

ORDINANCE NO. 43-2013

**TITLE: AMEND BARBERTON DEVELOPMENT CODE
LIMITED OUTDOOR STORAGE, SPECIAL**

AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY ADDING “LIMITED OUTDOOR STORAGE, SPECIAL,” TO TABLE 1130 H: LOCAL BUSINESS USE GROUPS, GROUP 10C; AND ADDING THE DEFINITION OF “LIMITED OUTDOOR STORAGE, SPECIAL” TO CHAPTER 1360(B) AS (115B), AND DECLARING AN EMERGENCY.

WHEREAS, at the February 20, 2013 Planning Commission meeting, the Planning Commission respectfully recommended to City Council the addition of “Limited Outdoor Storage, Special” and its definition to the Barberton Development Code; and

WHEREAS, a public hearing was held in Council Chambers on February 25, 2013, regarding the proposed text amendments.

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

SECTION 1. That Council hereby amends the Barberton Development Code by adding the following to establish “Limited Outdoor Storage, Special” in Table 1130H: Local Business Use Groups, Group 10C, with the addition shown in **bold print**:

**Table 1130H: Local Business Use Groups
Group 10C: Special Neighborhood Office Uses**

Special Neighborhood Office Uses are uses that may be compatible with a neighborhood office environment under appropriate conditions.

1. Crematories as Accessory Uses to mortuaries
2. Day care centers, child, as defined herein, as a Principal Use
3. Mental health centers, community, as defined herein
4. Parking, off-street, as a Principal Use
5. Tourist homes and bed and breakfast lodging
- 6. Limited Outdoor Storage, Special, as defined herein**

SECTION 2. That Council hereby amends the Barberton Development Code by adding the following definition of “Limited Outdoor Storage, Special” to Chapter 1360.02(b) as (115B), with the addition as shown in **bold print**:

**1360.02(b) Rules and Definitions
(115B) Limited Outdoor Storage, Special**

Special limited outdoor storage uses are uses that may be compatible in certain districts under appropriate conditions which can only be evaluated in the context of a site-specific proposal, by Planning Commission, as an accessory use to a permitted use.

Limited Outdoor Storage, Special, may be defined as storage outside, for more than 24 consecutive hours, other than as a Temporary Use as regulated by division 1310.04(a)--of any goods or other materials other than parked motor vehicles, trailers or recreational vehicles used by the occupants of the premises or their visitors, customers, suppliers or contractors.

Special limited outdoor storage items shall not exceed 6’ in height, shall only be

permitted on lots 10,000 square feet or greater, the storage area shall not exceed more than 25% of the lot, bulk items shall be contained on three (3) sides, and all equipment and material storage shall receive maximum screening per Table 1220C. Special limited outdoor storage items are not intended for retail sales; they are intended to be utilized in the operation of the business.

Junkyards, wrecking yards, refuse, as defined herein, are not permitted in special limited outdoor storage areas. No explosive, flammable liquids, combustible materials, hazardous materials, or substances producing hazardous or noxious emissions shall be stored outside. Design criteria for all site run off, including material storage, is governed by the Barberton Comprehensive Storm Water Management Plan, Ordinance 172-2008 or as amended.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, in order to facilitate these text amendments in a timely manner, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor