

ORDINANCE NO. 117-2016

**TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT
STAFF APPROVAL**

AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE SECTION 1310.04 (a)(4)(A)(3) BY SHORTENING THE TIME IN A CALENDAR YEAR A YARD SALE CAN BE HELD.

WHEREAS, a public hearing was held before City Council on October 24, 2016 regarding the changes to Section 1310.04 (a)(4)(A)(3); and

WHEREAS, at the October 19, 2016 Planning Commission Meeting, the Planning Commission unanimously voted to recommend that City Council amend said sections of the Development Code.

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 amending Section 1310.04 (a)(4)(A)(3), by showing said amendment with a ~~striketrough~~ for any deletions and **bold** for any additions:

Section 1310.04 Staff Approval

(a) Temporary Uses

(1) Purpose

Uses not in conformance with the provisions of this Code may provide a public benefit without significant detriment to the public welfare if they are established only for limited durations. In such cases, full compliance with regulations for permanent uses may be unnecessary. This division allows uses not in compliance with regulations applicable to permanent uses to be established as Temporary Uses.

(2) Applicability

A. Permit Required

Except as specifically exempted therefrom, no Temporary Use not in full compliance with the provisions of this Code applicable to permanent uses shall be established or maintained without a currently valid Temporary Use Permit. Such Permits shall be issued by the Building Commissioner in accordance with Table 1310G and other provisions herein. No Certificate of Compliance shall be required for Temporary Uses. A Temporary Use not in compliance with any provision of these regulations shall be considered a permanent use and shall be subject to all regulations applicable to permanent uses.

(3) Approval Process

A complete and correct application for a Temporary Use Permit shall be filed with the Building Commissioner at least 30 days before the establishment of the use. The application shall include an identification of the property and they type and proposed starting and ending dates of the use. It shall be accompanied by the applicable filing fee. The Building Commissioner or Board of Zoning and Building Appeals may deny such a Permit or any renewal thereof or approve it subject to any restrictions, time limits, or conditions found necessary to conform to the Approval Criteria of Table 1310G. Within 7 days of application or of a decision by the BZBA, where required, the Commissioner shall either issue or deny a Permit. The Permit shall set forth any conditions to which it is subject. The permittee shall display the Permit within plain view on the premises of the Temporary Use for the duration of the Use.

(4) Term of Permit

A. Initial Term

A Temporary Use Permit may be issued:

1. by the Building Commissioner, for a period ending not later than 60 calendar days or 3 calendar days in the case of a yard sale-from the date of the establishment of the use, or
2. by the Board of Zoning and Building Appeals, for a period ending not later than 180 calendar days from date of Permit issuance,
3. for yard sales, not more than ~~6~~ **2** times in a calendar year to the same household.

SECTION 4. That Council shall hereby amend said sections of the Barberton Development Code.

SECTION 5. 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.

Passed _____ 2016

Clerk of Council

President of Council

Approved _____ 2016

Mayor