

ORDINANCE NO. 60-2012

**TITLE: AMEND SECTIONS 1130 & 1360
BARBERTON DEVELOPMENT CODE**

**AN ORDINANCE AMENDING SECTIONS 1130 (ALLOWABLE USES)
AND 1360 (DEFINITIONS) OF THE BARBERTON DEVELOPMENT CODE.**

WHEREAS, at the March 21, 2012, Planning Commission meeting, the Planning Commission requested that City Council amend Section 1130 (Allowable Uses) and 1360 (Definitions) of the Barberton Development Code; and

WHEREAS, a public hearing was held in Council Chambers on April 9, 2012, regarding these changes.

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

SECTION 1. That Council hereby amends Sections 1130 (Allowable Uses) and 1360 (Definitions) of the Barberton Development Code by adding wording as shown in **bold print** and deleting certain wording as shown by ~~striketrough~~, in the following sections, and which now reads as follows:

1) Delete “Gunsmith Shops” (#30) from the following section:

**Table 1130I: Areawide Business Use Groups
Group 14: Community Center Retail Uses**

Community Center Retail Uses are retail and service and related uses that provide a broad selection of less frequently purchased comparison or shoppers goods and services, that generate heavy traffic from a wide area, and that are therefore suited for centralized locations separated from residential areas.

1. Amphitheaters, outdoor
2. Antique shops
3. Apartment hotels, as defined herein
4. Aquariums
5. Auditoriums
6. Banquet halls
7. Boat and marine rental, no open sales lot
8. Boat launching areas
9. Bowling alleys
10. Bus and rail stations, intercity
11. Camping equipment sales
12. Carpet and rug stores
13. Catalog stores
14. Catering services
15. Computer sales
16. Convention halls
17. Crafts shops
18. Custom dressmaking establishments
19. Dance halls
20. Department stores and discount department stores
21. Drive-through establishments, as defined herein
22. Educational institutions, as defined herein
23. Filling stations, as defined herein [SU]

24. Flea markets, swap meets, farmers' and similar markets, permanent indoor
25. Flea markets, swap meets, farmers' and similar markets, permanent outdoor
26. Furniture stores, including upholstery when conducted as part of the retail operations and secondary thereto
27. Furrier shops, including the incidental storage and conditioning of furs
28. Game rooms
29. Garden supply, tool, and seed and nursery plant stores
- ~~30. Gunsmith shops, not including firing ranges~~
31. Hearing aid stores
32. Hobby shops
33. Home centers, as defined herein
34. Home furnishing stores
35. Hotels and motels, as defined herein
36. Ice skating rinks, indoor or outdoor
37. Interior decorating shops, including upholstery and the making of draperies, slip covers, and other similar articles when conducted as a secondary part of the retail operations
38. Leather goods and luggage stores
39. Libraries, private, and reading rooms
40. Marinas
41. Marine equipment and supply stores
42. Millinery shops
43. Motor vehicle part and accessory stores
44. Motor vehicle repair shops, as defined herein
45. Motor vehicle servicing shops, as defined herein
46. Museums
47. Musical instrument sales
48. Night clubs, as defined herein
49. Orthopedic and medical appliance sales
50. Parking, off-street, as a Principal Use
51. Pawnshops
52. Performing arts center
53. Pet shops
54. Record, tape, compact disc, and sheet music stores
55. Recreational institutions, as defined herein
56. Recycling collection points, as defined herein
57. Second hand stores and rummage shops
58. Service stations, as defined herein
59. Sewing machine sales
60. Shoe stores
61. Sporting goods and exercise equipment stores
62. Stadiums and arenas
63. Theatres, indoor
64. Ticket offices, theatre and amusement
65. Tour bus or similar services
66. Tourist information centers
67. Tourist homes and bed and breakfast, lodging
68. Toy stores

2) Delete “Gunsmith Shops” (#28) from the following section:

Table 1130I: Areawide Business Use Groups
Group 16: Highway Commercial Uses

Highway Commercial Uses are retail, wholesale, service, and semi-industrial uses that provide goods and services to consumers or businesses, that do not normally require prime consumer retail locations, that require larger sites, that produce greater adverse environmental effects, or are otherwise incompatible with more concentrated or more

restricted consumer retail environments and that are therefore suited to free-standing facilities along arterial streets rather than to locations in concentrated consumer retail centers.

1. Airport transportation services
2. Armories
3. Auction rooms
4. Blueprinting and photostating establishments
5. Bottled gas dealers
6. Bowling alleys
7. Building materials and products sales
8. Building moving or wrecking services
9. Business machine sales
10. Car washes
11. Catering services
12. Computer sales
13. Construction offices
14. Dance halls
15. Drive-through establishments, as defined herein
16. Electrical showrooms and shops
17. Equipment rental
18. Exterminating services
19. Farm stands, permanent
20. Fence and fence materials sales
21. Filling stations, as defined herein
22. Flea markets, swap meets, farmers' and other markets, permanent, indoor
23. Flea markets, swap meets, farmers' and other markets, permanent, outdoor
24. Frozen food sales, including locker rental
25. Fuel and ice sales
26. Garden supply, tool, and seed and nursery plant stores
27. Greenhouses and nurseries
- ~~28. Gunsmith shops, not including firing ranges~~
29. Kennels and domestic animal boarding
30. Lawn care services
31. Lawn mower, snow blower, snowmobile sales
32. Locksmith shops
33. Machinery and equipment sales
34. Manufactured home sales
35. Marine equipment and supply stores
36. Meeting halls
37. Miniature golf courses and driving ranges
38. Mini-warehouses
39. Model home/garage displays as Principal Use
40. Monument sales
41. Motor vehicle, boat, and trailer sales
42. Motor vehicle body shops
43. Motor vehicle repair shops, as defined herein
44. Motor vehicle servicing shops, as defined herein
45. Newspaper distribution agencies
46. Open sales lots, as defined herein, as a Principal or Accessory Use [SU]
47. Orthopedic and medical appliance sales
48. Package delivery services
49. Parking, off-street, as a Principal Use
50. Pawnshops
51. Pet grooming and veterinary offices, excluding kennels or animal boarding
52. Plumbing and heating supply sales
53. Pool and billiards halls
54. Printing, publishing, & binding shops with over 6 employees
55. Radio, television, cable television, and cellular communications towers
56. Recreational institutions, as defined herein
57. Recycling collection points, as defined herein
58. Repair shops

- 59. Service stations, as defined herein
- 60. Sewer cleaning and rodding services
- 61. Sign painting (no fabrication)
- 62. Skating rinks, indoor
- 63. Skating rinks, outdoor
- 64. Studios, art, music, craft, interior design, or photography
- 65. Swimming pool sales
- 66. Taxidermists
- 67. Taxi and limousine services
- 68. Towing services, not to include wrecking yards
- 69. Trophy sales
- 70. Union halls
- 71. Water softener services
- 72. Wholesaling establishments

3) Amend Use Group 9C by including the following in **bold print**:

Table 1130H: Local Business Use Groups
Group 9C: Special General Business Uses

Special General Business Uses are uses that may be compatible with any retail, office, or industrial environment under appropriate conditions.

- 1. Rental or lease of items sold in the District as a Conditional Use
- 2. Repair or servicing (indoor) of items produced on the premises as a Conditional Use in the District
- 3. Repair or servicing (indoor) of items sold in the applicable District as a Conditional Use
- 4. Sale, incidental only, of items produced on the premises as a Conditional Use in the District
- 5. Sale, incidental only, of items repaired or serviced on the premises as a Conditional Use in the applicable district
- 6. Showrooms, non-retail, for items produced on the premises as a Conditional Use in the District
- 7. Storage (indoor) of items produced, sold, rented, leased, serviced, or repaired on the premises as a Conditional Use in the District
- 8. Firearms, Dangerous Ordnances or Weapon Sales (retail or wholesale, as defined herein**
- 9. Gunsmith Shops, not including firing ranges**

4) Amend Chapter 1360.02(b) by including the following definitions in **bold print** under (87A):

Chapter 1360 Definitions
Section 1360.02(b) Definitions

(87A) Firearms, Dangerous Ordnances or Weapon Sales (Retail or Wholesale):

“Firearm” means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. “Firearm” includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.

“Dangerous Ordinance” means any of the following:

- 1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;**
- 2) Any explosive device or incendiary device;**
- 3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate,**

liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

5) Any firearm muffler or silencer;

6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

“Weapon” means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

No Person shall sell firearms, dangerous ordnances, or weapons within 1000 feet of any school.

SECTION 2. 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 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2012

Clerk of Council

President of Council

Approved _____ 2012

Mayor