PERCENT OF THE AREA BETWEEN THE HEIGHT OF TWO FEET AND TEN FEET ABOVE THE NEAREST SIDEWALK GRADE SHALL BE CLEAR (NON-TINTED) WINDOW GLASS AND/OR DOOR PERMITTING A VIEW OF THE BUILDING'S INTERIOR TO A DEPTH OF FOUR FEET.**

**C. BUILDING ORIENTATION: BUILDINGS SHALL BE ORIENTED TOWARD THE PRIMARY STREET WHERE PRACTICAL.**



**D. BUILDING MASS: THE MAXIMUM HEIGHT OF BUILDINGS SHALL BE DETERMINED BY THE ESTABLISHED HEIGHT DISTRICT CLASSIFICATION BUT SHALL CONTAIN AT LEAST TWO STORIES AT THE STREET LINE.**

**E. BUILDING SETBACKS: THE MINIMUM BUILDING SETBACK SHALL BE ZERO FEET AND THE MAXIMUM BUILDING SETBACK SHALL BE FIFTEEN FEET. THE AREA BETWEEN THE BUILDING AND PUBLIC RIGHT-OF-WAY SHALL NOT BE UTILIZED FOR VEHICULAR PARKING, STACKING OR CIRCULATION AISLES, BUT MAY BE UTILIZED FOR SEATING, OUTDOOR DINING, LANDSCAPING, HARDSCAPING OR ARTWORK. BUILDINGS SHALL HAVE A MINIMUM WIDTH OF 60 PERCENT OF THE LOT WIDTH.**

**F. REQUIRED PARKING: MINIMUM: 0.25 % OF THE REQUIRED PARKING IN SECTIONS 153.305 AND 153.310. MAXIMUM: 100 PERCENT OF THE REQUIRED PARKING IN SECTIONS 153.305 AND 153.310.**

**G. SURFACE PARKING LOCATION: PARKING LOTS SHALL BE LOCATED AT THE REAR OF THE PRINCIPAL STRUCTURE. AN ACCESS DRIVE WITH A MAXIMUM OF ONE ROW OF PARKING MAY BE LOCATED TO THE SIDE OF THE PRINCIPAL BUILDING IF SUFFICIENT SPACE IS AVAILABLE.**

**H. PARKING DECKS (STRUCTURED PARKING/ENCLOSED PARKING): PARKING DECKS SHALL BE BEHIND BUILDINGS OR CONSTRUCTED WITH A LINER BUILDING HAVING A MINIMUM HEIGHT OF ONE STORY ALONG PRINCIPAL AND SECONDARY STREET FRONTAGES. DECORATIVE SCREENING SHALL BE PLACED ON ANY LEVELS ABOVE THE LINER BUILDING.**

**I. SIGNAGE: SIGNAGE SHALL BE PERMITTED IN ACCORDANCE WITH ARTICLE 8, ON PREMISES EXTERIOR SIGNS. PROJECTING SIGNS ARE PERMITTED.**

Section 2. 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 support Urban Overlay areas 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 December 11, 2023

Diana R. Biviano  
Clerk of Council

Ray Samuels  
President of Council

Approved 12/12, 2023

[Signature]  
M A Y O R