

**ORDINANCE NO. 33-2012**

**TITLE: AMEND BARBERTON DEVELOPMENT CODE  
STREET VENDORS**

**AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE, SECTION 1360.02(B), “DEFINITIONS,” TO CLARIFY THE DEFINITION OF A STREET VENDOR AND BY DELETING STREET VENDORS FROM TABLE 1130H (USE GROUP 13) #32 TO REMOVE STREET VENDORS AS A PERMITTED USE.**

**WHEREAS**, at the February 15, 2012, Planning Commission meeting, the Planning Commission requested that City Council amend Section 1360.02(b), “Definitions” of the Barberton Development Code; and

**WHEREAS**, a public hearing was held in Council Chambers on February 21, 2012, regarding said amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton, State of Ohio:

**SECTION 1.** That Council hereby amends Section 1360.02(b) of the Barberton Development Code by adding certain wording shown in **bold print** to clarify the definition of “street vendors,” and which now reads as follows:

**CHAPTER 1360 DEFINITIONS**

**Section 1360.02(b) Definitions**

(246) Street Vendor:

A cart, stall, vehicle, or other outdoor facility normally located within a public right-of-way for the purpose of selling or otherwise distributing food, services, or merchandise. **All street vendors must maintain a certificate of insurance naming the City of Barberton as an additional insured. Street vendors are considered to be a temporary use and must conform to Section 1310.04 of this Code.** Street vendors do not include vending machines, newspaper racks, parking meters, fire or police call boxes, pay telephones, or farm stands.

**SECTION 2.** That Council hereby amends Table 1130H (Use Group 13) #32 of the Barberton Development Code by deleting, with a ~~strike through~~, street vendors as permitted uses, and which now reads as follows:

**Table 1130H: Local Business Use Groups**

**Group 13: Neighborhood Retail Uses**

Neighborhood Retail Uses are retail and service uses that typically provide frequently purchased consumer goods and services together with a limited selection of comparison goods and that are therefore suited to semi-dispersed locations close to residential areas.

1. Art and craft supply stores
2. Art shops or galleries
3. Beauty supplies sales, including cosmetics, wigs, perfumes, and the like
4. Bicycle sales
5. Book stores
6. Camera and photographic supply stores
7. Card stores
8. China and glassware shops
9. Clothing stores

10. Collectable sales, such as coins, stamps, comic books, etc.
11. Dairy stores (no processing or bottling)
12. Domestic appliance stores, including radio, television, stereo, lighting, clock, and music stores
13. Filling stations, as defined herein
14. Gift shops
15. Hardware stores
16. Health clubs, as defined herein
17. Jewelry and watch stores
18. Kiosks housing retail or service Permitted Uses
19. Liquor stores (package goods only)
20. Locksmith shops
21. Lofts, as defined herein, except on the ground floor
22. Mail receiving services
23. Office supply stores
24. Optician sales, retail
25. Paint stores
26. Pet grooming and veterinary offices, excluding kennels or animal boarding
27. Picture framing shops, retail
28. Post offices
29. Printing and photocopying shops with 6 or fewer employees
30. School supply stores
31. Stationery stores
- ~~32. Street vendors, as defined herein, subject to applicable City regulations~~
32. Tanning salons
33. Taverns, as defined herein
34. Ticket offices, theatre and amusement
35. Ticket offices, transportation
36. Tile stores
37. Variety stores
38. Video cassette sales or rental stores
39. Wallpaper stores
40. Yard goods and fabric stores

**SECTION 3.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken 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 meetings open to the public in compliance with the law.

**SECTION 4.** That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed \_\_\_\_\_ 2012

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Clerk of Council

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

Approved \_\_\_\_\_ 2012

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Mayor