

ORDINANCE NO. 180-2013

**TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT
FENCES, PROHIBITED YARD OBSTRUCTIONS ON SINGLE AND TWO-
FAMILY LOTS, AND DEFINITIONS**

AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY NO LONGER PERMITTING GALVANIZED CHAIN LINK FENCES IN RESIDENTIAL FRONT YARDS BY MAKING CHANGES TO SECTIONS 1250.07(2)(I), TABLE 1140(D), AND CHAPTER 1360 (82) #7.

WHEREAS, a public hearing was held in Council Chambers on October 21, 2013, regarding the changes to Section 1250.07(2)(I), Table 1140(D), and Chapter 1360 (82) #7; and

WHEREAS, at the October 16, 2013 Planning Commission Meeting, the Planning Commission requested that City Council amend said sections of the Development Code and replace said sections.

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 1250.07(2)(I), which now reads as follows with the additions in bold:

Section 1250.07(2)(I)

Fences may be made of the following materials:

- A. Wood, either naturally resistant to decay or chemically treated, except plywood or other composite wood
- B. Concrete or concrete block
- C. Stone
- D. Masonry
- E. Cast or wrought iron or ornamental aluminum or tubular steel having the appearance of cast iron
- F. Living landscaping materials
- G. Earth berms completely covered with sod or other vegetative ground cover that prevents erosion
- H. Wood bollards and metal chains
- I. Galvanized chain link (**rear and interior side yards only**)
- J. Corrugated or sheet metal, in Industrial Districts only
- K. Other materials not specifically prohibited hereunder if approved by the Planning Director after consultation with the City Engineer and Building Commissioner as consistent with safety, sound construction, and the appearance of the environs
- L. Any combination of the above.

SECTION 2. That Council hereby amends the Barberton Development Code by amending Table 1140D which now reads as follows with the additions in bold:

Table 1140D:

Prohibited Yard Obstructions
On Single – and Two-Family Lots

Projection or Accessory <u>Use</u>	Interior Side <u>Yard</u>	Side <u>Yard</u>	Corner	Front <u>Yard</u> [b]
Arbors & trellises	-	-		x
Balconies, open	x	-		-
Decks, open or enclosed	x	x		x
Dish antennas [a]	x	x		x
Dog houses	x	x		x
Dog runs	x	x		x
Galvanized Chain Link Fences	-	-		x
Garages or carports [a]	-	x		x
Gardens, vegetables	-	-		x
Greenhouses	x	x		x
Laundry drying equipment	x	x		x
Patios, terraces, open	x	x		x
Patios, terraces, enclosed	x	x		x
Porches or breezeways	x	-		-
Recreational equipment	x	x		x
Sheds & storage building (detached)	x	x		x
Stoops, open [c]	-	-		-
Swimming pools, residential [a]	x	x		x
Television or radio towers or antennas [a]	-	x		x
Tennis courts, private	x	x		x

SECTION 3. That Council hereby amends the Barberton Development Code by amending Chapter 1360 – Definitions which now reads as follows with the deletions having a strikethrough:

Chapter 1360 – Definitions

(82) Fence, Ornamental:

1. A Cast iron or wrought iron fence or ornamental aluminum or tubular steel fence having the appearance of cast or wrought iron, or
2. An earth berm completely covered with sod or other ground cover that prevents erosion, or
3. A hedge or other landscape fence, or
4. A wood split rail fence, or
5. Wood bollards and metal chains, or
6. A wood picket fence, or
7. ~~A chain-link fence of dark color, or~~
8. A brick or stone fence or wall, or

9. Any other fence of a decorative character approved by the Planning Director as compatible with the character of the area in which the fence is to be established.

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 _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor