

ORDINANCE NO. 47-2016

**TITLE: AMENDING SECTION 1130 AND SECTION 1360
BARBERTON DEVELOPMENT CODE**

**AN ORDINANCE AMENDING SECTION 1130 “ALLOWABLE USES”
AND SECTION 1360 “DEFINITIONS” OF THE BARBERTON DEVELOPMENT
CODE.**

WHEREAS, at the April 20, 2016 Planning Commission meeting, the Planning Commission requested that City Council amend Section 1130 “Allowable Uses” and Section 1360 “Definitions”; and

WHEREAS, a public hearing was held in Council Chambers on April 25, 2016, regarding the text amendments to Sections 1130 and 1360 of the Barberton 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 following Sections of the Barberton Development Code by showing said amendments with a ~~striketrough~~ and **bold print** for any additions as follows:

CHAPTER 1130 - ALLOWABLE USES

Table 1130F: Conditional Uses in Office and Industrial Districts

<u>Use Group</u>	O1	O2	I1	I2	I3	IU
11C. Special Retail Office Uses	-	-	X	X	-	-

Use Group 11C: Special Retail Office Uses
Special Retail Office Uses are uses that may be compatible with a retail office environment under appropriate conditions.
(RESERVED)

1. Motor Vehicle Sales Use, as defined herein (PROHIBITED IN CD District)

Use 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. Kennels and domestic animal boarding
29. Lawn care services
30. Lawn mower, snow blower, snowmobile sales
31. Locksmith shops
32. Machinery and equipment sales
33. Manufactured home sales
34. Marine equipment and supply stores
35. Meeting halls
36. Miniature golf courses and driving ranges
37. Mini-warehouses
38. Model home/garage displays as Principal Use
39. Monument sales
40. Motor vehicle, boat, and trailer sales
- ~~41. Motor vehicle body shops~~
42. Motor vehicle repair shops, as defined herein
43. Motor vehicle servicing shops, as defined herein
44. Newspaper distribution agencies
- ~~45. Open sales lots, as defined herein, as a Principal or Accessory Use [SU]~~
46. Orthopedic and medical appliance sales
47. Package delivery services
48. Parking, off-street, as a Principal Use
49. Pawnshops
50. Pet grooming and veterinary offices, excluding kennels or animal boarding
51. Plumbing and heating supply sales
52. Pool and billiards halls
53. Printing, publishing, and binding shops with over 6 employees
54. Radio, television, cable television, and cellular communications towers
55. Recreational institutions, as defined herein
56. Recycling collection points, as defined herein
57. Repair shops
58. Service stations, as defined herein
59. Sewer cleaning and rodding services
60. Sign painting (no fabrication)
61. Skating rinks, indoor
62. Skating rinks, outdoor
63. Studios, art, music, craft, interior design, or photography
64. Swimming pool sales
65. Taxidermists
66. Taxi and limousine services
67. Towing services, not to include wrecking yards
68. Trophy sales
69. Union halls
70. Water softener services
71. Wholesaling establishments

Use Group 16C: Special Highway Commercial Uses

Special Highway Commercial Uses are uses that require special review to assure compatibility even in a highway commercial environment.

1. Adult uses, as defined herein
2. Amusement parks
3. Archery ranges, outdoor
4. Campgrounds
5. Correctional institutions
6. Entertainment device arcades
7. Fuel storage, bulk
8. Outdoor storage associated with a Permitted or Conditional Use
9. Race tracks, animal
10. Race tracks and drag strips, motor
11. Shooting ranges, outdoor or indoor
12. Skateboard tracks, outdoor
13. Trailer parks for recreational vehicles
14. Truck stops
15. Permanent cosmetic/tattoo salons, as a primary use
16. Body piercing establishments, as a primary use
- 17. Open Sales Lot, as defined herein as a principal or accessory use.**

CHAPTER 1360 – DEFINITIONS

1360.02 Rules and Definitions

(151) Motor Vehicle:

Any self-propelled wheeled vehicle designed primarily for transportation of persons or goods on public streets. Motor vehicles include automobiles, buses, trucks, motorcycles, self-propelled recreational vehicles (**as defined herein**), ~~self-propelled farm and construction implements, and both the semi-tractor tractor and trailer portions of tractor trailers. Motor vehicles exclude trains and train cars, aircraft, boats, trailers, go-kart vehicles, motorized golf carts, motorized lawn mowers, commercial trailers, and manufactured homes.~~

(154) Motor Vehicle Sales Use:

A premises used for the display, and sale or lease of **five (5) or more** new or used motor vehicles (**as defined herein**) **in a twelve-month period.** ~~or recreational vehicles.~~

(166) Open Sales Lot:

Open land that is used or occupied primarily for the purpose of displaying ~~motor vehicles, aircraft, boats, lawn tractors, trailers, semi-trailers, go-kart vehicles, motorized golf cars, self-propelled farm and construction implements, commercial trailers, train and train cars, manufactured homes, non-self-propelled recreational vehicles (as defined herein), recreational vehicles, cemetery monuments, nursery plants or supplies, or other merchandise available for sale, lease, exchange, or other distribution.~~ **EXCLUDED – Items sold incidentally by a permitted use of the district for not more than seven (7) consecutive days and not having more than five (5) or more items for sale, lease, exchange or other distribution in a twelve month period.**

(201 A) Recreational Vehicle:

A vehicular portable structure that meets all of the following conditions:

- (1) It is designed for the sole purpose of recreational travel.**
- (2) It is not used for the purpose of engaging in business for profit.**
- (3) It is not used for the purpose of engaging in intrastate commerce.**
- (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended.**
- (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923 of the Revised Code**
- (6) It is classed as one of the following:**

(a) “Travel trailer” means a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. “Travel trailer” includes a tent-type fold-out camping trailer as defined in section 45.1.01 of the Revised Code.

(b) “Motor home” means a self-propelled recreational vehicle that has not fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

(c) “Truck camper” means a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

(d) “Fifth wheel trailer” means a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

(e) “Park trailer” means a vehicle that is commonly known as a park model recreational vehicle, meets the American national standard institute standard A 119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

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 _____ 2016

Clerk of Council

President of Council

Approved _____ 2016

Mayor