

ORDINANCE NO. 89-2014

**TITLE: BARBERTON DEVELOPMENT CODE – TEXT AMENDMENT
ADULT CARE FACILITIES AND GROUP HOMES**

AN ORDINANCE AMENDING THE BARBERTON DEVELOPMENT CODE BY AMENDING THE REQUIREMENTS THAT ARE ASSOCIATED WITH ADULT CARE FACILITIES AND GROUP HOMES.

WHEREAS, a public hearing was held in Council Chambers on July 7, 2014, regarding the changes to Chapter 1360.02(b), Table 1130G and Chapter 1250; and

WHEREAS, at the June 18, 2014 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 Chapter 1260.02(b), as follows with the additions in bold and deletions with a strikethrough:

(1a) Adult Care Facility: A residential facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. There are two (2) categories of adult care facilities licensed by the Ohio Department of Health:

(A) Small Adult Care Facility – An adult care facility providing accommodations for three (3) to five (5) unrelated adults; and

(B) Large Adult Care Facility – An adult care facility providing accommodations for six (6) to sixteen (16) unrelated adults.

~~(78) Family: - One or more persons who live together in a single dwelling unit and constitute a single household in which members share common kitchen facilities and have access to all parts of the dwelling.~~

(78) Family: An individual or two (2) or more persons, each related to the other by blood, marriage, or adoption, or foster children, and including not more than three (3) additional persons not related as set forth above, who are all living together as a single household unit in which members share common kitchen facilities and have access to all parts of the dwelling.

~~(95) Group Home: - A residential dwelling that provides room and board, personal care, habilitative or rehabilitative services, with or without supervision, in a family setting for more than 4 handicapped persons. (see handicapped.)~~

~~The term “group home” does not include: -housing to be occupied by two or more related or unrelated persons who have been convicted as sexual predators or sexual offenders, as defined by the Ohio Revised Code.~~

(95) Group Home: A residential facility licensed by the Ohio Department of Mental Health, the Ohio Department of Developmental Disabilities, or some other state agency or department, that provides room board, personal care, supervision, and habilitation, rehabilitation, or mental health services, to one (1) or more handicapped persons. (See Definition of “Handicapped”). There are two (2) size categories of group homes:

(A) **Small Group Home** – A residential facility that provides the services listed above for eight (8) or fewer handicapped persons, as defined herein.

(B) **Larger Group Home** – A residential facility that provides the services listed above nine (9) to sixteen (16) handicapped persons, as defined herein.

The definition of Group Home does not include housing to be occupied by two or more related or unrelated persons who have been convicted as sexual predators or sexual offenders, as defined by the Ohio Revised Code.

SECTION 2. That Council hereby amends the Barberton Development Code by amending Table 1130G, which now reads as follows with the additions in bold and deletions with a strikethrough:

Group 4: Single-Family Residential Uses

Single-Family Residential Uses are uses always compatible with the most restricted single-family residential environments.

No use in this Group may be located on the ground floor in any Business District, as defined herein.

1. Home occupations [SU]
2. Manufactured homes, as defined herein, on individual lots [SU]
3. Model homes as an Accessory Use
4. Single-family detached dwellings [SU]
5. Yard sales, as defined herein, during daylight hours, not to exceed 3 consecutive days or 18 days per calendar year per household.
6. Zero lot line development [SU]
- 7. Small Group Home**
- 8. Small Adult Care Facility**

Group 5: Two-Family Residential Uses

Two-Family Residential Uses are uses always compatible with a residential environment of single-and two-family dwellings.

No use in this Group may be located on the ground floor in any Business District, as defined herein.

1. Two-family dwellings.
- 2. Small Group Home**
- 3. Small Adult Care Facility**

Group 6: Attached Residential Uses are uses always compatible with a residential environment intermediate between single – and two-family detached and multi-family development.

No use in this Group may be located on the ground floor in any Business District, as defined herein.

1. Single-family attached dwellings, as defined herein, in unit groupings of 8 or fewer units.
2. Townhouse dwellings, as defined herein.
- 3. Small Group Home**
- 4. Small Adult Care Facility**

Group 7: Multi-Family Residential Uses

Multi-Family Residential Uses are always compatible with a multi-family residential environment.

No use in this Group may be located on the ground floor in any Business District, as defined herein

1. Multi-family dwellings, as defined herein.
- 2. Small Group Home**
- 3. Small Adult Care Facility**

Group 8: Local Institutional Uses

Local Institutional Uses are public or semi-public uses normally allowable in a neighborhood setting without special review to assure compatibility.

1. Churches, synagogues, and other houses of worship as a Principal Use or Accessory Use to a dwelling or other Permitted Use or Conditional Use in the District.
2. Day care centers, child, as defined herein, as an Accessory Use to a Permitted or Conditional Use in the District.
3. Parks, playgrounds, and reservations, public or private.

4. Small Group Home

5. Small Adult Care Facility

Group 8C: Special Local Institutional Uses

Special Local Institutional Uses are public and semi-public uses normally allowable in a neighborhood setting only with special review to assure compatibility.

1. Cemeteries, human or pet.
2. Day care centers, adult, as defined herein.
3. Day care centers, child, as defined herein, as a Principal Use
4. Golf courses and country clubs
5. ~~Group homes, as defined herein~~ **Large Group Home [SU-special use] and Large Adult Care Facility [SU-special use] (See Section 1250.11)**
6. Mental health centers, community, as defined herein
7. Mortuaries
8. Nursing homes
9. Philanthropic institutions, as defined herein
10. Recreational institutions, as defined herein
11. Schools, elementary, junior high, and high: public, private or parochial

SECTION 3. That Council hereby amends the Barberton Development Code by amending Chapter 1250, which now reads as follows with the additions in bold and deletions with a strikethrough:

1250.11 Large Adult Care Facility and Large Group Home

(a) Applicability

(1) All activities, programs and other events shall be directly related to the conditional use that has been applied for and approved, and any changes from the approved conditional use shall be reviewed and approved by the Planning Commission according to the procedures in Chapter 1310.

(2) The architectural design and site layout of the residential facility, and any walls, screens, or fences connected with the residential facility, shall be compatible with adjoining land uses and the residential character of the neighborhood.

(3) The facility shall meet local fire safety and building code requirements for the proposed use and level of occupancy.

(4) Evidence shall be presented that the proposed facility meets the certification, licensing or approval requirements of the appropriate state agency. Failure to maintain such license, certification or other approval requirements shall result in immediate revocation of the facility's conditional use permit.

(5) In considering whether to grant the conditional use, the Planning Commission shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area, create undue congestion in the public ways, or otherwise adversely impact upon a given area with such use.

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 _____ 2014

Clerk of Council

President of Council

Approved _____ 2014

Mayor