

ORDINANCE NO. 2021-9

**ORDINANCE ADOPTING AMENDMENTS TO SECTION 154.66 OF THE
VILLAGE CODE, SPECIAL EXCEPTIONS**

WHEREAS, the Village of Amberley maintains a Zoning Code in order to promote the health, safety, and welfare of residents and the community and to protect and preserve property values and the quality of the residential environment;

WHEREAS, during staff's review and readings of changes to other portions of the Zoning Code, it was noted that Code Section 154.66 requires that temporary events of seven (7) days or less require approval from the Board of Zoning Appeals;

WHEREAS, the Village desires to streamline that process and to grant authority to the Village Manager to approve temporary events of seven (7) days or less;

WHEREAS, Council finds and determines that these proposed changes may streamline the approval process and are consistent with the Village Manager's discretion and authority on such subjects;

WHEREAS, Council referred the proposed amendments to the Planning Commission at its May 3, 2021 meeting and the Planning Commission approved of the proposed changes;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: That the existing Section 154.66 of the Village Code, Special Exceptions, is hereby amended and replaced to read as follows:

154.66 SPECIAL EXCEPTIONS.

(A) The Board of Zoning Appeals shall have the power in specific cases to hear and to grant or refuse to grant applications, in accordance with the provisions of this Zoning Code and filed as hereinbefore provided, and to authorize or refuse to authorize a building permit or certificate of occupancy for the special exceptions set forth in this section as follows:

(1) The special exceptions hereinbefore specified in §§ [154.50](#) through [154.53](#) of this Zoning Code.

(2) The substitution for a nonconforming use of another nonconforming use which, in the opinion of the Board of Appeals, is of the same or less objectionable

Second Reading

nature in respect to its effect on the neighborhood, provided no structural alterations, except such as are required by law or ordinance, are made in any structure.

(3) The extension of a nonconforming use throughout a structure manifestly designed for such use, provided no structural alterations, except such as are required by law or ordinance, are made therein.

(4) The temporary use of a structure or of land for a period of less than 12 months in any district for a purpose or use which does not conform to the regulations prescribed herein for the district in which it is located, provided that such use be of a true temporary nature and does not involve the erection of substantial structure. A revocable permit for such temporary use may be granted by the Board of Appeals, subject to such conditions as will safeguard the public health, safety, convenience, comfort, and general welfare.

(B) The Village Manager shall have the power in specific cases to hear and to grant or refuse to grant applications, in accordance with the provisions of this Zoning Code and filed as hereinbefore provided, and to authorize or refuse to authorize a building permit or certificate of occupancy for certain special exceptions set forth in this section. The Village Manager may, however, exercise discretion and defer such matters to the Board of Appeals. The matters over which the Village Manager may grant applications are as follows:

(1) The temporary use of a structure or of land for a period of not more than 1 week in any district for a purpose or use which does not conform to the regulations prescribed herein for the district in which it is located, provided that such use be of a true temporary nature and does not involve the erection of substantial structures. A revocable permit for such temporary use may be issued by the Village Manager, subject to such conditions as will safeguard the public health, safety, convenience, comfort, and general welfare.

(C) In authorizing a special exception pursuant to this Chapter, the Board or the Village Manager may attach thereto such conditions or requirements, governing the location, character, or other features of the proposed structure or use, and its maintenance, occupancy, or operation as the Board may deem necessary in furtherance of the purpose of this Zoning Code.

SECTION 2: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Passed this 9th day of August, 2021.

Second Reading

Mayor Thomas C. Muething

Attest:

Tammy Reasoner, Clerk of Council

Ordinance Vote:

Moved: Bardach

Seconded: Conway

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Hunt	Aye
Kamine	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of August, 2021, the foregoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Tammy Reasoner, Clerk of Council